

# **State University of New York at Geneseo**

## **RESEARCH MISCONDUCT POLICY**

Issued by: The Office of the Provost

Revised: April 29, 2015

### **Statement of Policy**

This document is applicable to all College faculty, staff, and students engaged in research activities (funded or unfunded) using College facilities, the facilities of another institution, or any other off-campus site. This document also applies to visitors and users of the campus or off-campus College facilities.

Note that while this Policy applies to Research Misconduct by students, in cases involving allegations against students the usual conduct procedures (set forth Student Code of Conduct section of the Student Handbook <http://www.geneseo.edu/handbook/student-code-conduct>) shall be followed in lieu of this Policy. To the extent that additional procedures are necessary for students, either to comply with legal requirements or because of the involvement of students in cases involving other persons subject to this Policy, the RIO may, in consultation with the Dean of Students, determine such procedures on an ad hoc basis.

The State University of New York at Geneseo is committed to excellence in all research endeavors. Individuals will adhere to the highest professional standards of scientific integrity in proposing, performing, reviewing, or in reporting results, of research activities conducted under the auspices of this College. All faculty, staff, and students will report observed, suspected, or apparent research misconduct, and will cooperate with the Research Integrity Officer other institutional officials in the review of allegations and the conduct of Inquiries and Investigations. All parties have an obligation to provide evidence relevant to research misconduct allegations to the RIO or other institutional officials.

The Provost and Vice President for Academic Affairs serves as the Research Integrity Officer (RIO) of the Institution. S/he has primary responsibility for implementation of the institution's policies and procedures on research misconduct. In doing so, the RIO may delegate some or all responsibilities to the Director of Sponsored Research or the Associate Provost, and/or work in conjunction with the Vice President for Administration and Finance or his/her designee.

The College will thoroughly investigate, in a fair and timely manner, all allegations brought forward by a complainant, acting in good faith, in which it is believed that an individual or individuals (hereafter referred to as the respondent[s]) have committed research misconduct.

Research misconduct is defined as: fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

- a. Fabrication is making up data or results and recording or reporting them.

- b. 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.
- c. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit. Note: Unless the activity in question is funded by the NSF, this statement of policy and procedures does not apply to authorship or collaboration disputes.
- d. Research misconduct does not include honest error or differences of opinion.

In order to find research misconduct, the following must be found:

- a. There must be a significant departure from accepted practices of the relevant research community; and
- b. The misconduct be committed intentionally, knowingly, or recklessly; and
- c. The allegation be proven by a preponderance of the evidence.

## Procedures

### I. General

1. Discussing possible misconduct: All faculty, staff, and students will report observed, suspected, or apparent research misconduct to the Research Integrity Officer (RIO). If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may confer with the RIO about concerns of possible misconduct and will be counseled about appropriate procedures for reporting allegations if deemed appropriate. The individual may also initially meet with, or contact, the RIO to discuss the suspected research misconduct informally, which may include discussing it anonymously and/or hypothetically. If the circumstances described by the individual do not meet the definition of research misconduct, the RIO will refer the individual or allegation to other offices as appropriate.
2. Confidentiality: The RIO will (1) limit disclosure of the identity of respondents and complainants to those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; and (2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct proceeding.
3. Protecting respondents, complainants, witnesses, and committee members: College members may not retaliate in any way against respondents, complainants, witnesses, or Inquiry/Investigation committee members. College members should immediately report any alleged or apparent retaliation against these parties to the RIO, who will review the matter and, where appropriate, refer the matter to applicable College officials.
4. Triage and Precedence Procedures: The RIO, with assistance of legal counsel and others as required, will determine if an allegation impacts multiple regulatory areas (e.g., human subjects, animal subjects, conflict of interest (COI), grant expenditures etc.). Review of the allegation of misconduct will precede all other internal institutional proceedings that relate to or arise out of the alleged misconduct unless:

- Safety of research subjects are at risk
- Public health issues are at stake
- A criminal investigation is being conducted (the internal process may commence once completed)

Misconduct involving a collaborating site will be handled through coordination between the Institutional RIOs.

5. Interim Administrative Actions and Notifying ORI (Office of Research Integrity; where Public Health Service funds are involved) or OIG (Office of Inspector General; where National Science Funds are involved) of Special Circumstances: Throughout the research misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to public health, federal funds and equipment, or the integrity of the PHS or NSF supported research process. In the event of such a threat, the RIO will, in consultation with other institutional officials and ORI/OIG, take appropriate interim action to protect against any such threat. Interim action might include additional monitoring of the research process and the handling of federal funds and equipment, reassignment of personnel or of the responsibility for the handling of federal funds and equipment, additional review of research data and results or delaying publication. The RIO must, at any time during a research misconduct proceeding, notify ORI/OIG immediately if he/she has reason to believe that any of the following conditions exist:
  - Health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
  - U.S. Department of Health and Human Services (HHS) resources or interests are threatened;
  - Research activities should be suspended;
  - There is a reasonable indication of possible violations of civil or criminal law;
  - Federal action is required to protect the interests of those involved in the research misconduct proceeding, (or, in the case of NSF funds, of others potentially affected);
  - The research misconduct proceeding may be made public prematurely and HHS action may be necessary to safeguard evidence and protect the rights of those involved; or
  - The research community or public should be informed.

## **II. Making an Allegation of Research Misconduct**

Allegations of research misconduct may be presented verbally or in writing by the complainant to the RIO. See contact information at the end of this policy. The complainant is responsible for making allegations in good faith, and maintaining confidentiality. The complainant must cooperate at all phases of the research misconduct process, including Inquiry and Investigation if required. If anonymity is requested, the RIO will make a best effort to maintain such anonymity throughout the process, as possible.

## **III. Assessment**

Upon receiving an allegation of research misconduct, the RIO will immediately commence with an assessment of the allegation to determine whether it is:

- sufficiently credible and specific so that potential evidence of research misconduct may be identified, and
- whether the allegation falls within the definition of research misconduct above.

The assessment period should be completed within 2 weeks of receipt of an allegation of research misconduct. An assessment report will be written that describes the specific allegation(s), the date received and source, description of evidence gathered/reviewed, reasons for determination of whether or not an Inquiry is warranted, and, in the case where an Inquiry is warranted, provide guidance to Inquiry panel on issues it might pursue.

The RIO may confidentially consult with the legal counsel and others as deemed appropriate during the assessment period.

- In conducting the assessment, the RIO may interview the complainant, respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified.
- The RIO will notify the respondent and provide opportunities for him/her to review/comment/respond to allegations, review and provide a copy of SUNY Geneseo's Research Misconduct Policy, and advise the respondent of the option to consult with legal counsel or a non-lawyer personal adviser (who is not a principal or witness in the case) to advise during the research misconduct process. Where appropriate, the RIO will give the respondent reasonable supervised access to the research records.
- As soon as deemed necessary, preferably on or before the date on which the respondent is notified of the allegation, the RIO will obtain custody of, inventory, and sequester research data, records and evidence deemed pertinent to the allegation of research misconduct and maintain it securely in accordance with this policy and applicable law and regulation. Further, the RIO will take custody of, inventory and sequester any additional research data, records or evidence that is discovered during the course of a research misconduct proceeding. Chain of custody will be documented. Receipts will be provided for evidence taken into custody.
- The RIO will keep the College President (Deciding Official) and others who need to know apprised of the progress of the review of the allegation of research misconduct.

#### **IV. Inquiry**

The purpose of the Inquiry is to conduct an initial review of the available evidence to determine whether to conduct an Investigation, i.e., as soon as the Inquiry committee believes there is (or is not) evidence to warrant an Investigation, the Inquiry committee's job is done. An Inquiry does not require a full review of all the evidence related to the allegation. The Inquiry phase should be completed within 60 calendar days from its initiation. Completion includes preparation of the final Inquiry report and the decision of the President on whether an Investigation is warranted. If the RIO determines that circumstances clearly warrant a longer period, the Inquiry record will

include documentation of the reasons for exceeding the 60-day period. If the activity includes NSF funds, interim status reports may be required if the Inquiry goes longer than 90 days.

1. If the RIO determines that an Inquiry should proceed, s/he will:

- make a good faith effort to notify the respondent in writing, if the respondent is known. If the Inquiry subsequently identifies additional respondents, they will be notified in writing. If not done during the assessment phase, the RIO will take all reasonable and practical steps to immediately obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence and sequester them in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments
- In consultation with College officials as appropriate, appoint an Inquiry committee and committee chair as soon after the initiation of the Inquiry as is practical. The Inquiry committee will consist of individuals who, do not have any conflicts of interest with those involved with the Inquiry and should include individuals who have the professional time and resources, as well as the appropriate scientific expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the Inquiry. The respondent will be notified of the proposed committee membership to give the respondent an opportunity to object to a proposed member. Objections must be provided to the RIO within 10 calendar days. The RIO will make the final determination regarding a challenge to a proposed committee member.
- Charge the Inquiry committee as follows:
  - Set forth the time for completion of the Inquiry (see above),
  - Describe the allegations and any related issues identified during the allegation assessment;
  - State that the purpose of the Inquiry is to conduct an initial review of the evidence, including the testimony of the respondent, complainant and key witnesses, to determine whether an Investigation is warranted, not to determine whether research misconduct definitely occurred or who was responsible;
  - State that an Investigation is warranted if the committee determines: (1) there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and, (2) the allegation may have substance, based on the committee's review during the Inquiry.
  - Inform the Inquiry committee that they are responsible for preparing or directing the preparation of a written report of the Inquiry that meets the requirements of this policy.

2. Inquiry Process

The Inquiry committee will normally interview the complainant, the respondent, and key witnesses as well as examining relevant research records and materials. The complainant and respondent will be given a copy of the transcript of their interview to confirm, within one week, the accuracy of the record (e.g., scientific terms used etc.). Then the Inquiry committee will evaluate the evidence, including the testimony and complainant/respondent feedback.

After consultation with the RIO and legal counsel, the committee members will decide whether an Investigation is warranted based on the criteria in this policy. The scope of the Inquiry does not include deciding whether misconduct definitely occurred, determining definitely who committed the research misconduct or conducting exhaustive interviews and analyses. However, if a legally sufficient admission of research misconduct is made by the respondent, misconduct may be determined at the Inquiry stage if all relevant issues are resolved, and if the RIO and Inquiry committee do not believe that other potential misconduct exists.

### 3. Inquiry Report

At the conclusion of the Inquiry process, a written Inquiry report will be prepared that includes the following information:

- the names and titles of the committee members and experts who conducted the Inquiry;
- a statement that the Inquiry process was conducted in compliance with this policy;
- a list of the research records reviewed;
- summaries of any interviews;
- the name and position of the respondent;
- a description of the allegations of research misconduct;
- the PHS/NSF support, if any, including, for example, grant numbers, grant applications, contracts and publications listing PHS support;
- the basis for recommending or not recommending that the allegations warrant an Investigation; (and whether any other actions should be taken if an Investigation is not recommended.)
- any comments on the draft report by the respondent or complainant (see below)

SUNY counsel will review the report for legal sufficiency. Modifications should be made as appropriate in consultation with the RIO and the Inquiry committee.

The complainant and respondent will be given 10 calendar days from receipt of the Inquiry Report to comment on the Inquiry report and have their comments attached to the report. Based on the comments, the Inquiry committee may revise the draft report as appropriate and prepare it in final form.

The RIO will transmit the final Inquiry report and any comments from Respondent and Complainant to the President (Deciding Official; DO), who will determine in writing

whether an Investigation is warranted. The Inquiry is completed when the DO makes this determination.

The respondent will be notified in writing within 30 days of this determination that an Investigation is warranted (notification must be made before the Investigation begins), as well as any new allegations, not addressed in the Inquiry or in the initial allegation of misconduct. Prior to such notice, the RIO will take all reasonable and practical steps to obtain custody of and sequester in a secure manner all research records and evidence needed to conduct the research misconduct proceeding that were not previously sequestered during the Inquiry.

### **Notification to Federal Oversight Agencies (ORI, OIG)-as applicable**

Within 30 calendar days of the DO's decision that an Investigation is warranted, the RIO will provide ORI or OIG with the DO's written decision and a copy of the Inquiry report. The RIO will also notify the Director of Sponsored Research of the DO's decision. The RIO will provide the following information to ORI upon request: (1) the institutional policies and procedures under which the Inquiry was conducted; (2) the research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and (3) the charges to be considered in the Investigation.

### **Documentation of Decision Not to Investigate**

If the DO decides that an Investigation is not warranted, the RIO shall secure and maintain for 7 years after the termination of the Inquiry sufficiently detailed documentation of the Inquiry to permit a later assessment (by ORI or other oversight entity) of the reasons why an Investigation was not conducted.

## **V. Investigation Phase**

The Investigation will begin within 30 calendar days after the determination by the DO that an Investigation is warranted. The purpose of the Investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to recommended findings on whether research misconduct has been committed, by whom, and to what extent. The Investigation will also determine whether there are additional instances of possible research misconduct that would justify broadening the scope beyond the initial allegation (particularly important where the alleged research 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 Investigation is to be completed within 120 days of beginning it (180 days if NSF funding is involved), including conducting the Investigation, preparing the report of findings, providing the draft report for comment (and sending the final report to ORI or OIG as applicable). However, if the RIO determines that the Investigation will not be completed within this 120-day period, he/she will submit to ORI /OIG a written request for an extension, setting forth the reasons for

the delay. The RIO will ensure that periodic progress reports are filed with ORI/OIG, if ORI/OIG grants the request for an extension and directs the filing of such reports.

## **Sequestration of Research Records**

The need for additional sequestration of records for the Investigation may occur for any number of reasons, including the College'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.

## **Appointment of the Investigation Committee**

The RIO, in consultation with other institutional officials as appropriate, will appoint an Investigation committee and the committee chair as soon after the beginning of the Investigation as is practical. The Investigation committee will consist of individuals who have the professional time and resources, as well as do not have any conflict of interest with those involved with the Investigation and should include individuals who have the professional time and resources, as well as the appropriate scientific expertise to evaluate the evidence and issues related to the allegation, interview the respondent and complainant and conduct the Investigation. Individuals appointed to the Investigation committee may also have served on the Inquiry committee. When necessary to secure the necessary expertise or to avoid conflicts of interest, the RIO may select committee members from outside the institution. Respondent will be informed of the proposed committee membership for an opportunity to object, within 10 calendar days, to a proposed member based upon a conflict of interest. The RIO will make the final determination regarding a challenge to a proposed committee member.

## **RIO Charge to the Investigation 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;
- Identifies the respondent;
- Informs the committee that it must conduct the Investigation in accordance with this policy;
- Defines research misconduct;
- Identifies funding sources
- Informs the committee that it must evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, the type and extent of it and who was responsible; Note:
  - The College has the burden of proof for making a finding of research misconduct. The destruction, absence of, or respondent's failure to provide research records adequately documenting the questioned research is evidence of research misconduct where the College establishes (by a preponderance of the evidence)

that the respondent intentionally, knowingly, or recklessly had research records but destroyed them, had the opportunity to maintain the records but did not do so, or maintained the records and failed to produce them in a timely manner, and that the respondent's conduct constitutes a significant departure from accepted practice of the relevant research community.

- Respondent has the burden of proving by a preponderance of the evidence any affirmative defenses raised, including honest error or a difference of opinion.
- Informs the committee that in order to determine that the respondent committed research misconduct it must find that:
  - research misconduct, as defined in this policy, occurred.
  - the research misconduct is a significant departure from accepted practices of the relevant research community; and
  - the respondent committed the research misconduct intentionally, knowingly, or recklessly; and
  - the allegation is proven by a preponderance of the evidence
- Informs the committee that an Investigation report that meets the requirements of this policy must be written at the conclusion of the process.

The RIO 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 this statement of policy and procedures and federal regulations as appropriate (e.g., 42 CFR Part 93, 45 CFR 689 etc). The RIO will be present or available throughout the Investigation to advise the committee as needed.

## **Investigation Process**

The Investigation committee and the RIO will:

- Use diligent efforts to ensure that the Investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of each allegation;
- Take reasonable steps to ensure an impartial and unbiased Investigation to the maximum extent practical;
- Interview each respondent, complainant, 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, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the Investigation; and
- Pursue diligently all significant issues and leads discovered that are determined relevant to the Investigation, including any evidence of any additional instances of possible research misconduct, and continue the Investigation to completion.

## **The Investigation Report**

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

- Describes the nature of the allegation of research misconduct, including identification of the respondent;
- Describes and documents any federal support, including, for example, the numbers of any grants that are involved, grant applications, contracts, and publications listing PHS support;
- Describes the specific allegations of research misconduct considered in the Investigation;
- Includes the institutional policies and procedures under which the Investigation was conducted, unless those policies and procedures were provided to ORI previously;
- Identifies and summarizes the research records and evidence reviewed and identifies any evidence taken into custody but not reviewed; and
- Includes a statement of findings for each allegation of research misconduct identified during the Investigation. Each statement of findings must:
  1. identify whether the research misconduct was falsification, fabrication, or plagiarism, and whether it was committed intentionally, knowingly, or recklessly;
  2. summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the respondent, including any evidence that he or she did not engage in research misconduct because of honest error or a difference of opinion;
  3. identify the specific federal support;
  4. identify whether any publications need correction or retraction;
  5. identify the person(s) responsible for the misconduct; and
  6. list any current support or known applications or proposals for support that the respondent has pending with non-PHS federal agencies.

### **Comments on the Draft Report**

The RIO will give the respondent a copy of the draft Investigation report for comment, and if requested, a copy of, or supervised access to, all documents on which the report is based. If a copy of the documents is requested, respondent will be financially responsible for duplication costs. The respondent will be allowed 30 days from the date he/she received the draft report to submit comments to the RIO. The respondent's comments will be included in the final report. The report must be kept confidential by the respondent during review.

The RIO may provide the complainant a copy of the draft Investigation report, or relevant portions of it, for comment. The complainant's comments must be submitted within 30 days of the date on which he/she received the draft report and the comments will be included in the final report. The report must be kept confidential by the complainant during review.

### **Finalizing the Investigation report; Decision by the President (Deciding Official - DO)**

The RIO will assist the Investigation committee in finalizing the draft Investigation report, including ensuring that the respondent's (and complainant's, as applicable) comments are

included and transmit the final Investigation report to the President (DO), who will determine in writing: (1) whether he or she accepts the Investigation report, its findings, and the recommended College actions; and (2) the appropriate College actions in response to the accepted findings of research misconduct. If this determination varies from the findings of the Investigation committee, the DO will, as part of his/her written determination, explain in detail the basis for rendering a decision different from the findings of the Investigation committee. Alternatively, the DO may return the report to the Investigation committee with a request for further fact-finding or analysis.

When a final decision on the case has been reached, the RIO will notify both the respondent and the complainant in writing. After informing federal agencies as applicable (ORI, OIG), the DO 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.

## **V. Institutional Administrative Actions**

If the DO determines that research misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken, after consultation with the RIO, legal counsel, and others as deemed appropriate. The administrative actions may include:

- Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;
- Disciplinary actions in accordance with any applicable labor agreements;
- Restitution of funds to the grantor agency as appropriate; and
- Other action appropriate to the research misconduct.

## **VI. Other Considerations**

### **Termination or Resignation Prior to Completing Inquiry or Investigation**

The termination of the respondent's institutional employment, by resignation 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 SUNY Geneseo's responsibilities.

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

## **Finding of No Research Misconduct: Notification of Outcome and Expunging of Records**

Following a final finding of no research misconduct, (including, where applicable, ORI concurrence where required by 42 CFR Part 93), the RIO will, at the request of the respondent and with approval by the DO, undertake all reasonable and practical efforts to notify involved parties (witnesses etc.) of this outcome. Depending on the particular circumstances and the views of the respondent, the RIO may consider notifying those individuals aware of, or involved in, the Investigation of the final outcome, publicizing the final outcome in any forum in which the allegation of research misconduct was previously publicized, and expunging all reference to the research misconduct allegation from the respondent's personnel file.

## **Protection of the Complainant, Witnesses and Committee Members**

During the research misconduct proceeding and upon its completion, regardless of whether the institution or ORI determines that research misconduct occurred, the RIO will undertake all reasonable and practical efforts to counter potential or actual retaliation against, any complainant who made allegations of research misconduct in good faith and of any witnesses and committee members who cooperate in good faith with the research misconduct proceeding. The DO will determine, after consulting with the RIO, and with the complainant, witnesses, or committee members, respectively, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them. The RIO is responsible for implementing any steps the DO approves.

## **VII. Federal Agency Requirements**

### **PHS Funded activities**

The Office of Research Integrity (ORI) oversees and coordinates PHS activities relating to misconduct.

Where PHS funds are involved, the requirements at 42 CFR 93 must be met by SUNY Geneseo. Possible actions to be taken by ORI (including initiation of its own Investigation) are identified in 42 CFR 93, and should be noted.

Unless an extension has been granted, the RIO will, within the 120-day period for completing an Investigation, submit the following to ORI: (1) a copy of the final Investigation report with all attachments; (2) a statement by the Deciding Official (President) of whether the institution accepts the findings of the Investigation report; (3) a statement of whether the institution found misconduct and, if so, who committed the misconduct; and (4) a description of any pending or completed administrative actions against the respondent.

The RIO will maintain and provide to ORI upon request "records of research misconduct proceedings" (as defined by 42 CFR § 93.317). Unless custody has been transferred to HHS or ORI has advised in writing that the records no longer need to be retained, records of research misconduct proceedings will be maintained in a secure manner for 7 years after completion of the proceeding or the completion of any PHS proceeding involving the research misconduct

allegation. The RIO is also responsible for providing any information, documentation, research records, evidence or clarification requested by ORI to carry out its review of an allegation of research misconduct or of the institution's handling of such an allegation.

The RIO will notify ORI in advance if there are plans to close a case at the Inquiry or Investigation stages on the basis that respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except: (1) closing of a case at the Inquiry stage on the basis that an Investigation is not warranted; or (2) a finding of no misconduct at the Investigation stage, which will be reported to ORI, as prescribed in this policy and 42 CFR § 93.315.

For PHS funded activities, this policy and applies only to allegations of research misconduct that occurred within six years of the date the institution or federal agency received the allegation, subject to the subsequent use, health or safety of the public, and grandfather exceptions in 42 CFR § 93.105(b) of PHS policy.

### **NSF-Funded Activities (45 CFR 689)**

The Office of the Inspector General (OIG) oversees and coordinates NSF activities related to misconduct.

Where NSF funds are involved, the requirements at 45 CFR 689 must be met by SUNY Geneseo. Possible actions to be taken by OIG (including initiation of its own Investigation) are identified in 45 CFR 689, and should be noted.

If the institution wishes NSF to defer conducting its own Inquiry and Investigation on the matter in question, NSF requires:

1. immediate notification if an initial Inquiry supports a formal Investigation
2. updates throughout Investigations
3. notification prior to decision to conduct an Investigation if
  - a) the seriousness of apparent misconduct warrants
  - b) immediate health hazards are involved
  - c) NSF's resources, reputation, or other interests need protecting
  - d) federal action may be needed to protect the interests of a subject of the Investigation or of others potentially affected, or
  - e) the scientific community or the public should be informed
4. submission of the final report from any Investigation. OIG will assess the accuracy and completeness of the report and whether the investigating entity followed reasonable procedures. It will either adopt the findings in part or in whole, or, normally within 30 days, initiate a new Investigation.
5. periodic status reports if the Inquiry stage takes longer than 90 days, or if the Investigation takes longer than 180 days (at which point, NSF may commence with its own Investigation)

OIG may initiate its own Inquiry, or contact the institution to encourage the initiation of an Inquiry if alleged misconduct is brought to its attention by means other than via reporting from the institution.

If NSF conducts a formal Investigation, prompt written notice will be made to the individual or institutions to be investigated, unless notice would prejudice the Investigation, or unless a criminal Investigation is underway or under active consideration. In the case of consideration of a criminal Investigation by the Department of Justice, FBI etc., the OIG will determine what information may be disclosed to the subject of the Investigation.

Specific procedures pertaining to inquiries, Investigations and appeals are available in the NSF regulations on the matter, 45 CFR 689.

## **Inquiries / Allegations**

Provost and Vice President for Academic Affairs  
SUNY Geneseo Research Integrity Officer (RIO)  
Office of the Provost  
1 College Circle, Erwin Hall, Room 205  
State University of New York at Geneseo  
Geneseo, NY 14454  
Phone (585) 245-5531  
Fax (585) 245-5096