**Kutztown University Policy ACA-067**

# *Policy for Responding to Allegations of Research Misconduct*

## Table of Contents


**I. Introduction** ..... 2
- A. General Policy ..... 2
- B. Scope ..... 2
- C. Definitions ..... 3

**II. General Policies and Principles** ..... 5
- A. Responsibility to Report Misconduct ..... 5
- B. Cooperation with Research Misconduct Proceedings ..... 5
- C. Confidentiality ..... 6
- D. Protecting Complainants, Witnesses, and Committee Members ..... 6
- E. Interim Administrative Actions and Notification of Special Circumstances ..... 7
- F. In Case of Resignation of the Respondent ..... 7
- G. Process and Timeline ..... 7

**III. Filing Complaints of Research Misconduct** ..... 8

**IV. Conducting the Assessment and Inquiry** ..... 8
- A. Initiation and Purpose of the Inquiry ..... 9
- B. Inquiry Process and Inquiry Report ..... 9
- C. Inquiry Decision and Notification ..... 10
- D. Time for Completion of Inquiry ..... 10

**V. Conducting the Investigation** ..... 10
- A. Initiation and Purpose of the Investigation ..... 10
- B. Notifying the Grantor and Respondent; Sequestration of Research Records ..... 10
- C. Appointment of the Investigation Committee ..... 11
- D. Investigation Process ..... 11
- E. Elements of the Investigation Report ..... 12
- F. Comments on the Draft Report and Access to Evidence ..... 13
- G. Decision by Deciding Official ..... 13
- H. Time for Completion of Investigation ..... 13

**VI. Completion of Cases** ..... 14

# POLICY FOR RESPONDING TO ALLEGATIONS OF RESEARCH MISCONDUCT

## I. Introduction

### A. General Policy

The purpose of this policy is to provide the members of this academic community with a framework for reporting suspected incidents of misconduct, as well as investigating and adjudicating cases of misconduct in a fair, prompt, and consistent manner. The policy is intended to promote the principles of professional integrity, to prevent research misconduct, and to ensure that instances of misconduct are discovered, investigated, and censured as necessary.

It is also intended that any such action be in accordance with applicable federal and state law as well as the Collective Bargaining Agreement (CBA) between the Association of Pennsylvania State College and University Faculties (APSCUF), or any other applicable CBA, and the Pennsylvania State System of Higher Education (PASSHE). In the event of a conflict between this policy and federal and state law, federal and state law shall control. In the event that there is a conflict between these policies and an applicable CBA, the CBA will take precedence, provided that it does not conflict with federal or state law.

### B. Scope

This policy is intended to carry out this institution's responsibilities for all research including, but not limited to, federal, state, local and private grant opportunities. This policy applies to allegations of research misconduct (fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results) involving:

i. A person who, at the time of the alleged research misconduct, was employed by, was an agent of, or was affiliated by contract or agreement, or as a student with Kutztown University. This includes faculty, administrators, staff, graduate students, and undergraduate students. It applies to all individuals engaged in the research enterprise.

ii. This includes any research proposed, performed, reviewed, or reported, or any research record generated from that research, regardless of whether an application or proposal for funds resulted in a grant, contract, cooperative agreement, or other form of support.

iii. This policy and the associated procedures do not apply to authorship or collaboration disputes and apply only to allegations of research misconduct.

They are not intended to address issues such as the conduct of students in fulfilling course requirements.

## II. Definitions

***Allegation*** means a disclosure of possible research misconduct through any means of communication. The disclosure may be by written or oral statement or other communication to an institutional or grantor official.

***Collective Bargaining Agreement*** means the agreement between the Association of Pennsylvania College and University Faculties (APSCUF) and the Pennsylvania State System of Higher Education (PASSHE) or any other applicable CBA covering PASSHE employees.

***Complainant*** means a person who in good faith makes an allegation of research misconduct.

***Deciding Official* (DO)** means the institutional official who makes final determinations on allegations of research misconduct and any institutional administrative actions. At Kutztown University, the Deciding Official will be the President or the President's Designee for all employees (as specified in the appropriate CBA). The DO for students will be as specified in the Student Code of Conduct. At no times will this be the Research Integrity Officer.

***Disciplinary Action*** against an individual found guilty of misconduct is at the discretion of the Deciding Official (DO). Disciplinary Action sanctions may include discipline, as specified in the appropriate CBA, including but not limited to (1) counseling, (2) placement of a record of reprimand in the individual's personnel file, (3) termination, (4) notification of criminal authorities, and (5) disclosure of the investigation outcome to funding agencies, journal editors, professional societies, licensing boards, potential employers and others who request references.

***Evidence*** means any document, tangible item, or testimony offered or obtained during a research misconduct proceeding that tends to prove or disprove the existence of an alleged fact. Examples of evidence include data reports, proposal documents, and correspondence.

***Good faith,*** as applied to a complainant or witness, means having a belief in the truth of one's allegation or testimony that a reasonable person in the complainant's or witness's position could have based on the information known to the complainant or witness at the time. An allegation or cooperation with a research misconduct proceeding is not in good faith if it is made with knowing or reckless disregard for information that would negate the allegation or testimony. Good faith as applied to a committee member means cooperating with the purpose of helping an institution meet its responsibilities under any federal or state law or contractual obligation. A committee member does not act in good faith if his/her acts or omissions on the committee are dishonest or influenced by

personal, professional, or financial conflicts of interest with those involved in the research misconduct proceeding.

***Grantor*** means a person, entity, or governmental unit that is supplying the funds, goods or services in support of the research conducted pursuant to this policy.

***Inquiry*** means preliminary information-gathering and preliminary fact-finding to determine whether an allegation of an apparent instance of misconduct in research warrants an investigation.

***Institutional Counsel*** means the University Legal Counsel who represents the institution and who is responsible for advising the Research Integrity Officer and the Deciding Official on relevant legal issues. The Institutional Counsel does not represent the respondent, an informant or any other person participating during the inquiry, investigation or any follow-up action, except the institutional officials responsible as part of their official duties.

***Institutional member*** means a person who is employed by, is an agent of, or is affiliated by contract or agreement with Kutztown University. Institutional members may include, but are not limited to, officials, faculty, support staff, researchers, students, volunteers, agents, and contractors.

***Investigation*** means the formal development of a factual record and the examination of that record leading to a decision.

***Preponderance of the evidence*** means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

***Research Integrity Officer*** **(RIO)** means the Kutztown University official responsible for: (1) assessing allegations of research misconduct; and (2) overseeing inquiries and investigations. The Vice President for Academic and Student Affairs, or his/her designee, will be the RIO who will have primary responsibility for implementation of the institution's policies and procedures on research misconduct.

***Research misconduct*** means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. *Fabrication* is making up data or results and recording or reporting them. *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. *Plagiarism is* the appropriation of another person's ideas, processes, results, or words without giving appropriate credit. Research misconduct may include other practices that seriously deviate from those that are commonly accepted within the scholarly community for proposing, conducting, or reporting research.

***Research misconduct proceeding*** means any actions related to alleged research misconduct including, but not limited to, allegation assessments, inquiries, and investigations.

***Research record*** means the record of data or results that embodies the facts resulting from research inquiry, including but not limited to, data, document, computer file or any other account that may provide evidence or information regarding the research that constitutes the subject of an allegation. Examples of research record contents include grant applications, journal articles, research notes, manuscripts, equipment use logs, and consent forms.

***Respondent*** means the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding. There can be more than one respondent in any inquiry or investigation.

***Retaliation*** means an adverse action that affects the employment or other status of an individual because the individual has, in good faith, made an allegation of violations of research misconduct or of an inadequate institutional response thereto, or has cooperated in good faith with an investigation of such allegation including, but not limited to, being a witness or committee member.

## III. General Policies and Principles

### A. Responsibility to Report Misconduct

Every member of the Kutztown community has the responsibility of reporting misconduct in scholarly research. All institutional members are to report observed, suspected, or apparent research misconduct to the RIO.

It is generally recognized in academia that an accusation of misconduct in scholarship and/or research is among the most serious charges that can be leveled against a scholar/researcher. Consequently, it is highly advised that any individual contemplating such an accusation fully consider the gravity of the accusation and its consequences, and make every reasonable effort to avoid lodging charges that lack a substantial element of truth.

No person raising good faith allegations of misconduct will suffer any penalty. However, frivolous, mischievous or malicious misrepresentation in alleging misconduct will not be tolerated, and may result in action against the perpetrator.

### B. Cooperation with Research Misconduct Proceedings

Institutional members will cooperate with the RIO and other institutional officials in the review of allegations and the conduct of inquiries and investigations. Institutional members, including respondents, have an obligation to provide evidence relevant to research misconduct allegations to the RIO or other

institutional officials. This process shall be in accordance with any and all applicable Collective Bargaining Agreements. Bargaining unit members have the right to union representation at any meeting that he or she reasonable believes could lead to discipline.

The involvement of faculty and staff in inquiries or investigations is considered part of their employment duties and responsibilities for purposes of liability.

C. Confidentiality

Inquiries and investigations will be conducted in a manner that will ensure fair treatment to the respondent and confidentiality to the extent possible without compromising public health and safety or thoroughly carrying out the inquiry or investigation.

The RIO shall limit disclosure of the identity of respondents and complainants, and limit disclosure of any records or evidence, to those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding. The RIO should use written confidentiality agreements or other mechanisms to ensure that the recipient does not make any further disclosure of identifying information.

The respondent, complainant, and others consulted during an investigation are all responsible for maintaining confidentiality and cooperating with the conduct of an inquiry and investigation. The respondent shall have access to information obtained during the investigation in order to prepare a defense.

D. Protecting Complainants, Witnesses, and Committee Members

Institutional members may not retaliate in any way against complainants, witnesses, or committee members. Institutional members should immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the RIO, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation. Disciplinary action can be taken if retaliation occurs.

As requested and as appropriate, the RIO and other institutional officials shall make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in research misconduct, but against whom no finding of research misconduct is made.

During the research misconduct proceeding and upon its completion, regardless of whether the institution determines that research misconduct occurred, the RIO will undertake all reasonable and practical efforts to protect the position and reputation of, or to counter potential or actual retaliation against, any complainant who made allegations of research misconduct in good faith and of any witnesses

and committee members who cooperate in good faith with the research misconduct proceeding.

If relevant, the DO will determine whether the complainant's allegations of research misconduct were made in good faith, or whether a witness or committee member acted in good faith. If the DO determines there was an absence of good faith he/she will determine whether any administrative action should be taken against the person who failed to act in good faith.

E. Interim Administrative Actions and Notification of Special Circumstances

Throughout the research misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to public health; human or animal subjects; federal, state or private funds and equipment; or the integrity of the supported research process. Likewise, the RIO will monitor the situation to ensure that there is no indication of possible violations to the law or that the proceeding may be made public prematurely, and that the rights and interests of those involved are safeguarded. For example, if students are involved in the research project, the RIO must minimize any potential harm to those students. In the event of a threat, the RIO will, in consultation with other institutional officials and Grantor, pursuant to legal or contractual requirements, take appropriate interim action to protect against any such threat consistent with applicable laws, university policy, and the CBA. Interim action might include, but not be limited to, additional monitoring of the research process, reassignment of personnel, additional review of research data and results, or delaying publication.

F. In the Event of Resignation of the Respondent

If the respondent, without admitting to the misconduct, elects to resign his or her position after the institution receives an allegation of research misconduct, the assessment of the allegation will proceed, as well as the inquiry and investigation, as appropriate, based on the outcome of the preceding steps. If the respondent refuses to participate in the process after resignation, the RIO and any inquiry or investigation committee will use their best efforts to reach a conclusion concerning the allegations, noting in the report the respondent's failure to cooperate and its effect on the evidence.

G. Process and Timeline

Once an accusation of research misconduct has been made and assessed, the University will take no more than twenty (20) days to conduct a preliminary inquiry (unless the RIO determines that a longer period is warranted) and to determine whether a more complete investigation is warranted. If an investigation is to be undertaken, it will begin within thirty (30) days of the conclusion of the inquiry and conclude within sixty (60) days of its beginning. The institution will then take a maximum of thirty (30) days to finalize the report and make a decision on the disposition of the case. The RIO is responsible for keeping the DO and

others who need to know apprised of the progress of the review of the allegation of research misconduct.

## IV. Filing Allegations of Research Misconduct

Individuals who believe that misconduct may have been committed are asked to schedule an appointment with the RIO to discuss the matter. A written complaint is not required.

If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may meet with or contact the RIO to discuss the suspected research misconduct informally, which may include discussing it anonymously and/or hypothetically. 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, if any.

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

Based on the conversation with the complainant, the RIO will prepare an initial report of alleged misconduct. The accuracy of this report must be attested to by a statement signed by the complainant. The respondent is then notified that a complaint has been lodged, notified of the nature of the complaint, and told the procedures to be followed. This process will be consistent with any and all applicable CBAs.

## V. Conducting the Assessment and Inquiry

### A. Initiation and Purpose of the Inquiry

Upon receiving an allegation of research misconduct, the RIO will immediately assess the allegation to determine whether it is sufficiently credible and specific so that potential evidence of research misconduct may be identified. If the RIO determines that the criteria for an inquiry are met, he or she will initiate an inquiry process. This inquiry process is relatively informal, discrete, and timely.

An inquiry does not require a full review of all the evidence related to the allegation. The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to conduct an investigation. The purpose of the inquiry is to separate unfounded allegations from those of a more substantive nature -- not to reach a final conclusion about whether misconduct occurred or who was responsible. The RIO conducts the inquiry in order to make a recommendation to the DO of whether an investigation may be warranted. The

DO reserves the right to make a final decision and/or determine any appropriate discipline.

B. Inquiry Process and Inquiry Report

At the time of or before beginning an inquiry, the RIO must make a good faith effort to notify the respondent in writing of the allegations. The RIO is responsible for ensuring that respondents receive all the applicable policies and procedures of the institution.

The RIO must take all reasonable and practical steps to obtain all the research records and evidence needed to conduct the research investigation, to inventory the records, and to sequester them in a secure manner. The obtaining and sequestration of records shall begin at the time notice of the inquiry is provided to the respondent. Every effort is to be made to safeguard confidentiality, individual reputations, the integrity of the research and to protect the respondent's intellectual property. In the conduct of this inquiry, the RIO may consult, on an ad hoc basis, with institutional members of his/her choice who may have expertise in the area of research being investigated or who may have expertise in the area of research methodology. When appropriate, the RIO may give copies of the records to the respondent or provide the respondent supervised access to the records. When appropriate, the RIO may also provide copies of the records, subject to the inquiry, to other researchers who may be continuing to work on the project.

The RIO will normally interview the complainant, the respondent, and key witnesses as well as examining relevant research records and materials. Respondents may consult with an Union Representative to seek advice and may bring an Union Representative to interviews or meetings pertaining to the inquiry. As a matter of good practice, the complainant, respondent, and key witnesses should be provided a summary of the interview for correction, addition or deletion. The RIO will then evaluate the evidence and decide whether an investigation is warranted.

The RIO shall notify the respondent whether the inquiry found an investigation to be warranted, including a copy of the draft inquiry report for comment within five (5) days of completion. A confidentiality agreement should be a condition for access to the report. However, the respondent may contact witnesses in order to prepare a defense.

A written inquiry report must be prepared that includes the following information: (1) the name and position of the respondent; (2) a description of the allegations of research misconduct; (3) a list of the research records reviewed and summaries of any interviews; (4) the basis for recommending or not recommending that the allegations warrant an investigation; (5) any comments on the draft report by the respondent or complainant. Institutional Counsel should review the report for legal sufficiency before the report is considered final.

The respondent should be given the opportunity to admit that research misconduct occurred and that he/she committed the research misconduct. With the advice of the RIO and institutional legal counsel, the DO may terminate the institution's review of an allegation that has been admitted if the institution's acceptance of the admission and any proposed settlement is approved by the Grantor.

C. Inquiry Decision and Notification

The RIO will transmit the final inquiry report and any comments to the DO, who will determine in writing whether an investigation is warranted. The inquiry is completed when the DO makes this determination.

Within five (5) calendar days of the DO's decision that an investigation is warranted, the RIO will provide the Grantor, if required by law or contract, with the DO's written decision and a copy of the inquiry report. The RIO will also notify those institutional officials who need to know of the DO's decision.

If the DO decides that an investigation is not warranted, the RIO shall secure and maintain for seven (7) years after the termination of the inquiry sufficiently detailed documentation of the inquiry to permit a later assessment by sponsoring agencies having a legitimate interest in it. No documentation of the inquiry, unless the respondent so requests, shall be made or kept in the respondent's personnel file. Nor shall any information or mention of the investigation, inquiry or report be used in any way in any evaluation.

The RIO will notify the respondent of the outcome of the inquiry, and provide the respondent with a copy of the inquiry report. The RIO will also notify the complainant of the outcome of the inquiry.

D. Time for Completion of Inquiry

The inquiry, including preparation of the final inquiry report and the decision of the DO on whether an investigation is warranted, should be completed within twenty (20) calendar days of initiation of the inquiry, unless the RIO determines that circumstances clearly warrant a longer period. If the RIO determines that circumstances clearly warrant a longer period, the inquiry shall be concluded within a reasonable period of time. The respondent will be notified of any extension.

## V. Conducting the Investigation

A. Initiation and Purpose of Investigation

The investigation shall be conducted and concluded within a reasonable period of time. Absent unusual circumstances, the investigation must begin within thirty (30) calendar days after the determination by the DO that an investigation is warranted. The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to recommended findings on whether research misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible research misconduct that would justify broadening the scope beyond the initial allegations. If the scope of the investigation is broadened, the respondent shall be notified, subject to the terms of the appropriate CBA.

B. Notifying the Grantor and Respondent; Sequestration of Research Records

On or before the date on which the investigation begins, the RIO must: (1) notify the Grantor, if required by law or contract, of the decision to begin the investigation; and (2) notify the respondent in writing of the allegations to be investigated.

Prior to notifying the respondent of the allegations, the RIO will take all reasonable and practical steps to obtain custody of, and sequester in a secure manner, all research records and evidence needed to conduct the research misconduct proceeding.

C. Appointment of the Investigation Committee

The RIO, in consultation with other institutional officials as appropriate will appoint an investigation committee and the committee chair within five (5) days of the beginning of the investigation or as soon thereafter as practical. The investigation committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation. The investigation committee should include individuals with the appropriate scientific expertise to evaluate the evidence and issues related to the allegation, interview the respondent and complainant, and conduct the investigation. Generally the investigation committee will consist of three to five individuals; usually an appropriate dean is among the members. When necessary to secure the necessary expertise or to avoid conflicts of interest, the RIO may select committee members from outside the institution. All members of the Investigation Committee will be required to maintain the confidentiality of the investigation.

The RIO will define the subject matter of the investigation in a written charge to the committee that informs the committee that, in order to determine that the respondent committed research misconduct, it must find that a preponderance of the evidence establishes that: (1) research misconduct, as defined in this policy, occurred; (2) the research misconduct is a significant departure from accepted

practices of the relevant research community; and (3) the respondent committed the research misconduct intentionally, knowingly, or recklessly. The charge must inform the committee that it must prepare or direct the preparation of a written investigation report that meets the requirements of this policy.

D. Investigation Process

The investigation committee and the RIO must:

i. 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 recommendation on the merits of each allegation;

ii. take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;

iii. interview each respondent, complainant, and any other available person who has been identified as having information regarding relevant aspects of the investigation, including witnesses identified by the respondent;

iv. record or transcribe each interview, provide a written summary to the interviewee for correction, and include the written summary in the record of the investigation; and

v. pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible research misconduct, and continue the investigation to completion.

Respondents may consult with their Union Representative to seek advice and may bring their Union Representative to interviews or meetings pertaining to the investigation.

E. Elements of the Investigation Report

The investigation committee and the RIO are responsible for preparing a written draft report of the investigation that:

i. Describes the nature of the allegation of research misconduct, including identification of the respondent;

ii. Describes the specific allegations of research misconduct considered in the investigation;

iii. Includes the institutional policies and procedures under which the investigation was conducted;

iv. Identifies and summarizes the research records and evidence reviewed and identifies any evidence taken into custody but not reviewed; and

v. Includes a statement of findings for each allegation of research misconduct identified during the investigation. Each statement of findings must: (1) identify whether the research misconduct was falsification, fabrication, plagiarism, etc., and whether it was committed intentionally, knowingly, or recklessly; (2) 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 respondent to establish by a preponderance of the evidence that he or she did not engage in research misconduct because of honest error or a difference of opinion; (3) provide an assessment of the seriousness of the offence(s), if misconduct is found, including adverse effects resulting from the misconduct; (4) identify specific Grantor support; (5) identify whether any publications need correction or retraction; (6) identify the person(s) responsible for the misconduct; and (7) list any current support or known applications or proposals for support that the respondent has pending.

G. Comments on the Draft Report and Access to Evidence

The RIO must give the respondent a copy of the draft investigation report for comment and, concurrently, a copy of, or supervised access to, the evidence on which the report is based. The respondent will be allowed fifteen (15) business days from the date he/she received the draft report to submit comments to the RIO. The respondent's comments must be included and addressed in the final report. In distributing the draft report, or portions thereof, to the respondent, 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 require that the recipient sign a confidentiality agreement. The respondent is allowed to prepare a defense including sharing the report with union representatives.

H. Decision by Deciding Official

The RIO will assist the investigation committee in finalizing the draft investigation report, and transmit the final investigation report to the DO.

The DO will, after consulting with the RIO and other appropriate officials, meet with the respondent in order to hear his or her response to the report. The DO will then decide (1) whether the institution accepts the investigation report and its findings, and (2) the appropriate institutional actions in response to the accepted findings of research misconduct. The DO will submit final determinations in

writing. If this determination varies from the findings of the investigation committee, the DO will, as part of his/her written determination, explain the basis for rendering a decision different from the findings of the investigation committee. Alternatively, the DO may return the report to the investigation committee with a request for further fact-finding or analysis.

When a final decision on the case has been reached, the RIO will notify both the respondent and the complainant in writing. The complainant will only be entitled to know whether or not the allegation of misconduct was founded.

The DO shall ensure that the final investigation report, the findings of the DO and a description of any pending or completed administrative action are provided to the Grantor, if required by law or contract. The DO will then 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 is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

The final investigation report will be treated as an internal campus document consistent with other types of investigations related to personnel.

I. Time for Completion of Investigation

The investigation is to be completed within sixty (60) days of beginning it. The institution will then take a maximum of thirty (30) days to get comments on the draft report, finalize the report, make a decision on the disposition of the case, and send the final report to the Grantor if required by law or contract.

## VII. Completion of Cases

When a finding of research misconduct has been recommended by the Committee, potential disciplinary action may be taken in accordance with the applicable CBA or the Student Code of Conduct policy.

The RIO is responsible for maintaining records of the research misconduct proceeding in a secure manner for seven (7) years after completion of the proceeding. If there is no finding of research misconduct, the report and any material or references to the investigation or accusation shall not be placed in the respondent's personnel file, unless the respondent so requests, nor shall any information or mention of the investigation, inquiry or report be used in any way in any evaluation. The RIO will also insure that administrative actions taken by the institution are enforced and take appropriate action to notify other involved parties, such as sponsors, law enforcement agencies, professional societies, and licensing boards of those actions.

Generally, all inquiries and investigations will be carried through to completion and all significant issues will be pursued diligently. The RIO must notify any grantor, if required to by law or contract, in advance if there are plans to close a case at the inquiry, investigation, or appeal stage on the basis that respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except: (1) closing of a case at the inquiry stage on the basis that an investigation is not warranted; or (2) a finding of no misconduct at the investigation stage, which must be reported to any grantor if required to by law or contract, as prescribed in this policy.

## VIII. Endorsed by:

Administrative Council, April 17, 2009
APSCUF Representative Council, October 1, 2009
University Senate, November 5, 2009

## IX. Effective Date:

November 5, 2009

## X. Approved by:

President F. Javier Cevallos

## XI. Last Review

December 1, 2009
August, 2010
August, 2011
August, 2012
August, 2013