

## PROCEDURES for the Policy on Research Misconduct

Policy #: 05.103.2

### Purpose

These procedures support the University's *Policy on Research Misconduct* ("the Policy").

### Reporting

Allegations of Research Misconduct may be submitted by:

- 1) Filing an anonymous report via the [Ethics Hotline](#);
- 2) Filing a report via the [DRED report form](#);
- 3) Emailing or calling the RIO.

The report should contain sufficient and specific details to facilitate an Assessment.

### Assessment

The RIO will conduct and document the Assessment as described in the Policy. At their discretion, the RIO will notify the Complainant and the Respondent if it is determined that an Inquiry is not warranted.

### Inquiry

#### Sequestration of the Research Records

If, via an Assessment, the RIO determines that an Inquiry is warranted, the RIO shall take all reasonable and practical steps to obtain custody of all the Research Records and other evidence needed to conduct the Research Misconduct Proceeding, inventory the Research Records and other evidence, and sequester them in a secure manner. The sequestered records may include copies of the data or other evidence so long as the copies have evidentiary value substantially equivalent to the originals.

Sequestration of the Research Record begins on or before the date on which the Respondent is notified or the Inquiry begins, whichever is earlier. If additional items become known or relevant during the Inquiry, the RIO shall take custody of those Research Records if possible.

The Respondent will be provided copies of, or supervised access to, the sequestered Research Records upon request.

#### Notification of Inquiry

At the time of or before beginning an Inquiry, the RIO shall make a good faith effort to notify the Respondent in writing regarding the initiation of an Inquiry. If the Inquiry subsequently identifies additional Respondents, or if additional allegations are raised, the RIO shall notify the Respondent(s) in writing.

The RIO will also notify the dean of the school or college where the Respondent is assigned, the appropriate department chair, the provost, and the Complainant of all Research Misconduct matters that have progressed to the Inquiry stage.

### **Appointment of the Inquiry Committee**

The RIO, in consultation with other University officials, as appropriate, is responsible for appointing an Inquiry Committee, along with a committee chair, to conduct the Inquiry. The committee will typically consist of at least three (3) individuals with appropriate background to assess the allegations, including a committee chair. The RIO shall confirm that none of the members of the Inquiry Committee have a potential, perceived, or actual conflict of interest, whether personal, professional, or financial, in relation to the Inquiry. As necessary, the RIO may select Inquiry Committee members from outside the University, such as in cases of the need for expertise or to avoid a conflict of interest. The Inquiry Committee may consult with outside experts as necessary to appropriately perform the Inquiry. Such experts, if utilized, shall be strictly advisory to the Inquiry Committee and promptly informed of the requirement to maintain strict confidentiality regarding the Research Misconduct Proceedings.

### **Charge to the Inquiry Committee**

The RIO will hold an initial meeting with the Inquiry Committee during which the Inquiry Committee will be informed of the following:

- the purpose of the Inquiry;
- the allegations and any related issues identified during the allegation Assessment;
- the definition of Research Misconduct;
- the criteria for determining whether an Investigation is warranted;
- the responsibility to prepare a written report of the Inquiry that meets the requirements of this document;
- the requirement to keep all matters related to the Research Misconduct Proceeding confidential to the extent described in the Policy; and
- the proposed timeline for completion of the Inquiry.

### **Inquiry Process**

The purpose of the Inquiry is to conduct an initial review of the available evidence to determine whether an Investigation is warranted. An Investigation is warranted if:

1. there is a reasonable basis for concluding that the allegation falls within the definition of Research Misconduct in the Policy; and
2. preliminary information-gathering and fact-finding from the Inquiry indicate that the allegation may have substance.

As part of the Inquiry, the Inquiry Committee, as it deems necessary, may interview the Respondent, the Complainant, and other witnesses.

The Respondent shall have the right to counsel during the Inquiry, but counsel is not permitted to address substantive matters before the Inquiry Committee or question the Respondent, Complainant, or other witnesses unless permitted by the Inquiry Committee chair. If the Respondent is a member of a bargaining unit at the University of Rhode Island, they shall have a right to union representation if they so choose, subject to the terms of the applicable bargaining agreement.

After evaluation of the evidence, the Inquiry Committee will prepare an Inquiry report with its recommendation to the Deciding Official regarding whether an Investigation is warranted.

### **The Inquiry Report**

A written Inquiry report shall be prepared by the Inquiry Committee that includes the following information:

- the names, professional aliases, and positions of the Respondent and Complainant;

- the names, positions, and areas of expertise of the Inquiry Committee members;
- a description of the allegations of Research Misconduct;
- the applicable external support, including, for example, award numbers, applications, contracts, and publications listing such support;
- an inventory of the sequestered evidence and a description of how sequestration was conducted;
- transcripts of any transcribed interviews;
- timeline and procedural history, including a justification for exceeding a time limit, if applicable;
- any scientific or forensic analyses conducted;
- potential evidence of honest error or difference of opinion;
- the basis for recommending or not recommending that the allegations warrant an Investigation;
- any institutional actions implemented; and
- any written comments on the preliminary report by the Respondent, as addressed below.

### **Comments to the Inquiry Report**

The RIO shall provide the Respondent with a copy of the preliminary Inquiry report for comment. The Respondent shall be given ten (10) days to review and provide written comments on the Inquiry report. Based on the comments, the Inquiry Committee may revise the Inquiry report. The Respondent's comments shall be attached to the final Inquiry report.

### **University Decision and Notification**

The RIO will transmit the final Inquiry report and any written comments to the Deciding Official, who will make the final determination, in writing, as to whether an Investigation is warranted. The Inquiry is complete when the Deciding Official makes this determination.

#### *If an Investigation is Warranted*

The RIO shall notify the Respondent in writing that the Inquiry Committee and Deciding Official found that an Investigation is warranted. The notice shall include a copy of the Inquiry report, along with a copy of the Policy, these procedures, and any applicable sponsor's Research Misconduct policy.

The RIO shall provide sponsors, as required by the terms of award, with the Deciding Official's written decision and a copy of the Inquiry report. Such notification shall occur within any applicable regulatory time limit.

The RIO will also notify the dean of the school or college where the Respondent is assigned, the appropriate department chair, the provost, and the Complainant of the determination of the Inquiry Committee. Other University officials will be informed on a need-to-know basis.

#### *If an Investigation is Not Warranted*

The RIO shall notify the Respondent that the Inquiry Committee and Deciding Official found that an Investigation is not warranted. The notice shall include a copy of the Inquiry report, along with a copy of the Policy, these procedures, and any applicable sponsor's Research Misconduct policy. Any reference to the allegation in the personnel file of the Respondent shall be removed promptly.

The RIO will also notify the dean of the school or college where the Respondent is assigned, the appropriate department chair, the provost, and the Complainant of the determination of the Inquiry Committee. Other University officials will be informed on a need-to-know basis.

If the Deciding Official determines that an Investigation is not warranted, the RIO shall secure sufficiently detailed documentation of the Inquiry to permit a later assessment by supporting external sponsors, as warranted, of the

reasons why an Investigation was not conducted. These documents shall be provided to sponsors as required by law or the terms of the award and maintained for seven (7) years after the termination of the Inquiry.

## **Investigation**

### **Initiation and Notification**

If it is determined by the Deciding Official that an allegation warrants an Investigation, such Investigation shall begin as soon as is practicable, or within the time limit set by the relevant funding agency.

If the Investigation identifies additional allegations and/or Respondent(s), the additional allegations and/or Respondent(s) may be addressed by the Investigation Committee without having to go through the Inquiry process. The existing and/or additional Respondent(s) shall be provided with timely written notice of such determination.

### **Sequestration of Research Records**

To the extent not already sequestered, before or at the time the Respondent is notified of the Investigation, the RIO shall take all reasonable and practical steps to obtain custody of and secure all Research Records and other evidence needed to conduct the Investigation. Such sequestration shall be consistent with the process described in the Inquiry section of this document. If additional items become known or relevant during the Investigation, the RIO shall take custody of those Research Records if possible.

### **Appointment of the Investigation Committee**

The RIO, in consultation with other University officials, as appropriate, will appoint an Investigation Committee, along with a committee chair, to conduct the Investigation. The Investigation Committee shall consist of at least three (3) persons, including a committee chair. At least one University faculty member shall be appointed to the committee. The RIO shall confirm that none of the members of the Investigation Committee have a potential, perceived, or actual conflict of interest, whether personal, professional, or financial, in relation to the Investigation. Investigation Committee members shall have appropriate scientific or scholarly expertise to assess the allegations. Individuals appointed to the Investigation Committee may also have served on the Inquiry Committee. External scholars or persons with expertise in other areas may be included on the Investigation Committee, where warranted by the nature of the field or the allegations.

### **Charge to the Investigation Committee**

The RIO will hold an initial meeting with the Investigation Committee during which the RIO will inform the Investigation Committee of the following:

- its obligations to conduct the Investigation as prescribed herein and in the Policy;
- the identity of the Respondent, the allegations, and any related issues identified during the Inquiry;
- the definition of Research Misconduct;
- the standard for making a finding of Research Misconduct, including the Preponderance of the Evidence standard;
- its obligations to evaluate the evidence and testimony in making its determination of Research Misconduct;
- the responsibility to prepare a written report of the Investigation that meets the requirements this document;
- the requirement to keep all matters related to the Research Misconduct Proceeding confidential to the extent described in the Policy; and
- the proposed timeline for completion of the Investigation.

The RIO will provide a copy of the Inquiry report to the Investigation Committee.

## **Investigation Process**

The Investigation Committee and the RIO shall complete the following tasks when conducting the Investigation:

- Use diligent efforts to ensure that the Investigation is thorough and sufficiently documented and includes examination of all Research Records and evidence relevant to reaching a decision on the merits of each allegation.
- Take reasonable steps to ensure an impartial and unbiased Investigation to the maximum extent practical.
- Pursue diligently all significant issues and leads discovered that are determined relevant to the Investigation, including any evidence of additional instances of possible Research Misconduct and additional Respondents that were not part of the original allegation but have come to the attention of the Investigation Committee during the course of the Investigation, and continue the Investigation to completion.
- Consider the prospect of multiple researchers being responsible for the alleged Research Misconduct.
- Hold one or more hearings during which each Respondent, Complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the Investigation, including witnesses identified by the Respondent, will be interviewed by the Investigation Committee.

### *Investigation Proceedings*

Interviews shall be recorded and transcribed. Any exhibits shown to an interviewee during the interview must be numbered and referred to by that number in the interview. Each individual interviewed by the Investigation Committee shall be provided with a copy of their testimony and the opportunity to submit comments or revisions. The Respondent must not be present during the Complainants' and witnesses' interviews.

The Respondent shall have the right to counsel, but counsel is not permitted to address substantive matters before the Investigation Committee or question the Respondent, Complainant, or other witnesses unless permitted by the Investigation Committee chair. If the Respondent is a member of a bargaining unit at the University of Rhode Island, they shall have a right to union representation if they so choose, subject to the terms of the applicable bargaining agreement.

Individuals shall make themselves available according to the reasonable schedule established by the Investigation Committee chair. If a party chooses not to make themselves available, the Investigation Committee may proceed in their absence.

## **Standard for Making a Finding of Research Misconduct**

In determining whether a finding of Research Misconduct is warranted, the Investigation Committee shall implement the standard described in the Policy.

## **Elements of the Investigation Report**

The Investigation Committee is responsible for preparing a written Investigation report for each Respondent that includes the following information:

- the names, professional aliases, and positions of the Respondent and Complainant;
- the names, positions, and areas of expertise of the Inquiry Committee members;
- the nature of the allegations of Research Misconduct, as well as the specific allegations considered in the Investigation, including any additional allegations addressed during the Research Misconduct Proceeding;
- description and documentation of any applicable external funding, including, for example, any grant numbers, grant applications, contracts, and publications listing any such support;

- an inventory of the sequestered evidence and a description of how sequestration was conducted;
- timeline and procedural history, including a justification for exceeding a regulatory time limit, if applicable;
- transcripts of transcribed interviews, including corrections and numbered exhibits;
- any scientific or forensic analyses conducted;
- identification of the specific published papers, manuscripts submitted but not accepted for publication (including online publication), PHS funding applications, progress reports, presentations, posters, or other research records that allegedly contained the falsified, fabricated, or plagiarized material;
- a copy of the Policy and these procedures;
- a statement of findings for each separate allegation of Research Misconduct identified during the Investigation;
- a recommended course of action, including appropriate sanctions, if applicable; and
- any written comments on the preliminary Investigation report by the Respondent, as addressed below.

The statement of findings specific to each allegation (set forth immediately above) must provide a decision as to whether Research Misconduct did or did not occur, and if so:

- identify the person(s) responsible for the misconduct;
- identify whether the Research Misconduct was falsification, fabrication, and/or plagiarism;
- identify whether the Research Misconduct was committed intentionally, knowingly, or recklessly;
- identify whether the Research Misconduct was a significant departure from accepted practices of the relevant Research community;
- summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the Respondent, including any effort by the Respondent to establish by a Preponderance of the Evidence that they did not engage in Research Misconduct because of honest error or a difference of opinion;
- identify specifically any external funding;
- identify whether any publication, known at the time of preparation of the Investigation report, needs correction or retraction; and
- list any current support or known applications or proposals for support that the Respondent has pending with any federal or other external entities.

### **Comments on the Initial Investigation Report and Access to Evidence**

The RIO shall provide the Respondent with a copy of the preliminary Investigation report for comment and rebuttal, and shall provide the Respondent, concurrently, with a copy of, or supervised access to, the evidence on which the report is based. Comments must be submitted, in writing, within thirty (30) days of the Respondent's receipt of this preliminary Investigation report and will be taken into consideration by the Investigation Committee when preparing the final Investigation report and shall be attached to the final report.

In distributing the draft report, or portions thereof, to the Respondent, the RIO will inform the Respondent of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality. For example, the RIO may require that the Respondent sign a confidentiality agreement.

### **Decision by the Deciding Official**

The RIO will transmit the final Investigation report and any written comments to the Deciding Official, who will make the final determination, in writing, as to (1) whether the Institution accepts the Investigation Committee's findings and, if so, who committed the misconduct; and (2) the appropriate institutional actions taken or to be taken in response to the accepted findings of Research Misconduct. If the Deciding Official's determination varies from the

findings of the Investigation Committee, the Deciding Official will, as part of their written determination, explain in detail the basis for rendering a decision different from the findings of the Investigation Committee. Alternatively, the Deciding Official may return the report to the Investigation Committee with a request for further fact-finding or analysis.

### **Notification of Results**

The RIO will notify the Respondent in writing regarding the Deciding Official's final determination.

The RIO shall notify external sponsors, as applicable, regarding the results of the Investigation, including any corrective actions planned or taken. Such notification shall be consistent with law and the terms of the award. For example, for Research Misconduct allegations related to PHS funded awards, such notification shall include a copy of the entire Institutional Record as defined at 42 CFR 93.220.

The RIO will, in consultation with other appropriate University officials, determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the Respondent in the work, or other relevant parties should be notified of the outcome of the case.

The RIO will also notify the dean of the school or college where the Respondent is assigned, the appropriate department chair, the provost, and the Complainant regarding the Deciding Official's final determination.

### **Admissions of Research Misconduct**

At any stage of the process described above, a Respondent may make an admission of Research Misconduct that meets the following standards:

- is in writing and signed by the Respondent;
- specifies the falsification, fabrication, and/or plagiarism that occurred; and
- specifies which Research Records were affected.

In this case, the Research Misconduct Proceedings may be closed before completion. The RIO will consult with the Inquiry and/or Investigation Committee, other University officials, and relevant research sponsors before pursuing this option.

### **Maintaining Records for Review by External Sponsors**

The University shall maintain, and upon request, provide to sponsors, if required by law or the terms of award, records of the Research Misconduct Proceedings as described in the Policy.