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OVPR-01: Procedures for Handling Research and Research-related Misconduct

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I. Introduction

This document details the administrative procedures for processing allegations of research misconduct (including research-related misconduct) pursuant to Baylor University's *Policy on Misconduct in Research* ("Policy"). The Policy and all procedures detailed herein apply when the Research Integrity Officer (RIO) receives an allegation of possible research or research-related misconduct. These procedures guide all proceedings for allegations of research misconduct or research-related misconduct irrespective of funding, if any, and apply to all individuals affected by the Policy. In the context of these procedures, the term "research misconduct" includes research-related misconduct.

In consultation with the Office of General Counsel (OGC), the Research Integrity Officer (RIO) may recommend to the Vice President for Research (VPR) a variation from these procedures when it is in the best interests of the university and fair to the subject of an allegation. The VPR is the final decision maker as to any variations from these procedures. Minor, technical variations from these procedures that do not materially affect the outcome of a research misconduct proceeding will not invalidate the proceeding.

This policy is based on a model policy and procedures from the U.S. Public Health Service (PHS) Office of Research Integrity (ORI). If an allegation involves research funded by a federal agency or other sponsor, it may be necessary to follow the policies of that funding sponsor in addition to university policy and procedures. The RIO will determine regulations and policies applicable to the alleged research misconduct and will apply the funding sponsor policy accordingly. For instance, research funded by the Public Health Service (PHS) must follow 42 CFR Part 93 and agency policies; for National Science Foundation (NSF) funding, 45 CFR 689 and NSF policies will be followed.

II. Definitions

- a. **Accepted practices of the relevant research community.** Those practices established by regulation and/or by funding agency policy, as well as commonly accepted professional codes or norms within the overarching community of researchers and institutions.
- b. **Allegation.** A disclosure of possible research misconduct through any means of communication and brought directly to the attention of an institutional official.
- c. **Assessment.** A consideration of whether an allegation of research misconduct appears to fall within the definition of research misconduct and is sufficiently credible and specific so that potential evidence of research misconduct may be identified. The assessment only involves the review of readily accessible information relevant to the allegation.
- d. **Complainant.** An individual who in good faith makes an allegation of research misconduct.
- e. **Conflict of Interest.** A real or apparent bias, resulting from a familial, financial, or close collegial or other relationship, now or in the past, with any of the parties involved, which would prevent one from being objective if participating in a research misconduct proceeding.
- f. **Day.** Calendar day unless otherwise specified. If a deadline falls on a Saturday, Sunday, or university holiday, the deadline will be extended to the next day that is not a Saturday, Sunday, or university holiday.

- g. **Evidence.** Anything offered or obtained during a research misconduct proceeding that tends to prove or disprove the existence of an alleged fact. Evidence includes documents, whether in hard copy or electronic form, information, tangible items, and testimony.
- h. **Fabrication.** The making up of data or results and recording or reporting them.
- i. **Falsification.** 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.
- j. **Good faith.**
 - i. Good faith as applied to a complainant or witness means having a reasonable belief in the truth of one's allegation or testimony, 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 made with knowledge of or reckless disregard for information that would negate the allegation or testimony.
 - ii. Good faith as applied to an institutional or committee member means cooperating with the research misconduct proceeding by impartially carrying out the duties assigned for the purpose of helping an institution meet its responsibilities. An institutional or committee member does not act in good faith if their acts or omissions during the research misconduct proceedings are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the research misconduct proceeding.
- k. **Inquiry.** Preliminary information-gathering and fact-finding to determine whether an allegation warrants an investigation.
- l. **Institutional Deciding Official.** The institutional official who makes final determinations on allegations of research misconduct and any institutional actions. The same individual cannot serve as the Institutional Deciding Official and the Research Integrity Officer.
- m. **Institutional member.** An individual (or individuals) who is employed by, is an agent of, or is affiliated by contract or agreement with an institution. Institutional members may include, but are not limited to, officials, tenured and untenured faculty, teaching and support staff, researchers, research coordinators, technicians, postdoctoral and other fellows, students, volunteers, subject matter experts, consultants, attorneys, employees or agents of contractors, subcontractors, or sub-awardees.
- n. **Institutional record.** The institutional record comprises:
 - i. The records that the institution compiled or generated during the research misconduct proceeding, except records the institution did not consider or rely on. These records include but are not limited to (1) documentation of the assessment; (2) if an inquiry is conducted, the inquiry report and all records (other than drafts of the report) considered or relied on during the inquiry, including, but not limited to, research records and the transcripts of any transcribed interviews conducted during the inquiry, information the respondent provided to the institution, and the documentation of any decision not to investigate; (3) if an investigation is conducted, the investigation report and all records (other than drafts of the report) considered or relied on during the investigation, including, but not limited to, research records, the transcripts of each interview conducted, and information the respondent provided to the institution; (4) decision(s) by the Institutional Deciding Official, such as the written decision from the Institutional Deciding Official on the final determination of research misconduct findings after an Investigation; (5) the complete record of any institutional appeal;

- ii. a single index listing all the research records and evidence that the institution compiled during the research misconduct proceeding, except records the institution did not consider or rely on; and
- iii. a general description of the records that were sequestered but not considered or relied on.
- o. **Intentionally.** To act with the aim of carrying out the act.
- p. **Investigation.** The formal development of a factual record and the examination of that record to determine if research misconduct has occurred.
- q. **Knowingly.** To act with awareness of the act.
- r. **Office of Research Integrity (ORI).** The office established by Public Health Service Act to which the HHS Secretary has delegated responsibility for addressing research integrity and misconduct issues related to PHS-supported activities.
- s. **Plagiarism.** The appropriation of another person's ideas, processes, results, or words, without giving appropriate credit.
 - i. Plagiarism includes the unattributed verbatim or nearly verbatim copying of sentences and paragraphs from another's work that materially misleads the reader regarding the contributions of the author. It does not include the limited use of identical or nearly identical phrases that describe a commonly used methodology.
 - ii. Plagiarism does not include self-plagiarism or authorship or credit disputes, including disputes among former collaborators who participated jointly in the development or conduct of a research project. Self-plagiarism and authorship disputes do not meet the definition of research misconduct.
- t. **Preponderance of the evidence.** Proof by evidence that, compared with evidence opposing it, leads to the conclusion that the fact at issue is more likely true than not.
- u. **PHS support.** Public Health Service (PHS) funding, or applications or proposals for PHS funding, for biomedical or behavioral research, biomedical or behavioral research training, or activities related to that research or training, that may be provided through funding for PHS intramural research; PHS grants, cooperative agreements, or contracts; subawards, contracts, or subcontracts under those PHS funding instruments; or salary or other payments under PHS grants, cooperative agreements, or contracts.
- v. **Recklessly.** To propose, perform, or review research, or report research results, with indifference to a known risk of fabrication, falsification, or plagiarism.
- w. **Research.** A systematic experiment, study, evaluation, demonstration, or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research) by establishing, discovering, developing, elucidating, or confirming information or underlying mechanisms related to biological causes, functions, or effects; diseases; treatments; or related matters to be studied. This includes, without limitation, research in the humanities and in science, technology, engineering, and math.
- x. **Research Integrity Officer.** The institutional official responsible for administering the institution's written policies and procedures for addressing allegations of research misconduct in compliance with the institution's policy, these procedures, and relevant federal regulations and policies.
- y. **Research misconduct.** Fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. It includes misconduct in research and scholarship. Research misconduct does not include honest error or differences of opinion.

- z. **Research misconduct proceeding.** Any actions related to alleged research misconduct taken, including allegation assessments, inquiries, investigations, agency oversight reviews, and agency appeals.
- aa. **Research record.** The record of data or results that embody the facts resulting from scientific inquiry. Data or results may be in physical or electronic form. This definition encompasses any data, document, email, computer file, 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. Examples of items, materials, or information that may be considered part of the research record include, but are not limited to, research proposals, raw data, processed data, clinical research records, laboratory records, study records, laboratory notebooks, progress reports, manuscripts, abstracts, theses, records of oral presentations, online content, correspondence, lab meeting reports, and journal articles.
- bb. **Research-related misconduct.** An act committed intentionally, knowingly, or recklessly that is a significant deviation from accepted practices in proposing, performing, reviewing, or reporting research results or scholarship which falls outside the parameters of research misconduct as defined in the Policy and relevant federal regulations but deserves corrective action or sanctions and is otherwise contrary to university policy. Research-related misconduct does not include authorship disputes, honest error, or differences of opinion.
- cc. **Respondent.** The individual 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.
- dd. **Retaliation.** An adverse action taken against a complainant, witness, or committee member by an institution or one of its members in response to (a) a good faith allegation of research misconduct or (b) good faith cooperation with a research misconduct proceeding.
- ee. **Scholarship.** The systematic creation, integration, application, or dissemination of new knowledge, including, without limitation, creative work in the literary, visual, and performing arts.
- ff. **University Official.** The University President, Provost, Vice Presidents/Provosts, Deans, Associate Deans, Department Chairs/Heads, Directors, Supervisors, and Research Integrity Officer.

III. Roles and Responsibilities

- a. **Complainant.** The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and/or investigation.
- b. **Institutional Deciding Official (IDO).** The IDO makes the final determination on allegations of research misconduct and any institutional administrative actions against a respondent for research misconduct.
- c. **Office of General Counsel (OGC).** OGC is available to provide advice and legal assistance to the Research Integrity Officer, the Institutional Deciding Official, the Vice Provost for Research and any committee convened to review allegations of research misconduct.
- d. **Research Integrity Officer (RIO).** The RIO is the institutional official with the primary responsibility for administering the university's written policies and procedures for addressing allegations of research misconduct. The RIO has broad authority to administer the Policy and these procedures and may delegate all or some duties throughout the process.

- e. **Respondent.** The respondent's primary responsibilities include: 1) to maintain confidentiality (but this does not preclude discussions with colleagues to the extent necessary to gather evidence and/or seek advice); 2) to be truthful and forthcoming; and 3) to cooperate fully with all elements of an inquiry and investigation, including sequestration of research records relevant to the allegations.
- f. **Vice Provost for Research (VPR).** The VPR has administrative jurisdiction for all aspects of matters involving research misconduct and appoints committee members.

IV. Procedures for Research Misconduct Proceedings

a. Assessment

- i. An assessment's purpose is to determine whether an allegation warrants an inquiry. An assessment is intended to be a review of readily accessible information relevant to the allegation.
- ii. Upon receiving an allegation of research misconduct, the RIO and/or their designee will review and document the allegation(s) so that the RIO may determine whether it (1) falls within the definition of research misconduct in the Policy and any applicable federal regulations, and (2) is sufficiently credible and specific so that potential evidence of research misconduct may be identified.
- iii. An inquiry will be conducted if criteria are met unless the RIO determines and documents that unusual circumstances exist that make an inquiry not feasible or otherwise not warranted.
- iv. If the requirements for an inquiry are met, the RIO must promptly:
 - 1. Document the assessment;
 - 2. Sequester all research records and other evidence; and
 - 3. Initiate the inquiry.
- v. If the RIO determines that requirements for an inquiry are not met, they must keep sufficiently detailed documentation of the assessment to permit a later review by an applicable federal agency of the reasons why the institution did not conduct an inquiry. Such documentation must be retained in accordance with record retention requirements and provided to the applicable federal agency upon request.
- vi. If the requirements for an inquiry are met, allegations of research misconduct may be dismissed at this stage if there is credible evidence of honest error or difference of opinion and this is documented appropriately.

b. Inquiry

- i. **Initiation and Purpose**
 - 1. An inquiry's purpose is to conduct preliminary information-gathering and fact-finding to determine whether an allegation warrants an investigation. An inquiry does not require a full review of all related evidence. The purpose is not to determine whether research misconduct occurred, who was responsible, or to conduct exhaustive interviews and/or analysis. If an allegation appears to have substance, then an investigation is warranted.
 - 2. Before or at the time of notifying the respondent(s), the RIO will obtain the original or substantially equivalent copies of all research records and other evidence that are pertinent to the proceeding, inventory these materials, sequester the materials in a secure manner, and retain them according to record retention requirements. The RIO has a duty to obtain,

inventory, and securely sequester evidence whenever additional items become known or relevant to an inquiry.

ii. Timeframe

1. The inquiry, including preparation of the final inquiry report and the decision of the IDO on whether an investigation is warranted, must be completed within ninety (90) days of its initiation unless the RIO determines that circumstances warrant a longer period.
2. If the inquiry takes longer than 90 days, the inquiry record must include documentation of the reasons for exceeding the 90-day period.

iii. Conducting the Inquiry

1. The RIO is responsible for conducting the inquiry. At their discretion and in consultation with the VPR, the RIO may designate another qualified institutional official (“inquiry official”) or a committee to conduct the inquiry. An inquiry official may be chosen due to a conflict of interest or the RIO’s case capacity. An inquiry committee may be convened for complex cases and must consist of 2 or more members (which may include the RIO). Any individual chosen for a committee must have the appropriate expertise to evaluate the evidence and issues related to the allegations and have no personal, professional, or financial conflict of interest with the complainant or respondent.
2. If the RIO has designated an inquiry official or committee, the RIO will prepare a charge which includes the elements listed in Appendix A and provide a copy of the Policy and these procedures.
3. If the inquiry is conducted by the RIO or inquiry official, this individual may utilize one or more subject matter experts to assist them in the inquiry, if needed.
4. The RIO will be available throughout the inquiry to advise an inquiry official or committee as needed.

iv. Notice to Respondent

1. At the time of or before beginning an inquiry, the RIO shall make a good faith effort to notify the respondent(s), in writing, that an allegation(s) of research misconduct has been raised against them, the relevant research records have been sequestered, and an inquiry will be conducted to decide whether to proceed with an investigation.
2. As part of the notice to respondent and if the RIO is not conducting the inquiry, the RIO will identify the proposed inquiry official or committee and the respondent shall have five (5) days to object to the proposed individual(s) based upon a personal, professional, or financial conflict of interest, by submitting written objections to the RIO. The RIO makes the final determination as to whether a conflict exists.
3. If additional allegations are raised, the RIO will notify the respondent(s) in writing.
4. When appropriate, the RIO will give the respondent(s) copies of, or reasonable supervised access to, the sequestered materials.
5. If additional respondents are identified after the inquiry has begun, the RIO will provide written notification to the new respondent(s). All additional respondents will be given the same rights and opportunities as the initial respondent. Only allegations specific to a particular respondent will be included in the notification to that respondent.

v. Standard for Determination

1. The RIO, inquiry official, or committee will conduct a preliminary review of the evidence. In the process of fact-finding, although not required at inquiry, the RIO, inquiry official, or committee may elect to conduct interviews at this phase, including seeking expert testimony. If conducted, interviews will be summarized. An interview may be transcribed at the discretion of the RIO, inquiry official, or committee.
 2. An investigation is warranted if (a) there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct; and (b) preliminary information-gathering and fact-finding from the inquiry indicates that the allegation may have substance.
 3. The inquiry will not determine if research misconduct occurred, nor assess whether the alleged misconduct was intentional, knowing, or reckless; such a determination is not made until the case proceeds to an investigation.
 4. Allegations of research misconduct may be dismissed at this stage if there is credible evidence of honest error or difference of opinion and this is documented in the inquiry report.
- vi. The Inquiry Report
1. A written inquiry report shall be prepared by the RIO (or the inquiry official or committee with the assistance of the RIO) that includes the elements listed in Appendix A. If more than one respondent, an inquiry report will be prepared separately for each respondent.
 2. Where the inquiry is simultaneously considering allegations of research misconduct and allegations of research-related misconduct, the inquiry may separate the findings into two reports: one report concerning research misconduct findings that fall under a federal agency and a second report concerning findings that need not be reported to federal agencies, including allegations concerning non-federally funded research or research-related misconduct.
- vii. Opportunity to Comment on the Inquiry Report
1. The RIO shall provide the respondent with a copy of the draft inquiry report and all attachments, including a copy of the Policy, these procedures, and any applicable federal research misconduct regulation. In the case of physical evidence, the RIO will provide the respondent with supervised access if requested.
 2. The respondent shall be provided with an opportunity to review and comment on the inquiry report. Any comments from the respondent must be in writing and received within ten (10) days of their receipt of the inquiry report. Based on the comments, the draft report may be revised as appropriate before finalizing and submitting the signed report.
- viii. Institutional Decision
1. The RIO will transmit the final inquiry report and any written comments to the IDO (with a copy to the VPR and OGC). The IDO will determine in writing whether an investigation is warranted. The inquiry is complete when the IDO makes this determination.
 2. If the IDO's determination differs from the findings of the inquiry report, the IDO will, as part of their written determination, explain in detail the basis for rendering a decision different from the findings. Alternately, the IDO may return the report to the RIO with a request for further fact-finding or analysis.
- ix. Notice to Respondent and Complainant

1. When a final decision has been reached, the RIO shall notify the respondent of the final determination within a reasonable time period. This notice shall include a copy of the inquiry report and any attachments and include a copy of the Policy, these procedures, and any applicable federal research misconduct regulations.
 2. The RIO may, but is not required to, notify the complainant whether the inquiry found that an investigation is warranted. If the RIO provides notice to one complainant in a case, the RIO must provide notice, to the extent possible, to all complainants in the case. The complainant(s) does not receive a copy of the inquiry report.
- x. Notice to Applicable Sponsor or Federal Agency
1. The RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies. When required, the RIO shall provide to applicable sponsors or federal agencies any required reports regarding the inquiry and decision to initiate an investigation. For cases involving ORI jurisdiction, within thirty (30) days of the IDO's decision that an investigation is warranted, but not later than the date the investigation begins, the RIO shall provide ORI with the IDO's written decision and a copy of the inquiry report and all attachments.
 2. The RIO will also notify university officials of the IDO's decision as appropriate.
- xi. Documentation of Decision Not to Investigate
1. If the inquiry report recommends and the IDO determines that an investigation is not warranted, the RIO shall secure and maintain, for the required retention period after the termination of the inquiry, sufficiently detailed documentation of the inquiry to permit a later assessment by applicable federal agencies of the reasons why an investigation was not conducted. These documents will be provided to an applicable federal agency upon request.

c. Investigation

i. Initiation and Purpose

1. 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 findings on whether research misconduct has been committed, by whom, and to what extent. The institution will use diligent efforts to ensure that the investigation is thorough, sufficiently documented, and impartial and unbiased to the maximum extent practicable. The investigation must pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of additional instances of possible research misconduct, and continue the investigation to completion.
2. If new allegations are identified, the RIO must also give the respondent written notice of such allegations within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation.
3. The RIO will take all reasonable or practical steps to obtain custody of and sequester in a secure manner all research records and evidence needed to conduct the investigation that were not previously sequestered during the inquiry.

ii. Timeframe

1. The investigation should begin within thirty (30) days after the determination by the IDO that an investigation is warranted.

2. All aspects of the investigation should be completed within 180 days from the date the investigation was initiated including conducting the investigation, preparing the draft investigation report for each respondent, providing the draft report to each respondent for comment, and, if applicable, transmitting the institutional record including the final investigation report and decision by the IDO to an applicable federal agency or sponsor.
3. If the investigation takes more than 180 days to complete, the RIO will ask the IDO (and any applicable federal agency or sponsor) in writing for an extension that includes the circumstances or issues warranting additional time and document the reasons for exceeding the 180-day period in the investigation report.

iii. Notifications

1. The RIO will notify the respondent(s) of the allegation(s) within fifteen (15) days of the determination that an investigation is warranted and before the investigation begins. If any additional respondent(s) are identified during the investigation, the RIO will notify them of the allegation(s) and provide them an opportunity to respond. If the RIO identifies additional respondents during the investigation, the RIO may choose to either conduct a separate investigation or add the new respondent(s) to the ongoing investigation.
2. The dean and department chair or equivalent in a respondent's department are also notified in writing of the determination to convene an investigation.
3. If required, the RIO notifies the appropriate federal agencies in writing of any decision to open an investigation within thirty (30) days of the determination that an investigation is warranted. This written communication includes a copy of the inquiry report and other information and references as required by the applicable federal agency.

iv. Convening an Investigation Committee

1. The RIO, in consultation with the VPR, OGC, and other institutional officials as appropriate, will appoint at least three (3) members meeting the following criteria:
 - a. Have appropriate scientific expertise to evaluate the evidence and issues related to the allegation; and
 - b. Have no personal, professional, or financial conflicts of interest with the complainant(s) or respondent(s).
2. The committee must consist of at least three (3) persons, including a committee chair, and at least one (1) member must be a Baylor faculty member. When appropriate, the RIO may appoint experts from outside the university to serve on an investigation committee. The RIO may not serve as an investigation committee member.
3. The respondent(s) will be notified, in writing, of the proposed investigation committee membership. The respondent(s) will be given an opportunity to object to any proposed member based on a personal, professional, or financial conflict of interest. The respondent(s) will submit any objections within five (5) days of notification of the potential committee membership. The VPR, in consultation with the RIO, makes the final determination of whether any such conflict exists.
4. The RIO will prepare a charge to the investigation committee, which includes the elements listed in Appendix B, and provide copies of the Policy and these procedures.
5. The RIO, with the assistance of OGC, will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the Policy, these procedures, and

standards for the conduct of the investigation, including the necessity for confidentiality. The investigation committee will be provided with a copy of the Policy and these procedures, and any applicable federal agency regulations or sponsor policies.

v. Responsibilities of Investigation Committee

1. The investigation committee is responsible for conducting a thorough examination of all facts and evidence relevant to the investigation to determine, based on a preponderance of evidence, whether research misconduct has occurred and, if so, to determine the responsible person and the nature and seriousness of the research misconduct. The investigation committee may also identify, in the course of its duties, if there are issues which would justify broadening the scope of the misconduct proceeding beyond the initial allegation(s).
2. The investigation committee must come to a finding for each allegation, determining whether research misconduct occurred, by whom, and to what extent. The investigation committee summarizes its findings and recommendations in a written report to the IDO.
3. The investigation committee may also recommend institutional administrative actions to the IDO to be taken in relation to the findings.

vi. Conducting Interviews

1. The investigation committee must interview each respondent(s), known complainant(s), and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent.
2. The RIO will number all relevant exhibits and any exhibits shown to the interviewee during the interview will be referred to by that number.
3. Interviews conducted during the investigation will be recorded and transcribed. The transcripts will be made available to the interviewee for correction. The RIO will include the transcript(s) with any corrections and exhibits in the institutional record of the investigation.
4. The respondent must not be present during interviews with the complainant, other respondents, or any witnesses (including those identified by the respondent).

vii. Standard for Determination

1. The institution has the burden of proof for making a finding of research misconduct. A finding of research misconduct requires:
 - a. There be a significant departure from accepted practices of the relevant research community;
 - b. The misconduct was committed intentionally, knowingly, or recklessly; and
 - c. The allegation has been proven by a preponderance of the evidence.
2. An allegation does not constitute research misconduct if:
 - a. It is more probable than not that no research misconduct occurred, i.e., the allegation has not been proven by a preponderance of the evidence;
 - b. Sufficient credible evidence is lacking to make a determination that research misconduct occurred; or
 - c. The issue is a result of honest error or honest differences of opinion.
3. A respondent's destruction of research records documenting the questioned research is evidence of research misconduct where the committee establishes by a preponderance of

the evidence that the respondent intentionally or knowingly destroyed records after being informed of the research misconduct allegations. A respondent's failure to provide research records documenting the questioned research is evidence of research misconduct where the respondent claims to possess the records but refuses to provide them upon request.

4. The respondent has the burden of proof, by a preponderance of the evidence, of any affirmative defenses raised. The committee shall give due consideration to admissible, credible evidence of honest error or difference of opinion presented by the respondent.

viii. Investigation Outcome and Report

1. At the conclusion of an investigation, the RIO will assist the investigation committee in the preparation of a written report that summarizes its findings and recommendations. If there is more than one respondent, an investigation report must be made separately for each respondent.
2. The investigation committee report for each respondent must include the elements listed in Appendix B.
3. Where the investigation committee is simultaneously considering allegations of research misconduct and allegations of research-related misconduct, the committee may separate the findings into two reports: one report concerning research misconduct findings that must be reported to federal agencies and a second report concerning findings that need not be reported to federal agencies, including allegations concerning non-federally funded research or research-related misconduct.
4. At the time of finalizing the written report, the investigation committee may also recommend to the IDO institutional administrative actions to be taken considering a finding(s) of research misconduct. This should be in a separate document from the investigation report.

ix. Opportunity to Comment on the Investigation Report

1. The RIO shall provide the respondent with a copy of the draft investigation report and all attachments, including a copy of the Policy, these procedures, and any applicable federal agency regulation/policy.
2. The respondent may request access to the research records, interview transcripts, and other evidence the investigation committee considered or relied on. The respondent may be provided copies or supervised access.
3. Any comments from the respondent must be in writing and received within thirty (30) days of their receipt of the investigation report. Based on the comments, the draft report may be revised by the investigation committee as appropriate before finalizing and submitting the final report. Any written comments provided by the respondent must be attached to the final investigation committee report.
4. The RIO may, but is not required to, provide the complainant a copy of the draft investigation report or relevant portions of that report. Any comments from the complainant must be submitted within thirty (30) days of the date on which the complainant received the draft investigation report or relevant portions of it. The complainant is not provided access to any evidence or other documentation. Based on the comments, the draft report may be revised by the investigation committee as appropriate

before finalizing and submitting the final report. Any written comments provided by the complainant must be attached to the final investigation committee report.

5. The draft investigation report will be provided to the VPR and OGC for a review of administrative and legal sufficiency prior to finalization.

x. Institutional Decision

1. The RIO will transmit the final investigation report to the IDO (with a copy to the VPR and OGC), who is responsible for making a final determination of research misconduct findings. This determination must be provided in a written decision that includes:
 - a. A statement of whether the IDO accepts the findings of the investigation report
 - b. Whether there is a finding(s) of research misconduct and, if so, who committed the misconduct; and
 - c. A description of relevant institutional administrative actions taken or to be taken.
2. The IDO's determination of whether research misconduct occurred is the final decision regarding the case and cannot be reversed, appealed, or modified. If the case is also subject to federal agency or sponsor jurisdiction, the lack of a finding of research misconduct by the federal agency or sponsor does not overturn the institution's determination that the conduct constituted research misconduct warranting remediation under the institution's policy.
3. If the IDO's determination varies from the findings of the investigation committee, the IDO will explain in detail the basis for rendering a different decision. Alternatively, the IDO may return the investigation report to the investigation committee with a request for further fact-finding or analysis.

xi. Notifications

1. The RIO will notify the respondent in writing of the results of the IDO's determination, including a copy of the final investigation report with all attachments. The notification will outline plans for any pending institutional administrative actions against the respondent.
2. The RIO will notify the dean and department chair or equivalent in the respondent's department of the results of the investigation and the IDO's determination.
3. As appropriate, the RIO will notify any applicable federal agency in writing according to the agency's requirements.
4. The RIO will notify the complainant of the results of the IDO's determination. This notification will not include the final investigation report.

d. Institutional Administrative Actions

- i. Administrative actions against the respondent for research misconduct shall be based on the seriousness of the misconduct, including but not limited to, the degree to which the misconduct: a) was intentional, knowing or reckless; b) was an isolated event or part of a pattern; and c) had significant impact on the research record, research subjects, other researchers, institutions, or the public welfare.
- ii. The committee may consider any mitigating factors relevant to the imposition of institutional administrative actions raised by the respondent.
- iii. While the investigation committee may recommend institutional administrative actions to the IDO, the final determination of any actions is at the discretion of the IDO. The IDO may consult

with other university officials. A non-exhaustive list of possible institutional administrative actions includes:

1. Letter of reprimand to the official personnel files or similar records
2. Correction of the public record including the withdrawal, correction, or retraction of all pending or published abstracts and papers emanating from the research where misconduct was found
3. Notification to professional societies, professional licensing boards, editors of journals, collaborators of the respondent in the work, or other relevant individuals or organizations
4. Assigning professional development or training
5. Mentorship or supervision up to and including review of data and conclusions prior to the submission of articles for publication
6. Suspension or termination of current awards
7. Temporary or permanent loss of ability to submit grant proposals and/or to conduct research with human or animal subjects irrespective of funding
8. Revocation of tenure; termination of employment or student status (in accordance with university policies and procedures)
9. Revocation of a former student's conferred degree

V. Other Procedures and Special Circumstances

a. Admissions

- i. At any point in a research misconduct proceeding, an allegation may be resolved on the basis that the respondent has admitted responsibility and a resolution with the respondent has been satisfactorily reached. A respondent's admission of research misconduct must be made in writing and signed by the respondent. An admission must specify the misconduct that occurred and which research records were affected. The admission statement must meet all elements required for a finding of research misconduct.
- ii. For funded research, should a respondent make an admission, the RIO, in consultation with the IDO and other appropriate university officials, shall promptly notify and consult with any applicable federal agencies to determine the next steps that should be taken and to ensure that the applicable agency's requirements regarding early termination of the process are met.
- iii. If resolving an allegation due to respondent admission, the RIO must ensure this action would not prejudice or interfere with the review of another allegation against that respondent or against a different respondent.
- iv. An admission of research misconduct does not preclude the imposition of institutional administrative actions as determined appropriate to the misconduct by the IDO.

b. Interim Protective Actions

- i. At any time during a research misconduct proceeding, appropriate interim actions may be taken to protect public health, federal funds and equipment, and the integrity of the research process. The necessary actions will vary according to the circumstances of each case, but examples of actions that may be necessary include delaying the publication of research results, reassignment of personnel or of responsibility for handling federal funds and equipment, requiring approvals for actions relating to the research that did not previously require approval, additional review of

research data and results, auditing pertinent records, or taking steps to contact other institutions that may be affected by an allegation of research misconduct.

- c. Legal Counsel or Advisor
 - i. The respondent may employ outside legal counsel or other advisor at their own expense at any stage of the research misconduct proceedings described in the Policy and these procedures. The role of counsel during research misconduct proceedings is limited to that of an advisor. Counsel or advisor may accompany the respondent in proceedings but may not ask questions or offer testimony. Counsel or advisor may not attend proceedings in lieu of a respondent and may not attend interviews of other respondents, complainants, or witnesses.
 - ii. An advisor cannot be a person already involved in the proceedings, such as another witness or a person involved in decisions about the proceedings or outcomes.
 - iii. The RIO must be given at least forty-eight (48) hours' written notice of the intent to have legal counsel or any advisor present.
- d. Multiple Institutions
 - i. If the alleged research misconduct involves multiple institutions, the RIO may work closely with the other affected institutions to determine whether a joint research misconduct proceeding will be conducted. If so, the cooperating institutions will choose one institution to serve as the lead institution.
 - ii. In a joint research misconduct proceeding, the lead institution will obtain research records and other evidence pertinent to the proceeding, including witness testimony, from the other relevant institutions.
 - iii. By mutual agreement, the joint research misconduct proceeding may include committee members from the institutions involved.
 - iv. The determination of whether further inquiry and/or investigation is warranted, whether research misconduct occurred, and the institutional actions to be taken may be made by the institutions jointly or tasked to the lead institution.
- e. Multiple Respondents
 - i. If the alleged research misconduct involves multiple respondents, the institution must give all respondent(s) notice of and an opportunity to respond to the allegations.
 - ii. The RIO may either conduct a separate inquiry for each new respondent or add them to the ongoing proceedings.
 - iii. In the event of an investigation, one committee shall be convened and each respondent shall be interviewed by the committee individually.
 - iv. Separate inquiry and investigation reports will be drafted for each respondent. No respondent will have the opportunity to review and comment on another respondent's inquiry or investigation report.
- f. Notifying Federal Agencies of Special Circumstances
 - i. To the extent required by regulation or by the sponsor, the RIO shall, at any time during a research misconduct proceeding, notify appropriate federal or other officials of circumstances that may be relevant to protect public health, federal or other sponsor funds and equipment, and the integrity of the funded research process.
 - ii. Special circumstances include:

1. Health or safety of the public is at risk, including an immediate need to protect human or animal subjects.
 2. Federal or other sponsor resources or interests are threatened.
 3. Research activities should be suspended.
 4. There is reasonable indication of possible violations of civil or criminal law.
 5. Federal action is required to protect the interests of those involved in the research misconduct proceeding.
 6. A federal agency may need to take appropriate steps to safeguard evidence and protect the rights of those involved.
- i. Redactions
1. Transcripts of interviews may be redacted due to concerns related to confidentiality or retaliation prior to sharing with the respondent.
 2. Any report (draft or final) and its attachments provided to the respondent or complainant may be redacted due to concerns related to confidentiality or retaliation.
- j. Sequestration of Records
- i. Research records resulting from research or scholarship awarded to and/or conducted at Baylor University are the property of Baylor University.
 - ii. As defined in the Policy and these procedures, research records include any data, document, email, computer file, 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. Research records include, but are not limited to: grant or contract applications whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; laboratory records, both physical and electronic; theses/dissertations; abstracts; oral presentations; internal reports; manuscripts, journal articles, and publications (published or unpublished); notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; clinical records directly related to research; research subject files; and any documents provided to any institutional official by a respondent in the course of the research misconduct proceeding.
 - iii. The RIO will make every effort to sequester records in a manner which causes minimal disruption to research. The RIO may request the assistance of Information Technology Services, Department of Public Safety, the chair/supervisor of the respondent, or others as needed.
 - iv. The RIO will provide the respondent with an inventory of items sequestered and will generally provide copies of most sequestered items within a reasonable time frame after sequestration, although specialty copies such as gels and films may require a longer period of time to duplicate. The RIO may provide, at their discretion, reasonable supervised access to unduplicated records.
 - v. The RIO has the authority to secure and/or copy data, research records, and other evidence related to the allegation(s) in order to fulfill obligations under federal, state, and/or local regulations, funder-specific requirements, and institutional policy to thoroughly review and resolve allegations of research misconduct.
 - vi. The records and evidence must be inventoried and sequestered in a secure manner. If deemed appropriate, sequestration may be limited to copies of the data or evidence, so long as those

copies have substantially equivalent evidentiary value (such as where the research records or evidence encompass scientific instruments shared by a number of users).

- vii. When appropriate, additional or new evidence discovered after the initial sequestration should be sequestered as soon as practicable after it is identified.
- viii. Failure to provide evidence at the time of sequestration may impact the credibility of such evidence if subsequently provided. Further, while failure to provide relevant data when requested shall not be the sole basis for a finding of research misconduct, it may be a contributing factor.

k. Students

- i. Irrespective of employment status with the university, when the respondent is a student and an allegation is related to non-sponsored research or is a research-related allegation, the RIO may refer a sufficiently credible and specific allegation to the Office of Student Conduct Administration – Office of Academic Integrity and the Graduate School, as applicable, for assessment and adjudication under the Student Conduct Code and Honor Code and/or the Graduate School Policy on Professional Conduct.

l. Termination or Resignation Prior to Completing Proceedings

- i. The termination of the respondent's institutional employment or student capacity, by resignation, probation, expulsion, or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the research misconduct proceeding or otherwise limit any of the institution's responsibilities to pursue allegations. Notwithstanding the foregoing, the IDO, in consultation with the RIO and other institutional officials, may determine that suspending or concluding pursuit of the allegation is reasonable under the circumstances. The basis for any such determination will be documented and included in records pertaining to the proceedings.
- ii. If the respondent refuses to participate in the process after resignation or termination, 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.

m. Time Limitations and Exceptions

- i. The policy and these procedures apply only to research misconduct occurring within six years of the date a federal agency or the institution receives an allegation of research misconduct.
- i. There are two exceptions to this time limitation:
 - 1. Subsequent Use exception. The respondent continues or renews any incident of alleged research misconduct that occurred before the six-year limitation through the use of, republication of, or citation to the portion(s) of the research record (e.g., processed data, journal articles, funding proposals, data repositories) alleged to have been fabricated, falsified, or plagiarized, for the potential benefit of the respondent.
 - 2. Exception for the health or safety of the public. If a federal agency or the institution determines that the alleged research misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public, this exception applies.
- ii. When the respondent uses, republishes, or cites to the portion(s) of the research record that is alleged to have been fabricated, falsified, or plagiarized, in submitted or published manuscripts, submitted grant applications, progress reports, posters, presentations, or other research records

within six years of when the allegations were received by a federal agency or the institution, the subsequent use exception applies.

- iii. For research misconduct that appears subject to the subsequent use exception, institutions must document their determination that the subsequent use exception does not apply. Such documentation must be retained in accordance with record retention requirements.

VI. Retention of Records

- a. All documentation, records, and sequestered evidence related to a research misconduct proceeding (assessment, inquiry, or investigation) will be retained and secured for a period of seven (7) years from the date of the completion of the research misconduct proceeding.
- b. At the end of the required retention period, the RIO shall destroy all documentation and records unless the RIO determines in writing that there is a good reason to retain the records. Such a determination shall state the reason for retention and the length of time for which the records shall be retained.

Appendix A

Elements of Inquiry Charge and Report

Elements of the Charge to an Inquiry Official or Committee

If the RIO has designated an inquiry official or committee, the RIO will prepare a charge which includes:

- Purpose of the Inquiry and that it must be conducted in compliance with the Policy and these procedures;
- Timeframe for completion of the Inquiry;
- Identification of the respondent(s) and the allegation(s) and any related issue(s) identified during the Assessment;
- The criteria for determining that an Investigation is warranted; and
- Responsibility for preparing a written report of the Inquiry that meets the requirements of this Appendix.

Elements of the Inquiry Report

A written inquiry report shall be prepared by the RIO (or the inquiry official or committee with the assistance of the RIO) that includes the following information:

- The names, professional aliases, and positions of the respondent and complainant(s).
- A description of the allegation(s) of research misconduct.
- Details about any federal or sponsor funding, including any grant numbers, grant applications, contracts, and publications listing support.
- The composition of the inquiry committee, if used, including name(s), position(s), and subject matter expertise.
- An inventory of sequestered research records and other evidence and description of how sequestration was conducted.
- Summaries of interviews, if conducted.
- Inquiry timeline and procedural history.
- Any scientific or forensic analyses conducted.
- The basis for recommending that the allegation(s) warrant an investigation.
- The basis on which any allegation(s) do not merit further investigation.
- Any comments on the inquiry report by the respondent or the complainant(s).
- Any institutional actions implemented, including internal communications or external communications with journals or funding agencies.
- Documentation of potential evidence of honest error or difference of opinion.
- If the inquiry took longer than 90 days, the reasons for exceeding the time limit.

Appendix B

Elements of Investigation Charge and Report

Elements of the Charge to the Investigation Committee

The RIO provides the charge to the investigation committee, which includes:

- Purpose of the investigation;
- Definition of research misconduct;
- Requirements for findings of research misconduct;
- Timeframe for completion;
- Identification of respondent(s) and the specific allegation(s) to be evaluated;
- Responsibilities of the investigation committee, including:
 - Election of a committee chair;
 - Examination of evidence, including review of all relevant documentation;
 - Interviews of complainant and respondent and other persons as necessary and appropriate;
 - A finding, for each allegation, determining whether research misconduct occurred, and if so, to determine the responsible person and the nature and seriousness of the research misconduct;
- Preparation of a final report that meets the requirements of this Appendix;

Elements of the Investigation Report

A final investigation report for each respondent must be in writing and include:

- Description of the nature of the allegation(s) of research misconduct, including any additional allegation(s) addressed during the research misconduct proceeding.
- Description and documentation of the PHS support, including, for example, any grant numbers, grant applications, contracts, and publications listing PHS support.
- Description of the specific allegation(s) of research misconduct for consideration in the investigation of the respondent.
- Composition of investigation committee, including name(s), position(s), and subject matter expertise.
- Inventory of sequestered research records and other evidence, except records the institution did not consider or rely on; and a description of how any sequestration was conducted during the investigation. This inventory must include manuscripts and funding proposals that were considered or relied on during the investigation.
- Transcripts of all interviews conducted.
- Identification of the specific published papers, manuscripts submitted but not accepted for publication (including online publication), PHS funding applications, progress reports, presentations, posters, or other research records that allegedly contained the falsified, fabricated, or plagiarized material.
- Any scientific or forensic analyses conducted.
- If not already provided to ORI, the institutional policies and procedures under which the investigation was conducted.
- Any comments made by the respondent and complainant on the draft investigation report and the investigation committee's consideration of those comments.

- A statement for each separate allegation of whether the investigation committee recommends a finding of research misconduct.
- If the investigation committee recommends a finding of research misconduct for an allegation, the investigation report must, for that allegation:
 - Identify the individual(s) who committed the research misconduct.
 - Indicate whether the research misconduct was falsification, fabrication, and/or plagiarism.
 - Indicate whether the research misconduct was committed intentionally, knowingly, or recklessly.
 - State whether the other requirements for a finding of research misconduct have been met.
 - Summarize the facts and the analysis which support the conclusion and consider the merits of any explanation by the respondent.
 - Identify the specific federal agency or other sponsor support.
 - Identify whether any publications need correction or retraction.
- If the investigation committee does not recommend a finding of research misconduct for an allegation, the investigation report must provide a detailed rationale.
- List of any current support or known applications or proposals for support that the respondent has pending with PHS and non-PHS Federal agencies.
- If the investigation took longer than 180 days, the reasons for exceeding the time limit.