



## Title: Misconduct In Research

The University of Vermont is committed to fostering an environment in which the highest ethical standards in the conduct of research are followed. The primary responsibility for maintaining such standards of honesty in the pursuit and dissemination of knowledge rests with the faculty, their collaborating staff members, and students. An individual engaged in research is prohibited from engaging in Research Misconduct.

Research Misconduct means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

- a) Fabrication is making up data or results and recording or reporting them.
- b) Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- c) Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- d) Research misconduct does not include honest error or differences of opinion.

Personthe privilege of academic freedom intrinsic to scholarship and education, nor could we provide to society the advancements of knowledge that derive from free and open inquiry. This policy is designed to address important issues of integrity that arise in the course of daily academic life and to ensure the University's compliance with applicable federal law. While no set of guidelines can ensure responsible research conduct,



None

Individuals subject to this policy who become aware of a possible incident of Research Misconduct must immediately report the information in accordance with this policy.

An Allegation 2.1 (c) 50 Td (h) 0.359 0 Tof) 4.3-1.9 (o) 6 (l) 1.(os)-3.2 (s) 2.(te) 1 (l) 1.6ug7 (a) 1 (j) 1.5 (e) 1 .6 ( )-0.6 (a)

An Institutional Inquiry is preliminary information gathering and preliminary fact finding to determine whether an Allegation has substance and if an Investigation is warranted.

When the Informal Inquirer determines that an Institutional Inquiry is warranted, the Informal Inquirer must promptly:

1. Take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct investigation, inventory the records and evidence, and sequester them in a secure manner. Where research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments. UVM Police Services may be involved, as needed.
2. After securing research records and evidence, make a good faith effort to notify in writing the presumed Respondent that an Allegation has been made against them and that the Informal Inquirer is commencing an informal inquiry into the Allegation. If the inquiry identifies additional Respondents, the Informal Inquirer must notify them as well.

The Informal Inquirer, in consultation with content expert(s) and/or Information Technology expert(s) as needed, must conduct an initial review of the evidence to determine whether to conduct an investigation. This does not require a full review of the evidence related to the Allegation. The Informal Inquirer's purpose at this Stage 2 is to decide if an Allegation warrants an investigation, based on whether there is:

1. A reasonable basis for concluding that the Allegation falls within the definition of Research Misconduct; and
2. Preliminary information gathering and preliminary fact finding from the informal inquiry indicates that the Allegation may have substance.

If the Respondent is a member of a collective bargaining unit, prior to interview or consultation with the Respondent regarding the Allegation, the Informal Inquirer must contact UVM's Director or Labor Relations and Employment Services, to ensure that the interview or consultation adheres to disciplinary procedures prescribed in the applicable collective bargaining agreement.

The Respondent may consult with their own legal counsel or lawyer personal advisor (who is not a participant or witness) to seek advice, but such counsel or advisor shall not participate in meetings with the Informal Inquirer, or the Investigation Director or review panel, without prior approval of the Informal Inquirer or the Investigation Director.

The Informal Inquirer must prepare a written report that includes the following information:

1. The name and position of the Respondent;
2. A description of the allegations of Research Misconduct;
3. The funding agency (i.e., Federal Public Health Service, etc.) support, if applicable, including grant numbers, grant applications, contracts and publications listing the funding agency's support;
4. The basis for recommending that the alleged actions warrant an investigation.

Prior to making a decision on whether an investigation is warranted, the Informal Inquirer must provide the Respondent with five (5) business days to review and comment on the inquiry report and attach any comments to the report.

The Informal Inquirer must notify the Respondent whether the informal inquiry found an investigation is warranted. The notice must include a copy of the informal inquiry report and include a copy of this policy.

The Informal Inquirer must notify the Complainant who made the Allegation whether the informal inquiry found that an investigation is warranted and may provide relevant portions of the informal inquiry report to the Complainant for comment.

The Informal Inquirer shall provide a copy of the informal inquiry report and make a recommendation as to whether an investigation is warranted, to the Vice President for Research. The Vice President for Research, in consultation with the Office of the General Counsel and applicable Dean (in cases where the Respondent is a graduate student, this is the Dean of the Graduate College) shall make a determination of whether an Investigation is warranted.

Time for completion: The Informal Inquirer must complete the informal inquiry within sixty (60) calendar days of its initiation, unless circumstances clearly warrant a longer period. If the inquiry takes longer than sixty (60) days, the Informal Inquirer must include documentation of the reasons for exceeding the sixty (60) day period.

An Investigation is a formal development of a factual record and the examination of the record leading to a finding with respect to Research Misconduct.

Within thirty (30) days of finding that an Investigation is warranted, the Informal Inquirer, or the Informal Inquirer's designee, shall commence an investigation.



copy of, or supervised access to, the evidence on which the report is based. The comments of the Respondent and Complainant must be submitted within thirty (30) days from the date they each receive a copy of the investigation report. The comments made by the Respondent/Complainant on the investigation report must be included with the investigation report.

Notification of the Provost: Within ten (10) calendar days of receiving the full report of the Review Panel, the Investigation Director shall forward the report to the Vice President for Research, the applicable Dean (in cases where the Respondent is a graduate student, this is the Dean of the Graduate College), and the Provost. The Investigation Director shall recommend to the Provost an appropriate course of action. The Provost, in consultation with the Vice President for Research and Office of the General Counsel, shall decide whether to accept or reject the findings of the Review Panel, or whether further investigation is needed. The Provost may appoint a new Review Panel to reopen the Investigation. The Investigation is completed when the Provost makes this determination.

Notice to ORI: If the Allegation involves Federal PHS activities, the Provost, in consultation with the Vice President for Research, and the Office of the General Counsel, must provide a copy of the final investigation report to ORI and state whether UVM found research misconduct, and if so, who committed the misconduct and whether UVM accepts the investigation's findings. The notice to ORI must also describe any pending or completed administrative actions against the Respondent.

Time limits: The investigation must be completed within one hundred twenty (120) days of beginning it, including conducting an investigation, preparing the report of findings, providing the draft report for comment, and sending the final report to ORI, if required. If unable to complete the investigation in one hundred twenty (120) days and the Allegation involves Federal PHS activities, the institution must ask ORI for an extension in writing.

Disciplinary Action: Administrative action as a result of a finding of Research Misconduct may include withdrawal or correction of all pending or published abstracts and papers emanating from the research in which Research Misconduct was found; removal of the Respondent from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment.

Procedures in this policy are not, however, intended to supersede procedures outlined in the Faculty Handbook, Code of Student Conduct Policy, the discipline articles of applicable labor contracts, or other relevant UVM policies and procedures. Individual(s) guilty of Research Misconduct may also be expected personally to make restitution as appropriate under the circumstances of the case.

Notification of Outside Parties: When there has been a finding that Research Misconduct occurred, the Provost may, as appropriate, notify external sponsors, law enforcement agencies, professional societies, professional licensing boards, journals, collaborators of the Respondent, or other parties with a legitimate need to know the outcome of the proceeding.

Cooperation with Federal Agency Proceedings: In cases involving federal funding support, the University shall provide its full and continuing cooperation with the appropriate federal office during any federal investigations, oversight reviews, administrative hearings, or appeals.

Primacy of federal law If federal funding has been sought or received in connection with the research at issue, proceedings under this policy shall conform with applicable federal regulations such as the Public Health Service Final Rule on Research Misconduct, 42 C.F.R. Part 93. For example, the Investigation Director in consultation with the applicable Dean (in case of a) shall determine whether the research was conducted in accordance with the applicable standards of conduct. (e) (1) (d) (3) (e) (1) ( ) -0.r DerRae9 (roc)0nf, or ceedRslu31 (t





Training will be provided on an as-needed basis as determined by the Approval Authority or the Responsible Official.

Responsible Official:	Vice President for Research	Approval Authority:	President
Policy Number:	V.6.5.5	Effective Date:	April 2019 [(Ap)-Res7-2 (ri4.96