

**POLICY ON RESPONSIBLE CONDUCT OF RESEARCH  
PROCEDURES FOR RESPONDING TO ALLEGATIONS OF RESEARCH MISCONDUCT**

and procedures on scientific misconduct in place to both uncover acts of research fraud and examine allegations of misconduct in the conduct of research. The University adopts the following policies and procedures regarding the responsible conduct of research in all fields throughout the University.

The University has established a procedure to review allegations of research misconduct. The principles associated with Binghamton's policy and procedures are as follows:

- The University shall treat all parties with justice and fairness and shall be sensitive to each person's reputation and responsibilities.
- Procedures shall preserve the highest attainable degree of confidentiality compatible with an effective investigation response.
- Procedures shall be as expeditious as possible in leading to the resolution of the charges in a timely manner.
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- A formal finding on the allegation; and
- Appropriate administrative action on the matter.

### 3. DEFINITIONS

**Allegation:** A disclosure of possible Research Misconduct through any means of communication. The disclosure may be by written or oral statement or other communications to the University Research Foundation or

**Preponderance of the evidence:** 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:** A systematic experiment, study, evaluation, demonstration or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research) relating broadly to a particular discipline or subject by establishing, discovering, developing, elucidating or confirming information about the discipline or subject of the research.

**Research Integrity Officer (RIO):** The RIO is responsible for: (1) assessing Allegations of Research Misconduct to determine if they fall within the definition of Research Misconduct, are covered by federal regulations, and warrant an Inquiry on the basis that the Allegation is sufficiently credible and specific so that potential evidence of Research Misconduct may be identified; and (2) overseeing Inquiries and Investigations; and (3) the other responsibilities described in this policy. The RIO is the Assistant Vice President for Research Compliance.

**Research Misconduct:** Fabrication, falsification, or plagiarism or other practices in the conduct of research, scholarly, or creative activity that seriously deviate from those that are commonly accepted within the academic community for proposing, performing, or reviewing research, or in reporting research results. Misconduct in research does not include honest error or differences of opinion.

**Research record:** The record of data or results that embody the facts resulting from scientific or scholarly inquiry, including but not limited to research proposals, laboratory records, both physical and electronic progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and any documents and materials provided to a federal agency or University official by a Respondent(s) in the course of the Research Misconduct proceeding.

**Respondent(s):** 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:** An adverse action taken against a Complainant or witness in response to: (1) a good faith Allegation of Research Misconduct; or (2) (n)2.6 (o)4.2 3odosc3 ( )2.2 (c)-ue pf R(it)-3 (n)2.2.3 ( Mag)2.6 ((e)-13 ( t)







prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a Research Misconduct Investigation.

#### **5.4. Protecting Complainants, Witnesses, and Committee Members**

University employees may not retaliate in any way against Complainants, witnesses, or committee members. University employees may not retaliate in any way against Complainants, witnesses, or committee members.





**6.4. Appointment of Inquiry Committee**

The RIO shall submit the Allegation along with all evidence that may exist, any written rebuttal from the Respondent, and any other pertinent documentation to an Inquiry Committee. This ad hoc committee shall be comprised of a member of the Advisory Committee for Scholarship and Research of the Graduate Council, and one to two faculty and/or subject matter experts within or outside the University that hold the necessary expertise to conduct the review. The RIO shall appoint the committee within ten (10) calendar days of assessment completion and provide necessary staff support.

**6.5. Charge to the Committee**

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evidence, including the testimony obtained during the Inquiry. After consultation with the RIO, the committee will decide whether an Investigation is warranted based on the criteria in this policy and in any applicable federal or other applicable regulations (42 CFR 93.307(d)). The scope of the Inquiry is not required to and does not normally include deciding whether misconduct definitely occurred, determining definitely who committed the Research Misconduct or conducting exhaustive interviews and analyses. However, if a legally sufficient admission of Research Misconduct is made by the Respondent(s), misconduct may be determined at the Inquiry stage if all relevant issues are resolved. In that case, the University shall promptly consult with the ORI or appropriate federal regulatory agency to determine the next steps that should be taken. If a non-federal sponsor is involved without federal funds, the RIO will consult with appropriate University officials to determine the next steps.

### **6.7. Time for Completion**

The Inquiry Committee shall make a written recommendation to the VPR on whether a formal Investigation is warranted. The Inquiry, including preparation of the final Inquiry report and the decision of the VPR on whether an Investigation is warranted, must be completed within sixty (60) calendar days of initiation of the Inquiry. The RIO is responsible for ensuring all stages of the Inquiry are met in a timely manner. If the RIO determines that circumstances clearly warrant a longer period and the VPR approves an extension, the Inquiry record must include documentation of the reasons for exceeding the 60-day period. The Respondent(s) and all witnesses shall cooperate by timely response to requests for documents and/or information from the Inquiry Committee.

## **7. INQUIRY REPORT**

### **7.1. Elements of the Inquiry Report**

A written Inquiry report shall be prepared that includes the following information: (1) the name and position of the Respondent(s); (2) a description of the Allegations of Research Misconduct; (3) the funding support, if any (incl. grant numbers, grant applications, contracts and publications listing specific financial support); (4) the names and titles of the committee members who conducted the Inquiry; (5) a summary of the Inquiry process used; (6) a list of research records reviewed; (7) summaries of any interviews; (8) the basis for recommending or not recommending that the Allegations warrant an Investigation; (9) any comments on the draft report by the Respondent(s) or Complainant and (10) whether the report is for legal use only. No investigation should be made as a part of private University Counsel should the RIO and the Inquiry Committee.

### **7.2. Notification to the Respondent(s) and Opportunity to Comment**

The RIO will provide the Respondent with a copy of the draft Inquiry report for comment and rebuttal and will provide the Complainant, if he or she is identifiable, a summary of the Inquiry findings for Respondent. Within seven (7) calendar days, if any, to the RIO of the draft report, the RIO will provide the Respondent and/or Complainant with the report forwarded to the Inquiry Committee by the RIO. The report is appropriate. The committee will deliver the final report to the VPR.





committed Research Misconduct it must find that a preponderance of the evidence establishes that: (1) Research Misconduct, as defined in this policy, occurred (Respondent(s) has the burden of proving by a preponderance of the evidence any affirmative defenses raised, including honest error or a difference of opinion); (2) the Research Misconduct is a significant departure from



date he/she received the draft report to submit comments to the RIO. The Respondent(s)'s comments shall be attached and considered in the final report.

- 9.2.2. In distributing the draft report, or portions thereof, to the Respondent(s), the RIO shall inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality. The RIO may require that the recipient sign a confidentiality agreement.

### **9.3. Decision by the Deciding Official**

The RIO shall assist the Investigation Committee in finalizing the Investigation Report, and transmit the final Investigation Report to the VPR, who shall determine in writing: (1) whether the University accepts the Investigation Report and its findings; and (2) the appropriate University actions in response to the accepted findings of Research Misconduct. If this determination varies from the findings of the Investigation Committee, the VPR shall, as part of his/her written determination, explain in detail the basis for rendering a decision different from the findings of the Investigation Committee. Alternatively, the VPR may return the report to the Investigation Committee with a request for further fact-finding or

request “records of Research Misconduct proceedings” as that term is defined by 42 CFR 93.317 or any subsequent regulations. Unless custody has been transferred to HHS or ORI has advised in writing that the records no longer need to be retained, records of Research Misconduct proceedings must be maintained in a secure manner for seven (7) years after completion of the proceeding or the completion of any PHS proceeding involving the Research Misconduct Allegation. The RIO is also responsible for providing any information, documentation, research records, evidence or clarification requested by ORI to carry out its review of an Allegation of Research Misconduct or of the University’s handling of such an Allegation.

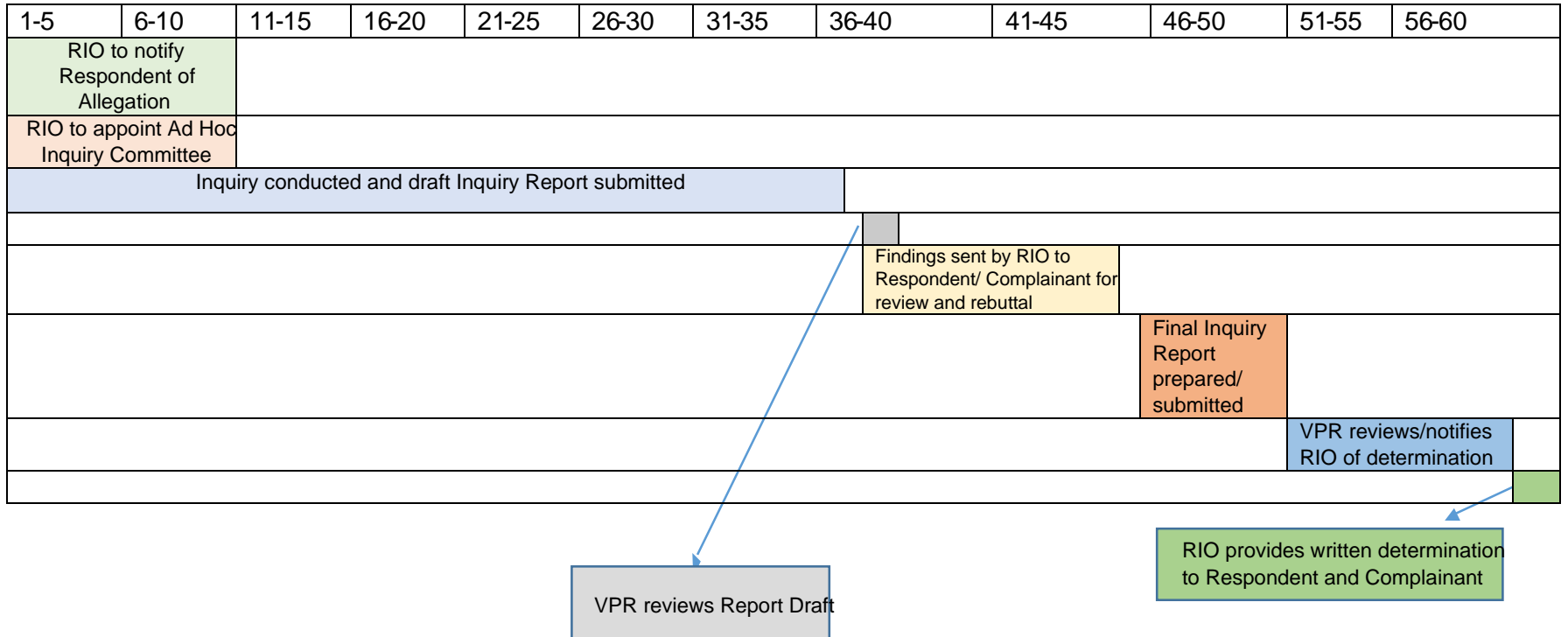
## **10. COMPLETION OF CASES; REPORTING OF CASE CLOSURES**







Inquiry Timeline from Initiation  
Days



Note: Within five (5) work days of receipt of an Allegation, the RIO will conduct an assessment of the Allegation to determine if an Inquiry is warranted.

