

Procedures for Responding to Allegations of Research Misconduct

These procedures specify how allegations of Research Misconduct will be handled by the University pursuant to the Responding to Allegations of Research Misconduct Policy (Policy).

In certain cases where the interests of the University are implicated, the Senior Vice President for Research and Innovation or the Senior Vice President for Academic Affairs may apply these Procedures as a mechanism for reviewing allegations of improper conduct which may not meet the definition of Research Misconduct. Examples include, without limitation, allegations of persistent non-compliance with: (1) Sponsor regulations, contract terms, or health and safety requirements; (2) instructions from the Institutional Animal Care and Use Committee (IACUC); or (3) the Institutional Review Board (IRB).

I. Definitions

Capitalized terms used but not defined in these procedures shall have the meanings assigned to such terms in the Policy.

Conflict of Interest means the real or apparent interference of one person's interest with the interests of another person, where potential bias may occur due to prior or existing personal, professional, or financial relationships. Generally, differences of professional opinion held in good faith and without prospect of financial gain should not be construed as a Conflict of Interest.

Research Integrity Officer (RIO) means the official who is charged with overseeing the application of the Policy.

Sequestration means steps taken by the RIO on behalf of the University to: (1) obtain custody of the Research Record and evidence needed to conduct the Research Misconduct proceeding; (2) inventory the records; (3) preserve the records in a secure manner; and (4) maintain the records as required by law and policy.

II. General Responsibilities

1. The RIO will:
 - a. Maintain strict confidentiality relative to any Research Misconduct allegation and proceedings.

- b. Receive allegations of Research Misconduct and formalize the allegations with the Complainant.
 - c. Conduct Assessments to determine whether further Inquiry is warranted.
 - d. Sequester the Research Record and other relevant evidence either before or at the same time as notifying a Respondent of a complaint.
 - e. Provide impartial assistance to Complainants, Respondents, and witnesses.
 - f. Provide training, technical assistance, advice, and logistical support to members of the Panel and Committee and other personnel concerning their responsibilities under the Policy and these procedures.
 - g. Sequester additional Research Records as necessary at any point during the Research Misconduct proceedings.
 - h. Notify Sponsors of Research Misconduct proceedings as required by applicable regulations and guidelines.
 - i. Provide training to the University community on the content of this Policy and the expectations of the University for integrity in Research, scholarship, and creative endeavors.
 - j. Ensure all aspects of the Policy and these procedures are carried out consistently, fairly and in accordance with federal regulations, when applicable.
 - k. Maintain current knowledge of applicable Research integrity standards and practices, as well as for implementing (or causing to be implemented) any such standards or practices required by governmental or external Sponsors.
 - l. In cases where the RIO has a Conflict of Interest with respect to a given allegation of Research Misconduct, refer the Complainant to the Deciding Official (DO), who will appoint a substitute to carry out the RIO's duties with respect to that allegation.
 - m. Request the DO to appoint a University official with the appropriate level of clearance to serve in the role of substitute RIO, in the event that an allegation of Research Misconduct concerns classified Research, and the RIO does not have the necessary clearance to review evidence. In such cases, the substitute RIO will carry out the RIO's duties prescribed in this Policy with respect to the allegation of Research Misconduct.
3. The DO, as designated by the University President, is the Senior Vice President for Research and Innovation, unless the University President designates otherwise. The DO will:

- a. Provide general oversight regarding the consistent and fair application of the Policy and these procedures and the RIO's fulfillment of their duties as described above;
 - b. After an Investigation or in the event that a Respondent admits in writing to have committed Research Misconduct, make a final determination on behalf of the University regarding whether or not Research Misconduct occurred; and
 - c. Fulfill all other duties and responsibilities described in these Procedures for handling allegations of Research Misconduct.
 - d. The DO may not concurrently serve as the RIO.
4. The Complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with all stages of a Research Misconduct proceeding. The Complainant:
- a. May submit allegations of Research Misconduct to the RIO by any means of communication.
 - b. May submit evidence at any stage of the Research Misconduct Proceeding.
 - c. If requested by a Panel, may appear before the Panel.
 - d. Will be given the opportunity to be interviewed by and present evidence to the Committee during an Investigation.
 - e. If the RIO, Panel or Committee determines the Complainant may be able to provide pertinent information or clarification to any portion of the draft Inquiry or Investigation report, these portions may be given to the Complainant for comment.
 - f. Will be informed of the results of the Assessment, Inquiry and Investigation.
5. The Respondent is responsible for maintaining confidentiality and cooperating with all stages of a Research Misconduct proceeding. The Respondent:
- a. Is notified in writing of the allegations at the time of or before beginning an Inquiry; of the outcome of an Inquiry; of the outcome of an Investigation; and of the final institutional determinations and resulting actions.
 - b. Is responsible for assisting the RIO with Sequestration of Research Records.
 - c. The RIO will provide the Respondent with an inventory of items sequestered. The Respondent may request in writing that the RIO provide copies or give reasonably supervised access to the sequestered Research Record.
 - d. Has the opportunity to submit evidence to the Panel and Committee.

- e. If requested by the Panel, may be interviewed by and present evidence to the Panel.
- f. Will be given the opportunity to be interviewed by and present evidence to the Committee.
- g. Will be given the opportunity to review and comment upon the draft Inquiry and Investigation reports.

III. General Principles

A. Confidentiality

1. To the extent possible, consistent with these procedures, and as allowed by law, University policy, and ABOR Policy, disclosure of the names of persons involved in the Inquiry and Investigation processes, including the identity of the Respondent and the Complainant, will be given only to those who have a legitimate need to know. The RIO, Panel and Committee may request a recipient of confidential information to sign a confidentiality agreement. The RIO, Panel, and Committee may also require information that should not be copied or openly distributed to be accessed and viewed under supervision of the RIO.

B. Extensions and Approvals

1. Should it be necessary to extend any deadline beyond what these procedures require, an extension may be granted for good cause. Extensions may be approved for the following circumstances:
 - a. If additional time is needed to complete the initial Assessment, the RIO must submit a written request for an extension to the DO and cite the reasons for the request.
 - b. During the Inquiry and Investigation stages, the requesting party must ask the RIO for an extension in writing, citing the reason for the request. The RIO will determine whether the request warrants approval.
 - c. If the allegations concern funded Research, the RIO must also consult with the applicable Sponsor according to the Sponsor's guidelines regarding extensions.
2. The RIO must document the reasons for requesting or granting any extension.

C. Scope of Research Misconduct Proceedings

1. During a Research Misconduct proceeding, the University will pursue diligently all significant issues and leads discovered throughout the Assessment, Inquiry, and Investigation, including any evidence of additional allegations of possible Research Misconduct.
2. During any phase of a Research Misconduct proceeding, additional allegations may arise that are related to an ongoing Inquiry or Investigation and justify broadening the scope beyond the initial complaint. If any new allegations arise, the RIO will assess them according to the specific and credible standard used during the Assessment. If the new allegations are deemed specific and credible, the RIO will notify the Respondent in writing of the decision to review the new allegations with a description of the allegations.
3. In cases where a new specific and credible allegation is received related to an ongoing Inquiry or Investigation and it involves a new Respondent, the RIO will notify the new Respondent in writing of the allegation and sequester additional data if necessary. The new Respondent has a right to a separate Research Misconduct proceeding, but may choose to waive that right and have the new allegations reviewed as part of the ongoing Inquiry or Investigation. Any decision by a newly identified Respondent to waive their right to a separate proceeding must be made in a written letter to the RIO.

D. Legal Representation

1. The Respondent, at their expense, may employ and be accompanied by legal counsel during any interviews or meetings with the Panel and Committee. The Respondent must notify the RIO in advance if they intend to be accompanied by legal counsel at any meeting that is part of the Research Misconduct proceedings. The Respondent's legal counsel is permitted to only advise the Respondent, and may not directly address the Panel, Committee, witnesses, or any other persons involved in the Research Misconduct proceedings.
2. The University Office of the General Counsel (OGC) will advise the RIO, the Panel, and the Committee on procedural and legal matters. The Panel and Committee, through their respective chairs, may request permission from OGC to obtain independent counsel.

E. Informal Resolution and Admissions

1. **Informal Resolutions.** If at any time the University concludes that allegations of Research Misconduct under this Policy may be resolved in a manner satisfactory to the University, the Sponsor (if any), and the Respondent, then the University may enter into an agreement in the form of an informal resolution. The informal resolution is subject to the approval of the DO, in consultation with the Provost. If the allegations concern scholarly, creative, or Research activities supported by a Sponsor, then the informal resolution may also be subject to the approval of the Sponsor or affiliated agency. In such instances, the informal resolution must address the interests of all affected parties.
2. **Admissions.** If at any time a Respondent wishes to make an admission of Research Misconduct, they will work with the RIO to draft a written statement that details each specific instance of Research Misconduct to which they are admitting.

F. Notification of Special Circumstances

1. **Special Circumstances Concerning Federally Funded Research.** The RIO, in consultation with the DO, will immediately notify the appropriate federal agency if there is reason to believe that (a) there is an immediate health or safety hazard; (b) there is an immediate need to protect federal resources; (c) the allegation of Research Misconduct involves a matter of public health (e.g., a clinical trial); (d) there is an indication of possible violation of criminal or civil law, which must be reported within 24 hours of obtaining the information; (e) there is an immediate need to protect the interests of the Complainant or of the Respondent, or any co-investigators or associates; (f) Research activities should be suspended; or (g) it is probable that the allegation is going to be publicly reported.

G. Restoration of Reputation and Protections Against Retaliation

1. The University recognizes that, when making an allegation of Research Misconduct, or when such an allegation is made against a researcher, the reputation of both the Complainant and the Respondent may be negatively affected. Therefore, if requested and as appropriate, the University will undertake reasonable efforts to restore the reputations of persons alleged to have engaged in Research Misconduct but against whom no Finding of Research Misconduct is made.
2. The University also will make reasonable efforts to protect the positions and reputations of (a) those persons who, in good faith, come forward with allegations; (b) witnesses who participate in the Research Misconduct proceedings; and (c) individuals who serve on the Panel and Committee. Furthermore, the University will make all reasonable efforts to counter potential or actual Retaliation against the persons identified in this paragraph for their role in the Research Misconduct proceedings.

IV. Assessment

A. Receipt of Allegations

Anyone may submit an allegation of Research Misconduct to the RIO by any means of communication. If an allegation is submitted to any University official or employee other than the RIO, that person is responsible for immediately forwarding the allegation to the RIO and keeping the contents of the allegation confidential. Regardless of how the allegations are initially communicated, the RIO will work with the Complainant to formalize the allegations in writing.

B. Anonymous Allegations

Individuals may contact the RIO at any time to ask questions about Research Misconduct or the Procedures for Handling Allegations of Research Misconduct without disclosing their names and without making allegations. A Complainant that wishes to remain anonymous may submit allegations of Research Misconduct to the attention of the RIO through the University Compliance and Ethics Hotline. However, because of the inherent difficulty in investigating and resolving allegations from unidentified persons, the University encourages individuals to make only attributable allegations of Research Misconduct.

C. Purpose and Conduct of the Assessment

1. Upon receipt of an allegation of Research Misconduct, the RIO will conduct an Assessment to determine whether an Inquiry is warranted. An Inquiry is warranted if, based on the evidence presented in the complaint and any additional evidence gathered by the RIO in the course of conducting the Assessment, there is a reasonable basis for concluding that:
 - a. the allegation falls within the definition of Research Misconduct as defined in the Policy;
 - b. the allegation is sufficiently credible and specific so that potential evidence may be identified;
 - c. the allegation is made against a person (or persons) to whom the Policy applies; and
 - d. the alleged Research Misconduct occurred within the timeframe limitations, as described in the Policy.

2. The Assessment should be completed within 30 calendar days of the RIO's receipt of the allegation, unless circumstances clearly warrant a longer period, in which case an extension must be approved by the DO.
3. If the allegation does not constitute a possible violation of the Policy, then the RIO shall dismiss the matter without further Inquiry. If appropriate, the RIO may notify the Complainant and Respondent of this decision. If the allegation appears to raise issues other than Research Misconduct under the Policy, which other University offices could address more appropriately, then the RIO will refer the Complainant to those offices for consultation.

D. Assessment Report

1. The RIO shall produce a written Assessment report documenting the steps taken to evaluate each allegation and the RIO's rationale for their determination. The report should include summaries of input provided by any experts consulted and a list of any evidence reviewed.

V. Inquiry

A. Purpose of the Inquiry

1. The purpose of the Inquiry is to gather information and facts and conduct a preliminary review of the available evidence to determine whether each allegation of Research Misconduct warrants an Investigation. It is not the purpose of the Inquiry to make a determination as to whether or not Research Misconduct occurred.

B. Notification of Respondent

1. Upon determining that an allegation of Research Misconduct merits review by a Panel, the RIO will immediately notify the Respondent of the allegations and the RIO's decision to initiate an Inquiry.
2. Such notification must take the form of a notification letter that describes the specific allegations, the rights and responsibilities of the Respondent, the role of the Panel, and the Inquiry process.
3. The RIO will also provide the Respondent with a copy of the Policy. The DO and the Respondent's Dean and Department Head (or equivalent) will be copied on the notification letter.

C. Sequestration and Custody of the Research Record

1. Either before or at the time the RIO notifies the Respondent of the allegations, the RIO will take all reasonable and practical steps to:
 - a. Obtain custody of the Research Record and other relevant evidence deemed necessary or advisable to conduct an Inquiry or Investigation contemplated under the Policy and these Procedures; and
 - b. Inventory the sequestered Research Records and evidence; and
 - c. Store the sequestered Research Records and evidence in a secure manner and in accordance with applicable University, state, and/or federal record retention policies.
 - d. If the Research Records or evidence encompass scientific instruments shared by a number of users, then custody may be limited to copies of the data or evidence on such instruments, if the copies of the data or evidence are substantially equivalent to the evidentiary value of the instruments.
2. The Respondent shall cooperate with the RIO to obtain and preserve all evidence deemed relevant by the RIO. If the Respondent is unwilling or unable to cooperate, the RIO will preserve the evidence without the Respondent's assistance. The RIO will note the Respondent's unwillingness or inability to cooperate and will also note any other impediments to constructing the record of the Inquiry or Investigation.
3. The RIO will note the destruction of, or Respondent's failure to provide, records adequately documenting the questioned Research (or other endeavor) as evidence of Research Misconduct where the RIO determines the Respondent intentionally, knowingly, or recklessly 1) had such records and destroyed them; 2) had the opportunity to maintain the records but did not do so; or 3) maintained the records and failed to produce them in a timely manner, and the RIO determines that Respondent's conduct constitutes a significant departure from accepted practices of the relevant research or academic community. At the Investigation stage, the Committee convened in the matter will assess the RIO's determination of such Research Misconduct under a preponderance of the evidence standard.
4. The RIO will maintain all physical and electronic records and evidence in a secure environment for the duration of the Research Misconduct proceeding and for at least 7 years thereafter in accordance with federal regulations and state record retention laws. The Respondent may request in writing that the RIO provide copies or give reasonably supervised access to the Research Records so that, if appropriate and possible, the

Respondent may continue their scholarship or Research. The RIO will maintain files of all documents and evidence gathered in the course of any Assessment, Inquiry or Investigation, and will maintain the security and confidentiality of those files, to the extent permitted by law or required by the Sponsor, if applicable, and as necessary to protect the identity of human subjects.

D. Opportunity to Respond to Allegations

1. Within 14 calendar days of receiving notice of the allegation and the decision to proceed with an Inquiry from the RIO, the Respondent may provide the RIO with a detailed written response to the allegation. The response should address the substance of each allegation in detail, specifically referencing any Research Records that support the response in order to allow the Panel to understand the Respondent's position and the basis for it, and readily locate and consult the relevant portions of the Research Record. The Respondent shall provide any additional records that have not already been sequestered by the RIO.

E. Appointment of the Panel

1. Upon completing the Assessment and determining that the allegation of Research Misconduct merits further inquiry, the RIO will request that the Chair of the University Committee on Ethics and Commitment (UCEC) appoint a Panel to conduct an Inquiry. The UCEC Chair will appoint a Panel to be composed of the 3 UCEC members whose area of expertise is most relevant to the Research in question. In the event that a member of the UCEC does not have expertise in a discipline relevant to the Inquiry, then the UCEC Chair, in consultation with the RIO, may appoint, as a substitute, an ad hoc member to the Panel with such expertise.
2. As soon as the Panel has been appointed, the RIO will send the Respondent the name(s) of the Panel member(s). The Respondent has 5 calendar days to challenge, in writing, the Panel's membership based on actual bias or conflict of interest. The RIO will determine whether an actual bias or conflict of interest exists. If so, the RIO will replace the challenged member with a qualified alternate.

F. Inquiry Timeline

1. The RIO must convene and charge the Panel within 21 days of the Assessment conclusion and determining that an Inquiry is warranted. The Panel must complete the Inquiry and finalize a written report within 60 calendar days of receiving its charge, unless circumstances clearly warrant a longer period.

G. Inquiry Initiation and Charge

1. The RIO will initiate the Inquiry by sending a charge letter to the Panel which describes the allegation of Research Misconduct, identifies the Respondents, articulates the Panel's roles and responsibilities, and references the applicable sections of the Policy and these procedures.

H. Roles and Responsibilities of the Panel

1. The Panel's roles and responsibilities consist of the following:
 - a. Engage in preliminary fact-finding by conducting an initial review of the allegations, the available evidence, and the Respondent's written response to the allegations, if submitted.
 - b. Conduct interviews with individuals who possess information relevant to the Inquiry, if appropriate and necessary to fulfill the purpose of the Inquiry.
 - c. Pursue diligently and documenting all significant issues and leads discovered in the course of the Inquiry that are deemed relevant, including any evidence of additional instances of possible Research Misconduct, and continuing the Inquiry to completion.
 - d. Keep thorough records, including written transcripts and/or audio recordings of any interviews conducted with Respondents, Complainants, and/or witnesses.
 - e. Based on the available evidence, determine whether the allegation warrants an Investigation under the Policy.
 - f. Prepare a written report with assistance from the RIO, including findings and recommendations for an appropriate course of action.

I. Interview Documentation

1. All interviews conducted as part of the Inquiry must be recorded. Any recording method is acceptable so long as it allows for subsequent review and transcription of the contents of the interview. If, at the request of the Panel or any subsequent Committee convened in the matter, such recordings are transcribed and used as

evidence, then the transcription must be provided to the interviewee for correction. The corrected transcript of such interviews shall be included in the record of the Inquiry and Investigation, if one ensues.

J. Criteria Warranting an Investigation

1. An Investigation shall be warranted if the Panel determines that (a) a reasonable basis exists to conclude that the allegation falls within the definition of Research Misconduct; and (b) preliminary information-gathering and preliminary fact-finding from the Inquiry indicate that the allegation may have substance.

K. Inquiry Report

1. The Panel will prepare a written report, with assistance from the RIO as necessary, that (a) describes the Inquiry process used and the evidence reviewed; (b) summarizes the relevant interviews conducted; (c) sets forth the Panel's preliminary findings of fact; (d) makes recommendations as to whether the allegation warrants an Investigation; and (e) documents the rationale for the recommendation.

L. Opportunity to Comment on the Inquiry Report

1. The RIO will provide the Respondent with a complete copy of the preliminary report and, if applicable, will provide the Complainant a copy of that portion of the report directly related to the allegations and evidence presented in the complaint. The Respondent and Complainant may comment on the preliminary report in writing within 7 calendar days. The Panel will review and consider all written comments submitted at this stage and document such consideration in the final draft of the Inquiry report. All written comments shall be appended in full to the final Inquiry report.

M. Inquiry Conclusion and Determination

1. If the Panel determines that a full Investigation is warranted, the RIO will notify the Respondent, Complainant, President, DO, Provost, and the Respondent's Dean and Department Head that the University will appoint a Committee to conduct an Investigation. The notice to the Respondent must specify the allegations that will be investigated and include a copy of the final Inquiry report. If the allegation concerns Research supported by a Sponsor, then the RIO will notify the Sponsor of the intent of the University to conduct an Investigation according to applicable laws, regulations, and grant or contract terms.

2. If the Panel determines that there is insufficient evidence in support of the allegation to warrant an Investigation, the RIO will formally dismiss the allegation and notify the Respondent and Complainant immediately in writing of the decision. The RIO will also direct the Respondent's dean, department head, the provost, and DO to promptly remove any reference to the allegation from the Respondent's personnel file. If the Panel determines that the allegation raises issues that another University office should address, then the Panel may recommend that the RIO refer the Complainant to that office.
3. In cases where the Panel recommends that an allegation be dismissed, but the RIO separately determines that applicable regulations require an Investigation, then the RIO may request approval from the DO to initiate an Investigation.

N. Notification of Sponsors

1. In cases involving sponsored Research, the RIO will notify the Sponsor of the outcome of the Inquiry and provide documentation in accordance with the applicable Sponsor's guidelines.

O. Option to Skip Inquiry and Move Directly to Investigation

1. In rare cases where sufficient evidence is received by the RIO at the Assessment stage to meet the criteria warranting an Investigation outlined in Section V.J above (for example, when an audit of a clinical trial has already been conducted), or when directed by a Sponsor, the RIO may request approval to forego an Inquiry and move directly to an Investigation. Before requesting such approval, the RIO must provide a written explanation of the rationale for the change in procedure to the Respondent for review and give the Respondent the opportunity to respond.
2. The RIO shall submit the request to proceed directly to Investigation in writing to the DO, the UCEC, and the Sponsor, if any. Any such request should include as an attachment any response submitted by the Respondent. The DO, UCEC, and Sponsor, must all approve the request in writing in order to initiate the change in procedure. If approval to proceed directly to Investigation is granted, the RIO must notify the Respondent and Complainant in writing immediately.

VI. Investigation

A. Purpose of the Investigation

1. The purpose of an Investigation is to formally develop a factual record and conduct a thorough and impartial examination of that record to determine, based on a preponderance of evidence, whether Research Misconduct has occurred and, if so, to determine the responsible person(s) and the scope and seriousness of the Research Misconduct.
2. If an Investigation reveals additional instances of possible Research Misconduct, or if other Respondents are identified, then the Committee shall immediately notify the RIO in writing. The RIO, in consultation with the DO, will decide whether to broaden the scope of the Investigation beyond the original allegation or whether a new and separate Research Misconduct proceeding should be initiated.

B. Appointment of the Committee

1. If the Panel determines that an Investigation is warranted then the University will appoint a Committee consisting of at least three (3) members, in the following manner:
 - a. The DO, in consultation with the Provost, will appoint one (1) faculty member to serve as Chair of the Committee.
 - b. The RIO will appoint a minimum of two (2) University employees to serve on the Committee, at least one of whom must be a faculty member. The RIO may consult with the DO, Provost, and Dean of the college in which the Respondent holds their primary appointment to identify qualified appointees.
2. The Committee must be composed of individuals who 1) have the appropriate expertise to conduct an authoritative evaluation of the evidence and issues related to the allegation; and 2) do not have personal, professional, or financial conflicts of interest with the Respondent, the Complainant, or those known to be potential witnesses. Members of the Panel are not eligible to serve on the Committee.
3. When appropriate and subject to the DO's approval, the RIO may appoint experts from outside the University to serve on the Committee. The Committee may seek additional consultation from individuals outside of the ABOR system who have demonstrated expertise in the discipline or area of research or scholarship that is the subject of the Investigation.

4. The RIO will notify the Respondent promptly of the names of the individuals who have been selected to serve on the Committee. The Respondent may make a written request to the RIO to disqualify a Committee member alleged to have a Conflict of Interest. This request must be made within 5 calendar days of the Respondent's receipt of the list of Committee members. The RIO will make the final determination of whether any such conflict exists.

C. Investigation Timeline

1. The RIO must convene and charge the Committee within 30 calendar days of notifying the Respondent that the University will conduct an Investigation. The Investigation, including submission of the final report and issuance of the institutional decision, should be completed within 120 calendar days, unless circumstances clearly warrant a longer period. The RIO, with the Sponsor's concurrence (if any), must approve any extension to the 120 calendar day timeframe and document the reason for the extension.

D. Custody of the Research Record

1. The RIO will take all reasonable and practical steps, on or before the date on which the Respondent is notified of the Investigation, to obtain custody of, inventory, and sequester in a secure manner all research records and evidence needed to conduct the Investigation that were not previously sequestered before or during the Inquiry.

E. Investigation Initiation and Charge

1. The RIO will initiate the Investigation by convening the Committee and delivering a charge letter which describes the allegation(s), identifies the Respondent(s), articulates the Committee's roles and responsibilities, and references the applicable sections of the Policy and these procedures. The RIO will immediately notify the Respondent in writing that the Investigation has been initiated.

F. Roles and Responsibilities of the Committee

1. The Committee's roles and responsibilities consist of the following:
 - a. Conduct a thorough examination of all facts and evidence relevant to reaching a decision on the merits of each allegation. This examination includes, but is not limited to, the Research Record, proposals, publications, and communications;

- b. Conduct interviews with the Respondent, Complainant and any other individuals who possess information relevant to the Investigation;
- c. Pursue diligently and document all significant issues and leads discovered in the course of the Investigation that are deemed relevant, including any evidence of additional instances of possible Research Misconduct;
- d. Secure any necessary and appropriate outside expertise in consultation with the RIO;
- e. Maintain confidentiality of the Respondent, Complainant, and all witnesses to the extent possible;
- f. Keep thorough records, including detailed documentation of methods of analysis, written transcripts and/or audio recordings of any interviews conducted with Respondents, Complainants, and witnesses;
- g. Continue the Investigation to completion;
- h. Based on a preponderance of evidence, determine for each allegation whether Research Misconduct occurred and, if so, the responsible person and the nature and seriousness of the Misconduct;
- i. Prepare a preliminary report with the assistance of the RIO and consider any comments submitted from the Respondent; and
- j. Submit a final report to the RIO.

G. Rights of the Respondent at Fact-Finding Meetings

1. When the Respondent is interviewed by the Committee, the Respondent may be accompanied by an advisor, who may be an attorney. If the Respondent plans to be accompanied by an advisor at a meeting or interview with the Committee, he or she must alert the RIO and Committee Chair to this fact at least 15 calendar days prior to the meeting. The advisor's role (whether an attorney or not) at any such meeting or interview with the Committee will be limited to advising the Respondent. The advisor may not address the Committee or any witnesses. If counsel is present with the Respondent, the OGC will likewise be asked to be present at the meeting, for the limited purpose of advising the RIO and the Committee.

H. Record of the Investigation

1. The Committee will keep a written transcript or an audio recording of all fact-finding meetings at which it receives evidence or interviews witnesses. In addition to maintaining these transcripts or audio recordings, the Committee will make and keep accurate and complete records, including originals or legible and complete photocopies or digital scans, of all documents or records it obtains. The Committee will maintain a

record of the manner in which such documents and evidence have been handled. The RIO will preserve the evidence of each Investigation for a minimum of 7 years in such a manner that it is not subject to unauthorized use or tampering.

I. Evidentiary Standard and Burden of Proof for a Finding of Misconduct

1. In order to recommend a finding of Misconduct under this Policy, the Committee must determine in the course of the Investigation and for each allegation that:
 - a. there was a significant departure from accepted practices of the relevant research or scholarly community; *and*
 - b. the Misconduct was committed Intentionally or Knowingly or Recklessly; *and*
 - c. the allegation is proven by a Preponderance of the Evidence.
2. When recommending a finding of research misconduct, the Committee shall make every effort to specify how the misconduct was committed, based on the following definitions:
 - a. Intentionally means to directly engage in Falsification, Fabrication, or Plagiarism with the intent or purpose of misleading the reader of the research record.
 - b. Knowingly means to engage in Falsification, Fabrication, or Plagiarism with actual knowledge or deliberate ignorance of, or plain indifference to, the Falsification, Fabrication, or Plagiarism.
 - c. Recklessly means to use or allow the use of, through action or inaction, Falsified, Fabricated, or Plagiarized data while aware of an increased risk of Falsified, Fabricated, or Plagiarized data being used or generated, or while the risk is so obvious that a typical researcher in the relevant Research community should have known. Recklessness is distinguished from negligence, where an individual deviates from ordinary care that a typical researcher in the relevant Research community would have exercised, but the individual is unaware that there was a substantial risk of Falsification, Fabrication, or Plagiarism.
3. The Committee and University bear the burden of proof for making a Finding of Research Misconduct. The Respondent has the burden of proving, by the same evidentiary standard, any and all affirmative defenses raised, such as “honest error” or mitigating circumstances.

J. Report of the Investigation

1. At the conclusion of the Investigation, the Committee will prepare a written report describing the process of the Investigation and the Committee's findings, conclusions, and recommendations for an appropriate course of action. The Investigation report should generally include:
 - a. Names, titles, and institutional affiliations of all individuals involved in the Investigation, including the Respondent, Complainant, Committee members, and any witnesses or consulted experts;
 - b. Funding source supporting the research, if any, including title and grant number;
 - c. A statement of findings for each separate allegation of Research Misconduct identified during the Investigation as to whether Research Misconduct did or did not occur, including a summary of the facts, evidence, and analysis which support the conclusion. When making a Finding of Research Misconduct, each statement should also identify:
 - i. the person(s) responsible for the Research Misconduct;
 - ii. whether the Research Misconduct was committed Knowingly, Intentionally, or Recklessly; and
 - iii. whether the Research Misconduct was Falsification, Fabrication, or Plagiarism.
 - d. A copy of the Policy and these procedures;
 - e. Annotated inventory of all records and evidence sequestered during the Research Misconduct proceedings;
 - f. Exhibits of the evidence deemed by the Committee as sufficiently relevant to warrant examination during the Investigation; and
 - g. Attachments of any other relevant documents.
2. The report should also include any recommendations the Committee wishes to make and their rationale. When making recommendations concerning a Finding of Research Misconduct, the Committee should consider 1) the seriousness of the Research Misconduct; 2) whether it was an isolated event or part of a pattern; and 3) whether it had a significant impact on the Research Record, research subjects, other researchers, the institutions, or the public welfare.
3. The report will include adequate information and steps to meet the University's obligations to Sponsors, if any, and to third parties affected by the report's findings (e.g., journals).

4. Immediately upon completing its preliminary report, the Committee shall provide the Respondent a complete copy of the report. The Committee may also provide the Complainant a copy of that portion of the report directly related to the evidence submitted by the Complainant. The Respondent may respond to the preliminary report in writing within 14 calendar days of receiving their copy. The Committee will add, as an appendix to the final report, any written responses submitted by the Respondent and Complainant.
5. As soon as the Committee reviews the Respondent's and Complainant's comments (if any), makes any necessary changes, and signs off on the final report, the RIO will send the completed report and any appendices to the DO and the Provost.

K. University Decision and Opportunity to Request Reconsideration

1. The DO will consider the Committee's recommendations and, in consultation with the Provost, determine whether the University accepts, rejects, or modifies the Investigation report, its findings, and any recommended institutional actions. This determination must be made in writing as promptly as possible and no later than 120 calendar days from the date the Investigation began, unless circumstances clearly warrant an extension. If the DO's determination diverges from the findings of the Committee, the DO will explain in writing their rationale for the decision, and will cite any relevant evidence that supports the decision. The DO may also return the report to the Committee and request additional fact-finding and/or analysis.
2. The DO shall immediately notify the Respondent of the University decision. A Respondent who is dissatisfied with the DO's decision may request reconsideration of the decision by filing a written request with the DO not later than 10 calendar days following receipt of the decision. Any request for reconsideration must be based on one or more of the following grounds:
 - a. Irregularities in the proceedings, including any abuse of discretion or misconduct by the Committee or the RIO that deprived the Respondent of a fair and impartial process;
 - b. Newly discovered material evidence that with reasonable diligence could not have been presented to the Committee for consideration; or
 - c. A decision that is not justified by the evidence or is contrary to law.
3. If the Respondent requests reconsideration, then the DO will issue a final decision within 20 calendar days of receiving that request. If the Respondent makes no request

for reconsideration, then the DO's decision becomes final at the expiration of the 10 calendar day period during which the Respondent could have requested reconsideration.

4. Once the University decision is final, the DO will submit the University decision to the University President describing the Investigation and the basis for the decision, and will provide a copy of the decision to the Respondent, the Respondent's Dean, and the Respondent's Department Head.
5. The DO, in consultation with the Provost and the Dean of the college in which the Respondent holds their primary appointment, and the Respondent's Department Head, may impose appropriate sanctions and/or administrative actions, up to and including termination, in accordance with established Arizona Board of Regents and University Policies.

L. Notifications

1. At the conclusion of the proceedings, the RIO is responsible for ensuring all applicable federal agencies and/or Sponsors are notified of the University decision according to relevant regulations and guidelines. Generally speaking, this means the RIO will submit to the federal agency and/or Sponsor a copy of the Investigation report (with attachments, appendices, and appeals), the final University decision, and a statement of any administrative actions taken.

M. Additional Actions

1. Notwithstanding the results of any Investigation or disciplinary proceeding following a Finding of Research Misconduct at the University, the federal government may, in its sole discretion, take additional action related to the same or different facts and allegations. Action taken by the federal government may or may not be based upon the University Investigation and Finding of Research Misconduct and is beyond the purview of the University. Members of the University community will cooperate with any such federal investigation.