

**Carnegie Mellon University**  
**Guidelines for Responding to Allegations of Research Misconduct**

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## I. Introduction

### A. General Guidelines

Carnegie Mellon University (CMU) is responsible for the integrity of research conducted at the university. As a community of scholars, in which truth and integrity are fundamental, the university must establish procedures for the investigation of allegations of research misconduct with due care to protect the rights of those accused, those making the allegations, and Carnegie Mellon University. Furthermore, federal regulations require the university to have explicit procedures for addressing situations in which there are allegations of misconduct in research.

### B. Scope

These guidelines and the associated procedures apply to all individuals at CMU engaged in research that is supported by or for which support is requested from federal agencies such as the Public Health Service (PHS) and National Science Foundation (NSF). These agencies have set forth requirements for handling allegations of research misconduct which apply to any research, research-training or research-related grant or cooperative agreements with them. These guidelines apply to any person paid by, under the control of, or affiliated with CMU, such as scientists, trainees, technicians and other staff members, students, fellows, guest researchers, or collaborators conducting research at CMU regardless of the funding source.

The guidelines and procedures set forth below will normally be followed when an allegation of possible research misconduct is received by a CMU official. Particular circumstances in an individual case may dictate variation from the normal procedure deemed in the best interests of Carnegie Mellon University and the funding source. Any change from normal procedures also must ensure fair treatment to the subject of the inquiry or investigation. Any significant variation should be approved in advance by the Vice President of Research at Carnegie Mellon University.

## II. 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 in good faith 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 Carnegie Mellon University Provost who makes final determinations on allegations of research misconduct and any responsive institutional actions. The Deciding Official will not be the same individual as the Research Integrity Officer and should have no direct prior involvement in the institution's inquiry, investigation, or allegation assessment.
- E. *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.
- F. *Inquiry* means gathering information and initial fact-finding to determine whether an allegation or apparent instance of research misconduct warrants an investigation.
- G. *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.
- H. *NSF* means the National Science Foundation.
- I. *NSF regulation* means the NSF regulation establishing standards for awardee institutions in the inquiry, investigation and adjudication of alleged research misconduct set forth at 45 CFR 689.
- J. *ORI* means the Office of Research Integrity, the office within the U.S. Department of Health and Human Services (DHHS) that is responsible for the research misconduct and research integrity activities of the U.S. Public Health Service.
- K. *PHS* means the U.S. Public Health Service, an operating component of the DHHS.
- L. *PHS regulation* means the Public Health Service regulation establishing standards for institutional inquiries and investigations into allegations of research misconduct, which is set forth at 42 C.F.R. §93.
- M. *PHS support* means PHS grants, contracts, or cooperative agreements or applications.
- N. *Research Integrity Officer* means the appointed Carnegie Mellon University individual responsible for assessing allegations of research misconduct and

determining when such allegations warrant inquiries and for overseeing inquiries and investigations.

- 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 Carnegie Mellon University status of an individual taken by Carnegie Mellon University or an employee because the individual has in good faith, made an allegation of research misconduct or of inadequate Carnegie Mellon University response thereto or has cooperated in good faith with an investigation of such allegation.
- R. *Research misconduct* means fabrication, falsification, plagiarism in proposing, performing, or reviewing research, or in reporting research results.
  - i. Fabrication is making up data or results and recording or reporting them.
  - ii. 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.
  - iii. Plagiarism is the appropriation of another person's ideas, processes, results or words without giving appropriate credit.
  - iv. Research misconduct does not include honest error or differences of opinion.

### **III. Rights and Responsibilities**

#### **A. Research Integrity Officer**

The Vice President for Research has appointed the Assistant Vice President of Research Compliance as the Research Integrity Officer (RIO). The RIO will have primary responsibility for implementation of the procedures set forth in this document. The RIO will be an institutional official who is well qualified to handle the procedural requirements involved and is sensitive to the varied demands made on those who conduct research, those who are accused of misconduct, and those who report alleged misconduct in good faith.

The RIO will assemble 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 in coordination with the General Counsel's Office 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 will maintain files of all documents and evidence and in cooperation with the General Counsel's Office arrange for the confidentiality and the security of the files.

The RIO will report to the applicable funding agency as required by regulation and keep them informed of any developments during the course of the inquiry or investigation that may affect current or potential funding for the individual(s) under investigation or other relevant information they may need to know to ensure appropriate use of Federal funds and otherwise protect the public interest.

#### **B. 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/her allegations or testimony, to be informed of the results of the inquiry and investigation, and to be protected from retaliation. Also, 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.

C. Respondent

The respondent will be informed of the allegations when an inquiry is opened and notified in writing of the final determinations and resulting actions. The respondent 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 counsel.

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

D. Deciding Official

The Deciding Official will receive the inquiry and/or investigation report and any written comments made by the respondent or the complainant on the draft report. The Deciding Official will consult with the RIO and other appropriate CMU officials to determine whether to conduct an investigation, whether misconduct occurred, whether to impose sanctions, or whether to take other appropriate administrative actions.

**IV. General Policies and Principles**

A. Responsibility to Report Misconduct

All employees or individuals associated with CMU should report observed, suspected, or apparent research misconduct to the Research Integrity Officer. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may call 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 and will be counseled about appropriate procedures for reporting allegations.

B. Protecting the Complainant

The Research Integrity Officer will monitor the treatment of individuals who

bring allegations of misconduct and those who cooperate in inquiries or investigations. The RIO will work with the General Counsel's Office to ensure that these persons will not be retaliated against in the terms and conditions of their employment or other status at Carnegie Mellon University and will review instances of alleged retaliation for appropriate action.

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

Carnegie Mellon University will also protect the privacy of those who report misconduct in good faith to the maximum extent possible. For example, if the complainant requests anonymity, CMU will make an effort to honor the request during the allegation assessment or inquiry within applicable policies and regulations and state and local laws. 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. CMU will take reasonable and practical efforts to protect the positions and reputations of those persons who, in good faith, make allegations.

C. Protecting the Respondent

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 possible without compromising public health and safety or thoroughly carrying out the inquiry or investigation.

Carnegie Mellon University employees accused of research misconduct may consult with legal counsel or a non-lawyer personal adviser (who is not a principal or witness in the case) to seek advice.

In the event no finding of research misconduct is made, CMU will make appropriate, reasonable and practical efforts, if requested, to protect and restore the Respondent's reputation.

D. Cooperation with Inquiries and Investigations

Carnegie Mellon University employees will cooperate with the Research Integrity Officer and other CMU officials in the review of allegations and the conduct of inquiries and investigations. Employees have an obligation to provide relevant evidence to the Research Integrity Officer or other Carnegie Mellon University officials on misconduct allegations.

E. Preliminary Assessment of Allegations



Upon receiving an allegation of research misconduct, the Research Integrity Officer will immediately assess the allegation to determine whether there is sufficient evidence to warrant an inquiry, whether federal support or applications for funding are involved, and whether the allegation falls under the definition of research misconduct.

## **V. Conducting the Inquiry**

### **A. 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, involves federal support, and falls under the definition of research misconduct, he or she will immediately initiate the inquiry process. In initiating the inquiry, the RIO should identify clearly the original allegation and any related issues that should be evaluated.

The purpose of the inquiry is not to reach a final conclusion about whether research misconduct occurred but to make a preliminary evaluation of the available evidence and testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation. The findings of the inquiry must be set forth in an inquiry report and provided to the Deciding Official.

### **B. Sequestration of the Research Records**

After determining that an allegation falls within the definition of research misconduct and involves federal funding, the RIO must ensure that all original research records and materials relevant to the allegation are immediately secured. The RIO may consult with CMU legal counsel and federal agencies for advice and assistance in this regard.

### **C. Appointment of the Inquiry Committee**

If an inquiry is to proceed, the RIO, in consultation with other institutional officials as appropriate, will assemble an inquiry committee and committee chair within ten (10) working days of the initiation of the inquiry. The inquiry committee should consist of 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 of the proposed committee membership within ten (10) working days after the inquiry committee has been assembled and appointed. If the respondent submits a written objection to any appointed member of the inquiry committee or expert based on bias or conflict of interest within five (5) working days, the RIO will determine whether to replace the challenged member or expert with a qualified substitute.

D. 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, complainant, and key witnesses to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation as required by federal 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.

E. Inquiry Process

The inquiry committee will normally interview the complainant, the respondent and key witnesses as well as examine 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 conducting exhaustive interviews and analyses or deciding whether misconduct occurred.

## VI. The Inquiry Report

A. Elements of the Inquiry Report

A written inquiry report must be prepared that includes the following elements:

- The name and position of the respondent;

- A description of the allegations;
- The federal support (grant number, title);
- The name and title of the committee members and experts, if any;
- A summary of the inquiry process used;
- A list of the research records reviewed;
- Summaries of any interviews conducted;
- A description of the evidence in sufficient detail to demonstrate whether an investigation is warranted or not;

The report must convey the committee's determination as to whether an investigation is recommended and whether any other actions should be taken if an investigation is not recommended. CMU's legal counsel will review the report for legal sufficiency.

B. Comments on the Draft Report by the Respondent and the Complainant

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, with portions of the draft inquiry report that address the complainant's role and opinions in the investigation. When appropriate, CMU may provide the complainant with a summary of the inquiry findings for comment instead of portions of the draft report.

1. Confidentiality

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

2. Receipt of Comments

Within fourteen (14) calendar days of their receipt of the draft report, the complainant and respondent will provide their comments, if any, to the inquiry committee. Any comments that the complainant or respondent 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.

C. Inquiry Decision and Notification

1. Decision by Deciding Official

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.

2. Notification

The RIO will notify both the respondent and the complainant in writing of the Deciding Official's decision of whether to proceed to an investigation and will remind them of their obligation to cooperate in the event an investigation is opened. The RIO will also notify all appropriate CMU officials of the Deciding Official's decision.

D. Time Limit for Completing the Inquiry Report

The inquiry committee will normally complete the inquiry and submit its report in writing to the RIO no more than sixty (60) calendar days following its first meeting, unless the RIO approves an extension for good cause. If the RIO approves an extension, the reason for the extension will be entered into the records of the case and the report. The respondent also will be notified of the extension.

**VII. Conducting the Investigation**

A. 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 where 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.

B. 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 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.

C. Appointment of the Investigation Committee

The RIO and the Vice President for Research in consultation with other CMU officials as appropriate and needed will assemble an investigation committee and the committee chair within ten (10) working days of the notification to the respondent 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 of the proposed committee membership within five (5) working days. If the respondent 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.

D. Investigation Process

If it is determined that an investigation is warranted, the investigation committee will be appointed and the process initiated within 30 days of the completion of the inquiry.

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 respondents(s), and other individuals who might have information regarding aspects of the allegations. Interviews of the respondent should be tape recorded or transcribed. All other interviews should be transcribed, tape 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.

E. Charge to the Committee and the First Meeting

1. Charge to the Committee

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 of the respondent. The charge will state that the committee is to evaluate the evidence and testimony of the respondent, 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 of the new subject matter or to provide notice to additional respondents.

## 2. The First Meeting

The RIO and the Vice President for Research with the assistance of CMU legal 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 the source of the federal funding.

## VIII. The Investigation Report

### A. Elements of the Investigation Report

The final investigation report must include the following elements:

- A description of the allegations;
- The federal support (grant number, title);
- The institutional charge;
- The institutional policies and procedures under which the investigation was conducted;
- A list and summary of the research records and evidence reviewed;
- A statement of finding for each separate allegation of research misconduct and the basis for such finding;
- Any comments made by the respondent and complainant on the draft report.

The investigation report will include all the elements required by federal agencies.

B. Comments on the Draft Report

1. Respondent

The RIO will provide the respondent with a copy of the draft investigation report for comment and rebuttal. The respondent will have thirty (30) calendar days from the date on which the respondent receives the draft report to review and provide comment on the draft report. The respondent's comments will be attached to the final report. The findings of the final report should take into account the respondent's comments in addition to all the other evidence.

2. Complainant

The RIO may provide the complainant, with those portions of the draft investigation report that address the complainant's role and opinions in the investigation. The complainant will have thirty (30) calendar days from the date on which the complainant receives the draft report to review and provide comment on the draft report.

The report should be modified, if appropriate, based on the complainant's comments.

3. Carnegie Mellon University Legal Counsel

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

4. Confidentiality

In distributing the draft report, or portions thereof, to the respondent 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.

C. 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 federal funding agency. The Deciding Official's explanation should be consistent with the 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.

When a final decision on the case has been reached, the RIO will notify both the respondent 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 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.

**D. Time Limit for Completing the Investigation Report**

An investigation should ordinarily be completed within 120 calendar days of its initiation, with the initiation being defined as the first meeting of the investigation committee. This includes conducting the investigation, preparing the report of findings, making the draft report available to the subject of the investigation for comment, submitting the report to the Deciding Official for approval, and submitting the report to the any applicable federal agencies.

**IX. Requirements for Reporting to Federal Funding Agencies (if applicable)**

- A. If there is a determination that an investigation is warranted, the federal agency(s) must be notified within thirty (30) calendar days of that determination. The notification should include a copy of the inquiry report and any other information required by the agency.

The federal agency must also be notified of the final outcome of the investigation. A copy the investigation report and any other required information will be provided to the agency.

- B. If CMU plans to terminate an inquiry or investigation for any reason without completing all relevant requirements of the applicable regulations, the RIO will submit a report of the planned termination to the federal agency including a description of the reasons for the proposed termination.



- C. If the institution determines that it will not be able to complete the investigation in 120 calendar days, the RIO will submit a written request for an extension to the funding agency. The request will explain the delay, reports on the progress to date, estimates 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 agency.
- D. When federal funding or applications for funding are involved and an admission of research misconduct is made, the RIO will contact the federal agency 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 funds, the institution may not be able to accept an admission of research misconduct as a basis for closing a case or not undertaking an investigation without prior approval from the agency.
- E. The RIO will notify the federal agency at any stage of the inquiry or investigation if:
  - 1. The health or safety of the public is at risk, including the immediate need to protect human or animal subjects;
  - 2. There is an immediate need to protect federal funds or equipment;
  - 3. There is an immediate need to suspend research activities;
  - 4. There is a reasonable indication of possible violations of civil or criminal law;
  - 5. There is a need for federal action to protect the interests of those involved in the proceedings;
  - 6. It is probable that the research misconduct allegations will be made public;
  - 7. There is a need to inform the research community or public.

## **X. Institutional Administrative Actions**

The Deciding Officer (Provost) will transmit to the president of the university the reports of the Committee of Inquiry and the Committee of Investigation together with his/her recommendation for appropriate action.

When the Provost's recommendation to the President calls for no action to be taken against an individual respondent and the president concurs, as well as when the President declines to accept a recommendation for action, the President shall, at the respondent's request, in writing, address to that respondent a letter identifying the allegations investigated and stating the reasons for the Provost's recommendation and/or the president's decision, as appropriate. This letter shall be available for responsible use at the respondent's discretion. It shall not be included in the personnel

file unless such inclusion is requested, in writing, by the respondent. The President's letter must be formulated, and used by the recipient, so as to preserve the confidentiality of the process, and shall in particular include only information already disclosed to the respondent.

For each individual respondent found responsible for misconduct, the President may impose (or request, in the case of a regular, research, or special faculty member) specific sanctions, including termination of employment for a faculty or staff member and expulsion of a student.

The imposition of sanctions is subject to the procedures for approval and/or appeal prescribed by the Appointment and Tenure Policy for a regular, research, or special faculty member; the Staff Grievance Procedure for a staff member (or the provisions of a written labor agreement for an employee in a bargaining unit); and the provisions of the section on Discipline in the Student Handbook for a student.

Following completion of the Investigation Committee's work and the Provost's recommendation, when an individual respondent is a faculty member, if the President decides to initiate against that faculty member the procedure for dismissal for cause or for the imposition of another sanction, the procedure is then subject to the Exceptions provision of the subsection Procedures of the section entitled Dismissal for Cause and Other Sanctions of the Appointment and Tenure Policy.

The provisions of the preceding paragraphs of this section are also applicable to appropriate action regarding each individual claimant found responsible for allegations made in a capricious or malicious manner.

Carnegie Mellon University will take appropriate administrative actions or imposition of sanctions against individuals when an allegation of misconduct has been substantiated.

If the Deciding Official determines that the alleged research misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken, after consultation with the appropriate Carnegie Mellon University officials. The actions may include:

- Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found.
- Removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment;

- Restitution of funds as appropriate.

## **XI. Other Considerations**

### **A. Termination of Employment or Resignation Prior to Completing Inquiry or Investigation**

The termination of the respondent's 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 the respondent, without admitting to the research 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.

### **B. Restoration of the Respondent's Reputation**

If Carnegie Mellon University finds no research misconduct and the funding agency concurs, after consulting with the respondent, the RIO will undertake reasonable efforts to restore the respondent's reputation. Depending on the particular circumstances, the RIO should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in forums in which the allegation of research misconduct was previously publicized, or expunging 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.

### **C. Protection of the Complainant and Others**

Regardless of whether CMU or the funding agency determines that research misconduct occurred, the RIO will undertake reasonable efforts to protect complainants that made allegations of research misconduct in good faith and others who cooperate in good faith with inquiries and investigations of such allegations. 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.

D. 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.

E. Interim Administrative Actions

Institutional officials will take interim administrative actions, as appropriate, to protect Federal funds and ensure that the purposes of the Federal financial assistance are carried out.

**XII. Record Retention**

After completion of a case and all ensuing related actions, the Research Integrity Officer will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the RIO or committees. The RIO will store the file for seven years after completion of the case to permit later assessment of the case. Authorized government personnel will be given access to the records upon request.