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Misconduct in Research and Scholarship

University Policy Number 4007

Categorized: Research

Responsible Office: Office of Research Integrity and Assurance, Vice President Research

Related Law & Policy:

- Policy 1114: Data Stewardship
- Policy 4006: Sponsored Programs Administration
- Policy 4010: Financial Conflicts of Interest in Federally Funded Research
- Policy 4017: Research Involving Human Subjects
- 42 CFR Part 93, for the Public Health Service of the United States Department of Health and Human Services
- 45 CFR Part 689, for the National Science Foundation
- 14 CFR Part 1275 and section 1260.40, for the National Aeronautics and Space Administration
- 10 CFR Part 733 and section 600.31, and 48 CFR sections 935.070 – 935.071, 952.235-71, and 970.5204-3, for the United States Department of Energy
- 68 Fed. Reg. 53861 (Sept. 12, 2003), for the United States Department of Labor
- DOD Instruction 3210.7, May 14, 2014, Department of Defense
- EPA Order 3120-5, Mar. 18, 2003, for the United States Environmental Protection Agency
- NEH Research Misconduct Policy, n.d., National Endowment for the Humanities
- OSTP Federal Research Misconduct Policy December 6, 2000 (Federal Register Volume 65, Number 235)

I. SCOPE

This policy applies to all full-time and part-time employees of the University, to all persons holding any position affiliated with the university, to all graduate students engaged in research or scholarship activities leading to the generation of reports, conference papers, publications, or creative works in which the university affiliation is indicated, to undergraduate students who are involved in sponsored research, and to all individuals at the university engaged in teaching, research, or scholarship, or under the control of, or affiliated with, the university.
Allegations of academic misconduct against graduate students are governed solely by the university honor code, except for: (1) research activities as defined above regardless of sponsorship; and (2) master’s theses and doctoral dissertations, both of which are governed by this policy. Allegations of academic misconduct against undergraduate students are governed solely by the university honor code, except for sponsored research activities which are governed by this policy.

II. POLICY STATEMENT

Members of the George Mason University community will pursue their research and scholarly activities in a manner that is consistent with the highest standards of ethical, scientific, and scholarly practice. The university will take all reasonable and practical steps to foster an environment that promotes the responsible conduct of research, research training, and related activities; discourages misconduct in research or scholarship (research misconduct); and deals promptly with allegations or evidence of possible research misconduct. The university also is committed to compliance with the requirements for the receipt of Federal funds.

All allegations of research misconduct will be addressed under this policy and associated procedures. The university will take all reasonable steps to ensure an impartial and unbiased research misconduct proceeding to the maximum extent practicable throughout the proceeding. It will select those conducting the inquiry or investigation on the basis of expertise that is pertinent to the matter and, prior to selection, will screen them for any source of potential bias or unresolved personal, professional, or financial conflicts of interest with the respondent, complainant, potential witnesses, or others involved in the matter. The university will take all reasonable steps to ensure that complainants, respondents, and other members of the university community maintain confidentiality and cooperate in the conduct of research misconduct proceedings as provided in this policy.

A research misconduct proceeding will not be discontinued as a result of the termination of a respondent’s employment, confession, or the respondent’s refusal to cooperate in the conduct of the proceeding.

III. DEFINITIONS

“Allegation” means a disclosure of possible research misconduct to individuals indicated in the procedures to this policy.

“Complainant” means a person who makes an allegation of research misconduct.

“Conflict of Interest” means the real or apparent interference of one person’s outside interests with the interests of another person where potential bias may occur due to prior or existing personal, professional, or financial relationships (whether positive or negative). This relationship may be with the person or the person’s close relatives.

1 Removed: a good faith
“Days” means calendar days. Weekdays in which the university is closed for business are not included in the calculation of deadlines for any procedure.

“Deciding Official” means the institutional official who makes final determinations on allegations of research misconduct and any institutional administrative action.

“Evidence” means any document, tangible item, testimony, or other information offered or obtained during a research misconduct proceeding that tends to prove or disprove the existence of an alleged fact.

“Fabrication” means making up data or results and recording or reporting them.

“Falsification” means 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.

“Good faith” 2 as applied to a complainant or witness, means having a belief in the truth of one's allegation or testimony that a reasonable person in the 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 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 research misconduct proceeding by impartially carrying out the duties assigned for the purpose of helping an institution meet its responsibilities. 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 proceeding.

“Inquiry” means preliminary information-gathering and preliminary fact-finding. An inquiry leads to a determination of whether the allegation has substance and if an investigation is warranted.

“Investigation” means the formal development of a factual record and the examination of that record leading to either a finding of research misconduct or a finding that no research misconduct occurred.

“Local unit” means the smallest administrative unit to which an individual is assigned (department, center, or similar).

“Notice” means a written communication served in person or sent by mail or its equivalent to the campus address, last known street address, facsimile number, or e-mail address of the addressee.

“Person” means any individual, corporation, partnership, institution, association, unit of government, or legal entity, however organized.

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2 Previous definition: “Good faith” means an allegation made with the honest belief that research misconduct may have occurred. An allegation or participation in a research misconduct proceeding is not in good faith if made with knowing or reckless disregard for information that would negate the allegation or testimony.
“Plagiarism” means the appropriation of another person’s ideas, processes, results, or words without giving appropriate credit.

“Preponderance of the evidence” means that the existence of a fact is more probable than not, or that the party with the burden of proof has shown that its view of the facts is more probable than not.

“Research” means a systematic experiment, study, evaluation, demonstration, or survey designed to develop or contribute to general or specific knowledge by establishing, discovering, developing, elucidating, or confirming information. Research also includes work for the advancement of a discipline or field of study, or the integration of the discipline with other fields, through original research, artistic work, exhibitions, or performance, or by the application of discipline- or field-based knowledge to the practice of the profession.

“Research Integrity Officer” means the institutional official responsible for: (1) assessing allegations of research misconduct; (2) overseeing inquiries and investigations; and (3) other responsibilities described in this policy.

“Research misconduct” means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or scholarship, or in reporting research results. Fabrication or falsification of credentials on funding applications and manuscripts can be considered research misconduct. Research misconduct does not include honest error or differences of opinion.

“Research record” means the record of data or results that embodies the facts resulting from 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 any documents and materials provided to a university official or a Federal agency by a respondent in the course of the research misconduct proceeding.

“Respondent” means the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.

“Retaliation” means an adverse action taken against a complainant, witness, or committee member by a member of the university community in response to –

(a) A good faith allegation of research misconduct; or

(b) Good faith cooperation with a research misconduct proceeding.

IV. PROCEDURES

A. Conduct of Proceedings
Allegations of research misconduct will be managed through the process outlined in this policy. In addition to referral to appropriate institutional officials, if at any point in the proceedings, evidence of harm to research subjects is identified; the Institutional Review Board or Institutional Animal Care and Use Committee will be notified and will independently conduct an investigation. If at any point in the proceedings an undisclosed conflict of interest, as defined in University Policies 4001 and 4010, is identified, the Conflict of Interest Committee will be notified and will independently conduct an investigation. The order of reviews will follow SOP 1.1 Triage and Precedence of Procedures.

If a respondent confesses to research misconduct, this procedure may be modified by the RIO, in consultation with the Vice President to accommodate necessary administrative actions earlier in the process and/or reduce or eliminate procedures that are not relevant. If the respondent cannot be located and/or refuses to participate in the proceedings, appropriate notifications to funding agencies, publishers, and co-authors will be made to ensure that the research record is corrected even if a finding of research misconduct is not possible (as described in SOP 1.6 Corrections and Retractions).

Although these proceedings are considered an internal personnel matter, the respondent may consult with legal counsel or a non-lawyer personal advisor (who is not a principal or witness in the case) to seek advice and may bring the counsel or personal advisor to interviews or meetings on the case. The counsel or personal advisor may only advise the respondent and does not have a right to interview the complainant, witnesses, committee members, or university officials.

These procedures set forth distinct timelines for investigative proceedings regarding allegations of research misconduct. The University shall make every effort to conform to those timelines. However, any failure by the University to meet the timeline requirements set forth herein shall not be grounds for a finding in favor of the respondent.

In general, the statute of limitations for assessing and investigating allegations of research misconduct is six years prior to the date that allegations are raised. Exceptions to this statute of limitations include:

- **Subsequent use exception.** The respondent continues or renews any incident of alleged research misconduct that occurred before the six-year limitation through the citation, republication or other use for the potential benefit of the respondent of the research record that is alleged to have been fabricated, falsified, or plagiarized.
- **Health or safety of the public exception.** If a federal agency or the institution, following consultation with a federal agency, determines that the alleged misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public.
- **Pattern of misconduct exception.** Cases in which a respondent appears to have a pattern of committing fabrication, falsification, and/or plagiarism.

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3 Previous language not needed because procedure has been incorporated throughout: All allegations of research misconduct will be managed through the George Mason University Research Misconduct Procedure. This procedure describes responsibilities for the research misconduct process and how the university will receive and review allegations, conduct inquiries and investigations, and communicate results to the complainant and respondent. This procedure also describes how the university will communicate results with external agencies.
In these circumstances, the RIO, inquiry committee, investigation committee, or Deciding Official may evaluate works that are older than six years.

1. Confidentiality

During the course of the proceedings, all individuals involved have an obligation to provide confidentiality to all respondents, complainants, and research subjects identifiable from research records or evidence except when required to disclose by federal or state law or regulations, and as specified in this policy4. To the extent allowed by law, the university will maintain the identity of respondents and complainants securely and confidentially and will not disclose any identifying information, except to institutional officials and committee members in order to carry out a thorough, competent, objective, and fair research misconduct proceeding. Any information obtained during the research misconduct proceeding that might identify human subjects will be maintained securely and confidentially and will not be disclosed except to institutional officials and committee members in order to carry out the research misconduct proceeding.

Confidentiality of information shall be maintained to the maximum extent possible throughout the proceedings, except that the respondent may disclose this information as needed to defend against an allegation of research misconduct.

The University reserves the right to communicate general information regarding the results of any proceedings, where necessary in the judgment of the administration to preserve or restore the reputation of the University, the respondent, or the complainant. At no time, however, shall the University reveal detailed personal information regarding the complainant, the respondent or witnesses, nor shall the University reveal the nature or substance of the evidence or reasoning employed throughout the proceedings.

2. Interim protective actions

The university will take appropriate interim actions at any time during a research misconduct proceeding to protect the integrity of the research process, public health, and any Federal, other sponsor, or institutional funds and equipment involved in the proceeding. The necessary actions will vary according to the circumstances of each case.

3. Interim Administrative Actions

Throughout the research misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to: public health; federal, other sponsor, or institutional funds and equipment; or the integrity of the externally supported research process (exigent circumstances, further detailed in SOP 1.2). In the event of such a threat, the RIO will, in consultation with other institutional officials and funding agencies, take appropriate interim action to protect against any such threat. Interim action might include additional monitoring of the research process and the handling of funds and equipment, reassignment of personnel or of the responsibility for the handling of funds and equipment, additional review of research data and

4 Removed: policy 4007 and this procedure document.
results or delaying publication. The RIO shall, at any time during a research misconduct proceeding, notify funding agencies immediately if there is reason to believe that: health or safety of the public is at risk, including an immediate need to protect human or animal subjects; 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; the research misconduct proceeding may be made public prematurely and federal action may be necessary to safeguard evidence and protect the rights of those involved; or the research community or public should be informed.

4. Notifying funding agencies as required during the normal course of the research misconduct process

For proceedings that involve Federal support and research misconduct, the university will meet the reporting requirements of the funding agency. For proceedings that involve Federal support and research misconduct (as defined by the funding agency), the university will cooperate fully and on a continuing basis with Federal agencies during any oversight reviews and during the process under which the respondent may contest the agency’s findings of research misconduct and proposed administrative actions. The university will cooperate with and assist the appropriate Federal agency, as needed, to carry out any administrative actions it may impose as a result of a final finding of research misconduct by that agency.

For proceedings that involve support from non-Federal entities, the university will comply with all reporting requirements of, and provide information requested by, the funding entity subject to any legal limitations on the disclosure of that information.

5. Deadlines

Procedural deadlines may be extended due to the complexity of cases or in cases of illness or other extenuating circumstances. Requests for such extensions (along with accompanying documentation) must be submitted at least 1 day in advance of the original deadline, and must be approved by the Vice President for Research5 (Vice President).

6. Protecting and restoring reputations

a. Respondents. If a respondent is found not to have engaged in research misconduct, the university will undertake all reasonable, practical, and appropriate efforts to protect and restore the respondent’s reputation. The university will obtain the permission of the respondent before taking any such action.

b. Complainants, witnesses, and committee members. The university will undertake all reasonable and practical efforts to protect and restore the position and reputation of any good faith complainant, witness, or committee member and to counter potential or actual retaliation

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5 “and Economic Development” removed as that is no longer part of this title.
against those persons. Potential or actual retaliation must be reported to the Vice President or the RIO. Further guidance on retaliation is provided in SOP 1.3 Retaliation.

7. Research Records and Evidence

The university will take the following specific steps to obtain, secure, and maintain the research records and evidence pertinent to the research misconduct proceeding:

(a) If an inquiry is warranted, the university, not later than when it notifies the respondent of the allegation, will take all reasonable, practical, and lawful steps to obtain custody of all research records and evidence needed to conduct the research misconduct proceeding, inventory those materials, and sequester them in a secure manner, except that in those cases where the research records or evidence encompass equipment or instruments shared by a number of users, custody may be limited to copies of the data or evidence on that equipment or those instruments, so long as those copies are substantially equivalent to the evidentiary value of the equipment or instruments (SOP 1.5 Sequestration provides further details).

(b) Where appropriate, the university will give the respondent copies of, or reasonable, supervised access to, the research records. To the extent consistent with its commitment to maintain confidentiality, the university will provide other researchers who participated in the work similar access to sequestered records.

(c) The university will undertake all reasonable and practical efforts to take custody of additional research records and evidence discovered during the course of the research misconduct proceeding, including at the inquiry and investigation stages, or if new allegations arise, subject to the exception for equipment or instruments in (a) above.

(d) The university will maintain all records of the research misconduct proceeding for seven years after completion of the proceeding or any related proceeding of the funding agency, whichever is later, unless the proceeding involved Federal support and research misconduct as defined by the funding agency and the university has transferred custody of the records and evidence to the appropriate Federal agency or that agency has advised the university that it no longer needs to retain the records.

8. Composition of Committees

Only university employees may serve on an inquiry or investigative committee in a research misconduct proceeding. The university will form a standing committee of faculty members trained in research misconduct proceedings that may be drawn upon when new allegations arise. The university may also engage faculty not on this standing committee where additional expertise is warranted. The university may obtain the advice of non-employees with relevant expertise at any stage of the proceeding, including the preliminary assessment of the allegation. The committee(s) and institutional officials will follow these procedures to ensure all allegations are appropriately evaluated and due process is provided for respondents.
Inquiry and Investigation committees will consist of a three to five appointees from among individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegation. Except in extraordinary circumstances, the majority of the investigative committee’s members will be tenured faculty. Individuals appointed to the committees will typically not have an academic or administrative appointment in the same local unit as the respondent, because persons in the same local unit as respondent may be required to serve as witnesses or expert witnesses in the proceedings.\(^6\)

**B. Allegation**

All employees or individuals associated with George Mason University should report observed, suspected, or apparent misconduct in research and scholarship to the Research Integrity Officer (RIO) or to the Vice President for Research.\(^7\) Allegations received by a person other than the Vice President or RIO shall be promptly referred to the Vice President or RIO for preliminary assessment. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may call the RIO to discuss the suspected misconduct informally. If the circumstances described by the individual do not meet the definition of research misconduct, the RIO will refer the individual or allegation to other offices or officials with responsibility for resolving the problem. At any time, an employee may have confidential discussions and consultations about concerns of possible misconduct with the RIO or the Vice President for Research and will be counseled about appropriate procedures for reporting allegations.

Whenever possible, at a minimum the complainant should provide: the name of the respondent, names of witnesses, description of the misconduct, when and where the misconduct occurred, any relationship they have to the respondent, and supporting documentation. Additionally, if known, the complainant should specify whether the project is funded and the funding source. Finally, the complainant should provide their contact information unless they wish to remain anonymous. If the complainant wishes to remain anonymous, the Vice President or RIO will record the allegation without any identifiers that may have been disclosed during the allegation process.

The complainant has a duty to make the allegation in good faith. If at any point in a research misconduct proceeding the RIO, Vice President, or the respondent’s Dean or Institute Director believes that the allegation was not made in good faith, that official will refer the matter for appropriate handling under existing university procedures including SOP 1.4 Good and Bad Faith. Additionally, if the respondent is a member of the faculty, he or she may bring a grievance under the grievance provisions of the Faculty Handbook.

**C. Preliminary assessment of allegation**

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\(^6\) Local unit replaces department throughout. This section was consolidated from two previous sections.

\(^7\) Previous language: *All employees who learn of a complaint of research misconduct have a duty to report it to the AVP (as defined herein).*
Upon receiving an allegation of research misconduct, the RIO will immediately assess the allegation to determine whether there is sufficient evidence to warrant an inquiry, whether federal support or applications for funding are involved, and whether the allegation falls within the definition of research misconduct in this policy. An inquiry is warranted if the alleged conduct meets the definition of research misconduct in this policy and if the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified. If the alleged conduct fails to meet these criteria, no inquiry will be conducted. Where possible, the RIO may request additional details from and/or conduct an interview with the complainant to evaluate the need for an inquiry.

When a decision is made to dismiss an allegation at the assessment stage, the complainant will be notified of this decision and reasons for this decision. This notice may also be provided by the RIO to the respondent, the respondent’s local unit administrator, Dean or Director, Vice President, University Counsel, and the Deciding Official when appropriate.

D. Inquiry

The purpose of an inquiry is to conduct an initial review of evidence to determine whether to recommend that an investigation be conducted. Therefore, an inquiry does not require a full review of all the evidence related to the allegation. Within 7 days of identifying an inquiry committee, the RIO will provide notice to the respondent. This notice will include a statement of the allegation, a description of the inquiry process, a request for information and names of witnesses, and a list of proposed inquiry committee members. The respondent may challenge a member of the inquiry committee on the basis of conflict of interest or bias by submitting the challenge in writing to the RIO within five days of the date of the notification. The RIO will determine whether to accept or deny the challenge and with whom a challenged member is replaced. The respondent may challenge the replacement in the same manner. This notice will be copied to the respondent’s local unit administrator, Dean or Director, Vice President, and the Deciding Official. The RIO has the authority and obligation to sequester evidence which, in the RIO’s judgment, may be germane to an allegation of misconduct under review. This material will be sequestered at or before the notice of inquiry as described in SOP 1.5 Sequestration.

If during the course of the inquiry additional allegations are received or additional respondents are identified, the RIO will evaluate whether the additional allegation meets the definition of research misconduct and is sufficiently credible and specific. In those cases the allegation becomes part of the ongoing inquiry and inquiry times are extended to accommodate evaluation of this new allegation. The RIO will also follow the procedure outlined in the previous paragraph regarding notification and sequestration of research records.

The inquiry and preparation of the draft inquiry report should ordinarily be completed within sixty (60) days of convening the inquiry committee. The inquiry report will contain the following:

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8 Removed: within 14 days
9 Academic removed throughout
10 Replaced: determination that an inquiry is warranted
11 Replaced: receipt of an allegation by the Vice President or AVP.
(a) The name and position of the respondent;  
(b) The names and positions of members of the inquiry committee;  
(c) A description of the allegations of research misconduct;  
(d) Any federal or other external support involved;  
(e) The basis for recommending that the alleged actions warrant or do not warrant an investigation;  
(f) Comments on the report by the respondent;  
(g) A recommendation as to whether the complainant should be notified of the results of the inquiry and, if so, which parts of the report, if any, should be included in the notification;  
(h) A notification that the information should be maintained confidentially; and  
(i) Any recommendations to refer any of the inquiry findings to other university officials for appropriate action.

The respondent will be provided the draft inquiry report by the RIO and have 14 days to provide a response to the report. The RIO will then prepare a final inquiry report on behalf of the inquiry committee for the Vice President which recommends whether an investigation should be conducted. This final inquiry report will be prepared within 14 days of receipt of comments from the respondent. An investigation may be recommended if there is a reasonable basis for concluding that the alleged conduct falls within the definition of research misconduct under this policy and preliminary information-gathering and fact-finding from the inquiry indicates that the allegation may have substance. The committee decision to proceed or not proceed to an investigation must be a majority decision with any minority reports attached to the inquiry report for the consideration of the Vice President and Investigation Committee.

Within 14 days of receiving the inquiry report, the Vice President will either convey questions or concerns to the inquiry committee or accept the recommendations of the committee. If the recommendation is to proceed to an investigation the Vice President will follow the procedures described in the investigation section of this policy and act on the other recommendations of the inquiry report. The RIO will notify funding agencies as required by their respective policies when inquiries are forwarded to the investigation stage. The RIO will also notify other university officials as described in SOP 1.1 Triage and Precedence of Procedures.

E. Investigation

The purpose of an investigation is to determine whether research misconduct occurred and, if so, by whom and to what extent. A finding of research misconduct requires that:

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

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12 Replaced: 7  
13 Replaced: 15  
14 Replaced: determine whether to conduct an investigation  
15 Replaced: Vice President
The university has the burden of proof in making a finding of research misconduct. The respondent has the burden of presenting, and proving by a preponderance of the evidence, any evidence to support a complete or partial defense, or to negate the allegations, and any mitigating factors relevant to a decision to impose administrative actions. The destruction, absence of, or respondent's failure to provide research records adequately documenting the questioned research is evidence of research misconduct where the institution or federal agency establishes by a preponderance of the evidence that the respondent intentionally, knowingly, or recklessly had research records and 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 practices of the relevant research community.

The Vice President will appoint an investigative committee, provide notice to the respondent of this decision, and provide the respondent a copy of the final inquiry report. This notice will also include a statement of the allegation, a description of the investigation process, and the identities of the members of the investigation committee. This notice and final inquiry report will be provided by the RIO and copied to the respondent’s local unit administrator, Dean or Director, University Counsel, and the Deciding Official. The respondent may challenge a member of the investigation committee on the basis of conflict of interest or bias by submitting the challenge in writing to the Vice President within 5 days of the date of the notification. The Vice President will determine whether to accept or deny the challenge and with whom a challenged member is replaced. The respondent may challenge the replacement in the same manner.

Within 14 days of the end of the final challenge period, the Vice President will begin the investigation by convening the first meeting of an investigation committee. At the investigation committee's first meeting, the Vice President will review the following: the allegations, the findings of the inquiry, the procedures and standards for conducting the investigation, confidentiality obligations, the need for an investigation plan, the possible penalties for a finding of misconduct, and the timeframe for completing the investigation. The University Counsel and RIO will accompany the Vice President at the first meeting of the investigation committee and both will remain available to advise the committee during its investigation.

If the investigation discloses any allegation against the respondent not addressed during the inquiry or in the initial notice of the investigation or any allegation against an additional respondent, the committee will report the allegation to the RIO for assessment. If the RIO, with guidance from the inquiry committee, finds that the additional allegation meets the definition of research misconduct and is sufficiently credible and specific, the allegation becomes part of the ongoing investigation and investigative times are extended to accommodate evaluation of this new allegation.

In conducting the investigation, the committee –

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16 Removed: Within seven days of determining an investigation is warranted.
17 Replaced: final committee appointment
(a) 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 the allegations;

(b) Will 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

(c) Will 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.

The committee will ensure that any interview conducted during the investigation is recorded, that a transcript of the recording is prepared, that the interviewee is provided a copy of the transcript for correction and the opportunity to comment on its contents, and that the transcript and any comments of the interviewee are included in the record of the investigation. The Committee will schedule interviews of each of the witnesses, including the respondent. The respondent may attend interviews of witnesses except for the complainant, along with his or her legal counsel or a non-lawyer personal advisor, and the respondent may direct questions to them. The committee will notify the respondent at least 14 days in advance of the scheduled date of such interviews.

After gathering and examining the relevant evidence, the investigation committee will:
(a) Prepare a draft investigation report;
(b) Give the respondent a copy of the draft report, and, concurrently, a copy of, or supervised access to, the evidence on which the report is based; and
(c) Provide notice to the respondent of his or her opportunity to provide a written response to the draft report within 30 days of the date on which he or she received it.

The committee will ensure that any response submitted by the respondent is considered and included in the final investigation report. The committee will also give the University Counsel a copy of the draft investigation report.

The committee will then prepare a final investigation report to the Vice President. In the report, the committee will:
(a) Describe the nature of and specific allegations of research misconduct considered in the investigation;
(b) Describe and document any Federal or other external support;
(c) Identify and summarize the research records and evidence reviewed, identify any evidence taken into custody but not reviewed, and summarize the reasons why any evidence was not taken into custody;
(d) Provide a finding as to whether research misconduct did or did not occur for each separate allegation of research misconduct identified during the investigation, and if misconduct was found:
(i) identify it as falsification, fabrication, or plagiarism and whether it was committed intentionally, or knowingly, or recklessly;

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18 Removed: the complainant and
(ii) summarize the facts and the analysis supporting the conclusion and consider the merits of any reasonable explanation by the respondent and any evidence that rebuts the respondent’s explanations;
(iii) identify any publications that need correction or retraction;
(iv) identify the person or persons responsible for the misconduct; and
(v) list any current support or known applications or proposals for support that the respondent or respondents have pending with any Federal agency;
(e) Include and evaluate any response made by the respondent on the draft investigation report;
(f) Include a recommendation as to whether the complainant should be notified of the results of the investigation and, if so, which parts of the report, if any, should be included in the notification;
(g) Include any recommendations for administrative actions relating to the misconduct found; and
(h) Include any recommendations to assist the complainant or any other person who was harmed by the conduct found.

A recommendation to find research misconduct or dismiss the allegation must be a majority decision with any minority reports attached to the investigation report for the consideration by the Deciding Official.

The investigation will ordinarily be completed within 120 days of the first meeting of the investigation committee. For proceedings that involve Federal support and research misconduct as defined by the funding agency, if the committee is unable to complete the investigation within the time prescribed by the funding agency, the Vice President will communicate with the agency regarding any requirements relating to an extension. For other proceedings, the Vice President may grant a reasonable and specified extension for good cause.

F. University Determination

The Vice President will provide a copy of the final investigation report and decision to the respondent. This final report will be copied to the respondent’s local unit administrator, Dean or Director, and the Deciding Official.

Where the investigative committee finds research misconduct in the investigative report, the Vice President will review the report and make a determination on behalf of the university as to whether research misconduct occurred and, if so, by whom, and whether the university accepts the findings of the investigation. The RIO will provide University Counsel with a copy of the report. The Vice President will recommend to the Deciding Official administrative actions the university should take against the respondent.

In addition to disciplinary administrative actions outlined in university policies and procedures, the Vice President may recommend administrative actions, including but not limited to:

1 – withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found,
2 – removal of the responsible person from the particular project, letter of reprimand, additional mandatory training in responsible conduct of research for the respondent and any individuals the respondent supervises, special monitoring of future work, probation, suspension, salary reduction, initiation of steps leading to possible rank reduction or termination of employment consistent with university policy, and

3 – restitution of funds as appropriate.

The Deciding Official will determine what administrative actions the university takes against the respondent. The respondent has the burden of proving by a preponderance of evidence any mitigating factors that are relevant to a decision to impose administrative actions following a research misconduct proceeding. The RIO will monitor administrative actions as detailed in SOP 1.7.

If the decision is that the respondent committed research misconduct, the Deciding Official will provide notice to the respondent that he or she may appeal the finding and any administrative actions by filing a request for reversal or modification of the decision and grounds for that request with the Deciding Official within 30 days of receiving the university’s decision. The Deciding Official will issue a written decision on the appeal, including the reasons for the decision, normally within 60 days of the date the appeal is filed. This written decision will be copied to the respondent’s local unit administrator, Dean or Director, and the VPR and RIO. If the university is unable to complete the appeal within the time prescribed by a funding agency, the RIO will communicate with the agency regarding any requirements relating to an extension. The RIO also will provide a final case report to funding agencies when required.

If the decision is that research misconduct did not occur, the university will undertake all reasonable, practical, and appropriate efforts to protect and restore the respondent’s reputation if the respondent requests that it do so.

V. RESPONSIBILITIES

President

If the Provost has a conflict of interest with a proceeding, the President will serve in all capacities assigned to the Deciding Official under this policy.

Provost

The Provost is the Deciding Official and will make the ultimate decision regarding administrative actions for individuals found guilty of research misconduct. If a particular proceeding presents the Vice President, RIO, Dean, or Director with a real or apparent conflict of interest, the Provost will appoint a replacement to carry out the responsibilities of the individual with a conflict of interest for that proceeding. If the respondent and the Vice President or the Dean or Director disagree as to whether a conflict exists, the Provost will resolve the

19 Removed: federal
disagreement. In cases where conflicts exist or Mason has inadequate institutional expertise, the Deciding Official may engage consultants to carry out portions of this policy.

**Vice President**

The Vice President is responsible for the overall administration of all research related policies. The Vice President will appoint the investigative committee and recommend administrative actions where appropriate.

**RIO**

The RIO has primary responsibility for implementation of this policy and associated procedures. The RIO will consult confidentially with persons uncertain about whether to submit an allegation of research misconduct and provide confidentiality to those involved in the research misconduct proceedings. The RIO is the primary point of contact for questions from the respondent(s), complainant(s), and witnesses about procedural issues. The RIO will receive allegations of research misconduct, conduct the assessment, appoint the inquiry committee, and prepare the inquiry report along with other communication to the respondent, complainant, funding agencies, and university officials including the Deciding Official. Additionally, the RIO will provide support throughout the investigation and resolution of the allegation.

**Deans and Directors**

Deans and Directors are responsible for forwarding allegations of research misconduct. They are also responsible for providing support for this policy and participating in the associated procedures. For a respondent who does not report to a Dean or Director, those terms mean the respondent’s equivalent senior supervisor. For respondents with multiple reporting lines, all supervisors may be engaged in the process, or one responsible supervisor may be designated by mutual agreement of all supervisors.

**Faculty, staff, and students**

Each member of the university research community is responsible for conducting research in an ethical manner, reporting good faith suspicions of research misconduct, cooperating with research misconduct proceedings, and providing information during an inquiry and investigation.

**VI. DATES**

**A. EFFECTIVE DATE**

This policy will become effective upon the date of approval by the Senior Vice President and Provost.

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20 Replaced: administration, interpretation, and application of this policy. The Vice President will review the inquiry report and determine when investigations are warranted.

21 RIO replaces AVP throughout since the RIO could be someone other than the AVP at some point in the future.

22 Replaced: and Vice President.
B. DATE OF MOST RECENT REVIEW

N/A

VII. TIMETABLE FOR REVIEW

The policy, and any related procedures, shall be reviewed every 3 years.

VIII. SIGNATURES

Approved:

__________________________________________  ____________
Jennifer (J.J.) Wagner Davis  Date
Senior Vice President for Administration and Finance

__________________________________________  ____________
David Wu  Date
Provost