

These procedures outline the steps the Vermont State Colleges System will take to respond to allegations or evidence of research misconduct. The following procedures are adopted pursuant to Vermont State Colleges Policy 435, \_\_\_\_\_, and are meant to comply with the requirements of the Public Health Service (PHS) Policies on Research Misconduct, [CFR Title I, Subchapter H, Part 93](#).

The procedures apply to allegations of research misconduct involving 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 with a VSC institution.

These definitions, as established by 42 CFR § 93.103, apply to these procedures:

a written or oral statement of possible research misconduct.

is the individual(s) who brings forward an allegation of research misconduct.

means making up data or results and recording or reporting them.

means manipulating research data in a manner that warrants an investigation.

al examination and ev-123Iwithout giving appropriate credit.

is the institutional official, appointed by the chief academic officer



need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; and

2. Except as otherwise prescribed by law, limiting the disclosure of any records or evidence from which research subjects might be identified to those who need to know in or order to carry out a research misconduct proceeding.

D. Protecting the 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 Research Integrity Officer. The Research Integrity Officer, or designee, shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.

E. Protecting the Respondent

As requested and as appropriate, the Research Integrity Officer, or designee, 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, the Research Integrity Officer is responsible for ensuring that respondents receive all the notices and opportunities provided for 25 (a)-6 (l)-2 unit

#### G. Notice to Respondent and Sequestration of Research Records

After the determination has been made that an investigation is warranted, the Research Integrity Officer, or designee, must make a good faith effort to notify the respondent in writing. If the inquiry subsequently identifies additional respondents, they must be notified in writing.

On or before the date on which the respondent is notified, or the inquiry begins, whichever is earlier, the Research Integrity Officer, or designee, must take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence, and sequester them in a secure manner. When 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.

#### H. Appointment of the Inquiry Committee

The Research Integrity Officer, or designee, in consultation with other Institutional officials as appropriate, will appoint an inquiry committee and committee chair as soon after the initiation of the inquiry as is practical. The inquiry committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry and should include individuals with the appropriate scientific expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry.

#### I. Inquiry Process

The Research Integrity Officer, or designee, will prepare a charge for the inquiry committee that:

1. Sets forth the time for completion of the inquiry;
2. Describes the allegations and any related issues identified during the allegation assessment;
3. States that the purpose of the inquiry is to conduct an initial review of the evidence, including the testimony of the respondent, complainant and key witnesses, to determine whether an investigation is warranted, not to determine whether research misconduct definitely occurred or who was responsible;
4. States that an investigation is warranted if the committee determines: (a) there is a

reasonable basis for concluding that the allegation falls within the definition of research misconduct and is within the jurisdictional criteria of 42 CFR § 93.102(b); and, (b) the allegation may have substance, based on the committee's review during the inquiry.

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cognizant funding agency of the reasons why an investigation was not conducted. These documents must be provided to funding agency personnel upon request.

#### M. Investigation Process

Upon receipt of the final Inquiry Report, the Research Integrity Officer, or designee, will appoint at least three members of University or College staff or tenured faculty at any College to an Investigation Committee to conduct the Investigation. A majority of the members of the Investigation Committee will be tenured faculty actively involved in research in the same field as the Respondent or a related field, and a majority of the members of the Investigation Committee will be tenured faculty members at colleges other than the Respondent's College. In addition, no staff member of the Respondent's College may serve on the Investigation Committee. The Investigation will begin within 30 calendar days after the President, Chancellor, or other designated Deciding Official. The Investigation Committee will give the Respondent written notice of any new Allegations of Research Misconduct not addressed during the Inquiry or in the initial notice of the Investigation within a reasonable amount of time after a determination to pursue any such new Allegations.

The investigation committee and the Research Integrity Officer, or designee, must:

1. Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of each allegation;
2. Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
3. Interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of

or to the cognizant funding agency (for other research). If the investigation will not be completed within this 120-day period, the

On a case-by-case basis, the complainant may receive a copy of the draft investigation report, or relevant portions of it, for comment. The complainant's comments must be submitted within 15 days of receiving the draft report. The comments must be included and considered in the final report.

In distributing the draft report, or portions thereof, to the respondent and complainant the Research Integrity Officer, or designee, will inform them of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality. For example, the Research Integrity Officer may require that the recipient sign a confidentiality agreement or go to the Research Integrity Officer's office to review the report.

The Research Integrity Officer, or designee, will assist the investigation committee in finalizing the draft investigation report, including ensuring that the respondent's and complainant's comments are included and considered. The Research Integrity Officer, or designee, will also provide a draft of the report to the VSC Legal Counsel for review.

O. Decision by Deciding Official

The Research Integrity Officer, or designee, will transmit the final investigation report to the Deciding Official who will determine in writing: (a) whether the institution accepts the investigation report, its findings, and the recommended institutional actions; and (b) the appropriate institutional actions in response to the accepted findings of research misconduct. If this determination varies from the findings of the investigation committee, the Deciding Official will, as part of the written determination, explain in detail the basis for rendering a decision different from the findings of the investigation committee. Alternatively, the Deciding Official may return the report to the investigation committee with a request for further fact-finding or analysis.

When a final decision on the case has been reached, the Research Integrity Officer, or designee, will notify both the respondent and the complainant in writing. The Deciding Official will determine whether law enforce(t)-5 (h)-3 (g)-



appeal to the Chancellor (or the Chancellor's designee), with a copy to the Research Integrity Officer. The complainant may request to meet with the Chancellor. Both parties will be notified, simultaneously and in writing, of (1) any change to the institutional action imposed while the appeal is pending, and (2) the final decision, to the extent permitted by law. A copy of the notification will be sent to the Research Integrity Officer and to the VSC's general counsel.

Q. Notifying Cognizant Federal Agency

Unless an extension has been granted, the Research Integrity Officer must, within the 120-



