

## POLICY ON RESPONSIBLE CONDUCT OF RESEARCH

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

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

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

### 3. DEFINITIONS

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

**Complainant:** A person who in good faith makes an Allegation of Research Misconduct.

**Conflict of Interest:** The actual or apparent interference of one person's ~~interests~~ interests with the interests of another person or entity, where potential bias may occur due to prior or existing personal or professional relationships.

**Evidence:** Any document, tangible item, or testimony offered or obtained during a Research Misconduct proceeding that tends to prove or disprove the existence of an alleged fact.

**Fabrication:** The recording or reporting of invented or forged data or ~~its~~ results with intent to deceive.

**Falsification:** Manipulating research materials, equipment, or processes or ~~changing~~ omitting data or results such that the research is not accurately represented in the research record.

**Good Faith as applied to a Complainant or witness:** Having a belief in the truth of one's Allegation or testimony that a reasonable person in the ~~Complainant's~~ Complainant's or witness's position could have, 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 it is made with knowing or reckless disregard for information that would negate the Allegation or testimony. Good faith as applied to a committee member means cooperating with the purpose of helping the University meet its responsibilities under any applicable federal regulations and this policy. ~~A~~ Committee member does not act in good faith if his/her acts or omissions on the committee are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the Research Misconduct proceedings.

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conclusion that the fact at issue is more probably true than not.

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

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

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

**Research record** The record of data or results that embody the facts resulting from scientific or scholarly inquiry, including but not limited to research proposals, laboratory records, both physical and electronic progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and

Research Misconduct;

4.1.2. Receive Allegations of Research Misconduct either in writing or orally;

4.1.3. Assess each Allegation of Research Misconduct in accordance with policy to determine whether it falls within the definition of Research Misconduct and warrants an Inquiry;

4.1.4. As necessary, take such actions as may be warranted to prevent or minimize the consequences of Research Misconduct;

## 4.2. Complainant

The Complainant is responsible for making Allegations in good faith ~~and~~ cooperating with the Inquiry and Investigation. As a matter of good practice, the Complainant should be interviewed at the Inquiry stage and given the typed notes, or recording of the interview for correction. The Complainant must be interviewed during an Investigation, and be given the typed notes or recordings of the interview for correction.

## 4.3. Respondent(s)

The Respondent(s) is responsible for cooperating with the conduct of an Inquiry and Investigation. The Respondent(s) should be given the opportunity to admit that Research Misconduct occurred and that he/she committed the Research Misconduct. Upon receipt of an admission, the RIO may notify VPR and/or other appropriate institutional officials. The VPR may terminate the institution's review of an Allegation that has been admitted, if the University's acceptance of the admission and any proposed settlement is approved by ORI.

The Respondent(s) is entitled to:

- 4.3.1. A good faith effort from the RIO to notify the Respondent(s) in writing at the time of or before beginning an Inquiry;
- 4.3.2. Be notified of the outcome of the Inquiry, and receive a copy of the Inquiry report that includes a copy of, or refers to 42 CFR Part 93 and the institution's policies and procedures on Research Misconduct;
- 4.3.3. An opportunity to comment on the Inquiry report and have his/her comments attached to the report;
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The RIO shall submit the Allegation along with all evidence that may exist, any written rebuttal from the Respondent, and any other pertinent documentation to an Inquiry Committee. This ad hoc committee





Allegations to be investigated. The RIO will also provide the Respondent(s) written notice of any new Allegations of Research Misconduct within a reasonable amount of time of deciding to pursue Allegations not addressed during the Inquiry or in the initial notice of the Investigation.

The RIO will, prior to notifying Respondent(s) of the Allegations, take all reasonable and practical steps to obtain custody of and sequester in a secure manner all records and evidence needed to conduct the Research Misconduct proceedings that were not previously sequestered during the Inquiry. The need for additional sequestration of records for the Investigation may occur for any number of reasons, including the University's decision to investigate additional Allegations not considered during the Inquiry stage or the identification of records during the Inquiry 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.

### 8.3. Appointment of the Investigation Committee

The VPR will notify the Provost who will appoint an Investigation Committee and the Committee Chair within ten (10) calendar days of the determination that an Investigation is warranted by the VPR. The Investigation Committee will consist of a minimum of three persons, at least two of whom must be faculty. The Investigation Committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the Investigation, are not a Complainant and, where practical, include individuals with appropriate scientific or professional expertise to evaluate the evidence and issues related to the Allegation whether internal or external to Binghamton University. Individuals appointed to the Investigation Committee may also have served on the Inquiry Committee. The Respondent will receive written notification of the committee composition by the RIO and may challenge any committee member, within seven (7) days of written notification on the grounds that the member does not meet the above criteria.

### 8.4. Charge to the Committee and First Meeting

8.4.1. The RIO will define the subject matter of the Investigation in a written charge to the committee that:

- 8.4.1.1. Describes the Allegations and related issues identified during the Inquiry;
- 8.4.1.2. Identifies the Respondent(s);
- 8.4.1.3. Informs the committee that it must conduct the Investigation as prescribed below in the Investigation Process section;
- 8.4.1.4. Defines Research Misconduct;
- 8.4.1.5. 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;
- 8.4.1.6. Informs the committee that in order to determine that the Respondent(s) committed Research Misconduct it must find that a preponderance of the



when appropriate, he/she will submit to ORI 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, if ORI grants the request for an extension and directs the filing of such reports.

## 9. THE INVESTIGATION REPORT

### 9.1.

Respondent(s)'s comments shall be attached and considered in the final report.

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

### 9.3. Decision by the Deciding Official

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

When a final decision on the case has been reached by the VPR, the RIO shall notify both the  
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subsequent regulations. Unless custody has been transferred to HHS or ORI has advised in writing that the records no longer need to be retained, records of Research Misconduct proceedings must be maintained in a secure manner for seven (7) years after completion of the proceeding or the completion of any PHS proceeding involving the Research Misconduct Allegation. The RIO is responsible for providing any information, documentation, research records, evidence or clarification requested by ORI to carry out its review of an Allegation of Research Misconduct or of the University's handling of such an Allegation.



shall proceed. If the Respondent(s) refuses to participate in the process after separation from employment, the RIO and any Inquiry or Investigation Committee shall use their best efforts to reach a conclusion concerning the Allegations, noting in the report the Respondent(s)'s failure to cooperate and its effect on the evidence.

#### 12.2. Restoration of the Respondent(s)'s Reputation

Following a final finding of no Research Misconduct and upon the request of the Respondent(s), the RIO shall undertake all reasonable and practical efforts to restore the Respondent's reputation. Depending on the particular circumstances and the views of the Respondent(s), the RIO shall publicize the final outcome in any forum in which the Allegation of Research Misconduct was previously publicized. Any institutional actions to restore the Respondent(s)'s reputation should first be approved by the VPR.

#### 12.3. Protection of Complainant, Witnesses and Committee Members

During the Research Misconduct proceeding and upon its completion, regardless of whether it was determined that Research Misconduct occurred, the RIO shall take steps to counter potential or actual retaliation against any Complainant who made Allegations of Research Misconduct in good faith and any witnesses and committee members who cooperate in good faith with the Research Misconduct proceeding.

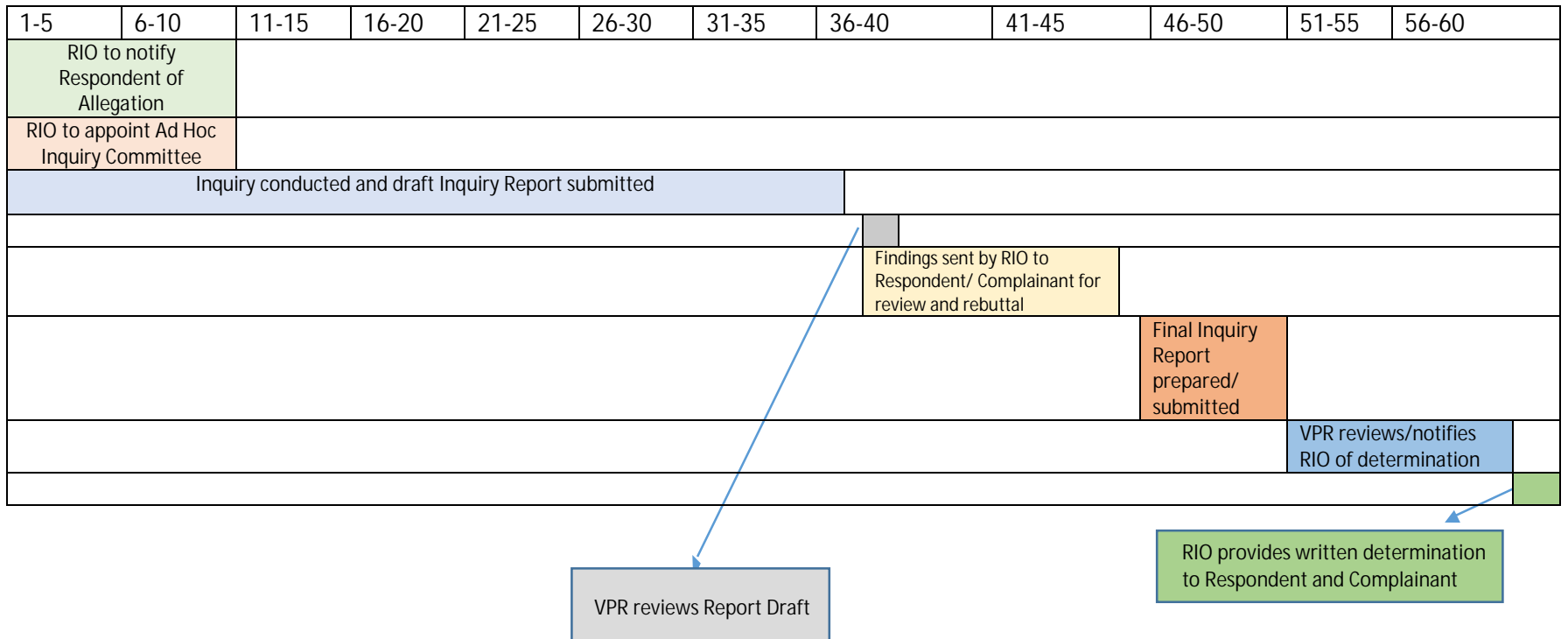
#### 12.4. Allegations Not Made in Good Faith

If relevant, the VPR will determine whether the Complainant's Allegations of Research Misconduct were made in good faith, or whether a witness or committee member acted in good faith. If the VPR determines that there was an absence of good faith, he/she will determine whether any corrective action should be taken against the person who failed to act in good faith.

*Approved by Faculty Senate: 02/20/2018*

## Appendix A

Inquiry Timeline from Initiation  
Days



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

