

# Graduate School of Business

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## Objectives

The Graduate School of Business has as its objective the advancement and dissemination of knowledge in the business and organizational disciplines through scholarly research and excellence in its graduate management education programs.

## Admission

Anyone who wishes to earn graduate-level credit, whether as a degree-seeking student or as a non-degree seeking student, must make formal application and be officially admitted by the Graduate School of Business. The Graduate School of Business offers two classifications of admission: Degree Standing and Non-Degree Standing.

### 1. Degree Standing

The Graduate School of Business shall admit only those applicants to Degree Standing whose enrollment in the Graduate School of Business considers will contribute positively to the quality of life and educational programs of the Graduate School of Business. Unlike the Graduate School, students are simultaneously admitted to the Graduate School of Business and a degree program.

### 2. Non-Degree Standing

The Graduate School of Business will admit applicants to single semester Non-Degree Standing whose enrollment will not lead to a degree.

**Application.** Applications for admission to the Graduate School of Business must be accompanied by a \$60 application fee which is not refundable and will not apply against the general registration fee if the applicant enrolls. Applicants will not be considered for admission until all required application materials have been received by the Graduate School of Business.

Applicants who are seeking a graduate degree must submit the following items:

1. Application form
2. Application fee (\$60)
3. Current resume
4. Three letters of recommendation
5. Official transcripts from each college or university attended
6. Statement of Purpose
7. Official GMAT or GRE score as per specific program requirements
  - a. Master of Business Administration
  - b. Master of Science in Economic Analytics
  - c. Master of Science in Finance

- d. Master of Science in Marketing
- e. Master of Information Systems
- f. Master of Applied Business Analytics
- g. Master of Science Supply Chain Management
- h. Ph.D. concentrations: Accounting, Finance, Information Systems, Management, Marketing, Strategy and Entrepreneurship, and Supply Chain Management
8. Office GMAT score (Master of Accountancy and Master of Professional Accounting)
9. Official GRE score (Master of Arts in Economics and Ph.D. Economics)
10. Official TOEFL or IELTS score (international applicants only)
11. Financial and Supplemental Information form (international applicants only)
12. Educational Summary form (International applicants only)

Applicants are encouraged to use our online application procedure at <http://gsb.uark.edu> or the application packet may be obtained from and should be submitted directly to the following address:

Graduate School of Business  
310 Willard J. Walker Hall  
1 University of Arkansas  
Fayetteville, AR 72701

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**Transcripts:** For applicants who desire Degree Standing: It is the responsibility of each applicant who desires full graduate standing to request of each college or university at which the student has previously attended that it send directly to the Graduate School of Business one official copy of the student's academic record including all courses, grades, and credits attempted and indication of degree(s) earned.

**Note:** The fact that courses completed at one institution may be included on a transcript from another institution will not suffice; official transcripts must be received from each institution previously attended. All transcripts become the property of the Graduate School of Business and will not be released to the applicant or to any other person, institution or agency. All application materials, including all official transcripts, should be received by the Graduate School of Business by the published application deadline for the program for which the student is applying.

For students previously enrolled or currently enrolled at the University of Arkansas, Fayetteville, the Graduate School of Business obtains transcripts from the Registrar's Office. For a graduate of the University of Arkansas, Fayetteville (baccalaureate degree), the only transcripts required are those from the University of Arkansas, Fayetteville, and those from each institution attended after completing the University of Arkansas, Fayetteville, degree. Anyone who was previously enrolled, but who is not currently enrolled in the University of Arkansas Graduate School of Business, is considered a "readmission" and is required only to submit an Application for Admission and official transcripts from institutions attended after the University of Arkansas Graduate School of Business enrollment. (See Classification of Admission: Readmission below.)

**Deferred Admission:** Admission to the Graduate School of Business is for a specific semester only and admission is not deferred. Applicants who wish to change their date of entry after submitting an application must notify the Graduate School of Business Office. Applicants who have already been admitted but who would like to change their date of entry must request that their application be held for consideration.

Application materials for applicants who apply for admission, but who do not subsequently enroll, will be retained by the Graduate School of Business Office for one calendar year from the date of the applicant's original proposed semester of entry. However, applicants must file a new Application for Admission to notify the Graduate School of Business of their request for reconsideration. Applicants who are admitted but who do not enroll for one year or more after admission must resubmit the entire application packet and follow procedures for initial admission.

**Admission to Degree Standing:** Official notice of the decision concerning admission will be sent from the Graduate School of Business for admission to all degree programs.

**Adviser:** At the time of admission to a degree program in the Graduate School of Business, the student is assigned to a major adviser who acts as the adviser throughout the student's program of study. The appointment of the adviser is made in the student's major department.

**International and Resident Alien Applicants:** International applicants and resident aliens must submit a minimum score of 550 on the paper-based Test of English as a Foreign Language (TOEFL), 213 on the computer-based version of the TOEFL, 79 on the Internet-based TOEFL or a minimum score of 6.5 on the International English Language Training System (IELTS) taken within the preceding two years, unless their native language is English, they have received a graduate degree from an accredited U.S. graduate school, or they have demonstrated an acceptable level of language proficiency as defined in the Graduate School Handbook located on the Graduate School Web site. International applicants and resident alien applicants may refer to Admissions of this catalog for additional information related to their application.

**Non-Native Speakers of English.** All applicants, regardless of citizenship, whose first language is not English, must submit a minimum score of 6.5 on the International English Language Testing System (IELTS) or 79 on the Internet-based Test of English as a Foreign Language (TOEFL) or a 58 on the Pearson Test of English-Academic (PTE-A) taken within the preceding two years, unless they have received a graduate degree from an accredited U.S. graduate school, or they have demonstrated an acceptable level of language proficiency as defined in the Graduate School Handbook located on the Graduate School Web site. Students applying to a Ph.D. program in the Sam M. Walton College of Business must submit one of these tests at the time of admission. Resident aliens must submit a copy of their Resident Alien card with their application.

**Additional Language Requirement for Doctoral Students:** Doctoral students are normally called upon to teach an undergraduate course at some point during their program. The University of Arkansas and the Walton College of Business are committed to providing quality instruction at the undergraduate level. Non-native speakers of English, regardless of citizenship, even if eligible for a TOEFL waiver, must demonstrate competency in both spoken and written English to be eligible for a graduate assistantship that requires direct contact with students in a teaching or tutorial role, in a traditional classroom setting or via distance education.

Competency in spoken English may be demonstrated by:

Submitting a test score of at least 7 on the IELTS (speaking) sub-test, 26 on the Internet-based TOEFL (speaking) sub-test, 71 on the PTE-A (speaking) sub-test, or "pass" on the Spoken Language Proficiency Test (SLPT) and

Competency in written English may be demonstrated by:

a. Submitting a test score of at least a 6.0 on the IELTS (writing) subtest, 26 on the Internet-based TOEFL (writing) subtest, a 4.0 on the GRE, a 4.5 on the GMAT (analytical writing) subtest, a 71 on the PTE-A (writing) subtest, or a 75 on the English Language Proficiency Test (ELPT)

OR

b. Concurrently enrolling in EASL 0033 Reading and Writing II and EASL 0021 Grammar OR ELAC 2033 Research Writing for Non-Native Speakers and ELAC 0011 Writing Workshop: Grammar through Editing via placement by test scores (5.5 IELTS writing sub-test, 23 Internet-based TOEFL writing sub-test, 3.5 GRE or 4.0 GMAT analytical writing subtest, 62 PTE-A writing sub-test, or 70 on the ELPT). The Graduate Coordinator or Department Chair must request this option.

In no case will a doctoral student be allowed to teach an undergraduate course without meeting the minimum score requirement on one of the above tests. The Walton College requires that scores demonstrating competency in spoken English be submitted as a part of the application, prior to review by the admissions committee.

**English Language Use by Non-Native Speakers.** Applicants, regardless of citizenship, whose first language is not English and who are admitted to graduate study at the University of Arkansas, are required to present an acceptable score on one of the following tests: TOEFL (Writing), IELTS (writing), PTE-A (writing), GRE (analytical writing), GMAT (analytical writing) or ELPT (writing). Depending upon exam scores, a student may be required to take one or more EASL course(s) during their first term of study. Students may be required to take the English Language Placement Test (ELPT) prior to the beginning of classes in their first term of study. Non-native speakers in the following categories are exempt from this requirement, although individual departments may require any of these tests for admission.

1. Graduate students who earned bachelor's or master's degrees in U.S. institutions or in foreign institutions where the official and native language is English;
2. Graduate students with an Internet-based TOEFL writing score of 29, IELTS (writing) score of 7.0, or a PTE-A writing score of 80.
3. Graduate students with a 4.5 on the analytical writing portion of the GRE or GMAT.

Diagnostic and placement testing is designed to test students' ability to use English effectively in an academic setting, and its purpose is to promote the success of non-native speakers in completing their chosen course of study at the University of Arkansas. Test results provide the basis for placement into English as a Second Language (EASL) support courses or course sequences. Courses are offered by the Department of World Languages, Literatures and Cultures for those students whose language skills are diagnosed as insufficient for college work at the level to which they have been admitted (undergraduate or graduate study). Credit in EASL courses does not count toward University of Arkansas degrees. Non-native speakers diagnosed as having language competence sufficient for their level of study will not be required to enroll in EASL courses.

The ELPT is administered by Testing Services during New Student Orientation and there is a \$15 charge. Graduate students assessed course work as a result of performance on the ELPT, TOEFL writing, IELTS writing, PTE-A writing, GRE or GMAT analytical writing will be required to complete the EASL course(s) to support initial course work taken in their fields. Graduate departments/degree programs will have the

discretion to waive either the requirement for the language evaluation or the required language courses.

#### **TOEFL Waiver for Walton College Professional Graduate Programs.**

The publication, "International Student Information," is available from the Graduate and International Admissions Office, 213 Gearhart Hall, 1 University of Arkansas, Fayetteville, Arkansas 72701.

International applicants to a professional program may petition the Graduate School of Business for a TOEFL waiver if the following criteria are met:

- 1) Possess H1B, L1, Green Card or work visa equivalent, AND
- 2) Be 100% employed in the U.S. with English speaking companies for a minimum period of three years

The Program Director (or designee) for the professional program in which the student is seeking admission will interview the applicant and either grant or deny the waiver.

If the TOEFL waiver is denied, in order to be eligible for admission into a professional program, an official TOEFL score meeting Graduate School requirements must be submitted prior to the beginning of the term in which admission is desired.

## **Classifications of Admission to Graduate Standing**

The Graduate School of Business admits students as either degree-seeking or as non-degree-seeking for a single semester. Degree-seeking students are simultaneously admitted to the Graduate School of Business and to the degree program in which they are seeking a degree. Each degree program in the Walton College has its own minimum admissions criteria. Meeting the minimum criteria listed below does not imply that admission will be granted. The minimum requirements for admission to the Graduate School of Business are as follows:

### **Degree-Seeking/Regular Standing**

1. A grade-point average of 2.70 or better (A = 4.00) on all course work taken prior to receipt of a baccalaureate degree from a regionally accredited institution of higher education and an acceptable GMAT or GRE score.
2. A grade-point average of 3.20 or better on the last 60 hours of course work taken prior to the receipt of a baccalaureate degree from a regionally accredited institution of higher education and an acceptable GMAT or GRE score.

### **Degree-Seeking/Conditional Standing**

1. A grade-point average between 2.50 and 2.69 on all course work taken prior to receipt of a baccalaureate degree from a regionally accredited institution of higher education, acceptable GMAT or GRE score.
2. Approval of the Associate Dean for Research and Graduate Programs, on condition that the student makes a cumulative grade-point average of 3.00 or better on the first 12 hours of graduate-level course work in the degree program and meets any other conditions that may be specified by the faculty of the department or program.

Any other consideration for regular admission must be by individual petition to the Associate Dean for Programs and Research and, where

pertinent, a recommendation from the appropriate departmental chair will be considered on its own merits, case by case.

**Non-Degree Seeking, Single Semester.** Students admitted to a single semester non-degree standing must understand that any enrollment taken in this classification will not normally carry degree credit. Transcripts are not required for applicants seeking this single semester non-degree standing.

Persons who are admitted as non-degree seeking and who subsequently decide to pursue a degree must apply for and be admitted into a degree program by the appropriate admissions committee of the Graduate School of Business.

A non-degree seeking student may take no more than twelve semester hours of graduate-level courses that can be counted toward the requirements for a master's degree.

At the time of acceptance into a degree program, the director of the appropriate degree program will recommend to the Graduate School of Business which courses previously taken, if any, are to be accepted in the degree program.

**Letter of Good Standing.** A graduate student who is in good standing at another regionally accredited institution in the United States may be given admission (non-degree status) to the Graduate School of Business for one semester upon submission of an Application for Admission and a letter of good standing from the dean of the Graduate School at that institution. If, at some time in the future, the student should wish to pursue a degree in the Graduate School of Business or in the University of Arkansas Graduate School, it will be necessary to follow the normal procedures for admission and to have official transcripts sent from each institution previously attended. Graduate courses transferred and used for requirements for a degree at another university cannot be used for a graduate degree at this institution.

**Readmission:** Readmission to the Graduate School of Business is not automatic.

A student who has not been enrolled during the previous semester (fall or spring) must submit a new application form to the Graduate School of Business along with an official transcript from any institution attended while not enrolled in the Graduate School of Business.

At the time of readmission, the appropriate admissions committee will determine whether to readmit the student and which classes taken during previous enrollments at the Graduate School of Business will be counted toward graduation.

**Transfer of Credit.** The Graduate School of Business will allow transfer of credit of a maximum of six credit hours under the following circumstances:

1. The hours were earned at an AACSB-accredited school, and
2. The student earned an "A" or "B" in the courses requested for transfer credit, and
3. The master's program coordinator approves the courses for credit toward a master's degree.
4. The student must have graduate standing and the course(s) must be graduate level.
5. The dates of enrollment for the credit must fall within the overall 6 year limit for the master's degree awarded at the University of Arkansas.

## Academic Integrity

As a core part of its mission, the University of Arkansas provides students with the opportunity to further their educational goals through programs of study and research in an environment that promotes freedom of inquiry and academic responsibility. Accomplishing this mission is only possible when intellectual honesty and individual integrity prevail. Each University of Arkansas student is required to be familiar with and abide by the university's Academic Integrity Policy (<http://honesty.uark.edu/policy/>) at [honesty.uark.edu](http://honesty.uark.edu) (<http://honesty.uark.edu>). Students with questions about how these policies apply to a particular course or assignment should immediately contact their instructor.

## Academic Dismissal

Students may be dropped from further study in the Graduate School of Business if, at any time, their performance is considered unsatisfactory as determined by either the program faculty or the Associate Dean for Programs and Research. Academic or research dishonesty or failure to maintain a specified cumulative grade-point average are considered to be unsatisfactory performance. The Graduate School of Business subscribes to and enforces the Academic Integrity Policy (<https://honesty.uark.edu/policy/>) of the University of Arkansas.

For students enrolled in the Master of Accountancy, Master of Professional Accounting, Master of Arts in Economics, Master of Economic Analytics, Master of Finance, Master of Marketing, Master of Supply Chain Management, Master of Applied Business Analytics, or Master of Information Systems degree programs, the following academic standards apply: Whenever a student has less than a 3.00 cumulative grade-point average on graded course work taken in residence for graduate credit, the student will be placed on academic probation and warned of the possibility of academic dismissal. If the student fails to bring his/her cumulative grade-point average up to or above a 3.00 at the conclusion of the next grading period, he/she will be academically dismissed from the program.

For students enrolled in the Master of Business Administration degree programs, the following academic standards apply: Whenever a student has less than a 2.85 cumulative grade-point average on graded course work taken in residence for graduate credit, the student will be placed on academic probation for the following semester and warned of the possibility of academic dismissal. When the student has accumulated a minimum of 12 hours of graded coursework taken in residence for graduate credit with a cumulative grade-point average below 2.85 and has received at least one warning, he/she will be academically dismissed from the Graduate School of Business.

For students enrolled in the Master of Business Administration degree programs, a cumulative grade-point average of 2.85 is required to be eligible for graduation. Students may take up to an additional six credit hours of graduate coursework in an effort to raise the cumulative grade-point average to 2.85. Students who repeat a course to raise their grade must count the repetition toward the maximum of six additional hours.

Using its own written procedures, the graduate faculty of each master's degree program may recommend that the student be readmitted to the Graduate School of Business. The graduate faculty of the master's degree programs may establish, and state in writing, the requirements for continuation in that program. Non-degree seeking students who are dismissed may petition for readmission to the Graduate School of Business by submitting a written appeal to the Associate Dean for Research and Graduate Programs.

A cumulative grade-point average of 3.00 is required to be eligible for graduation. Students may take up to an additional six credit-hours of graduate coursework in an effort to raise the cumulative grade-point average to 3.00. Students who repeat a course to raise their grade must count the repetition toward the maximum of six additional hours. All requirements for a master's degree must be completed within six calendar years.

This page includes information and policies about the following:

- Academic Grievance Procedures for Graduate Students
- Grievance Policy and Procedures for Graduate Assistants
- Research and Scholarly Misconduct Policies and Procedures

## Graduate Student Grievance

The Graduate School of Business of the Sam M. Walton College of Business recognizes that there may be occasions when a graduate student has a grievance about some aspect of his/her academic involvement. It is an objective of the University of Arkansas that a graduate student may have prompt and formal resolution of his/her academic grievances and that this be accomplished according to orderly procedures. Below are the procedures to be used when a graduate student has an academic grievance with a faculty member or administrator. If the student has a grievance against another student or another employee of the university, or if the student has a grievance that is not academic in nature, the appropriate policy may be found by contacting the Office of Affirmative Action or the Office of the Dean.

## Definition of Terms

**Graduate Student:** Under this procedure, a graduate student is any person who has been formally admitted to the Graduate School of Business of the Sam M. Walton College of Business of the University of Arkansas, Fayetteville, and who is/was enrolled as a graduate-level student at the time the alleged grievance occurred. (Note: Students pursuing a Ph.D. in Business Administration or in Economics should follow the grievance policy of the Graduate School.)

**Academic Grievance:** An academic grievance is a dispute concerning some aspect of academic involvement arising from an administrative or faculty decision which the graduate student claims is unjust or is in violation of his/her rights and is the result of a university error. Any behavior on the part of a faculty member or administrator, which the student believes to have interfered with his/her academic progress, is subject to a grievance. While a complete enumeration of the student's rights with regard to academic involvement is not possible or desirable, we have provided a short list as illustration. However, as in all cases involving individual rights, whether a specific behavior constitutes a violation of these rights can only be decided in context, following a review by a panel of those given the authority to make such a decision.

In general, the graduate student:

1. has the right to competent instruction;
2. is entitled to have access to the instructor at hours other than class times (office hours);
3. is entitled to know the grading system by which he/she will be judged;
4. has the right to evaluate each course and instructor;
5. has the right to be treated with respect and dignity.

In addition, an academic grievance may include alleged violations of the affirmative action plans of the university related to academic policies

and regulations, as well as disputes over grades, graduate assistantship employment agreements, course requirements, graduate/degree program requirements, thesis advisory committee composition, and/or adviser decisions.

**Formal Academic Grievance:** An academic grievance is considered formal when the student notifies the Dean of the Walton College, in writing, that he/she is proceeding with such a grievance. The implications of this declaration are: 1) all correspondence pertaining to any aspect of the grievance will be in writing and will be made available to the Dean and his/her designee; 2) all documents relevant to the case, including minutes from all relevant meetings, will be part of the complete written record and will be forwarded to the Dean and his/her designee upon receipt by any party to the grievance; 3) the policy contained herein will be strictly followed; and 4) any member of the academic community who does not follow the grievance policy will be subject to disciplinary actions. Filing a formal academic grievance is a serious matter, and the student is strongly encouraged to seek informal resolution of his/her concerns before taking such a step.

**Complete Written Record:** The "complete written record" refers to all documents submitted as evidence by any party to the complaint, as subject to applicable privacy considerations. (Note: Because the tape recordings of committee meetings may contain sensitive information, including private information pertaining to other students, the tape or verbatim transcription of the tape will not be part of the complete written record. However, general minutes of the meetings, documenting the action taken by the committees, will be part of the record.)

**Working Days:** Working days shall refer to Monday through Friday, excluding official University holidays.

## Procedures

1. Individuals should attempt to resolve claimed grievances first with the person(s) involved, within the department or program, and wherever possible, without resort to formal grievance procedures. The graduate student should first discuss the matter with the faculty member or administrator involved, with the faculty member's chairperson or degree program coordinator, or with the Walton College Dean or his/her designee. The student's questions may be answered satisfactorily during this discussion. If the grievance is with the departmental chairperson or program coordinator, the student may choose to meet with the Walton College Dean or his/her designee for a possible informal resolution of the matter.
2. If a student chooses to file a formal academic grievance, the following procedures are to be followed. The students in the Master of Business Administration (M.B.A.) program shall take the appeal in written form to the M.B.A. Program Director. Students in the departmentally based master's programs shall take the written appeal to the appropriate departmental chairperson. The student shall forward a copy of the written appeal to the Walton College Dean or his/her designee. In the case of a grievance against a departmental chairperson, the M.B.A. Program Director or an administrator who does not report directly to a departmental chairperson, the student will go directly to the Walton College Dean or his/her designee. The appropriate person to receive the written appeal will be referred to as the initial appellate authority. In any case, the Walton College Dean or his/her designee must be notified of the grievance. After discussion between the initial appellate authority (i.e. chairperson/M.B.A. Program Director/Dean and his/her designee) and all parties to the grievance, option 2a, 2b, or 3 may be chosen.
  - a. All parties involved may agree that the grievance can be resolved by a recommendation of the initial appellate authority. In this case, the initial appellate authority will forward a written recommendation to all parties involved in the grievance within 20 working days after receipt of the written grievance. The initial appellate authority is at liberty to use any appropriate method of investigation, including personal interviews and/or referral to an appropriate departmental or program committee for recommendation.
  - b. Alternatively, any party to the grievance may request that the initial appellate authority at once refer the request, together with all statements, documents, and information gathered in his or her investigation, to the applicable reviewing body. For the M.B.A. Program the applicable reviewing body is the M.B.A. Advisory Committee; for other masters programs it is the relevant program advisory committee. The reviewing body shall, within ten working days from the time its chairperson received the request for consideration, present to the initial appellate authority its written recommendations concerning resolution of the grievance. Within ten working days after receiving these recommendations, the initial appellate authority shall provide all parties to the dispute with copies of the reviewing body's recommendation and his or her consequent written decision on the matter.
3. If the grievance is not resolved by the procedure outlined in item 2, or if any party to the grievance chooses not to proceed as suggested in item 2, he/she will appeal directly to the Dean of the Walton College or his designee. Whenever a grievance comes to the attention of the Dean, either as a result of a direct appeal or when a grievance has not been resolved satisfactorily at the departmental/program level, the Dean and his/her designee will consult with the person alleging the grievance. If that person decides to continue the formal grievance procedure, the Dean will notify all parties named in the grievance and the relevant program administrator (i.e. departmental chairperson or the M.B.A. Program Director), that a formal grievance has been filed. Within ten working days, the Dean and his/her designee will:
  - a. with the consent of the student, appoint a faculty member as the student's advocate, and
  - b. utilize an ad hoc committee of five faculty members and two graduate students, chosen to avoid obvious bias or partiality, to review the grievance and report to him/her. The Walton College Dean or his/her designee will serve as the chair of the grievance committee and will vote only in the case of a tie. A voting member of the Graduate School of Business Masters Program Committee will serve as the non-voting secretary of the committee.

The committee shall have access to witnesses and records, may take testimony, and may make a record by taping the hearing. Its charge is to develop all pertinent factual information (with the exception that the student and faculty member/administrator will not be required to be present in any meeting together without first agreeing to do so) and, on the basis of this information, to make a recommendation to the Walton College Dean to either support or reject the appeal. The Dean will then make a decision based on the committee's recommendation and all other documents submitted by the parties involved. The Dean's decision, the committee's written recommendation and a copy of its complete written record (excluding those in which other students have a privacy interest) shall be forwarded to the person(s) making the appeal within 20 working days from the date the committee was first convened; copies shall be sent simultaneously to other parties involved in the grievance. The Graduate School of

Business, in such a way that the student's privacy is protected, shall retain a copy.

4. Within ten working days of the receipt of the Walton College Dean's decision, any party to the grievance may appeal to the Dean of the University of Arkansas Graduate School as described in step 3 of the procedures of Academic Grievance Procedures for Graduate Students in the Graduate School.
5. When, and only when, the grievance concerns a course grade and the committee's recommendation is that the grade assigned by the instructor should be changed, the following procedure applies. The committee's recommendation that the grade should be changed shall be accompanied by a written explanation of the reasons for that recommendation and by a request that the instructor change the grade. If the instructor declines, he/she shall provide a written explanation for refusing. The committee, after considering the instructor's explanation and upon concluding that it would be unjust to allow the original grade to stand, may then recommend to the department chair that the grade be changed. The department chair will provide the instructor with a copy of the recommendation and ask the instructor to change the grade. If the instructor continues to decline, the department chair may change the grade, notifying the instructor, the Walton College Dean or his/her designee, and the student of the action. Only the department chair, and only on recommendation of the committee, may change a grade over the objection of the instructor who assigned the original grade. For courses with a specific M.B.A. program designation (MBAD course number prefix) the Walton College Dean or his/her designee shall fulfill the department chair responsibilities described in this section. No appeal or further review is allowed from this action. All grievances concerning course grades must be filed within one calendar year of receiving that grade.
6. The Master of Arts in Economics is the only Graduate School of Business program with a thesis option. When, and only when, a student in that program brings a grievance concerning the composition of his/her thesis committee, the following procedure will apply. The Walton College Dean or his/her designee shall meet with the graduate student and the faculty member named in the grievance, and shall consult the chair of the committee, the department chairperson, and/or the program coordinator for their recommendations. In unusual circumstances, the Dean and his/her designee may remove a faculty member from a student's thesis committee or make an alternative arrangement. With regard to the chair of the thesis committee, this is a mutual agreement between the faculty member and the student to work cooperatively on a research project of shared interest. Either the graduate student or the faculty member may dissolve this relationship by notifying the other party, the departmental chairperson, and the Walton College Dean or his/her designee. However, the student and the adviser should be warned that this may require that all data gathered for the thesis be abandoned and a new research project undertaken with a new faculty adviser.
7. If a grievance, other than those covered by step 5, is not satisfactorily resolved through steps 1 through 4 or 6, an appeal in writing and with all relevant material may be submitted for consideration and a joint decision by the Chancellor of the University of Arkansas, Fayetteville, and the Provost/Vice Chancellor for Academic Affairs. This appeal must be filed within 20 working days of receiving the decision of the Dean of the University of Arkansas Graduate School. Any appeal at this level shall be on the basis of the complete written record only, and will not involve interviews with any party to the grievance. The Chancellor of the University of Arkansas, Fayetteville, and the

Provost/Vice Chancellor for Academic Affairs shall make a decision on the matter within 20 working days from the receipt of the appeal. Their decision shall be forwarded in writing to the same persons receiving such a decision in step 4. Their decision is final pursuant to the delegated authority of the Board of Trustees.

8. If any party to the grievance violates this policy, he/she will be subject to disciplinary action. When alleging such a violation, the aggrieved individual shall contact the Walton College Dean in writing, with an explanation of the violation.

## Graduate Assistant Grievance Policy

It is the philosophy of the Graduate School that assistantships are not typical employee positions of the university. This has two implications. First, the sponsor should also serve as a mentor to the student and assist, to the extent possible, in facilitating the student's progress toward his/her degree. Second, any questions concerning performance in or requirements of assistantships shall be directed to the Graduate School or, for master's students in business, to the Graduate School of Business. (Note: the term "graduate assistant" will be used to refer to those on other types of appointments as well, such as fellowships, clerkships, etc.)

The Graduate School has the following authority with regard to graduate assistantships:

1. All requests for new positions, regardless of the source of the funds, must be approved by the Graduate School. When the position is approved, the requesting department or faculty member must complete the form, "Request for a New Graduate Assistant Position" and submit it to the Graduate School. All proposed changes in duties for existing graduate assistantships must be approved by the Graduate School prior to their implementation.
2. The duty requirements of the graduate assistantship, including the number of hours required, must be approved by the Graduate School. Fifty percent graduate assistants may not be asked to work more than 20 hours per week (Note: this is not limited to time actually spent in the classroom or lab; the 20 hour requirement also pertains to time required to grade/compute results, develop class/lab materials, etc. Moreover, students cannot be asked to work an average of 20 hours per week, with 30 hours one week and 10 hours the next, for example. The duty hour requirement is no more than 20 hours per week for a 50 percent appointment. See the Graduate Handbook. However, it should also be noted that if the student is engaged in research which will be used in his/her required project, thesis, or dissertation, or if the student is traveling to professional meetings, data sources, etc., the student may work more than 20 hours per week.) The duty requirements must complement the degree program of the graduate student and must abide by the philosophy that the first priority of graduate students is to finish their degrees.
3. The Graduate School, in consultation with the Graduate Council, has the right to set the enrollment requirements for full-time status for graduate assistants.
4. The Graduate School sets the minimum stipend for graduate assistantships, but does not have responsibility for setting the actual stipend. Graduate assistants will be provided with a written statement of the expected duties for their positions, consistent with the duties outlined in the "Request for New Graduate Assistant Position" or any amendments submitted to the Graduate School. A copy of the written statement will be submitted to the Graduate School of Business for inclusion in the student's file. Graduate assistants may be terminated from their positions at any time or dismissed for cause under the procedures of Board Policy No. 405.1. Termination is effected through

the giving of a notice, in writing, of that action at least 60 days in advance of the date the employment is to cease. A copy of the notice must be sent to the Dean of the Walton College and to the Dean of the Graduate School.

A graduate assistant has the right to request a review of the termination by the Dean, following the procedure given below. However, a student should be warned that if the grounds for dismissal are based on any of the following, the only defense to the termination is evidence to show that the charges are not true:

1. The student fails to meet the expectations of the assistantship positions, as outlined in the initial written statement provided to them at the beginning of the appointment.
2. The student provides fraudulent documentation for admission to their degree program and/or to their sponsor in applying for the assistantship positions.
3. The student fails to meet certain expectations which need not be explicitly stated by the sponsor, such as the expectation that
  - a. the student has the requisite English language skills to adequately perform the duties of the position;
  - b. the student has the appropriate experience and skills to perform the duties of the position; and
  - c. the student maintains the appropriate ethical standards for the position. The Research Misconduct Policy provides one reference source for such ethical standards.
4. The student fails to make good progress toward the degree, as determined by the annual graduate student academic review and defined by program and Graduate School policies.

## Definition of Terms

**Graduate Assistant.** Any graduate student holding a position which requires that the student be admitted to a graduate degree program of the University of Arkansas, regardless of the source of funds, and for whom tuition is paid as a result of that position.

**Sponsor.** The person responsible for the funding and duty expectations for the graduate assistant.

**Formal graduate assistant grievance.** Any dispute concerning some aspect of the graduate assistantship, as defined above, which arises from an administrative or faculty decision that the graduate student claims is a violation of his or her rights. The formal graduate assistant grievance does not pertain to cases in which there is a dispute between co-workers.

**Violation of graduate assistant's rights.** An action is considered a violation of the graduate assistant's rights if:

1. it violates Graduate School policy with regard to graduate assistantships;
2. it threatens the integrity of, or otherwise demeans, the graduate student, regardless of any other consideration;
3. it illegally discriminates or asks the graduate assistant to discriminate;
4. it requires the student to do something which was not communicated as a condition of holding the assistantship (or the underlying expectations outlined above);
5. it terminates the student from an assistantship for behaviors which are irrelevant to the holding of the assistantship or were never included as expectations for the assistantship;
6. it requires the student to do something which violates University policy, the law, or professional ethics.

**Note:** It is impossible to state all of the conditions which might constitute a violation of graduate assistants' rights or, conversely, which might defend a respondent against charges of such violations. Such complaints require a process of information gathering and discussion that lead to a final resolution of the matter by those who have been given the authority to do so.

**Formal grievance.** A grievance concerning graduate assistantships/fellowships is considered formal when the student notifies the Dean of the Walton College, in writing, that he/she is proceeding with such a grievance. The implications of this declaration are: a) the student will be provided with an advocate; b) all correspondence pertaining to any aspect of the grievance will be in writing, and will be made available to the Dean; c) all documents relevant to the case, including minutes from all relevant meetings, will be part of the complete written record, and will be forwarded to the Dean upon receipt by any party to the grievance; d) the policy contained herein will be strictly followed; and e) any member of the academic community who does not follow the grievance policy will be subject to disciplinary actions. Filing a formal grievance is a serious matter, and the student is strongly encouraged to seek informal resolution of his/her concerns before taking such a step.

**Respondent.** The person who is the object of the grievance.

## Procedures

**Note:** Grievances are confidential. Information about the grievance, including the fact that such a grievance has been filed, may never be made public to those who are not immediately involved in the resolution of the case, unless the student has authorized this release of information or has instigated a course of action which requires the respondent to respond. An exception to this confidentiality requirement is that the immediate supervisor or departmental chairperson of the respondent will be notified and will receive a copy of the resolution of the case. Since grievances against a respondent also have the potential to harm that person's reputation, students may not disclose information about the grievance, including the fact that they have filed a grievance, to any person not immediately involved in the resolution of the case, until the matter has been finally resolved. This is not intended to preclude the student or respondent from seeking legal advice.

1. When a graduate student believes that his/her rights have been violated, as the result of action(s) pertaining to a graduate assistantship he/she holds or has held within the past year, the student shall first discuss his/her concerns with the respondent. If the concerns are not resolved to the student's satisfaction, the student may discuss it with the Dean of the Walton College or his/her designee, and/or with the Office of Affirmative Action. If the concerns are satisfactorily resolved by any of the above discussions, the terms of the resolution shall be reduced to writing, if any of the involved parties desires to have such a written statement.
2. If the student's concerns are not resolved by the above discussions, and he/she chooses to pursue the matter further, the student shall notify the Dean of the Walton College in writing of the nature of the complaint. This notification will include all relevant documentation and must occur within one year from the date of the occurrence. The Dean of the Walton College will inform the Graduate Dean that a grievance has been filed and will, upon request, forward the written complaint and all relevant documentation to the Graduate Dean.
3. Upon receipt of this notification and supporting documentation, the Dean of the Walton College or the Dean's designee will meet with the graduate student. If the student agrees, the Dean or the Dean's designee will notify the respondent of the student's concerns. If the

- student does not wish for the respondent to be notified, the matter will be dropped. The respondent will be given ten working days from receipt of the Dean's notification to respond to the concerns.
4. The Dean or the Dean's designee will meet again with the student and make an effort to resolve the concerns in a mutually satisfactory manner. If this is not possible, the Dean will refer the case to a committee.
  5. Within ten working days from the final meeting between the student and the Dean, the Dean will notify the respondent and will appoint an ad hoc committee of five faculty members and two graduate students chosen to avoid bias or partiality. The Associate Dean of the Walton College or the Dean's designee will serve as the chair of the grievance committee and will vote only in the case of a tie. A voting member of the Walton College Masters Advisory Committee will serve as the non-voting secretary of the committee. At this time, the Dean will also assign an advocate to the student. The advocate must be a member of the graduate faculty. The immediate supervisor of the respondent will serve as his/her advocate. Note: The student and respondent advocates will have the responsibility to help the student/respondent prepare his/her written materials and will attend committee meetings with the student/respondent. The advocate will not speak on behalf of the student/respondent and will not take part in committee discussions of the merits of the case.
  6. The committee shall have access to witnesses and records, may take testimony, and may make a record by taping the hearing. Its charge is to develop all pertinent factual information (with the exception that the student and respondent will not be required to be present in any meeting together without first agreeing to do so) and, on the basis of this information, to make a recommendation to the Dean of the Walton College either to support or reject the grievance. The Dean will then make a decision based on the committee's recommendation and all documents submitted by the parties involved. The Dean's decision, the committee's written recommendation, and a copy of all documents submitted as evidence by any party to the complaint, consistent with all privacy considerations, shall be forwarded to the person(s) alleging the grievance within 20 working days from the date the committee was first convened; copies shall be sent simultaneously to other parties involved in the grievance. A copy shall be retained by the Graduate School of Business in such a way that the student's and respondent's privacy is protected.
  7. If the decision of the Dean of the Walton College is that the student's concerns should be addressed, the respondent may appeal to the Provost/Vice Chancellor for Academic Affairs of the University, as outlined below in step 10. It should be noted that the Graduate Dean has limited authority to require a sponsor to reappoint a graduate assistant. Consequently, the redress open to the student may be limited.
  8. If the decision of the Dean is that the student's concerns should not be addressed, the student may appeal to the Graduate Dean, as outlined below in step 9.
  9. If the grievance is not satisfactorily resolved through step 6, an appeal in writing and with all relevant material may be submitted for consideration to the Graduate Dean. This appeal must be filed within 20 working days of receiving the decision of the Dean of the Walton College. Any appeal at this level shall be on the basis of the complete written record and may involve interviews with any party to the grievance. The Graduate Dean shall make a decision on the matter within 20 working days from the date of receipt of the appeal. His/her decision shall be forwarded in writing to the Walton College Dean, the student, and the respondent.
  10. Either party to the grievance may appeal the decision of the Graduate Dean by appealing to the Provost/Vice Chancellor for Academic Affairs of the University of Arkansas. The appeal must be submitted in writing and with all relevant material attached. This appeal must be filed within 20 working days of receiving the decision of the Graduate Dean. Any appeal at this level shall be on the basis of the complete written record only and will not involve interviews with any party to the grievance. The Provost/Vice Chancellor for Academic Affairs shall make a decision on the matter within 20 working days from the date of receipt of the appeal. His/her decision shall be forwarded in writing to the Graduate Dean, the Dean of the Walton College, the student and the respondent. This decision is final.
  11. If any party to the grievance violates this policy, he/she will be subject to either losing the assistantship position or losing the assistantship. When alleging such a violation, the aggrieved individual shall contact the Walton College Dean or the Graduate Dean, in writing, with an explanation of the violation.

## Research and Scholarly Misconduct Policies and Procedures

### I. Introduction

#### A. General Policy

The University of Arkansas is committed to the highest integrity in research and scholarly activity. Actions which fail to meet this standard can undermine the quality of academic scholarship and harm the reputation of the University. This policy is designed to help ensure that all those associated with the University of Arkansas carry out their research and scholarly obligations in a manner that is consistent with the mission and values of the university, and provides a means of addressing instances of suspected research misconduct should they arise.

Principal investigators are responsible for maintaining ethical standards in the projects they direct and reporting any violations to the appropriate university official. Students charged with academic misconduct are subject to separate disciplinary rules governing students, however, such cases may also be reviewed under these policies if applicable under the provisions stated below. The Research Integrity Officer, in consultation with the student's dean shall determine which policy is most appropriate in each case.

A charge of research misconduct is very serious, and will be reviewed carefully and thoroughly. Any allegation of research misconduct will be handled as confidentially and expeditiously as possible. Full attention will be given to the rights and responsibilities of all individuals involved. Charges of research misconduct which are determined not to be made in good faith, as provided for in this policy, may result in administrative action against the charging party.

#### B. Scope

This statement of policy and procedures is intended to carry out the responsibilities of the University of Arkansas, Fayetteville under the Public Health Service (PHS) Policies on Research Misconduct, 42 CFR Part 93 and the research misconduct policies of other funding agencies, as applicable to particular allegations.

This document applies to allegations of research misconduct (as defined below) involving:



- A person who, at the time of the alleged research misconduct, was employed by, was an agent of, or was affiliated by enrolled student status, contract or agreement with the University of Arkansas, Fayetteville; and
- is accused of plagiarism, fabrication, or falsification of research records produced in the course of research, research training or activities related to that research or research training. This includes any research formally proposed, performed, reviewed, or reported, or any document or record generated in connection with such research, regardless of whether an application or proposal for funds resulted in a grant, contract, cooperative agreement, or other form of support.

Severance of the respondent's relationship with the University, whether by resignation or termination of employment, completion of or withdrawal from studies, or otherwise, before or after initiation of procedures under this policy, will not preclude or terminate research misconduct procedures.

## II. Definitions and Standard of Review

**Charge.** A written allegation of misconduct that triggers the procedures described in this policy.

**Complainant.** A person who submits a charge of research misconduct.

**Deciding Official (DO).** The Provost and Vice Chancellor for Academic Affairs who is the institutional official responsible for making determinations, subject to appeal, on allegations of research misconduct and any institutional administrative actions. The Deciding Official will not be the same individual as the Research Integrity Officer and should have no direct prior involvement in the institution's allegation assessment, inquiry, or investigation. Discussing concerns regarding suspected research misconduct, as provided for in Section IV.A. of this policy, shall not be considered direct prior involvement. If the Deciding Official is unable to serve as DO in a particular matter, the Chancellor may appoint an appropriate official to act as the DO for purposes of that matter.

**Good Faith Charge.** A charge of research misconduct made by a complainant who believes that research misconduct may have occurred. A charge is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the charge.

**Inquiry.** The process under the policy for information gathering and preliminary fact-finding to determine if a charge or apparent instance of research misconduct has substance and therefore warrants an investigation.

**Investigation.** The process under this policy for the formal examination and evaluation of all relevant facts to determine whether research misconduct has occurred, and, if so, the responsible person and the seriousness of the misconduct.

**Investigator.** Any person, including but not limited to any person holding an academic or professional staff appointment at the University of Arkansas, who is engaged in the design, conduct, or reporting of research.

**ORI.** The Office of Research Integrity within the U.S. Department of Health and Human Services.

**PHS.** The Public Health Service within the U.S. Department of Health and Human Services.

**Preponderance of Evidence.** Evidence which is of greater weight or more convincing than evidence to the contrary; evidence which shows that something more likely than not is true.

**Recklessly.** To act recklessly means that a person acts in such a manner that the individual consciously disregards a substantial and unjustifiable risk or grossly deviates from the standard of conduct that a reasonable individual would observe; reckless means more than mere or ordinary negligence.

**Research.** A systematic investigation designed to develop or contribute to generalizable knowledge. The term includes the search for both basic and applied knowledge and well as training methods by which such knowledge may be obtained.

**Research Integrity Officer (RIO)** means the Chair of the Research Council who is the institutional official responsible for: (1) assessing allegations of research misconduct to determine if the allegations fall within the definition of research misconduct, are covered by 42 CFR Part 93 or other applicable federal policies, and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified; (2) overseeing inquiries and investigations; and (3) the other responsibilities described in this policy. If the Research Integrity Officer is unable to serve as RIO in a particular matter, the DO may appoint an appropriate official to act as the RIO for purposes of that matter.

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

1. Fabrication is making up data or results and recording or reporting them.
2. 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.
3. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

Research misconduct does not include disputes regarding honest error or honest differences in interpretations or judgments of data, and is not intended to resolve bona fide scientific disagreement or debate. Research misconduct is also not intended to include "authorship" disputes such as complaints about appropriate ranking of co-authors in publications, presentations, or other work, unless the dispute constitutes plagiarism (as defined above).

**Research Record.** Any data, document, computer file, computer storage media, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of a charge of research misconduct. A research record includes, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; printed or electronic correspondence; memoranda of telephone calls; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.

Respondent. The person against whom a charge of research misconduct is directed, or the person whose actions are the subject of an inquiry or investigation.

Standard of Review.

A finding of research misconduct requires that:

1. There be a significant departure from accepted practices of the relevant research community; and
2. The research misconduct be committed intentionally, knowingly, or recklessly; and
3. The allegation be proven by a preponderance of the evidence.

This standard and related definitions are restated in the charge to the investigation committee located in section V.E. of this policy.

### III. Rights and Responsibilities

#### A. Research Integrity Officer

The Chair of the Research Council will serve as the RIO who will have primary responsibility for implementation of the institution's policies and procedures on research misconduct. These responsibilities include the following duties related to research misconduct proceedings:

- Consult confidentially with persons uncertain about whether to submit an allegation of research misconduct;
- Receive allegations of research misconduct;
- Assess each allegation of research misconduct in accordance with Section V.A. of this policy to determine whether the allegation falls within the definition of research misconduct and warrants an inquiry;
- As necessary, take interim action and notify ORI of special circumstances, in accordance with Section IV.H. of this policy;
- Sequester research data and evidence pertinent to the allegation of research misconduct in accordance with Section V.C. of this policy and maintain it securely in accordance with this policy and applicable law and regulation;
- Provide confidentiality to those involved in the research misconduct proceeding as required by 42 CFR § 93.108 or other applicable law or regulations, or institutional policy;
- Notify the respondent and provide opportunities for him/her to review/comment/respond to allegations, evidence, and committee reports in accordance with Section III.C. of this policy.
- Inform respondents, complainants, and witnesses of the procedural steps in the research misconduct proceeding;
- Appoint the chair and members of the inquiry and investigation committees, ensure that those committees are properly staffed and that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence;
- Determine whether each person involved in handling an allegation of research misconduct has an unresolved personal, professional, or financial conflict of interest and take appropriate action, including recusal, to ensure that no person with such conflict is involved in the research misconduct proceeding;
- In cooperation with other institutional officials, take all reasonable and practical steps to protect or restore the positions and reputations of good faith complainants, witnesses, and committee members and counter potential or actual retaliation against them by respondents or other institutional members;

- Keep the Deciding Official and others who need to know apprised of the progress of the review of the allegation of research misconduct;
- Notify and make reports to ORI or other applicable federal agencies as required by 42 CFR Part 93 or other applicable law or regulations;
- Ensure that administrative actions taken by the institution, ORI, or other appropriate agencies are enforced and take appropriate action to notify other involved parties, such as sponsors, law enforcement agencies, professional societies, and licensing boards of those actions; and
- Maintain records of the research misconduct proceeding and make them available to ORI or other appropriate agencies as applicable in accordance with Section VIII.F. of this policy.

#### B. Complainant

The complainant is responsible for making allegations in good faith, maintaining confidentiality to the extent permitted by law, and cooperating with the inquiry and investigation. As a matter of good practice, the complainant should be interviewed at the inquiry stage and given the transcript of the interview for comment. The complainant must be interviewed during an investigation, and be given the transcript of the interview for comment. The complainant may be provided for comment with (1) relevant portions of the inquiry report (within a time frame that permits the inquiry to be completed within 60 days of its initiation); and (2) relevant portions of the draft investigation report. In reviewing reports, the complainant must adhere to time limits set by the corresponding committee for timely completion of the inquiry or investigation

#### C. Respondent

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry and investigation. The respondent is entitled to:

- A good faith effort from the RIO to notify the respondent in writing at the time of or before beginning an inquiry;
- An opportunity to comment on the inquiry report and have his/her comments attached to the report;
- Be notified of the outcome of the inquiry, and receive a copy of the inquiry report that includes a copy of, or refers to 42 CFR Part 93 or other applicable law or regulations and the institution's policies and procedures on research misconduct;
- Be notified in writing of the allegations to be investigated within a reasonable time after the determination that an investigation is warranted, but before the investigation begins (within 30 days after the institution decides to begin an investigation), and be notified in writing of any new allegations, not addressed in the inquiry or in the initial notice of investigation, within a reasonable time after the determination to pursue those allegations;
- Be interviewed during the investigation, have the opportunity to correct the recording or transcript, and have the corrected recording or transcript included in the record of the investigation;
- Have a good faith effort made to interview during the investigation any witness who has been reasonably identified by the respondent as having information on relevant aspects of the investigation, have the recording or transcript provided to the witness, have the witness suggest any corrections in the transcript, and have the recording or corrected transcript included in the record of investigation; and
- Receive a copy of the draft investigation report and, concurrently, a copy of, or supervised access to any records or materials on which the report is based, and be notified that any comments must be

submitted within 30 days of the date on which the copy was received and that the comments will be considered by the institution and addressed in the final report

- Appeal the decision of the DO as provided in Section XIII.D.

The respondent should be given the opportunity to admit that research misconduct occurred and that he/she committed the research misconduct. With the advice of the RIO and/or other institutional officials, the Deciding Official may terminate the institution's review of an allegation that has been admitted, if the institution's acceptance of the admission and any proposed resolution is approved by ORI or the appropriate federal agency, if required.

#### D. Deciding Official

The DO will receive the inquiry report and after consulting with the RIO and/or other institutional officials, decide whether an investigation is warranted under this policy, the criteria in 42 CFR § 93.307(d), or other applicable law or regulations. Any finding that an investigation is warranted must be made in writing by the DO and must be provided to ORI or other federal agencies, if required, together with a copy of the inquiry report meeting the requirements of 42 CFR § 93.309, within 30 days of the finding. If it is found that an investigation is not warranted, the DO and the RIO will ensure that detailed documentation of the inquiry is retained for at least 7 years after termination of the inquiry, so that ORI or other applicable agencies may assess the reasons why the institution decided not to conduct an investigation.

The DO will receive the investigation report and, after consulting with the RIO and/or other institutional officials, decide the extent to which this institution accepts the findings of the investigation and, if research misconduct is found, decide what, if any, institutional administrative actions are appropriate. The DO shall ensure that the final investigation report, the findings of the DO and a description of any pending or completed administrative actions are provided to ORI, as required by 42 CFR § 93.315 or to other federal agencies as required by their respective misconduct policies.

### IV. General Policies and Principles

#### A. Responsibility to Report Misconduct

All institutional members will report observed, suspected, or apparent research misconduct to the RIO, the DO, or their designees. Prior to submitting a formal charge, a potential complainant is encouraged to consult informally with the RIO, the DO, or their designees to consider whether the case involves questions of research misconduct, should be resolved by other University procedures, or does not warrant further action. Contact information for the RIO may be obtained from the Office of Research Support and Sponsored Programs or the listing of Research Council members on the Faculty Senate website. If the circumstances described by the individual do not meet the definition of research misconduct, but further action is required, the RIO will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

At any time, to the extent permitted by law, an institutional member may have confidential discussions and consultations about concerns of possible misconduct with the RIO, the DO, or their designees and will be counseled about appropriate procedures for reporting allegations and their obligation to cooperate in any inquiry or investigation that may occur.

#### B. Cooperation with Research Misconduct Proceedings

Institutional members shall cooperate with the RIO and other institutional officials in the review of allegations and the conduct of inquiries and investigations. Institutional members, including respondents, have an obligation to provide evidence relevant to research misconduct allegations to the RIO or other institutional officials.

#### C. Confidentiality

The RIO shall, as required by 42 CFR § 93.108 or other applicable law or regulation: (1) limit disclosure of the identity of respondents and complainants to those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; and (2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct proceeding.

#### D. Conflicts of interest

At each stage of handling an inquiry or subsequent investigation, all persons involved shall be vigilant to prevent any real or perceived conflict of interest, or personal conflicts or relationships between colleagues, from affecting the outcome of the proceedings and resolution of the charges. Possible conflicts of interest may include co-authorship of work within the recent past with any of the individuals directly involved with the alleged misconduct, or professional or personal relationship with the respondent beyond that of mere acquaintances or colleagues. Committee members shall not have had any personal, professional or financial involvement with the matters at issue in the investigation that might create an appearance of bias or actual bias. If such relationships or involvement are present, the individual shall recuse himself or herself from any investigative or decisional role in the case. If any prospective committee member at any point in the process presents a conflict of interest, that committee member shall be replaced by another appointee. If the RIO has a conflict of interest, the DO shall appoint a replacement; if the DO has a conflict of interest, the Chancellor shall appoint a replacement. The RIO may use a written conflict of interest statement to implement this provision; a sample statement is referenced in the Appendix to this policy.

#### E. Protecting complainants, witnesses, and committee members

Institutional members may not retaliate in any way against complainants, witnesses, or committee members. Institutional members should immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the RIO, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.

#### F. Protecting the Respondent

As requested and as appropriate, the RIO and other institutional officials shall make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in research misconduct, but against whom no finding of research misconduct is made.

During the research misconduct proceeding, the RIO is responsible for ensuring that respondents receive all the notices and opportunities provided for in 42 CFR Part 93, or other applicable federal policies, and the policies and procedures of the institution.

#### G. Adviser to the Respondent

The respondent may consult with an adviser, who may or may not be an attorney. The adviser may not be a principal or witness in the case. The

adviser may accompany the respondent to proceedings conducted as a part of the research misconduct proceeding, but shall not speak on behalf of the respondent or otherwise participate in the proceedings. The adviser must maintain confidentiality and be available as needed to ensure that that all proceedings are completed on a timely basis.

#### H. Interim Administrative Actions and Notifying ORI or Other Federal Agencies of Special Circumstances

Throughout the research misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to public health, federal funds and equipment, or the integrity of the research process. In the event of such a threat, the RIO will, in consultation with other institutional officials and ORI or other federal agencies, if applicable, take appropriate interim action to protect against any such threat. Interim action might include additional monitoring of the research process and the handling of federal funds and equipment, reassignment of personnel or of the responsibility for the handling of federal funds and equipment, additional review of research data and results or delaying publication. The RIO shall, at any time during a research misconduct proceeding, consult with appropriate university officials and legal counsel immediately if he/she has reason to believe that any of the following conditions exist:

- Health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
- Federal 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.

Following such consultation, the institution shall take appropriate steps to address such conditions, such as by notifying ORI or other applicable agency.

#### I. Computation of Time

In this policy, any reference to days shall mean calendar days. Any period of time equal to ten days or fewer shall exclude University holidays. If a deadline falls on a weekend or University holiday, the deadline shall be the next University business day.

#### J. Procedural Changes

1. **Deadlines.** Due to the sensitive nature of allegations of misconduct, each case shall be resolved as expeditiously as possible. The nature of some cases may, however, render normal deadlines difficult to meet. If at any time an established deadline cannot be met, a report shall be filed with the DO setting out the reasons why the deadline cannot be met and estimating when that stage of the process will be completed. A copy of this report shall be provided to the respondent. If PHS funding is involved, an extension must be received from the Office of Research Integrity.
2. **Other Procedural Changes.** Particular circumstances in an individual case may dictate variation from the procedures set out in this policy in order to ensure fair and efficient consideration of the matter. Any change in the procedures must ensure fair treatment of the respondent. Any major deviations from the procedures described

in this policy shall be made only with the written approval of the DO in consultation with the respondent. Any minor deviations from the procedures described in this policy shall not require the written approval of the DO.

#### K. Exclusive Process

The procedures described in this policy constitute the exclusive process for raising and resolving charges of research misconduct.

#### V. Conducting the Assessment and Inquiry

##### A. Assessment of Allegations

Upon receiving an allegation of research misconduct, the RIO will immediately assess the allegation to determine whether it is sufficiently credible and specific so that potential evidence of research misconduct may be identified and further review is warranted. The RIO shall also determine whether the alleged misconduct is within the jurisdictional criteria of 42 CFR § 93.102(b), and whether the allegation falls within the definition of research misconduct in 42 CFR § 93.103. An inquiry must be conducted if these criteria are met. In conducting this assessment, the RIO may consult with the institution's legal counsel and other appropriate University officials. If a charge is frivolous, does not raise questions of research misconduct, is more appropriately resolved by other University procedures, or does not warrant further action, the RIO may, at his or her discretion, handle the matter informally or refer it to the appropriate person or process, and will notify the complainant and anyone else known to be aware of the charge.

The assessment period should be brief, preferably concluded within a week. In conducting the assessment, the RIO need not interview the complainant, respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified and further review is warranted. The RIO shall, on or before the date on which the respondent is notified of the allegation, obtain custody of, inventory, and sequester all research records and evidence needed to conduct the research misconduct proceeding, as provided in paragraph C. of this section.

##### B. Initiation and Purpose of the Inquiry

If the RIO determines that the criteria for an inquiry are met, he or she will immediately initiate the inquiry process. The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to conduct an investigation. An inquiry does not require a full review of all the evidence related to the allegation.

##### C. Notice to Respondent; Sequestration of Research Records

At the time of or before beginning an inquiry, the RIO must make a good faith effort to notify the respondent in writing, if the respondent is known. With the approval of the respondent, the RIO will also notify the dean of the school or college in which the respondent holds his or her primary appointment. If the inquiry subsequently identifies additional respondents, they must be notified in writing. On or before the date on which the respondent is notified, or the inquiry begins, whichever is earlier, the RIO must take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence and sequester them in a secure manner, except that where the 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, so long as those copies are substantially equivalent to the evidentiary value of the instruments. The RIO may consult confidentially with the institution's legal counsel and other appropriate University officials for advice and assistance in this regard. In addition, if necessary, the RIO may consult with ORI or other applicable federal agency.

#### D. Appointment of the Inquiry Committee

The RIO, in consultation with other institutional officials as appropriate, shall appoint an inquiry committee and committee chair as soon after the initiation of the inquiry as is practical. The inquiry committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry and should include individuals with the appropriate scientific expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry. The RIO shall notify the respondent of the proposed inquiry committee membership. The respondent may then submit a written objection to any appointed member of the inquiry committee based on bias or conflict of interest within seven days. If an objection is raised, the RIO shall determine whether to replace the challenged member with a qualified substitute. The RIO's decision shall be final. The RIO may, with the concurrence of the DO, appoint one or more experts to assist the inquiry committee if necessary to evaluate specific allegations. The RIO shall direct the members of the committee that the investigation and all information relating to the investigation shall be kept confidential.

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

The RIO will prepare a charge for the inquiry committee that:

- Sets forth the time for completion of the inquiry;
- Describes the allegations and any related issues identified during the allegation assessment;
- States that the purpose of the inquiry is to conduct an initial review of the evidence, including the testimony of the respondent, complainant and key witnesses, to determine whether an investigation is warranted, not to determine whether research misconduct definitely occurred or who was responsible;
- States that an investigation is warranted if the committee determines: (1) there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and is within the jurisdictional criteria of 42 CFR § 93.102(b), if applicable; and, (2) the allegation may have substance, based on the committee's review during the inquiry.
- Informs the inquiry committee that they are responsible for preparing or directing the preparation of a written report of the inquiry that meets the requirements of this Policy and 42 CFR § 93.309(a), if applicable.

At the committee's first meeting, the RIO will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The RIO will be present or available throughout the inquiry to advise the committee as needed. Prior to the first meeting, the RIO shall also consult with legal counsel for the institution as to the need for counsel to provide legal advice to the committee at the first meeting and in subsequent phases of the inquiry, including, but not limited to, for the purpose of reviewing institutional policies governing research misconduct proceedings, confidentiality and potential conflicts of interest.

#### F. Inquiry Process

The inquiry committee shall interview the complainant and the respondent, and may interview witnesses as well as examine relevant research records and materials. Then the inquiry committee will evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members will decide whether an investigation is warranted based on the criteria in this policy and 42 CFR § 93.307(d) as applicable. The scope of the inquiry is not required to and does not normally include deciding whether misconduct definitely occurred, determining definitely who committed the research misconduct or conducting exhaustive interviews and analyses. However, if a legally sufficient admission of research misconduct is made by the respondent, misconduct may be determined at the inquiry stage if all relevant issues are resolved. In that case, the institution shall promptly consult with ORI or other appropriate agencies, as required, to determine the next steps that should be taken. See Section IX.

#### G. Time for Completion

The inquiry, including preparation of the final inquiry report and the decision of the DO on whether an investigation is warranted, must be completed within 60 days of initiation of the inquiry, unless the RIO determines that circumstances clearly warrant a longer period. If the RIO approves an extension, the inquiry record must include documentation of the reasons for exceeding the 60-day period. The respondent will be notified of the extension.

#### VI. The Inquiry Report

##### A. Elements of the Inquiry Report

A written inquiry report must be prepared that includes the following information: (1) the name and position of the respondent; (2) a description of the allegations of research misconduct; (3) the PHS or other federal support, if any, including, for example, grant numbers, grant applications, contracts and publications listing support; (4) the basis for recommending or not recommending that the allegations warrant an investigation; (5) any comments on the draft report by the respondent or complainant. An outline for reports to be furnished to ORI is referenced in the Appendix to this policy.

Institutional counsel shall review the draft inquiry report prior to transmission of the draft to the respondent. Modifications shall be made as appropriate in consultation with the RIO and the inquiry committee. The inquiry report shall include the following information: the names and titles of the committee members and experts who conducted the inquiry; a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; and whether any other actions should be taken if an investigation is not recommended.

##### B. Notification to the Respondent and Opportunity to Comment

The RIO shall notify the respondent whether the inquiry found an investigation to be warranted, together with a copy of the draft inquiry report, and a copy of or reference to 42 CFR Part 93 or other applicable federal policies and the institution's policies and procedures on research misconduct. The report shall clearly be labeled "DRAFT" in bold and conspicuous type font. The RIO shall notify the respondent that the respondent shall have 10 days to comment on the draft inquiry report. The RIO shall also direct the respondent that the draft report shall be kept confidential.

On a case-by-case basis, the RIO may provide the complainant a copy of the draft inquiry report, or relevant portions of it, for comment. If so, the report shall clearly be labeled "DRAFT" in bold and conspicuous type font, and the complainant will be allowed no more than 10 days to submit comments to the RIO. The complainant shall be directed that the draft report shall be kept confidential.

Any comments that are submitted by the respondent or the complainant shall be attached to the final inquiry report. Based on the comments, the inquiry committee may revise the draft report as appropriate and prepare it in final form. The committee will deliver the final report to the RIO. The RIO shall notify the complainant in writing whether the inquiry found an investigation to be warranted.

### C. Institutional Decision and Notification

#### 1. Decision by Deciding Official

The RIO will transmit the final inquiry report and any comments to the DO, who will determine in writing whether an investigation is warranted. The inquiry is completed when the DO makes this determination.

#### 2. Notification to ORI and Respondent

Within 30 days of the DO's decision that an investigation is warranted, the RIO will provide ORI, if required, with the DO's written decision and a copy of the inquiry report. The RIO shall also provide a copy of the DO's written decision and a copy of the inquiry report to the respondent within 30 days of the DO's decision. Subject to confidentiality, the RIO will also notify those institutional officials, if any, who need to know of the DO's decision because they will be directly involved in the investigation or otherwise have a need to know because of their official duties. The RIO must provide the following information to ORI, if required, or other applicable federal agency upon request: (1) the institutional policies and procedures under which the inquiry was conducted; (2) the research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and (3) the charges to be considered in the investigation.

#### 3. Documentation of Decision Not to Investigate

If the DO decides that an investigation is not warranted, the RIO shall secure and maintain for 7 years after the termination of the inquiry sufficiently detailed documentation of the inquiry to permit a later assessment by applicable federal agencies of the reasons why an investigation was not conducted. These documents must be provided to such agencies or their authorized personnel upon request.

### VII. Conducting the Investigation

#### A. Initiation and Purpose

The investigation must begin within 30 days, after the determination by the DO that an investigation is warranted. The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to recommended findings on whether research misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible research misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged research misconduct involves clinical trials or potential harm to human subjects or the general public or if it affects research that forms the basis for public policy, clinical practice, or public health practice.

The findings of the investigation must be set forth in an investigation report.

#### B. Notifying ORI and Respondent; Sequestration of Research Records

On or before the date on which the investigation begins, the RIO must: (1) notify the ORI Director of the decision to begin the investigation and provide ORI a copy of the inquiry report, if required; and (2) notify the respondent in writing of the allegations to be investigated. The RIO must also give the respondent written notice of any new allegations of research misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation.

The RIO will, prior to notifying respondent of the allegations, take all reasonable and practical steps to obtain custody of and sequester in a secure manner all research records and evidence needed to conduct the research misconduct proceeding that were not previously sequestered during the inquiry. The need for additional sequestration of records for the investigation may occur for any number of reasons, including the institution's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

#### C. Appointment of the Investigation Committee

The RIO, in consultation with other institutional officials as appropriate, will appoint an investigation committee and the committee chair as soon after the beginning of the investigation as is practical. The investigation committee must consist of at least three individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation and should include individuals with the appropriate scientific expertise to evaluate the evidence and issues related to the allegation, interview the respondent and complainant and conduct the investigation. Individuals appointed to the investigation committee may also have served on the inquiry committee. When necessary to secure the necessary expertise or to avoid conflicts of interest, the RIO may select committee members from outside the institution, or, with concurrence of the DO, may appoint experts to assist the committee in particular aspects of the case. The RIO will notify the respondent of the proposed investigation committee membership and any appointed experts. If the respondent then submits a written objection to any appointed member or expert based on bias or conflict of interest within seven days, the RIO will determine whether to replace the challenged member or expert with a qualified substitute, and the decision of the RIO shall be final.

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

##### 1. Charge to the Committee

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

- Describes the allegations and related issues identified during the inquiry;
- Identifies the respondent;
- Informs the committee that it must conduct the investigation as prescribed in paragraph E. of this section;
- Reviews the definition of research misconduct as stated in this Policy;

- Informs the committee that it must evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, the type and extent of it and who was responsible;
- Informs the committee that in order to determine that the respondent committed research misconduct it must find that a preponderance of the evidence establishes that: (1) research misconduct, as defined in this policy, occurred (respondent has the burden of proving by a preponderance of the evidence any affirmative defenses raised, including honest error or a difference of opinion); (2) the research misconduct is a significant departure from accepted practices of the relevant research community; and (3) the respondent committed the research misconduct intentionally, knowingly, or recklessly; and
- Informs the committee that it must prepare or direct the preparation of a written investigation report that meets the requirements of this Policy and any other applicable federal policies, such as 42 CFR § 93.313.

## 2. First Meeting

The RIO will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for developing a specific investigation plan. The RIO shall also direct the members of the committee that the investigation and all information relating to the investigation shall be kept confidential. The investigation committee will be provided with a copy of this statement of policy and procedures and any applicable federal research misconduct policies. The RIO will be present or available throughout the investigation to advise the committee as needed. Prior to the first meeting, the RIO shall also consult with legal counsel for the institution as to the need for counsel to provide legal advice to the committee at the first meeting and in subsequent phases in the investigation, including, but not limited to, for the purpose of reviewing institutional policies governing research misconduct proceedings, confidentiality and potential conflicts of interest.

### E. Investigation Process

The investigation committee and the RIO must:

- 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 each allegation;
- Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
- Interview each respondent, complainant, and make a good-faith effort to interview 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 record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation; and
- Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible research misconduct, and continue the investigation to completion.

### F. Time for Completion

The investigation is to be completed within 120 days of the first meeting of the investigation committee, including conducting the investigation, preparing the report of findings, providing the draft report for comment

and sending the final report to ORI, if applicable. However, if the RIO determines that the investigation will not be completed within this 120-day period, he/she will submit a written request for an extension to the DO and to ORI or other applicable federal agencies, setting forth the reasons for the delay. If the request for an extension is approved by the DO and applicable federal agencies, then the RIO will ensure that periodic progress reports are filed with the approving officials.

### G. Amended Charges

If issues of research misconduct that fall outside of the charge arise during the course of the investigation, the committee shall so inform the RIO, including in its communication the evidence on which its concerns are based. The RIO in consultation with the DO and the investigation committee, will consider the issues raised and, in the RIO's discretion, provide the investigation committee with an amended charge. The respondent shall be notified of any such amendments.

## VIII. The Investigation Report

### A. Elements of the Investigation Report

The investigation committee and the RIO are responsible for preparing a written draft report of the investigation that:

- Describes the nature of the allegation of research misconduct, including identification of the respondent and the respondent's curriculum vitae;
- Describes and documents the federal support, if any, including, for example, the numbers of any grants that are involved, grant applications, contracts, and publications listing federal support;
- Describes the specific allegations of research misconduct considered in the investigation;
- Includes the institutional policies and procedures under which the investigation was conducted;
- Identifies and summarizes the research records and evidence reviewed and identifies any evidence taken into custody but not reviewed; and
- Includes a statement of findings for each allegation of research misconduct identified during the investigation. Each statement of findings must: (1) identify whether the research misconduct was falsification, fabrication, or plagiarism, and whether it was committed intentionally, knowingly, or recklessly; (2) summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the respondent, including any effort by respondent to establish by a preponderance of the evidence that he or she did not engage in research misconduct because of honest error or a difference of opinion; (3) identify the specific federal support, if any; (4) identify whether any publications need correction or retraction; (5) identify the person(s) responsible for the misconduct; and (6) list any current support or known applications or proposals for support that the respondent has pending with federal agencies.
- If the committee determines that any allegation of research misconduct is true, the report shall recommend appropriate institutional actions in response to the findings of research misconduct.

The report and other retained documentation must be sufficiently detailed as to permit a later assessment of the investigation. An outline for reports to be furnished to ORI is referenced in the Appendix to this Policy.

### B. Comments on the Draft Report and Access to Evidence

The RIO must give the respondent a copy of the draft investigation report for comment and, concurrently, a copy of, or supervised access to the evidence on which the report is based. The report shall clearly be labeled "DRAFT" in bold and conspicuous type font. The respondent will be allowed 30 days from the date he/she received the draft report to submit comments to the RIO. The respondent's comments must be considered and made a part of the final investigation record. The respondent shall be directed that the draft report shall be kept confidential.

On a case-by-case basis, the RIO may provide the complainant a copy of the draft investigation report, or relevant portions of it, for comment. If so, the report shall clearly be labeled "DRAFT" in bold and conspicuous type font, and the complainant will be allowed no more than 30 days from the date on which he/she received the draft report to submit comments to the RIO. The complainant's comments must be included and considered in the final report. The complainant shall be directed that the draft report shall be kept confidential.

#### C. Decision by Deciding Official

The RIO will assist the investigation committee in finalizing the draft investigation report, including ensuring that the respondent's and, if applicable, complainant's comments are included and considered, and transmit the final investigation report to the DO, who will determine in writing: (1) whether the institution accepts the investigation report, its findings, and the recommended institutional actions; and (2) the appropriate institutional actions in response to the accepted findings of research misconduct. If this determination varies from the findings of the investigation committee, the DO will, as part of his/her written determination, explain in detail the basis for rendering a decision different from the findings of the investigation committee. Alternatively, the DO may return the report to the investigation committee with a request for further fact-finding or analysis. When a final decision on the case has been reached, whether at this stage of after a subsequent appeal, the RIO will notify the respondent in writing. If the DO's findings are not appealed within ten days, the DO's findings shall become the institution's final decision. At the time of a final decision, whether at this stage or after an appeal, the RIO will also notify the complainant in writing of the final outcome of the case. After informing ORI or other applicable federal agency, as required, the DO will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

#### D. Appeals

The respondent, within ten days of receiving written notification of the decision of the DO, may file an appeal with the Chancellor. The appeal may result in (i) a reversal or modification of the DO's findings of research misconduct or determinations of institutional action, (ii) the Chancellor may direct the DO to return the report to the investigation committee with a request for further fact-finding or analysis, or (iii) other action the Chancellor deems appropriate. The appeal process must be completed within 120 days of the filing of the appeal unless an extension is granted by appropriate officials and federal agencies. The decision of the Chancellor shall be final.

#### E. Notice to Federal Agencies of Institutional Findings and Actions

Unless an extension has been granted, the RIO must, within the 120-day period for completing the investigation or the 120-day period for

completion of an appeal, submit the following to any applicable federal agencies as required: (1) a copy of the investigation report with all attachments and any appeals; (2) the findings of research misconduct, including who committed the misconduct; (3) a statement of whether the institution accepts the findings of the investigation; and (4) a description of any pending or completed administrative actions against the respondent.

#### F. Maintaining Records for Review by Federal Agencies

If required, the RIO must maintain and provide to ORI, if required, or other applicable federal agencies upon request "records of research misconduct proceedings" as that term is defined by 42 CFR § 93.317 or other applicable policies, as appropriate. Unless custody has been transferred to an appropriate federal agency or such agency has advised in writing that the records no longer need to be retained, records of research misconduct proceedings must be maintained in a secure manner for 7 years after completion of the proceeding or the completion of any federal proceeding involving the research misconduct allegation. The RIO is also responsible for providing any information, documentation, research records, evidence or clarification requested by ORI or other appropriate federal agency to carry out its review of an allegation of research misconduct or of the institution's handling of such an allegation.

#### IX. Completion of Cases; Reporting Premature Closures to Federal Agencies

Generally, all inquiries and investigations will be carried through to completion and all significant issues will be pursued diligently. A case may be closed at the inquiry stage if it is determined that an investigation is not warranted. A case may be closed at the investigation stage if there is a finding that no research misconduct was committed. If the alleged misconduct was in the jurisdiction of the ORI or other federal agency, then this finding must be reported to the applicable agency. An advance notification by the RIO to any applicable federal agency must be made if there are plans to close a case at the inquiry, investigation, or appeal stage on the basis that respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason except those noted above.

#### X. Institutional Administrative Actions

If the DO and any subsequent appeal determine that research misconduct is substantiated by the findings, then the DO will decide on the appropriate actions to be taken, after consultation with the RIO and the Chancellor. The administrative actions may include, but are not limited to, the following:

- Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;
- Removal of the responsible person 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;
- Restitution of funds to the grantor agency as appropriate; and
- Other action appropriate to the research misconduct.

#### XI. Other Considerations

##### A. Termination or Resignation Prior to Completing Inquiry or Investigation

The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the



research misconduct proceeding or otherwise limit any of the institution's responsibilities under 42 CFR Part 93 or the corresponding research misconduct policies of other federal agencies.

If the respondent, without admitting to the misconduct, elects to resign his or her position after the institution receives an allegation of research misconduct, the assessment of the allegation will proceed, as well as the inquiry and investigation, as appropriate based on the outcome of the preceding steps. If the respondent refuses to participate in the process after resignation, the RIO and any inquiry or investigation committee will use their best efforts to reach a conclusion concerning the allegations, noting in the report the respondent's failure to cooperate and its effect on the evidence.

#### B. Restoration of the Respondent's Reputation

Following a final finding of no research misconduct, including ORI concurrence where required by 42 CFR Part 93 or other federal agencies, if required, the RIO must, at the request of the respondent, undertake all reasonable and practical efforts to restore the respondent's reputation. Depending on the particular circumstances and the views of the respondent, the RIO should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in any forum in which the allegation of research misconduct was previously publicized, and expunging all reference to the research misconduct allegation from the respondent's personnel file. Any institutional actions to restore the respondent's reputation should first be approved by the DO.

#### C. Protection of the Complainant, Witnesses and Committee Members

During the research misconduct proceeding and upon its completion, regardless of whether the institution or ORI determines that research misconduct occurred, the RIO must undertake all reasonable and practical efforts to protect the position and reputation of, or to counter potential or actual retaliation against, any complainant who made allegations of research misconduct in good faith and of any witnesses and committee members who cooperate in good faith with the research misconduct proceeding. The DO will determine, after consulting with the RIO, and with the complainant, witnesses, or committee members, respectively, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them. The RIO is responsible for implementing any steps the DO approves.

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

If relevant, the DO will determine whether the complainant's allegations of research misconduct were made in good faith, or whether a witness or committee member acted in good faith. If the DO determines that there was an absence of good faith he/she will determine whether any administrative action should be taken against the person who failed to act in good faith.

### Appendix

#### A. Summary of Items that must be Reported or Submitted to the ORI in those Cases Covered by 42 CFR Part 93

(Note: This list is subject to modification based on adherence to current ORI regulations.)

- An annual report containing the information specified by ORI on the institution's compliance with the final rule. Section 93.302(b).

- Within 30 days of finding that an investigation is warranted, the written finding of the responsible official and a copy of the inquiry report. Sections 93.304(d), 93.309(a), and 93.310(a) and (b).
- Where the institution has found that an investigation is warranted, the institution must provide to ORI upon request: (1) the institutional policies and procedures under which the inquiry was conducted; (2) the research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and (3) the charges for the investigation to consider. Section 93.309.
- Periodic progress reports, if ORI grants an extension of the time limits on investigations or appeals and directs that such reports be submitted. Sections 93.311(c) and 93.314(c).
- Following completion of the investigation report or any appeal: (1) a copy of the investigation report with all attachments and any appeals; (2) the findings of research misconduct, including who committed the misconduct; (3) a statement of whether the institution accepts the findings of the investigation; and (4) a description of any pending or completed administrative actions against the respondent. Section 93.315.
- Upon request, custody or copies of records relevant to the research misconduct allegation, including research records and evidence. Section 93.317(c).
- Notify ORI immediately of the existence of any of the special circumstances specified in Section 93.318.
- Any information, documentation, research records, evidence or clarification requested by ORI to carry out its review of an allegation of research misconduct or the institution's handling of such an allegation. Section 93.400(b).

#### B. Outline for an Inquiry/Investigation Report for ORI

(Note: A recommended outline for inquiry and investigation reports has been furnished by ORI and is available on the Research Support and Sponsored Programs web site. Committee members should consult this outline in preparing reports. The outline is subject to modification based on adherence to current ORI regulations.)

#### C. Conflict of Interest Statement

(Note: A sample conflict of interest statement is available on the Research Support and Sponsored Programs web site. This statement shall be provided to the RIO for use in implementing the conflict of interest portions of this policy.)