



Procedure on: Allegations of Research Misconduct

Purpose:

To explain the roles, responsibilities, and principles guiding all steps in dealing with an allegation of research misconduct (as defined below). This procedure details the timelines and steps required by Winona State University (WSU) in assessing, making an inquiry, creating an inquiry report, conducting an investigation, federal reporting requirements, determining institutional administrative action, providing protections for all parties, and institutional record retention for allegations of research misconduct.

The corresponding procedures apply to faculty, staff, and students employed by WSU and conducting research under the auspices of the university, whether the research is externally funded or not externally funded. The procedures are not intended to address all academic issues of an ethical nature. Nothing in these procedures should be construed to limit employees' rights as outlined in their collective bargaining agreements.

Procedure:

Roles and Responsibilities

Research Integrity Officer (RIO): The Vice President for Academic Affairs is the Research Integrity Officer (RIO) who will have primary responsibility for implementation of the procedures set forth in this document.

The RIO will appoint the inquiry and investigation committees and ensure that necessary and appropriate expertise is secured to carry out a thorough and authoritative evaluation of the relevant evidence in an inquiry or investigation. The RIO will attempt to ensure that confidentiality is maintained.

The RIO will assist inquiry and investigation committees and all institutional personnel in complying with these procedures and with applicable standards imposed by government or external funding sources. The RIO is also responsible for maintaining files of all documents and evidence and for the confidentiality and the security of the files.

The RIO will report to appropriate agencies as required by regulations and requirements, and apprise the agencies of any developments during the course of the inquiry or investigation that may affect current or potential funding and research activities for the individual(s) under investigation, or that the federal agency needs to know to ensure appropriate use of federal funds and otherwise protect the public interest.

Complainant: The complainant will have an opportunity to testify before the inquiry and investigation committees, to review portions of the inquiry and investigation reports pertinent to

his or her allegations or testimony, to be informed of the results of the inquiry and investigation, and to be protected from retaliation.

If the RIO has determined that the complainant may be able to provide pertinent information on any portions of the draft report, these portions will be given to the complainant for comment.

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with an inquiry or investigation.

Respondent(s): The respondent(s) will be informed of the allegations when an inquiry is opened and notified in writing of the final determinations and resulting actions. The respondent(s) will also have the opportunity to be interviewed by and present evidence to the inquiry and investigation committees, to review the draft inquiry and investigation reports, and to have the advice of a collective bargaining unit representative.

The respondent(s) is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry or investigation. If the respondent(s) is not found guilty of research misconduct, he or she has the right to receive institutional assistance in restoring his or her reputation.

Deciding Official: The Deciding Official will receive the inquiry and/or investigation report and any written comments made by the respondent(s) or the complainant on the draft report. The Deciding Official will consult with the RIO or other appropriate officials and will determine whether to conduct an investigation, whether misconduct occurred, or whether to take other appropriate administrative actions in accordance with the appropriate collective bargaining agreement.

Federal Agencies: Winona State University has filed an Assurance and a copy of this policy and procedures with the U.S. Department of Health and Human Services Office of Research Integrity (ORI) and files an Annual Report on Possible Misconduct with ORI.

General Policies and Principles

Responsibility to Report Misconduct: All employees or individuals associated with WSU should report observed, suspected, or apparent misconduct in research to the RIO or their immediate supervisor. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may contact the RIO to discuss the suspected misconduct informally.

If the circumstances described by the individual do not meet the definition of research misconduct, the RIO will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

At any time, an employee may have confidential discussions and consultations about concerns of possible misconduct with the RIO or an appropriate collective bargaining unit representative and will be counseled about appropriate procedures for reporting allegations.

Protecting the Complainant: The RIO will monitor the treatment of individuals who bring allegations of misconduct or of inadequate institutional response thereto, and those who cooperate in inquiries or investigations.

The RIO will ensure that these persons will not be retaliated against in the terms and conditions of their employment or other status at the institution and will review instances of alleged

retaliation for administrative action in accord with the appropriate collective bargaining agreement.

Employees should immediately report any alleged or apparent retaliation to the RIO.

The institution will protect the privacy of those who report misconduct in good faith to the maximum extent possible. For example, if the complainant requests anonymity, the institution will make an effort to honor the request during the allegation assessment or inquiry within applicable policies and regulations and state and local laws, if any. The complainant will be advised that if the matter is referred to an investigation committee and the complainant's testimony is required, anonymity may no longer be guaranteed. Institutions are required to undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations.

Protecting the Respondent(s): Inquiries and investigations will be conducted in a manner that will ensure fair treatment to the respondent(s) in the inquiry or investigation and confidentiality to the extent allowed by law without compromising public health and safety or thoroughly carrying out the inquiry or investigation.

Institutional employees accused of research misconduct may consult with a collective bargaining unit representative (who is not a principal or witness in the case) to seek advice and may bring the representative to interviews or meetings on the case.

Cooperation with Inquiries and Investigations: Institutional employees will cooperate with the RIO and other institutional officials in the review of allegations and the conduct of inquiries and investigations. Employees have an obligation to provide relevant evidence to the RIO or other institutional officials on misconduct allegations.

Confidentiality: Institutional employees who make, receive, or learn of an allegation of research misconduct shall, to the extent allowed by law, maintain the identity of respondent(s), complainants and other affected individuals securely and confidentially and shall not disclose any identifying information, except to:

- Those who need to know to carry out a thorough, competent, objective, and fair research misconduct proceeding; and
- Appropriate federal agencies as they conduct reviews of the research misconduct proceeding and any subsequent proceedings. The RIO may establish reasonable conditions to ensure the confidentiality of such information.

To the extent allowed by law, any information obtained during the research misconduct proceeding that might identify the subjects of research shall be maintained securely and confidentially and shall not be disclosed, except to those who need to know in order to carry out the research misconduct proceeding.

Screening for Conflicts of Interest: All reasonable steps will be taken to ensure an impartial and unbiased research misconduct proceeding to the maximum extent practicable. Individuals conducting the inquiry or investigation will be selected based upon expertise that is pertinent to the matter, and prior to selection, they will be screened for any unresolved personal, professional, or financial conflicts of interest with the respondent(s), complainant, potential witnesses, or others involved in the matter. Any such conflict which a reasonable person would consider as demonstrating potential bias shall disqualify the individual from selection.

Preliminary Assessment of Allegations

Promptly after receiving an allegation of research misconduct, defined as a disclosure of possible research misconduct through any means of communication, the RIO shall assess the allegation to determine if:

- It meets the definition of research misconduct (See Definitions);
- It involves either federal agency supported research, applications for federal agency research support, or research records; and
- The allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified.

Conducting the Inquiry

Initiation and Purpose of the Inquiry: Following the preliminary assessment, if the RIO determines that the allegation provides sufficient information to allow specific follow-up and falls under the definition of research misconduct, he or she will immediately initiate the inquiry process.

In initiating the inquiry, the RIO should clearly identify the original allegation and any related issues that should be evaluated. The purpose of the inquiry is to make a preliminary evaluation of the available evidence and testimony of the respondent(s), complainant, and key witnesses to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation.

The purpose of the inquiry is not to reach a conclusion about whether misconduct occurred or who was responsible. The findings of the inquiry must be set forth in an inquiry report.

Notice to Respondent(s): Prior to or at the beginning of the inquiry, the RIO shall provide the respondent(s) written notification of the inquiry and contemporaneously sequester all research records and other evidence needed to conduct the research misconduct proceeding. If the inquiry subsequently identifies additional respondents, they shall be promptly notified in writing.

Sequestration of the Research Records: After determining that an allegation falls within the definition of research misconduct, the RIO shall take the following steps to obtain, secure, and maintain the research records and evidence pertinent to the research misconduct proceeding:

- Either before or when notifying the respondent(s) of the allegation, the RIO shall promptly take all reasonable and practical steps to obtain custody of all research records and evidence needed to conduct the research misconduct proceeding, inventory those materials, and sequester them in a secure manner, except in those cases where the research records or evidence encompass scientific instruments shared by a number of users. Custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments.
- Where appropriate, give the respondent(s) copies of, or reasonable, supervised access to the research records.
- Undertake all reasonable and practical efforts to take custody of additional research records and evidence discovered during the course of the research misconduct proceeding, including at the inquiry and investigation stages, or if new allegations arise, subject to the exception for scientific instruments described above.

Appointment of the Inquiry Committee: The RIO, in consultation with other institutional officials as appropriate and appropriate collective bargaining units, will appoint an inquiry committee and committee chair within 10 days of the initiation of the inquiry.

The inquiry committee should consist of three individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry. These individuals may be scientists, subject matter experts, administrators, lawyers, or other qualified persons, and they may be from inside or outside the institution.

The RIO will notify the respondent(s) of the proposed committee membership within 10 days. If the respondent(s) submits a written objection to any appointed member of the inquiry committee or expert based on bias or conflict of interest within 5 days, the RIO will determine whether to replace the challenged member or expert with a qualified substitute.

Charge to the Committee and the First Meeting: The RIO will prepare a charge for the inquiry committee that describes the allegations and any related issues identified during the allegation assessment and states that the purpose of the inquiry is to make a preliminary evaluation of the evidence and testimony of the respondent(s), complainant, and key witnesses to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation as required by the federal agency regulation. The purpose is not to determine whether research misconduct definitely occurred or who was responsible.

At the committee's first meeting, the RIO will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry; assist the committee with organizing plans for the inquiry; and answer any questions raised by the committee.

The RIO and institutional counsel will be present or available throughout the inquiry to advise the committee as needed.

Inquiry Process: The inquiry committee will normally interview the complainant, the respondent(s), and key witnesses as well as examining relevant research records and materials. Then the inquiry committee will evaluate the evidence and testimony obtained during the inquiry.

After consultation with the RIO and institutional counsel, the committee members will decide whether there is sufficient evidence of possible research misconduct to recommend further investigation. The scope of the inquiry does not include deciding whether misconduct occurred or conducting exhaustive interviews and analyses.

The Inquiry Report

Elements of the Inquiry Report: A written inquiry report must be prepared that states:

- The name and the position of the respondent(s)
- A description of the allegations of research misconduct
- Any federal agency support involved, including, for example, grants numbers, grant applications, contracts, and publications listing federal agency support
- The basis for recommending that the alleged actions warrant an investigation; and
- Any comments on the reports by the respondent(s) or the complainant

Comments on the Draft Report by the Respondent(s) and the Complainant: The RIO will provide the respondent(s) with a copy of the draft inquiry report for comment and rebuttal and will provide the complainant, if he or she is identifiable, with portions of the draft inquiry report that address the complainant's role and opinions in the investigation.

The RIO may establish reasonable conditions for review to protect the confidentiality of the draft report.

Within 14 calendar days of their receipt of the draft report, the complainant and respondent(s) will provide comments, if any, to the inquiry committee. Any comments that the complainant or respondent(s) submits on the draft report will become part of the final inquiry report and record. Based on the comments, the inquiry committee may revise the report as appropriate.

Inquiry Decision and Notification: The RIO will transmit the final report and any comments to the Deciding Official, who will make the determination of whether findings from the inquiry provide sufficient evidence of possible research misconduct to justify conducting an investigation.

The inquiry is completed when the Deciding Official makes this determination, which will be made within 60 days of the first meeting of the inquiry committee. Any extension of this period will be based on good cause and recorded in the inquiry file.

Within a reasonable time after our determination that an investigation is warranted, but not later than 30 calendar days after that determination, the RIO will notify both the respondent(s) and the complainant in writing of the Deciding Official's decision as to whether to proceed to an investigation and the allegations to be investigated, attach to the notification copies of the inquiry report and these institutional policies and procedures for handling research misconduct allegations, and remind them of their obligation to cooperate in the event an investigation is opened.

The respondent shall be given written notice of any new allegations within a reasonable time after determining to pursue allegations not addressed in the inquiry or in the initial notice of the investigation. The RIO will also notify all appropriate institutional officials of the Deciding Official's decision.

Time Limit for Completing the Inquiry Report: If the RIO determines that an inquiry (i.e., an initial review of the evidence to determine if the criteria for conducting an investigation have been met) is warranted, the inquiry shall be completed, including preparation of the inquiry report and

giving the respondent(s) a reasonable opportunity to comment on it, within 60 calendar days of the inquiry's initiation, unless circumstances warrant a longer period.

If the inquiry takes longer than 60 days to complete, the reasons for the delay shall be documented in the inquiry records.

Conducting the Investigation

Purpose of the Investigation: The purpose of the investigation is to explore in detail the allegations, to examine the evidence in depth, and to determine specifically whether misconduct has been committed, by whom, and to what extent.

The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important when the alleged misconduct involves clinical trials or potential harm to human subjects or the general public or if it affects research that forms the basis for public policy, clinical practice, or public health practice. The findings of the investigation will be set forth in an investigation report.

Conduct of the Investigation: In conducting the investigation, Winona State University shall:

- 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 the allegations;
- Interview 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(s), and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation;
- Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including evidence of additional instances of possible research misconduct, and continue the investigation to completion; and
- Otherwise comply with the requirements for conducting an investigation.

Sequestration of the Research Records: The RIO will immediately sequester any additional pertinent research records that were not previously sequestered during the inquiry. This sequestration should occur before or at the time the respondent(s) is notified that an investigation has begun.

The need for additional sequestration of records may occur for any number of reasons, including the institution's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

Appointment of the Investigation Committee: The RIO, in consultation with other institutional officials as appropriate and appropriate bargaining units, will appoint an investigation committee and committee chair within 10 days of the notification to the respondent(s) that an investigation is planned or as soon thereafter as practicable.

The investigation committee should consist of at least three individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegations, interview the principals and key witnesses, and conduct the investigation. These individuals may be scientists, administrators, subject matter experts, lawyers, or other qualified persons, and they may be from inside or outside the institution. Individuals appointed to the investigation committee may also have served on the inquiry committee.

The RIO will notify the respondent(s) of the proposed committee membership within 5 days. If the respondent(s) submits a written objection to any appointed member of the investigation committee or expert, the RIO will determine whether to replace the challenged member or expert with a qualified substitute.

Charge to the Committee and First Meeting: The RIO will define the subject matter of the investigation in a written charge to the committee that describes the allegations and related issues identified during the inquiry, defines research misconduct, and identifies the name(s) of the respondent(s). The charge will state that the committee is to evaluate the evidence and testimony of the respondent(s), complainant, and key witnesses to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, to what extent, who was responsible, and its seriousness.

During the investigation, if additional information becomes available that substantially changes the subject matter of the investigation or would suggest additional respondents, the committee will notify the RIO, who will determine whether it is necessary to notify the respondent(s) of the new subject matter or to provide notice to additional respondents.

The RIO, with the assistance of institutional counsel, will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of these instructions and, where federal agency funding is involved, the appropriate federal agency regulations.

Investigation Process: The investigation committee will be appointed and the process initiated within 30 days of the completion of the inquiry if findings from that inquiry provide a sufficient basis for conducting an investigation.

The investigation will normally involve examination of all documentation including, but not necessarily limited to, relevant research records, computer files, proposals, manuscripts, publications, correspondence, memoranda, and notes of telephone calls.

Whenever possible, the committee should interview the complainant(s), the respondent(s), and other individuals who might have information regarding aspects of the allegations. Interviews of the respondent(s) should be recorded or transcribed. All other interviews should be transcribed, recorded, or summarized. Summaries or transcripts of the interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.

In scheduling interviews, the respondent(s) will be notified sufficiently in advance of the scheduling of his/her interview in the investigation so that the respondent may prepare for the

interview and arrange for the attendance of a collective bargaining unit representative, if the respondent(s) wishes.

The Investigation Report

Elements of the Investigation Report: The final report submitted to the appropriate federal agencies shall:

- Describe the nature of the allegations of research misconduct;
- Describe and document any federal agency support, including, for example, any grant numbers, grant applications, contracts, and publications listing federal support;
- Describe the specific allegations of research misconduct considered in the investigation;
- Include the institutional policies and procedures under which the investigation was conducted, if not already provided to the appropriate federal agencies;
- Identify and summarize the research records and evidence reviewed, and identify any evidence taken into custody, but not reviewed. The report should also describe any relevant records and evidence not taken into custody and explain why;
- Provide a finding as to whether research misconduct did or did not occur for each separate allegation of research misconduct identified during the investigation, and if misconduct was found, (i) identify it as falsification, fabrication, or plagiarism and whether it was intentional, knowing or reckless disregard, (ii) summarize the facts and the analysis supporting the conclusion and consider the merits of any reasonable explanation by the respondent(s) and any evidence that rebuts the respondent explanations; (iii) identify the specific federal agency support, if any; (iv) identify any publications that need correction or retraction; (v) identify the person(s) responsible for the misconduct, and (vi) list any current support or known applications or proposals for support that the respondent(s) has pending with federal agencies; and
- Include and consider any comments made by the respondent(s) and complainant on the draft investigation report.

Comments on the Draft Report: The RIO will provide the respondent(s) with a copy of the draft investigation report, and concurrently, a copy of, or supervised access to the evidence on which the report is based and notify the respondent(s) that any comments must be submitted within 30 days of the date on which he/she received the draft report. The respondent comments will be attached to the final report. The findings of the final report should take into account the respondent comments in addition to all the other evidence.

The RIO will provide the complainant, if he or she is identifiable, with those portions of the draft investigation report that address the complainant's role and opinions in the investigation. The report should be modified, as appropriate, based on the complainant's comments.

The draft investigation report will be transmitted to the institutional counsel for a review of its legal sufficiency. Comments should be incorporated into the report as appropriate.

In distributing the draft report, or portions thereof, to the respondent(s) and complainant, the RIO will inform the recipient 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 request the recipient to sign a confidentiality statement or to come to his or her office to review the report.

Institutional Review and Decision: Based on a preponderance of the evidence, the Deciding Official will make the final determination whether to accept the investigation report, its findings, and the recommended institutional actions.

If this determination varies from that of the investigation committee, the Deciding Official will explain in detail the basis for rendering a decision different from that of the investigation committee in the institution's letter transmitting the report to the appropriate federal agencies. The Deciding Official's explanation should be consistent with the federal definition of research misconduct, the institution's policies and procedures, and the evidence reviewed and analyzed by the investigation committee.

The Deciding Official may also return the report to the investigation committee with a request for further fact-finding or analysis. The Deciding Official's determination, together with the investigation committee's report, constitutes the final investigation report for purposes of federal agency review.

When a final decision on the case has been reached, the RIO will notify both the respondent(s) and the complainant in writing. In addition, the Deciding Official will 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(s) in the work, or other relevant parties should be notified of the outcome of the case. The RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

Transmittal of the Final Investigation Report: After comments have been received and the necessary changes have been made to the draft report, the investigation committee should transmit the final report with attachments, including the respondent and complainant comments, to the Deciding Official, through the RIO.

Time Limit for Completing the Investigation Report: When the Deciding Official makes a written determination that an investigation is warranted, the investigation shall begin within 30 calendar days of that determination.

On or before the date on which the investigation begins, the RIO shall send the inquiry report and the written determination to appropriate federal or non-federal agencies. The university shall use its best efforts to complete the investigation within 120 calendar days of the date on which it began, including conducting the investigation, preparing the report of findings, providing the draft report for comment, and sending the final report to the appropriate agencies.

If it becomes apparent that the investigation cannot be completed within that period, the RIO shall promptly request an extension in writing from the appropriate agencies. This requirement does not apply to separate termination hearings. The request for an extension should explain the delay, report on the progress to date, estimate the date of completion of the report, and describe other necessary steps to be taken. If the request is granted, the RIO will file periodic progress reports as requested by the agencies.

Requirements for Reporting to Federal Agencies

The RIO shall report to the appropriate federal agencies any proposed settlements, admissions of research misconduct, or institutional findings of misconduct that arise at any stage of a misconduct proceeding, including the allegation and inquiry stages.

An institution's decision to initiate an investigation (within 30 calendar days of the finding that an investigation is warranted) must be reported in writing by the RIO to the appropriate federal agencies, on or before the date the investigation begins. At a minimum, the notification should include the name of the person(s) against whom the allegations have been made, the general nature of the allegation as it relates to the federal definition of research misconduct, and the federal agency applications or grant number(s) involved.

Upon request from the federal agencies, the university will promptly send:

- A copy of the institutional policies and procedures under which the inquiry was conducted;
- The research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and
- The charges for the investigation to consider.

The RIO shall promptly provide to federal agencies after the investigation:

- A copy of the investigation report and all attachments;
- A statement of whether the institution found research misconduct and, if so, who committed it;
- A statement of whether the institution accepts the findings in the investigation report; and
- A description of any pending or completed administrative actions against the respondent. Any significant variations from the provisions of the institutional policies and procedures should be explained in any reports submitted to the agencies.

If an institution plans to terminate an inquiry or investigation for any reason without completing all relevant requirements of the appropriate federal agency's regulation, the RIO will submit a report of the planned termination to the appropriate federal agencies, including a description of the reasons for the proposed termination.

When federal agency funding or applications for funding are involved and an admission of research misconduct is made, the RIO will contact the appropriate federal agencies for consultation and advice. Normally, the individual making the admission will be asked to sign a statement attesting to the occurrence and extent of misconduct.

When the case involves federal agency funds, the institution cannot accept an admission of research misconduct as a basis for closing a case or not undertaking an investigation without prior approval from the agencies.

In cases involving federal agency support, at any time during the research misconduct proceedings, the RIO will immediately notify the appropriate federal agencies if:

- Health or safety of the public is at risk, including an immediate need to protect human or animal subjects;

- Federal agency resources or interests are threatened;
- Research activities should be suspended;
- There is a reasonable indication of violations of civil or criminal law;
- Federal action is required to protect the interests of those involved in the research misconduct proceeding;
- There is reason to believe the research misconduct proceeding may be made public prematurely, so that the appropriate federal agencies may take appropriate steps to safeguard evidence and protect the rights of those involved; or
- The research community or public should be informed.

Winona State University shall cooperate fully and on a continuing basis with appropriate federal agencies during their oversight reviews of the institution and its research misconduct proceedings and during the process under which the respondent(s) may contest federal agency findings of research misconduct and proposed federal agency administrative actions. This includes providing, as necessary to develop a complete record of relevant evidence, all witnesses, research records, and other evidence under the university's control or custody, or in the possession of, or accessible to, all persons that are subjects to the university's authority.

Institutional Administrative Actions

WSU will take appropriate administrative actions against individuals in accordance with appropriate collective bargaining unit agreements when an allegation of misconduct has been substantiated. WSU will cooperate with and assist appropriate federal agencies, as needed, to carry out any administrative actions the federal agencies may impose as a result of a final finding of research misconduct by the agencies.

Other Considerations

Termination of Employment or Resignation Prior to Completing Inquiry or Investigation: The termination of a respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the misconduct procedures.

If a respondent, without admitting to the misconduct, elects to resign his or her position prior to the initiation of an inquiry, but after an allegation has been reported, or during an inquiry or investigation, the inquiry or investigation will proceed.

If the respondent refuses to participate in the process after resignation, the committee will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's failure to cooperate and its effect on the committee's review of all the evidence.

Restoration of the Respondent's Reputation: If the institution finds no misconduct and, after consulting with the respondent, the RIO will undertake all reasonable, practical, and appropriate efforts to protect and restore the respondent's reputation, if that person or collective bargaining unit representative so requests.

In cases involving federal agency support, the federal agency concurs, after consulting with the respondent, the RIO will undertake all reasonable, practical, and appropriate efforts to protect and restore the respondent's reputation, if that person or collective bargaining unit representative so requests.

Depending on the particular circumstances, the RIO will notify those individuals aware of or involved in the investigation of the final outcome, publicize the final outcome in forums in which the allegation of research misconduct was previously publicized, or expunge all reference to the research misconduct allegation from the respondent's personnel file. Any institutional actions to restore the respondent's reputation must first be approved by the Deciding Official.

Protection of the Complainant and Others: Regardless of whether the institution or a federal or non-federal agency determines that research misconduct occurred, the RIO will undertake all reasonable and practical efforts to protect and restore the position and reputation of any complainant who made allegations of research misconduct in good faith, witness, committee member, or others who cooperate in good faith with inquiries and investigations of such allegations, and to counter potential or actual retaliation against those individuals.

Upon completion of an investigation, the Deciding Official will determine, after consulting with the complainant, what steps, if any, are needed to restore the position or reputation of the complainant. The RIO is responsible for implementing any steps the Deciding Official approves. The RIO will also take appropriate steps during the inquiry and investigation to prevent any retaliation against the complainant.

Allegations Not Made in Good Faith: If relevant, the Deciding Official will determine whether the complainant's allegations of research misconduct were made in good faith. If an allegation was not made in good faith, the Deciding Official will determine whether any administrative action should be taken against the complainant.

Interim Administrative Actions: At any time during a research misconduct proceeding, appropriate interim actions will be taken to protect health, federal or other agency funds and equipment, and the integrity of the supported or non-supported research process.

The necessary actions will vary according to the circumstances of each case, but examples of actions that may be necessary include delaying the publication of research results, providing for closer supervision of one or more researchers, requiring approvals for actions relating to the research that did not previously require approval, auditing pertinent records, or taking steps to contact other institutions that may be affected by an allegation of research misconduct.

Record Retention

After completion of a case and all ensuing related actions, the RIO will prepare a complete file, including all relevant research records and records of the research misconduct proceeding, including results of all interviews and the transcripts or recordings of such interviews.

The RIO will keep the file for seven years after completion of the proceeding, or any federal agency proceeding, whichever is later, unless the custody of the records and evidence have been transferred to the appropriate federal agency or the appropriate federal agency has advised that the records no longer need to be retained. Authorized federal agency representatives will be given access to the records upon request.

President's Signature: _____ **Date:** _____

Responsible Officer's Signature: _____ **Date:** _____

Definitions:

- a) *Allegation* means any written or oral statement or other indication of possible research misconduct made to an institutional official.
- b) *Complainant* means a person who makes an allegation of research misconduct.
- c) *Conflict of interest* means the real or apparent interference of one person's interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.
- d) *Deciding Official* means the institutional official who makes final determinations on allegations of research misconduct and any responsive institutional actions. The Deciding Official is the President of Winona State University.
- e) *Federal agency support* means federal agency grants, contracts, or cooperative agreements or applications.
- f) *Good faith allegation* means an allegation made with the honest belief that research misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.
- g) *Inquiry* means gathering information and initial fact-finding to determine whether an allegation or apparent instance of research misconduct warrants an investigation.
- h) *Investigation* means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred, and, if so, to determine the responsible person and the seriousness of the misconduct.
- i) *Research Integrity Officer (RIO)* means the institutional official responsible for assessing allegations of research misconduct and determining when such allegations warrant inquiries and for overseeing inquiries and investigations. The RIO at Winona State University is the Vice President for Academic Affairs.
- j) *Research misconduct* is fabrication, falsification, or plagiarism in proposing or performing research, reviewing research proposals, or in reporting research results. Research Misconduct does not include honest error or differences of opinion.
- k) *Fabrication* is making up data or results and recording or reporting them.
- l) *Falsification* is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- m) *Plagiarism* is the appropriation of another person's ideas, processes, results or words without giving appropriate credit.
- n) *A finding of research misconduct* requires that:
 - There be a significant departure from accepted practices of the relevant research community;
 - The misconduct be committed intentionally, knowingly, or recklessly; and

- The allegation be proven by a preponderance of the evidence.
- o) *Research record* means any data, document, computer file, computer diskette, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of research misconduct. A research record includes, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.
- p) *Respondent* means the person against whom an allegation of research misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.
- q) *Retaliation* means any action that adversely affects the employment or other institutional status of an individual that is taken by an institution or an employee because the individual has in good faith, made an allegation of research misconduct or of inadequate institutional response thereto or has cooperated in good faith with an investigation of such allegation.

Authorizing Policy: WSU Policy 3.27: Policy on Dealing with Allegations of Research Misconduct

Related Documents

- a) Minnesota State System Procedure 1C.0.1 Employee Code of Conduct

Policy History

Date of Adoption: Click or tap to enter a date.

Date of Implementation: Click or tap to enter a date.

Date and Subject of Revisions:

WSU Regulation 3-22, dated October 1995, October 6, 2000, November 7, 2000, October 1, 2002

WSU Regulation 3-27, dated April 26, 2010