CUNY POLICY REGARDING THE DISPOSITION OF ALLEGATIONS OF RESEARCH MISCONDUCT

Step 1: Reporting Allegations of Research Misconduct

3.1) Complainant reports Research Misconduct to RIO orally or in writing.

3.2) If Allegation is received by another University administrator or identified in another university process, administrator must immediately notify RIO in writing.

RIO receives Allegation (and creates written record of Allegation if notified orally, 3.1) and promptly decides if Inquiry is warranted.

6.1) Inquiry is warranted if Allegation:
   a) falls within definition of Research Misconduct
   b) is made against person whom this Policy applies
   c) is sufficiently credible that potential Evidence of Research Misconduct may be identified

6.2) RIO consults with VPR regarding his/her determination if Inquiry is warranted, and if warranted:
   a) scope of the Inquiry
   b) requirements and procedures for securing Research Records and Evidence.

3.3) Regulatory agency or research sponsor may forward Allegation at the University to the Vice Provost of Research (VPR).

3.3) Begin Proceeding at Investigation stage if agency/sponsor had already conducted Inquiry.

3.3) VPR decides whether to accept responsibility of Inquiry or Investigation on behalf of University.

3.3) VPR gives notice of Allegation to:
   a) RIO
   b) President of the appropriate College
   c) President of Research Foundation if applicable

3.3) University Director for Research Compliance, in collaboration with RIO, notifies Respondent of Allegation.

6.2) RIO secures records and evidence before or at the time Respondent is notified of Allegation.

YES. Proceed to Inquiry.

NO

6.2) RIO notifies President of decision and sends a summary of the Allegation in writing.
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Step 2: Inquiry

RIO determines Inquiry is warranted.

6.3) RIO notifies the following in writing: Allegation has been filed and Inquiry will take place:
   a) Respondent
   b) Complainant
   c) President

6.4) RIO conducts Inquiry to determine if Investigation is warranted.

6.4) Investigation warranted if:
   a) there is reasonable basis for concluding Allegation is considered Research Misconduct
   b) Inquiry indicates Allegation may have substance

6.5) RIO prepares preliminary Inquiry report after completion of Inquiry. Report includes:
   a) name and position of Respondent
   b) description of each Allegation of Research Misconduct
   c) whether Allegation is associated with sponsored research
   d) summary of steps during Inquiry
   e) summary of results of Inquiry
   f) basis that Allegation falls within definition of Research Misconduct
   g) recommendation to President whether Investigation is warranted
   h) any relevant materials used in Inquiry

6.6) RIO provides Respondent opportunity to review and comment on preliminary Inquiry report.

6.6) RIO attaches Respondent’s comments to the report and submits final Inquiry report to the President.

6.6) President receives Inquiry report, and in consultation with VPR and RIO, decides whether to refer the case for Investigation.

   NO

6.8) Consult with VPR prior to closing the case.

   VPR Agree

   YES

6.7) Inquiry should be completed as fast as possible and within 60-calendar days initiation. (If longer than 60 days, document reasons for exceeding 60-day period in Inquiry record)

6.9) RIO notifies Respondent and Complainant in writing after the President’s decision, but before Investigation.

6.10) President sends Inquiry report to the VPR for Investigation of case within 14 calendar days.

6.10) If research is supported by a grant, VPR will notify President of the Research Foundation and sponsor.

6.9) Notice must include a copy of final Inquiry report and copy/reference to this Policy, and relevant policies of the regulatory agency/research sponsor, if any.

6.8 Matter is closed and all records of the proceedings are treated as confidential pursuant to Section 5. All efforts will be undertaken to protect/restore the reputation of the Respondent.

6.8) RIO notifies Respondent and Complainant of decision in writing.
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Step 3: Investigation cont’d.

7.1) VPR receives Inquiry Report and appoints at least three members of University staff or tenured faculty at any College to an Investigation Committee.

7.2) Investigation will begin within 30 calendar days after President’s referral of case to VPR.

7.3) University will ensure an impartial and unbiased Investigation.

7.5) Committee will:
- comply with requirements of regulatory agency/research sponsor in interviewing individuals.
- use reasonable efforts to interview each Respondent, Complainant, and any other person with information to relevant aspects of Investigation.
- keep written records of each interview.

7.4) Committee will ensure Investigation:
- is thorough and sufficiently documented.
- includes examination of records and evidence relevant to reaching decision on merits of Allegations.

7.6) Investigation Committee prepares a draft Investigation report and:
- provides Respondent a copy of the draft Investigation report.
- provides Respondent (and/or their union rep./legal counsel) a copy of/supervised access to, Evidence on which draft Investigation report is based.

7.6) Respondent may comment on the draft report and submit it within 30 calendar days from when Respondent received the report.

7.1) Majority of Committee will be:
- tenured faculty involved in research in the same/related field as Respondent.
- members at Colleges other than the Respondent’s.
No staff of Respondent’s College may serve on Committee.

7.2) Committee will give Respondent written notice of any new Allegations not addressed during Inquiry or initial notice of Investigation.

7.4) If Respondent refuses to make records and evidence available for Investigation, Committee may draw adverse inferences from refusal.

7.7) Committee reviews Respondent’s comments on Investigation report and decides whether Research Misconduct is found.

Committee completes Investigation.

7.7) Committee documents decision in final Investigation report.
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7.7) Committee documents decision in final Investigation report. Final report will be in writing and will:
   a) describe nature of Allegation.
   b) identify sponsor support if applicable (include grant numbers, grant applications, grants, publications listing support.
   c) describe the specific Allegations considered in Investigation.
   d) include University policies/procedures Investigation was conducted under.
   e) summarize Records and Evidence reviewed, and identify Evidence taken into custody but not reviewed.
   f) provide whether Research Misconduct occurred for each Allegation identified during Allegation, and if so:
      i. identify whether it was Falsification, Fabrication, or Plagiarism, and if it was intentional, knowing, or in reckless disregard.
      ii. summarize facts and analysis supporting the conclusion and consider the merits of reasonable explanations by the Respondent.
      iii. identify specific research sponsor support, if any.
      iv. identify whether any publications need correction or retraction.
      v. identify person(s) responsible for Research Misconduct
      vi. list current support/known applications/proposals for support Respondent has pending with Research Sponsors
   g) include comments made by Respondent on the draft report

7.8) Committee submits final Investigation report to VPR, who will then discuss report with President.

7.8) President notifies:
   a) RIO
   b) Respondent
   c) Complainant
   of the Committee’s findings as to whether Research Misconduct occurred, and decides whether any disciplinary actions by the University are warranted.

7.8) University may conduct disciplinary proceeding in connection with the finding in accordance with applicable collective bargaining agreements, the University Bylaws, and/or other application policies.

7.9) If research involved in Allegation was supported by grant, the VPR, in collaboration with Grants Officer at the College, will report/respond to applicable regulatory agency and/or research sponsor and send a copy of any such communication to the President of the Research Foundation.

7.10) All aspects of the Investigation will be completed within 120 calendar days of the beginning of the Investigation.

7.11) Matter is closed.
   a) VPR notifies in writing regulatory agency/research sponsor/President of the Research Foundation, if applicable.
   b) All records of the proceeding are treated as confidential
   c) All efforts will be undertaken to protect/restore reputation of persons involved in Allegation.

Created by Darren Lin, Assistant to the Baruch College RIO