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## Teaching, Research, and Outreach

### Policy on Research Misconduct (VIII.3.1)

#### POLICY VIII.3.1

Volume VIII, Teaching, Research, and Outreach  
Chapter 3, Ethics

Issuing Office: Office of the Provost

Responsible Officer: Research Integrity Officer

Responsible Office: OVPR Office of Research Administration

Originally Issued and Effective: October 1, 2008

[Printable Version \(HTML\)](#)

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### Statement of Policy

#### I. Scope

This Policy<sup>(1)</sup> describes Purdue University's policies and procedures concerning Allegations of Research Misconduct against a person who, at the time of the alleged misconduct, was engaged in research at Purdue. The University will address all Allegations of Research Misconduct and all discipline assessed in connection with Research Misconduct exclusively under this Policy.

#### II. Other Misconduct

Allegations of misconduct occurring outside the research setting are excluded from this Policy, as are allegations of conduct in the context of research that would not affect the integrity of research (for example, misallocation of funds, sexual harassment, illegal discrimination, or academic misconduct that is not Research Misconduct). Such allegations, including allegations that are brought forward as Allegations of Research Misconduct but that are not found to constitute Research Misconduct under this Policy, may be addressed under other University policies. Issues that involve the ethical treatment of human and animal research subjects but not Research Misconduct are also not covered by this Policy.

Violating the confidentiality obligations or the prohibitions against retaliation imposed by this Policy, making an Allegation of Research Misconduct in bad faith, or engaging in other practices that do not constitute Research Misconduct but that are unacceptable in a university environment, may constitute misconduct and/or insubordination, which can subject the violator to discipline under other University policies, practices, and procedures.<sup>(2)</sup>

#### III. Preamble

Integrity with regard to discovery, scholarly investigation, and the recording and reporting of these activities, is a core principle of academic life and is essential to scientific and scholarly

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progress. The proper conduct of scientific and scholarly research serves the best interests of the University community and society. Hence, a commitment to truth, objectivity, and honesty should guide everyone engaged in research at the University. Those participating in scientific or scholarly research are expected to maintain careful research records, to establish and follow well-defined protocols consistent with all state, federal, and University guidelines, and to report discoveries, observations, and scholarly and artistic activities accurately and fairly.

#### IV. Policy

Purdue shall provide a fair, thorough, competent, and objective response to all Allegations of Research Misconduct by following the procedures outlined in this Policy and applicable regulations of any federal agency providing research funding. The University may depart from this Policy if necessary to comply with any applicable laws or regulations. Nothing in this Policy creates a contract of employment between the University and any person, or changes the status of any at-will employee.

#### V. Rights and Responsibilities of Purdue Associates

Every Purdue Associate involved in any aspect of research at Purdue must encourage integrity in research, assign credit and responsibility for research appropriately, maintain careful research records, and establish and follow well-defined research protocols. Any Purdue Associate who believes in good faith that Research Misconduct may have occurred has an obligation to make an Allegation of Research Misconduct to the Research Integrity Officer (RIO) or to the Chief Academic Officer. Any Purdue Associate who receives information from any person that does or might constitute an Allegation of Research Misconduct or an admission of conduct constituting Research Misconduct must forward that information to the RIO. After making an Allegation of Research Misconduct, a Complainant shall have no further role in connection with any Research Misconduct Proceeding that may follow, except as a witness when appropriate.

A Respondent shall be entitled, at the Respondent's sole expense, to select and be represented by an advisor or advisors of his or her choice in connection with a Research Misconduct Proceeding involving an Allegation of Research Misconduct against him or her.

Purdue Associates shall cooperate with the RIO and other Purdue officials in connection with Research Misconduct Proceedings. Purdue Associates shall, upon request, provide evidence and information relevant to an Allegation of Research Misconduct to the RIO, an inquiry committee, an investigation committee, or other Purdue officials involved in a Research Misconduct Proceeding.

Purdue Associates shall not retaliate in any way against Complainants, witnesses, or committee members. Purdue Associates should report any known or reasonably suspected retaliation to the RIO, who shall take reasonable, practical and appropriate steps to counter the actual or potential effects of such retaliation.

Except as required by applicable laws or regulations, neither the Complainant, the Respondent, nor any Purdue Associate shall publicize or disclose the identity of Complainants, Respondents, or members of any inquiry or investigation committee, or any records or evidence from which research subjects might be identified, except (i) to those who need to know for the University to conduct any Research Misconduct Proceeding, and to their superiors, and (ii) to a Respondent's advisors who are bound by professional or contractual obligations to maintain the confidentiality of such information.

#### VI. Responsibilities of Purdue University

The Chief Academic Officer, in consultation with its chief research officer, will appoint a person to serve as the RIO under this Policy. In addition, the Chief Academic Officer, in consultation with the Faculty Chairperson, deans, and regional campus chancellors, as appropriate, will appoint a Committee on Research Integrity in accordance with the Additional Procedures (see Appendix).

If the Chief Academic Officer receives an Allegation of Research Misconduct, he or she shall forward the allegation to the RIO for handling under the provisions in this Policy.

If Purdue administrators learn of facts or circumstances that could support a good faith belief that Research Misconduct may have occurred, the administration may make an Allegation of Research Misconduct under this Policy, which shall be treated in the same way as an

allegation made by any other person.

Except as required by applicable laws or regulations or as otherwise permitted by this Policy, Purdue shall not without consent disclose the identity of Complainants, Respondents, or members of any inquiry or investigation committee, or any records or evidence from which research subjects might be identified, except to those who need to know for the University to conduct any Research Misconduct Proceeding, and to their superiors. Purdue may make any disclosures and take other reasonable, practical, and appropriate steps (i) to protect the public health, safety, or welfare, (ii) to protect federal funds or equipment, (iii) to preserve the integrity of research or of Research Misconduct Proceedings, (iv) to address possible criminal violations, and/or (v) for any other reasonable purpose. Purdue may disclose the findings and/or final report of an investigation committee which concludes that Research Misconduct has occurred, and Purdue may disclose that an individual has admitted to conduct constituting Research Misconduct, and pertinent facts relating to such an admission. Purdue may also disclose the findings and/or final report of an investigation committee that does not conclude that Research Misconduct has occurred, if Purdue and the Respondent believe that disclosure would assist in restoring the reputation of the Respondent and would serve overall fairness.

Upon request, Purdue will take reasonable, practical, and appropriate steps to restore the reputation of a Respondent against whom no finding of Research Misconduct is made. Purdue will also, upon request, take reasonable, practical, and appropriate steps to protect and restore the reputation of Complainants, witnesses, and committee members, and to protect them from retaliation by Respondents and other Purdue Associates as a result of making an Allegation of Research Misconduct or participating in Research Misconduct Proceedings.

#### VII. Responsibilities of the Research Integrity Officer

The RIO, who shall be a tenured full professor, shall have primary responsibility for administering this Policy and for maintaining University compliance with laws and regulations applicable to Research Misconduct Proceedings, including but not limited to providing notices and maintaining and retaining records in accordance with the requirements of federal funding agencies. The RIO shall be responsible for training members of the Committee on Research Integrity and members of each investigation committee concerning their duties under this Policy, and shall otherwise perform all responsibilities assigned the RIO under this Policy promptly and fairly, and in accordance with the provisions of this Policy.

*(1) Capitalized terms are defined in the definitions section in this Policy.*

*(2) For example, dishonesty by students in the performance of academic work is governed by the Student Conduct Code rather than this Policy.*

#### **Reason for Policy**

This Policy confirms Purdue's commitment to foster an environment that preserves the integrity of the research record and promotes truth, objectivity, fairness, honesty, and free inquiry in the conduct of all research at the University. This Policy is also designed to comply with applicable federal laws and regulations requiring Purdue to establish and implement policies and procedures to address Allegations of Research Misconduct in connection with federally funded research.

#### **Who Should Know This Policy**

Trustees	Faculty
President	All Employees
Provost	Post-doctoral associates, all students, and all faculty
Chancellors/Vice Chancellors	Fellows
Deans	Volunteers
Directors/Department Heads/Chairs	

#### **Contacts**

<b>Subject</b>	<b>Contact</b>	<b>Telephone</b>	<b>E-mail</b>
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Policy and Procedures	RIO	49-46840	<a href="mailto:pedunn@purdue.edu">pedunn@purdue.edu</a>
Receiving Allegations of Research Misconduct	RIO	49-46840	<a href="mailto:pedunn@purdue.edu">pedunn@purdue.edu</a>
Compliance with applicable laws and regulations	RIO	49-46840	<a href="mailto:pedunn@purdue.edu">pedunn@purdue.edu</a>

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## Definitions

The following terms shall have the following meanings when used in this Policy:

Word	Definition
<b>Additional Procedures</b>	The additional procedures in the Appendix to this Policy relating to the conduct of Research Misconduct Proceedings, as the same may be amended from time to time by the University.
<b>Allegation of Research Misconduct</b>	A communication by any means made by a Complainant to the RIO or to the Chief Academic Officer that discloses the Complainant's honest belief that Research Misconduct may have occurred.
<b>Chief Academic Officer</b>	Purdue's provost or an officer holding the duties of provost.
<b>Committee on Research Integrity</b>	The panel of individuals to be appointed by the Chief Academic Officer under this Policy to serve on inquiry committees as needed.
<b>Complainant</b>	A person who makes an Allegation of Research Misconduct.
<b>Fabrication</b>	Making up data or results and recording or reporting them.
<b>Faculty Chairperson</b>	The chairperson of the Faculty Affairs Committee of the University Senate.
<b>Falsification</b>	Manipulating research materials, equipment, or processes, or changing or omitting data or results so that the research involved is not accurately represented in the research record.
<b>Inquiry Criteria</b>	The following two criteria, which must both be answered in the affirmative by the RIO in order for an inquiry to be commenced: <ol style="list-style-type: none"> <li>1. Would or might the allegation, if taken as true, fall within this Policy's definition of Research Misconduct?</li> <li>2. Is the allegation sufficiently specific and credible so that potential evidence of Research Misconduct may be identified and gathered?</li> </ol>
<b>Investigation Criteria</b>	The following two criteria, which must both be answered in the affirmative by an inquiry committee in order for an investigation to be commenced: <ol style="list-style-type: none"> <li>1. Is there a reasonable basis for concluding that the allegation</li> </ol>

- falls within this Policy's definition of Research Misconduct?
2. Based on the inquiry committee's review of the evidence and records that it considered, may the allegation have substance?

<b>Involved Dean</b>	The Purdue dean whose school, college, or program is most directly involved with the research that is the subject of a particular Allegation of Research Misconduct.
<b>Plagiarism</b>	The appropriation of another person's ideas, processes, results, or words without giving appropriate credit. Plagiarism does not include disputes about authorship or credit.
<b>Policy</b>	This Policy on Research Misconduct.
<b>President</b>	The president of Purdue.
<b>Purdue, University, Purdue University</b>	Purdue University, including its regional campuses and satellite locations.
<b>Purdue Associate</b>	An individual, corporation, limited liability company, partnership, association, institution, organization, unit of government, or any other legal entity, however organized, that is employed by, is an agent of, or is affiliated by contract or agreement with, Purdue University. Examples of Purdue Associates include, but are not limited to, Purdue officers; tenured and non-tenured Purdue faculty; all other Purdue employees (whether full time, part time, or temporary); Purdue postdoctoral research associates or research scientists; Purdue fellows; Purdue students; any person or entity helping to conduct research at Purdue; Purdue volunteers; and Purdue contractors, subcontractors, awardees, sub-awardees, and their employees.
<b>Research Misconduct</b>	Conduct by a Purdue Associate taking place at Purdue or in connection with Purdue research that constitutes Fabrication, Falsification, or Plagiarism in proposing, performing, or reviewing research, or in reporting research results. Honest errors or differences of opinion do not constitute Research Misconduct. Misconduct that took place more than six years before an Allegation of Research Misconduct is made shall not be Research Misconduct under this Policy unless (i) the public health, safety, or welfare may be threatened if such misconduct is not addressed under this Policy, or (ii) the Respondent has within the last six years continued or renewed the alleged misconduct for the potential benefit of the Respondent through the citation, republication, or other use of the research record that is alleged to have been fabricated, falsified, or plagiarized. Conduct by a person taking place before or after the period during which the person is a Purdue Associate shall not constitute Research Misconduct under this Policy.
<b>Research Misconduct Proceeding</b>	Any action taken by Purdue under this Policy with respect to an Allegation of Research Misconduct, including but not limited to an initial assessment of an admission or an allegation, an inquiry, an investigation, a disciplinary action, and/or an appeal.

<b>Respondent</b>	A person against whom an Allegation of Research Misconduct is made.
<b>Research Integrity Officer (RIO)</b>	A tenured full professor who is appointed to serve as the research integrity officer pursuant to this Policy.
<b>Written Notice</b>	A written communication delivered in person or sent by mail or its equivalent, by facsimile, or by e-mail, to the recipient's last known mailing address, facsimile number, or e-mail address.

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## **Procedures**

### **I. Introduction**

Research Misconduct Proceedings shall be conducted in accordance with the following procedures, the Additional Procedures (see Appendix), and any other procedures required by laws and regulations. The RIO, in consultation with the Involved Dean, the chair of an inquiry or investigation committee, the Chief Academic Officer, or the President, as appropriate, shall decide all procedural issues not addressed by this Policy, and may adopt additional procedures that do not conflict with this Policy.

Respondents are entitled to a presumption of innocence regarding all Allegations of Research Misconduct. No finding of Research Misconduct shall be made unless supported by a preponderance of evidence gathered and evaluated under the framework of this Policy. Neither the RIO nor any committee formed under this Policy shall function as an advocate for or against a finding of Research Misconduct. The University's goals are (i) to conduct fair, thorough, competent, and objective Research Misconduct Proceedings to determine the truthfulness and accuracy of Allegations of Research Misconduct, (ii) to impose fair and reasonable disciplinary sanctions on any person who is found to have committed Research Misconduct and who is subject to University discipline, and (iii) to comply with laws and regulations applicable to Research Misconduct and Research Misconduct Proceedings, including but not limited to regulations promulgated by federal agencies that sponsor research.

Purdue will use good faith efforts to offer Respondents the opportunity to participate in Research Misconduct Proceedings involving them, and to obtain testimony from witnesses who may possess relevant information, in accordance with the following procedures. However, if a Respondent or witness cannot be identified or located, or refuses to participate, the University may proceed in his or her absence under the procedures outlined below, other than those procedures addressing participation by a Respondent or witness.

Under some circumstances, a person who is alleged to have committed Research Misconduct as defined in this Policy may be an employee or contractor of another institution rather than Purdue. If Purdue determines that another institution is in a better position to carry out inquiries and investigations, for instance because the other institution has control over the Respondent and pertinent records, Purdue may refer the allegations to such other institution if said institution has the resources and capability to carry out inquiries and investigations.

### **II. Admissions of Research Misconduct**

There is no requirement under this Policy to commence or to continue an inquiry or an investigation if a person admits to conduct that constitutes Research Misconduct. If a person at any time, whether in the context of a Research Misconduct Proceeding or not, admits to conduct that may constitute Research Misconduct, the admission shall be forwarded to the RIO or to the Chief Academic Officer, with the officer who receives the admission forwarding a copy to the other officer.

The RIO shall then determine if he or she has or may have a personal, professional, or financial conflict of interest regarding the person involved. If the RIO identifies an existing or potential conflict of interest, the RIO will notify the Chief Academic Officer. If the Chief Academic Officer determines that the RIO has such a conflict of interest, or that continued participation by the RIO might foster the appearance of a conflict of interest, the Chief Academic Officer shall appoint another tenured full professor to serve as the RIO under this Policy with respect to the particular admission or potential admission, and with respect to any Allegation of Research Misconduct that might ensue.

After any then known conflict of interest is resolved, the RIO shall assess whether or not the admitted conduct clearly constitutes Research Misconduct. If the RIO determines that the individual has clearly admitted to conduct constituting Research Misconduct, the RIO shall submit the admission, together with the RIO's written determination, directly to the Chief Academic Officer, with a copy to the admitting person, the Involved Dean, the Faculty Chairperson, and to any sponsoring federal agency if required by applicable regulations. The Chief Academic Officer shall respond to such a submission from the RIO in the same way that the Chief Academic Officer would respond under this Policy to a final report from an investigation committee making a finding of Research Misconduct, or to a ruling by an appeals committee affirming such a finding.

If the RIO cannot initially determine whether or not a person has admitted to conduct that constitutes Research Misconduct, the RIO shall treat the admission as if it were an Allegation of Research Misconduct under this Policy, and proceed accordingly.

If the RIO determines that a person has not admitted to conduct constituting Research Misconduct, the RIO shall provide Written Notice to the person and to the Involved Dean, and this Policy shall have no further applicability to the statement in question.

### III. Initial Assessment

The Chief Academic Officer shall forward a copy to the RIO of each Allegation of Research Misconduct that he or she receives, and the RIO will forward a copy of each Allegation of Research Misconduct that he or she receives to the Chief Academic Officer.

Upon receiving an Allegation of Research Misconduct (either directly from a Complainant or from the Chief Academic Officer), the RIO shall determine if he or she has or may have a personal, professional, or financial conflict of interest with the Complainant or the Respondent, or with any person whom the RIO can at that time identify as a likely witness in any Research Misconduct Proceeding that might ensue. If the RIO identifies an existing or potential conflict of interest, the RIO will notify the Chief Academic Officer, and the same procedure set forth in the preceding section shall be followed to resolve any such conflict.

After any then known conflict of interest is resolved, the RIO shall, in consultation with the Involved Dean, determine if the allegation satisfies the Inquiry Criteria. In making this assessment, the RIO may, but is not required to, (i) interview the Complainant, Respondent, and any other witness, (ii) gather information beyond what the Complainant has provided, and (iii) consult with any person. The RIO will prepare a written record of any such interviews and information, and of the basis for the decision.

If, following consultation with the Involved Dean, the RIO determines that an allegation satisfies the Inquiry Criteria, the RIO shall proceed under the following section of this Policy. If following such consultation the RIO determines that an allegation does not satisfy the Inquiry Criteria, the RIO shall provide Written Notice to the Involved Dean, and to the Complainant with a reminder of the confidentiality obligations of this Policy. The RIO shall then terminate any further Research Misconduct Proceedings regarding that allegation, although he or she may refer the matter for action under another University policy if appropriate.

### IV. Inquiry

Upon determining that an Allegation of Research Misconduct satisfies the Inquiry Criteria, the RIO shall provide Written Notice of the allegation or allegations, and of the need for an inquiry, to the Respondent, to the Involved Dean, and to the Chief Academic Officer. Simultaneously with or before providing such notice, the RIO shall obtain and preserve evidence in accordance with the Additional Procedures (see Appendix). The RIO shall also provide Written Notice to the Complainant that an inquiry will be commenced under this Policy, with a reminder of the confidentiality obligations of this Policy.

Upon providing such notices, the RIO shall, in consultation with the Chief Academic Officer and the Involved Dean, appoint three members of the Committee on Research Integrity with appropriate competence concerning the issues that may be involved to serve on an inquiry committee. If evaluating the Allegation of Research Misconduct will or may require expertise that members of the Committee on Research Integrity do not have, the RIO may, in consultation with the Chief Academic Officer and the Involved Dean, appoint one or more additional individuals with the required expertise who are not members of the Committee on

Research Integrity to serve on the inquiry committee. Under all circumstances, faculty members who do not also hold administrative appointments will constitute the majority of the inquiry committee members. Any potential personal, professional, or financial conflict of interest shall be resolved in accordance with the Additional Procedures (see Appendix). The RIO, in consultation with the Involved Dean, may also engage one or more outside consultants to assist the inquiry committee upon determining that additional expertise would be useful.

The purpose of an inquiry is to decide if an investigation of an Allegation of Research Misconduct should take place, rather than to decide if Research Misconduct has in fact occurred. Therefore, the committee is not required to undertake a full review of all the evidence related to an Allegation or Allegations of Research Misconduct. The committee shall review such records and evidence that the committee determines in its reasonable judgment would be useful in performing its assigned tasks, in accordance with the Additional Procedures (see Appendix). The RIO shall be present whenever the Inquiry Committee meets to conduct its business.

If the inquiry committee's final report concludes that the Investigation Criteria have been satisfied with respect to one or more Allegations of Research Misconduct under consideration, the RIO shall notify the sponsoring agency if required by applicable federal regulations, and shall proceed under the following section of this Policy.

If the inquiry committee's final report concludes that the Investigation Criteria have not been satisfied with respect to any allegation, the RIO shall provide Written Notice to the Respondent, to the Involved Dean, to the Chief Academic Officer, and to the Complainant, with a reminder of the confidentiality obligations of this Policy. The Research Misconduct Proceeding shall then be terminated. The RIO shall securely store his or her copy of the inquiry report, together with the Involved Dean's copy and each copy that has been retained by a committee member, as well as all supporting materials reviewed by the committee, for the longer of (i) three years, (ii) the period required by federal regulations or other applicable law, or (iii) the period required under any other Purdue policy. The RIO shall then return any original research materials still in the RIO's possession to their source and shall destroy all copies of the report and other supporting materials.

The University may disclose all or portions of the inquiry committee's final report in accordance with the responsibilities of the University under this Policy.

#### V. Investigation

Within 30 days after the date of a final inquiry report that concludes that the Investigation Criteria have been satisfied with respect to one or more Allegations of Research Misconduct, the RIO shall provide Written Notice of the allegation or allegations, and of the need for an investigation, to the Respondent, to the Involved Dean, to the Faculty Chairperson, and to the Chief Academic Officer. Simultaneously with or before providing such notice, the RIO shall obtain and preserve any additional evidence that has not already been obtained and preserved, in accordance with the Additional Procedures (see Appendix). The RIO shall also provide Written Notice to the Complainant that an investigation will be commenced under this Policy, with a reminder of the confidentiality obligations of this Policy.

Upon providing such Written Notice, the Chief Academic Officer shall convene an informal committee consisting of the Chief Academic Officer (who shall serve as the chairperson), the Faculty Chairperson, and the Involved Dean. This informal committee will then appoint three or more individuals to serve on an investigation committee (i) who were not members of the inquiry committee, (ii) who have expertise concerning the issues that will be involved, and (iii) at least one of whom shall not be a Purdue officer or employee. Any potential personal, professional, or financial conflict of interest shall be resolved in accordance with the Additional Procedures (see Appendix). The RIO, in consultation with the Involved Dean, may engage one or more outside consultants to assist the investigation committee upon determining whether additional expertise would be useful.

The purpose of an investigation is to decide if, based on a preponderance of the evidence in the judgment of the investigation committee, Research Misconduct has occurred with respect to the Allegation or Allegations of Research Misconduct under review by the committee.

If the investigation committee's final report finds Research Misconduct with respect to one or more allegations, the RIO shall notify the Complainant that there has been a finding of



Research Misconduct, with a reminder of the confidentiality obligations of this Policy. The RIO shall forward the final report to the Chief Academic Officer, with a copy to the Involved Dean, the Faculty Chairperson, and the Respondent.

If the investigation committee's final report does not find Research Misconduct with respect to any allegation, the RIO shall provide Written Notice to the Respondent, to the Involved Dean, to the Faculty Chairperson, to the Chief Academic Officer, and to the Complainant, with a reminder of the confidentiality obligations of this Policy. The Research Misconduct Proceeding shall then be terminated. The RIO shall securely store his or her copy of the investigation report and the inquiry report, together with the Involved Dean's copy and each copy that has been retained by any committee member, as well as all supporting materials reviewed by the committee, for the longer of (i) three years, (ii) the period required by federal regulations or other applicable law, or (iii) the period required under any other Purdue policy. The RIO shall then return any original research materials still in the RIO's possession to their source and shall destroy all copies of the report and other supporting materials.

The RIO shall provide a copy of the investigation committee's final report to the sponsoring agency if required by applicable federal regulations. The University may disclose all or portions of the investigation committee's final report in accordance with the responsibilities of the University under this Policy.

#### VI. Appeal of a Finding of Research Misconduct

A Respondent who has been found by an investigation committee to have committed Research Misconduct may appeal that finding by providing a written statement of appeal to the Chief Academic Officer and to the RIO within 15 days after receiving a copy of the final report of the investigation committee. The statement of appeal must clearly state (i) which findings of Research Misconduct the Respondent is appealing, and (ii) the facts and analysis that the Respondent believes the appeals committee should consider in deciding whether to overrule a finding of Research Misconduct. Upon receipt, the RIO will forward a copy of the statement of appeal to the Involved Dean and the Faculty Chairperson.

Upon receiving a statement of appeal within such 15-day period, but not thereafter, the Chief Academic Officer shall appoint an appeals committee consisting of three people with expertise in the subject matter of the Research Misconduct Proceeding who were not previously involved in the proceeding, either as committee members or as witnesses. Any potential personal, professional, or financial conflict of interest shall be resolved in accordance with the Additional Procedures (see Appendix).

If during an appeal proceeding a Respondent claims to have discovered new relevant evidence, the committee shall determine (i) if the alleged new evidence, if true, might have led the investigation committee to conclude that Research Misconduct had not occurred, and (ii) if the alleged new evidence was unavailable to the Respondent during the investigation proceeding, and would have been unavailable even if the Respondent had used reasonable efforts to obtain it. If the appeals committee answers both questions in the affirmative, then the appeals committee shall inform the Chief Academic officer, who shall direct the investigation committee, with the assistance of the RIO, to evaluate the new evidence and decide if the committee should amend its findings and its final report in light of the new evidence. The investigation committee's ruling, and if applicable its amended final report, shall be handled using the same procedures outlined in this Policy for final investigation reports, and a Respondent may appeal a finding of Research Misconduct in such a ruling or amended report using the procedures outlined in this section.

In considering an appeal, an appeals committee shall be guided by the following principles:

- The committee may only review the records, reports, and evidence assembled, prepared, or reviewed by the investigation committee.
- If the Respondent claims that investigation procedures were unfair, the committee should determine if the investigation was fairly conducted in a manner that was consistent with this Policy. The appeals committee should not overturn a finding of Research Misconduct based on a claimed procedural defect unless the committee determines both (i) that the procedural defect actually prejudiced the ability of the Respondent to prepare for and rebut an Allegation of Research Misconduct, and (ii) that the Respondent made a timely objection on the record concerning the procedural defect, so that the RIO or the investigation committee had the opportunity to correct the alleged

defect at the time it occurred.

- If the Respondent claims that the evidence does not support a finding of Research Misconduct, the appeals committee should uphold the finding if a reasonable person could conclude that each fact necessary to establish that the Respondent committed Research Misconduct was shown by a preponderance of the evidence. An appeals committee is not charged with reweighing the evidence or evaluating the credibility of witnesses.
- All matters before the committee requiring a decision shall be decided by majority vote.

The appeals committee should complete its evaluation of the records, reports, and evidence and present its ruling to the Chief Academic Officer, with copies to the Respondent, the RIO, the Faculty Chairperson, and the Involved Dean, within 20 days after the committee was formed, unless circumstances clearly require a longer period.

If the appeals committee overturns all findings of Research Misconduct that have been included in an investigation report, the RIO shall securely store the committee's ruling and all copies, together with the investigation report and the inquiry report and all copies, as well as all supporting materials reviewed by the inquiry, investigation or appeals committees, for the longer of (i) three years, (ii) the period required by federal regulations or other applicable law, or (iii) the period required under any other Purdue policy. The RIO shall then return any original research materials still in the RIO's possession to their source and shall destroy all copies of the report and other supporting materials.

The University may disclose all or portions of the appeals committee ruling in accordance with the responsibilities of the University under this Policy.

#### VII. Discipline

If a Respondent does not file a timely statement of appeal in connection with a finding of Research Misconduct under the preceding section of this Policy, or if an appeals committee has issued a ruling upholding one or more findings of Research Misconduct under said section, the Chief Academic Officer shall determine what disciplinary sanctions, if any, should be imposed on the Respondent by the University. The Chief Academic Officer may review any materials, interview any witnesses, and consult with any person in deciding what disciplinary sanctions to impose.

Within 30 days after the expiration of the time for appeal, or after the ruling of an appeals committee upholding one or more findings of Research Misconduct, whichever is applicable, the Chief Academic Officer shall provide a Written Notice to the Respondent, with a copy to the RIO, the Involved Dean, and the Faculty Chairperson, stating the disciplinary sanctions, if any, to be imposed on the Respondent. The Chief Academic Officer shall have the authority to impose any sanction that he or she determines to be fair and reasonable under the circumstances, up to and including termination of a University employee's employment, expulsion of a student from the University, and/or termination of a contract.

#### VIII. Appeal of Discipline

A Respondent who is the subject of disciplinary sanctions under the preceding section of this Policy may appeal the sanctions by providing a written statement of appeal to the President, with a copy to the Chief Academic Officer and the RIO, within 15 days after receiving Written Notice stating the disciplinary sanctions. The statement of appeal must clearly state the facts and analysis that the Respondent believes the President should consider in deciding whether to overrule or modify a disciplinary sanction. Upon receipt, the RIO will forward a copy of the statement of appeal to the Involved Dean and the Faculty Chairperson.

Upon receiving a statement of appeal within such 15-day period, but not thereafter, the President shall affirm, modify, or overturn the disciplinary sanctions that have been imposed by the Chief Academic Officer. In considering the appeal, the President may review any materials, interview any witnesses, and consult with any person. Absent extraordinary circumstances requiring a longer period, the President shall issue his or her written ruling within 60 days after the Respondent has initiated an appeal of disciplinary sanctions; said ruling shall be provided to the Respondent, with copies to the Chief Academic Officer, the RIO, the Involved Dean, and the Faculty Chairperson.

The University may disclose all or portions of the President's ruling in accordance with the

responsibilities of the University under this Policy.

#### IX. Finality

All determinations of culpability, findings of fact, and impositions of discipline made under the foregoing procedures in this Policy shall be final and not subject to further review or appeal under any University grievance procedure, or under any other procedure or in any other forum, (i) after the expiration of the time for appeal if the Respondent does not initiate an appeal within the time frames specified above, or (ii) upon the issuance of the appeals committee's and/or the President's ruling, if the Respondent does initiate a timely appeal.

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#### **History**

Supersedes: Executive Memorandum C-22

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### **Appendix to Policy on Research Misconduct**

#### **Additional Procedures**

##### I. The Committee on Research Integrity

The Committee on Research Integrity<sup>(1)</sup> shall be a standing panel appointed by the Chief Academic Officer and comprised of two faculty representatives from each of the University's colleges and equivalent academic units. Those individuals who are initially appointed to serve on the Committee on Research Integrity shall be divided into three groups, with each group comprising, as nearly as possible, one-third of the panel members. One such group shall be appointed for a term of one year, a second group for a term of two years, and the remaining group for a term of three years. After these initial terms, each panel member shall be appointed to a three-year term, so that the panel members shall from then on consist of three groups with staggered terms of three years each. The Chief Academic Officer may (i) at any time remove any individual from the Committee on Research Integrity for cause, and (ii) in consultation with the Faculty Chairpersons, deans, and regional campus chancellors, as appropriate, appoint a replacement.

##### II. Preservation of Evidence

Either simultaneously with or before commencing an inquiry or an investigation, the RIO shall take custody of, inventory, and sequester research records and evidence that may be needed. If the committee or the RIO subsequently identifies any additional evidence that may be needed, the RIO shall take reasonable and practical steps to obtain custody of, inventory, and sequester the additional evidence. The RIO shall provide a written receipt for all evidentiary materials obtained from individuals. If the research records or evidence include scientific instruments shared by more than one user, the RIO may instead take custody of copies of data or instruments if the copies have substantially equivalent evidentiary value. If appropriate under the circumstances, the RIO may provide the Respondent with copies of, or reasonable supervised access to, research records.

##### III. Conflicts of Interest

###### A. RIO, Inquiry Committee Members, and Investigation Committee Members

The RIO will ask each potential member of an inquiry or investigation committee to identify any personal, professional, or financial conflict of interest that he or she might have in connection with the subject matter of the inquiry or investigation, the Complainant, the Respondent, or any known potential witnesses. Upon identifying qualified nominees with no known conflicts of interest to constitute the committee, the RIO will provide Written Notice to the Respondent of the names of the individuals who have been nominated.

The Respondent will have five days after the date of that notice to provide Written Notice to the RIO if the Respondent believes that a personal, professional, or financial conflict of interest would prevent the RIO or any nominated inquiry or investigation committee member from providing fair and unbiased service, describing each perceived conflict in detail.

If the Respondent identifies a personal, professional, or financial conflict of interest involving the RIO within the five-day period, the RIO will notify the Chief Academic Officer. If the Chief Academic Officer accepts the asserted conflict of interest, or determines that continued

participation by the RIO might foster the appearance of a conflict of interest, the Chief Academic Officer shall appoint another tenured full professor to serve as the RIO under this Policy with respect to the Allegation or Allegations of Research Misconduct at issue.

If the Respondent identifies a personal, professional, or financial conflict of interest involving a nominated inquiry or investigation committee member within the five-day period that the RIO accepts, the RIO will, in consultation with the Involved Dean, nominate a substitute committee member and the process for identifying any conflict of interest with the new nominee will be repeated. If the Respondent does not provide Written Notice of a conflict of interest involving a committee member to the RIO within the five-day period, or if the RIO determines that the Respondent has identified no reasonable and good faith basis for alleging that such a conflict of interest exists, the RIO will provide Written Notice to the Involved Dean and to the Respondent that the nominated individuals shall constitute the inquiry or investigation committee.

#### B. Appeals Committee

The Chief Academic Officer will ask each potential member of an appeals committee to identify any personal, professional, or financial conflict of interest that he or she might have in connection with the subject matter of the appeal, the Complainant, the Respondent, or any witnesses. Upon identifying qualified nominees with no known conflicts of interest to constitute the committee, the Chief Academic Officer will provide Written Notice to the Respondent of the names of the individuals who have been nominated.

The Respondent will have five days after the date of that notice to provide Written Notice to the Chief Academic Officer if the Respondent believes that a personal, professional, or financial conflict of interest would prevent any nominated appeals committee member from providing fair and unbiased service, describing each perceived conflict in detail.

If the Respondent identifies a personal, professional, or financial conflict of interest involving a nominated committee member within the five-day period that the Chief Academic Officer accepts, the Chief Academic Officer will nominate a substitute committee member and the process for identifying any conflict of interest with the new nominee will be repeated. If the Respondent does not provide Written Notice of a conflict of interest involving a committee member to the Chief Academic Officer within the five-day period, or if the Chief Academic Officer determines that the Respondent has identified no reasonable and good faith basis for alleging that such a conflict of interest exists, the Chief Academic Officer will provide Written Notice to the Involved Dean and to the Respondent that the nominated individuals shall constitute the appeals committee.

#### IV. Inquiry Committee

Once an inquiry committee is appointed, the RIO shall, in consultation with the Involved Dean, appoint a chairperson. The RIO shall then prepare a written charge to the committee outlining the committee's responsibilities under the Policy. The RIO shall advise and assist the committee in connection with procedural issues relating to the charge and the inquiry. The charge shall include the following guidance, together with any other information or guidance that the RIO believes would be useful to the committee:

- (i) The committee shall allow the Respondent to respond, in person and/or in writing at the committee's discretion, to any allegation or allegations relating to the Respondent.
- (ii) As to each Allegation of Research Misconduct under consideration, the committee shall decide by majority vote if the Investigation Criteria have been satisfied.
- (iii) The committee shall prepare a draft inquiry report setting forth its decisions under the preceding subparagraph with respect to each Allegation of Research Misconduct under consideration, and explaining the basis for each decision, together with any other information that the RIO directs the committee to include in the report to satisfy applicable laws or regulations, or for any other appropriate reason. The report may also refer to evidence indicating the possibility that the allegation arises out of honest error or difference of opinion rather than Research Misconduct.

(iv) The committee shall provide a copy of the draft report to the Respondent, who shall have 10 days after the date of the draft report to inform the committee in writing of any claimed errors or to provide any other comments that the Respondent wishes to make. The committee shall consider any timely written comments from the Respondent to determine if the committee should amend the draft report based on the Respondent's comments.

(v) The committee shall then finalize the inquiry report, attach any timely written comments from the Respondent, and provide the report and two copies (together with any appendices) to the RIO. The RIO shall provide the final inquiry report and appendices to the Respondent, with a copy to the Involved Dean, and shall keep the other copy for the RIO's records.

(vi) The committee shall complete its inquiry and prepare its final inquiry report within 90 days after the inquiry was commenced, unless a shorter period is specified in any applicable federal regulations, or unless the RIO determines that circumstances require a longer period for the committee to perform its duties properly. If the RIO determines that more than 90 days is required, the inquiry record shall include an explanation for the longer period.

#### V. Investigation Committee

Once an investigation committee has been appointed, the RIO shall, in consultation with the Involved Dean, appoint a chairperson. The RIO shall then prepare a written charge to the committee outlining the committee's responsibilities under the Policy. The RIO shall advise and assist the committee in connection with procedural issues relating to the charge and the inquiry. The charge shall include the following guidance, together with any other information or guidance that the RIO believes would be useful to the committee:

(i) The committee shall review the final inquiry report and other relevant and available research records and documents, and shall interview the Complainant, each Respondent, and all other available persons who may reasonably be assumed to have relevant and non-cumulative information, including witnesses reasonably identified by the Respondent. The Respondent shall be offered the opportunity to be present during witness interviews. The Respondent may submit written questions to the committee that the Respondent wishes the witness to answer. The committee shall ask the witness to answer questions submitted by the Respondent that the committee determines, in its reasonable discretion, are appropriate. The committee shall record or transcribe each interview and shall allow the witness the opportunity to make written corrections to his or her testimony. The recording or transcript, together with any written witness corrections, and together with any questions that the Respondent submitted but that the committee did not ask the witness to answer, shall be included in the record of the investigation.

(ii) If the committee determines that it is more likely than not that a Respondent has intentionally, knowingly, or recklessly (a) destroyed or failed to produce evidence requested by the committee, or (b) failed to create or maintain records requested by the committee that the Respondent should have created and maintained under standard practices in research institutions such as Purdue, the committee may consider such destruction or failure to be evidence of the Respondent's intent with respect to the alleged Research Misconduct.

(iii) The committee shall diligently endeavor to examine all relevant research records and evidence, to pursue all significant and relevant issues and leads, and to document the investigation thoroughly. The committee shall continue the investigation to completion.

(iv) After completing its investigation, the committee shall decide by majority vote if the committee finds Research Misconduct with respect to each allegation under consideration. To make a finding of Research Misconduct, the committee must conclude that the evidence before it establishes that it is more likely than not that:

(a) the Respondent intentionally, knowingly, or recklessly committed Research Misconduct as defined in this Policy;

(b) the Respondent's actions departed significantly from standard

practices for major research institutions such as Purdue; and

(c) the alleged conduct does not arise out of honest errors or differences of opinion.

(v) The committee shall prepare a draft investigation report setting forth its decisions under the preceding paragraph, together with any other information that the RIO directs the committee to include in the report to satisfy applicable laws or regulations, or for any other appropriate reason. With respect to each separate Allegation of Research Misconduct that the committee considered, the draft report shall indicate whether Research Misconduct was or was not found, and for each allegation with respect to which Research Misconduct was found, the draft report shall:

(a) state whether such misconduct was Falsification, Fabrication, or Plagiarism;

(b) whether such misconduct was committed intentionally, knowingly, or recklessly;

(c) summarize the facts and analysis supporting the conclusion, and consider the merits of any reasonable explanation offered by the Respondent and any evidence that rebuts the Respondent's explanation; and

(d) identify the person or persons responsible.

(vi) The committee shall provide the Respondent a copy of the draft report and a copy of, or supervised access to, the evidence on which the report is based. The Respondent shall have the longer of (i) fifteen days, or (ii) the period specified by any applicable federal regulations, after receiving the draft report to inform the committee in writing of any claimed errors or to provide any other comments that the Respondent wishes to make. The committee shall consider any timely written comments from the Respondent to determine if the committee should amend the draft report based on the Respondent's comments.

(vii) The committee shall then finalize its investigation report, attach any timely written comments from the Respondent, and provide the report (together with any appendices) to the RIO. The RIO shall provide a copy of the final report and appendices to the Respondent, to the Involved Dean, to the Faculty Chairperson, and to the Chief Academic Officer, and shall keep a copy for the RIO's records.

(viii) The committee shall complete its investigation and prepare its final report within 180 days after the investigation was commenced, unless a shorter period is specified in any applicable federal regulations, or unless the RIO determines both that circumstances require a longer period for the committee to perform its duties properly and that any necessary agency approvals for an extension can be obtained.

## VI. Evidence of Additional Allegations of Research Misconduct

### A. At the Inquiry Stage

If an inquiry committee discovers evidence supporting a good faith belief that Research Misconduct that is not included in the allegations before the committee may have occurred, the committee shall make an Allegation of Research Misconduct to the RIO, who shall then make an initial assessment. If the RIO determines that the additional allegation does not satisfy the Inquiry Criteria, the RIO shall provide Written Notice to the committee and shall terminate any further proceedings with respect to the additional allegation.

If the RIO determines that the additional allegation satisfies the Inquiry Criteria and is related closely enough to the allegations already under consideration for inclusion to be reasonable and practical, the RIO shall include the additional allegation in the present inquiry by providing Written Notice to the Respondent, the Involved Dean, and the committee. The Respondent will then be provided an opportunity to respond to the additional allegation.

If the RIO determines that the additional allegation satisfies the Inquiry Criteria but that it

would not be reasonable and practical to include the allegation in the present proceeding, the RIO shall commence a separate inquiry under this Policy.

#### B. At the Investigation Stage

If an investigation committee discovers evidence supporting a good faith belief that Research Misconduct that is not included in the allegations before the committee may have occurred, the committee shall make an Allegation of Research Misconduct to the RIO, who shall then make an initial assessment. If the RIO determines that the additional allegation does not satisfy the Inquiry Criteria, the RIO shall provide Written Notice to the committee and shall terminate any further proceedings with respect to the additional allegation.

If the RIO determines that the additional allegation satisfies the Inquiry Criteria and is related closely enough to the allegations already under consideration for inclusion to be reasonable and practical, the RIO shall include the additional allegation in the present investigation by providing Written Notice to the Respondent, the Involved Dean, and the committee. The Respondent will then have the same rights with respect to the additional allegation that he or she had with respect to the original allegations before the committee.

If the RIO determines that the additional allegation satisfies the Inquiry Criteria but that it would not be reasonable and practical to include the allegation in the present proceeding, the RIO shall commence a separate inquiry under this Policy.

*(1) Capitalized terms in this Appendix are defined in the definitions section in Purdue's Policy on Research Misconduct.*

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