SOP 1.3  Retaliation

**General Description:**

42 CFR 93.300 requires institutions to protect complainants, witnesses and committee members from potential or actual retaliation by respondents and other institutional members. Retaliation is defined in 42 CFR 93.226 as “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”.

Mason takes these responsibilities very seriously and applies these actions no matter the source of funding related to the research misconduct allegation.

**Procedures:**

1. The RIO has the authority and responsibility to caution everyone connected to a misconduct case against retaliation or the appearance of retaliation and to investigate evidence or allegations of retaliation whenever they arise. When the allegations of retaliation appear to have substance, the RIO will refer the evidence to the Office of University Counsel for handling under Virginia’s Whistleblower Retaliation or other appropriate state or institutional rules.

2. The RIO will make notice of the institution’s retaliation policy a standard part of his or her initial conversation/interviews with complainants, witnesses, respondents, and the initial briefings of committees and to invite any of those persons to contact the RIO immediately whenever they have questions or concerns about actual or potential retaliation.

3. The RIO has the authority and responsibility to require interim actions by other administrators during the pendency of the review of an allegation of misconduct to protect those who, in the RIO’s judgment, are at high risk for retaliation or may already have been retaliated against. This may require reassigning employees to work in other locations.

4. The RIO has the authority and responsibility to assess for potential conflicts of interest any institutional official or other employee assigned to play a role in protecting a complainant, witness or committee member from retaliation and to ask that institutional official or employee to recuse him/herself when, in the RIO’s judgment, a real or apparent conflict exists.

5. The Deciding Official, upon advice from the RIO, has the authority to require senior administrators to appoint someone to monitor the well-being of a person who has been reassigned to new employment and to report to the RIO and the senior administrators who appointed her/him about any concerns with the welfare of the reassigned person.

6. At closure of the misconduct case, the Deciding Official and the RIO will take necessary actions to protect and, if necessary, restore the reputations of person who may have been retaliated against or persons charged with retaliation, but exonerated after review.

**Related Forms, Guidance, and SOPs:**

Policy 4007, Misconduct in Research and Scholarship

**Responsibility:**
Execution of SOP:
Deciding Official
Research Integrity Officer

Approval and Version History:

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