

Procedures for Addressing Allegations of Research Misconduct

These procedures support the policy on [Research Misconduct \(III.A.2\)](#). Refer to the policy for contact information and applicable definitions.

Effective date: March 1, 2018

I. Introduction

- A. Research Misconduct proceedings are conducted in accordance with these Procedures. The University may depart from these Procedures if necessary to comply with a Research Sponsor Requirement. The RIO, in consultation with the Involved Dean, the chair of an Inquiry or Investigation Committee, Faculty Chairperson, Provost and/or President, as appropriate, will decide all procedural issues not addressed by these Procedures, and may supplement these Procedures when necessary to further the Policy or enhance the fairness and efficacy of these Procedures.
- B. In the event of an allegation against a Purdue Associate who may also be answerable to a counterpart academic institution or government funding source with respect to the allegation, the RIO may notify the counterpart's chief academic officer or RIO of the allegation and determine whether to defer action under these Procedures pending assessment, inquiry or investigation of the allegation by the counterpart.
- C. During proceedings under these Procedures, at the Respondent's sole expense, a Respondent may consult an advisor of the Respondent's choosing and include the advisor at any event under these Procedures to which the Respondent is invited. The Respondent's advisor is bound to the confidentiality provisions of the Policy. The Respondent's advisor has no right to participate as an advocate or examiner of witnesses. The RIO, in consultation with committee members, may give courtesy permission for an advisor to assist a Respondent's presentation of information in proceedings under these Procedures.
- D. The evidentiary standard for an Investigation Committee to find Research Misconduct is a Preponderance of the Evidence considered by the Investigation Committee.
- E. A Respondent will be afforded reasonable prior notice and a reasonable opportunity to be heard by an Investigation Committee, to present relevant and probative evidence to an Investigation Committee, and to be present during the testimony of all witnesses.

II. Conflicts of Interest

- A. Individuals with a personal, professional or financial interest for or against a Respondent are expected to disclose the interest and offer to recuse themselves from any role in the administration of the Policy. At each stage of these Procedures, conflicts of interest will be solicited from nominated committee members (who will be replaced as appropriate if relevant conflicts emerge), and the Respondent will be given the opportunity to identify to the RIO, within five calendar days, any conflict of interest that the Respondent

believes would prevent a nominated committee member or other individual tasked under the Policy from providing fair and unbiased service, describing each perceived conflict in detail.

- B. In the event the Respondent identifies and the Provost confirms a conflict of interest involving the RIO, the Provost will appoint another tenured full professor to serve as RIO with respect to the allegations against the Respondent. In the event the Respondent identifies and the Provost confirms a conflict of interest with another person tasked for administrative responsibilities under the Policy, the Provost will appoint an appropriate replacement for that person.
- C. In the event the Respondent identifies and the RIO confirms a conflict of interest involving a nominated committee member, the Provost, with guidance from the RIO, and as needed in consultation with the Involved Dean, will nominate a substitute committee member.

III. Reports of Research Misconduct

A person who alleges Research Misconduct by a Purdue Associate must report the allegation to the RIO. Any allegation of Research Misconduct reported to any other University official, or through any other reporting mechanism, will be forwarded to the RIO. The RIO will forward a copy of each received allegation of Research Misconduct to the Provost.

IV. Admission of Research Misconduct

- A. If a Purdue Associate admits to an instance of Research Misconduct, the RIO will submit the admission with a copy to the admitting person, Provost, Involved Dean, Faculty Chairperson and the Research Sponsor, if any. The Provost will determine and impose disciplinary sanctions in accordance with Section XI of these procedures.
- B. In the event that a Purdue Associate admits to conduct but disputes whether the admitted conduct is Research Misconduct, or admits to Research Misconduct for fewer than all pending allegations against the Purdue Associate, the RIO will conduct an Initial Assessment of the allegations that are not admitted to be Research Misconduct, and proceed accordingly.

V. Initial Assessment

- A. Upon receiving an allegation of Research Misconduct, the RIO will, in consultation with the Involved Dean, determine if the allegation satisfies the Inquiry Criteria. In making this assessment, the RIO may, but is not required to, (1) interview the Complainant, Respondent and any other witness, (2) gather information beyond what the Complainant has provided, and (3) consult with any person. The RIO will prepare a written record of any such interviews and information, and of the basis for the decision.

- B. If the RIO determines that an allegation satisfies the Inquiry Criteria, the RIO will initiate the formation of an Inquiry Committee to consider the allegation.
- C. If the RIO determines that an allegation does not satisfy the Inquiry Criteria, the RIO will provide written notice, with a reminder of the confidentiality obligations under the Policy, to the Involved Dean and the Complainant, with a copy to the Provost. In the event that the Respondent was made aware of the allegation, written notice will be provided to the Respondent as well. These procedures will have no further applicability to the allegation, but the RIO may refer the matter for action under another University policy, if appropriate.

VI. Sequestration and Preservation of Evidence

No later than upon making an Initial Assessment that an allegation satisfies the Inquiry Criteria, the RIO will copy and/or secure evidence that may be needed for an investigation. The RIO may sequester additional evidence at any point during the subsequent proceedings as necessary to ensure preservation of evidence required for investigation and to accommodate ongoing research access needs. The RIO will provide a written receipt for all evidence sequestered under the RIO's control.

VII. Inquiry

- A. Upon determining that an allegation of Research Misconduct satisfies the Inquiry Criteria, the RIO will notify the Respondent, Complainant, Involved Dean and Provost in writing of the need for an inquiry, with a reminder of their confidentiality obligations.
- B. The Provost, with guidance from the RIO, will appoint three persons from the Standing Committee on Research Integrity to serve on the Inquiry Committee. If evaluating the allegation of Research Misconduct requires expertise that members of the Standing Committee on Research Integrity do not have, the RIO may appoint one or more additional individuals with the required expertise to serve on the committee. Under all circumstances, faculty members who do not also hold administrative appointments will constitute the majority of the Inquiry Committee members. The Provost will appoint one committee member to serve as committee chair.
- C. The sole purpose of an inquiry is to decide if the Investigation Criteria are satisfied, not whether Research Misconduct has in fact occurred.
- D. The RIO will advise and assist the Inquiry Committee and will be available whenever it meets to conduct its business. The RIO will prepare a written charge outlining the committee's responsibilities. The charge will include the following guidance, together with any other information or guidance that the RIO believes would be useful to the committee:

1. The Respondent will be granted an opportunity to respond, in person and/or in writing at the committee's discretion, to any allegation relating to him or her.
 2. The committee will decide by majority vote if the Investigation Criteria have been satisfied for each allegation of Research Misconduct under consideration. The committee may restate an allegation against the Respondent in light of any information made available by the RIO to the committee in the course of its work, provided that (a) the RIO confirms that the restated allegation satisfies the Inquiry Criteria and (b) the Respondent is afforded notice and an opportunity to respond and provide evidence prior the committee's final vote on the application of the Investigation Criteria to the restated allegation.
 3. The committee will prepare a draft written determination of its decisions under the preceding subparagraph with respect to each allegation of Research Misconduct and the basis for each decision.
 4. The committee, via the RIO, will deliver to the Respondent a copy of the draft determination through certified or express mail, electronic mail or hand delivery, and the Respondent will have 10 days from the date of delivery to inform the committee in writing of any claimed errors or to provide any other comments relevant to the allegations that the Respondent wishes to make. The committee will consider any timely written comments from the Respondent and determine whether to amend the draft determination.
 5. The committee will finalize the inquiry determination, attach any timely written comments from the Respondent, and provide it, along with any appendices, to the RIO.
 6. The committee will complete its inquiry and prepare its final determination within 90 days after the inquiry commenced, unless a shorter period is specified in any applicable Research Sponsor Requirement, or unless the RIO determines that circumstances require a longer period for the committee to perform its duties properly. If the RIO determines that more than 90 days is required, the inquiry record will include an explanation for the longer period.
- E. If the Inquiry Committee's determination concludes that the Investigation Criteria have been satisfied with respect to one or more allegations of Research Misconduct under consideration, the RIO will notify the Research Sponsor, if any, as required by a Research Sponsor Requirement. The RIO will send a copy of the final inquiry determination to the Respondent and notify in writing the Complainant of the outcome. The RIO will make the final inquiry determination available to the Involved Dean, Faculty Chairperson and Provost, and will proceed under Section VIII of these Procedures.
- F. If the Inquiry Committee's final report concludes that the Investigation Criteria have not been satisfied with respect to any allegation, the RIO will send a copy of the final inquiry

determination to the Respondent, Involved Dean and Provost and notify in writing the Complainant and Faculty Chair of the outcome. Any evidence gathered or sequestered by the RIO for assessment and inquiry with respect to that Respondent under the Policy may be released back to the source.

VIII. Investigation

- A. Upon receipt of the RIO's notification, the Provost, with guidance from the RIO and in consultation with the Involved Dean, will appoint a minimum of three individuals to serve on an Investigation Committee. Appointees should have sufficient expertise to evaluate the substance of the allegation but may not have any prior involvement with the Inquiry Committee or research in question. At least one committee member must be from an institution other than Purdue University. The Provost will appoint one committee member to serve as Investigation Committee chair. The RIO, in consultation with the Investigation Committee chair, may engage consulting support as needed by the Investigation Committee.
- B. Once an Investigation Committee has been appointed, the RIO will prepare a written charge outlining the committee's responsibilities. The RIO will advise and assist the committee in connection with procedural issues relating to the charge and the inquiry. The charge will include the following guidance, together with any other information or guidance that the RIO believes would be useful to the committee:
 1. The committee will review the final inquiry determination and other relevant and available research records and documents. The committee must interview the Complainant and Respondent and should interview available witnesses identified by the Complainant or Respondent as having probative information. The Respondent (and his/her advisor, if applicable) will be offered the opportunity to be present during witness interviews and may submit written questions to the committee that the Respondent wishes the witness to answer. The committee will ask the witness to answer questions submitted by the Respondent that the committee determines, in its reasonable discretion, are appropriate. The testimony of each interviewee will be under oath and recorded or transcribed.
 2. If the committee determines that it is more likely than not that a Respondent has, with Culpable Intent, (a) destroyed or failed to produce evidence requested by the committee or (b) failed to create or maintain records to substantiate the research that is the subject of the committee's investigation, the committee may infer that the unavailable evidence was adverse to the Respondent.
 3. The committee will diligently endeavor to examine all relevant research records and evidence, to pursue all significant and relevant issues and leads, and to document the investigation thoroughly. The committee will continue the investigation to completion. The committee may amend or supplement the statement of allegations against the Respondent in light of evidence obtained in the course of the investigation, provided that (a) the RIO determines that the amended or supplemented

allegations satisfy the Investigation Criteria and (b) the Respondent is afforded notice and an opportunity to respond, including by additional submission of evidence and examination of witnesses, as necessary to ensure fairness and completeness of the Respondent's opportunity for rebuttal.

4. After completing its investigation, the committee will make a determination for each allegation under consideration, as follows:
 - a) Whether a majority of the committee finds Fabrication, Falsification or Plagiarism by a Preponderance of the Evidence; and
 - b) For each finding of Fabrication, Falsification or Plagiarism, whether a majority of the committee finds by a Preponderance of the Evidence that the Respondent had Culpable Intent.
 5. The committee will prepare a draft investigation report that states the committee's findings and the facts on which the findings were based, addresses any rebuttal or exculpatory evidence presented by the Respondent, and states whether the Respondent's actions departed significantly from standard practices for major research institutions such as Purdue.
 6. The committee, via the RIO, will deliver to the Respondent a copy of the draft report through certified or express mail, electronic mail or hand delivery. A copy of the evidence on which the report was based will be included with the draft report or the Respondent will be afforded supervised access to it. The Respondent will have the longer of either 15 days from the date the report was delivered or the period specified by any applicable law to inform the committee in writing of any claimed errors or to provide any other comments relevant to the allegations that the Respondent wishes to make. The committee will consider any timely written comments from the Respondent to determine whether to amend the draft report.
 7. The committee will finalize its investigation report, attach any timely written comments from the Respondent and provide the report to the RIO.
 8. The committee will complete its investigation and prepare its final report within 180 days of its first meeting, unless a shorter period is specified in any applicable Research Sponsor Requirement, or unless the RIO determines both that circumstances require a longer period for the committee to perform its duties properly and that any necessary Research Sponsor approval for an extension can be obtained.
- C. When the Investigation Committee has completed its work, the RIO will deliver a copy of the final report to the Research Sponsor, as specified by a Research Sponsor Requirement. The RIO will deliver a copy of the final report to the Respondent through certified or express mail, electronic mail or hand delivery and will make the final report available to the Provost, Involved Dean and Faculty Chairperson. The RIO will notify the

Complainant in writing of the committee's determination. .

IX. Appeal of a Finding of Research Misconduct

- A. The Respondent will have no more than 15 days from the date of delivery of an Investigation Committee's final report of a finding of Research Misconduct to submit a written appeal of the Research Misconduct finding(s) to the RIO. The statement of appeal must clearly state (1) which findings of Research Misconduct the Respondent is appealing and (2) the facts and analysis that the Respondent believes the Appeals Committee should consider in deciding whether to overrule a finding of Research Misconduct.
- B. Upon receipt of the written appeal, the RIO will make the statement of appeal available to the Involved Dean, Faculty Chairperson and Provost.
- C. Upon receiving a timely statement of appeal, the Provost will appoint an Appeals Committee consisting of three people with sufficient expertise to evaluate the substance of the appeal but with no prior involvement with the underlying Inquiry Committee, Investigation Committee or research in question. In considering an appeal, an Appeals Committee will be guided by the following principles:
 - 1. All matters before the committee requiring a decision will be decided by majority vote.
 - 2. If the Respondent claims that investigation procedures were unfair, the committee will determine if the investigation was fairly conducted in a manner that was consistent with the Policy and these Procedures. The Appeals Committee may not overturn a finding of Research Misconduct based on a claimed procedural defect unless the committee verifies the defect and determines that (a) it actually prejudiced the ability of the Respondent to prepare for and rebut an allegation of Research Misconduct and (b) the Respondent made a timely, documented objection concerning the procedural defect so that the RIO or the Investigation Committee had the opportunity to correct the alleged defect at the time it occurred.
 - 3. If the Respondent claims that the evidence does not support a finding of Research Misconduct, the Appeals Committee must uphold the finding if the Investigation Report discloses any reasonable basis for the Investigation Committee's decision. An Appeals Committee has no authority to reweigh the evidence considered by the Investigation Committee or evaluate the Investigation Committee's decision on the basis of evidence outside the Investigation Committee record.
 - 4. If a Respondent's appeal tenders evidence that the Respondent contends (a) is material to the Investigation Committee's determinations and (b) was unavailable to the Respondent and the Investigation Committee at the time that the Investigation Committee made its determinations, and if the Appeals Committee concurs with the Respondent on both (a) and (b), the Appeals Committee will inform the Provost and

RIO, who will direct the Investigation Committee to evaluate the new evidence and determine whether to amend its findings and final report. Pending that determination by the Investigation Committee's finding, the Appeals Committee will remain empaneled to decide the Respondent's original appeal and any modified appeal from a modified final report of the Investigation Committee.

- D. The Appeals Committee will complete its evaluation of the records, reports and evidence and provide written notification of its decision to the Provost via the RIO, who will provide copies to the Respondent, Faculty Chairperson and Involved Dean, by the later of 30 days after the committee was formed or 30 days after the committee receives any amended appeal from an amended final report of the Investigation Committee, unless circumstances clearly require a longer period.

X. Discipline

- A. If a Respondent does not submit a timely appeal of a finding of Research Misconduct or if an Appeals Committee upholds one or more findings of Research Misconduct, the Provost will determine the Respondent's disciplinary sanctions. The Provost may review any materials, interview any witnesses and consult with any person to aid in his/her determination. The Provost has the authority under the Policy to impose any sanction that he/she determines to be fair and reasonable under the circumstances, including but not limited to termination of Respondent's non-tenured employment or enrollment, remedial supervision of the Respondent, modification of the Respondent's University privileges, re-opening degree conferral and notice to academic publishers of research implicated by a finding of Research Misconduct.
- B. Within 30 days from either the expiration of the time for an appeal or an Appeals Committee's denial of appeal, whichever is applicable, the Provost will notify the Respondent in writing through certified or express mail, electronic mail or hand delivery, with a copy to the RIO, Involved Dean and Faculty Chairperson, of any disciplinary sanctions to be imposed.

XI. Appeal of Discipline

- A. A Respondent may submit a written appeal of the disciplinary sanction(s) to the President, with a copy to the Provost and RIO, within 15 days of delivery of the Provost's written notice. The statement of appeal must clearly state (1) the specific sanction(s) the Respondent is appealing, and (2) the facts and analysis that the Respondent believes the President should consider in deciding whether to overrule or modify a disciplinary sanction.
- B. Upon receipt of the appeal, the RIO will make the appeal available to the Involved Dean and Faculty Chairperson.
- C. Upon receiving a timely appeal, the President will affirm, modify or overturn the disciplinary sanctions imposed by the Provost. In considering the appeal, the President

may review any materials, interview any witnesses and consult with any person. Absent extraordinary circumstances requiring a longer period, the President will issue his/her written ruling within 60 days after receipt of the appeal. The ruling will be provided in writing to the Respondent, with copies to the Provost, RIO, Involved Dean and Faculty Chairperson.

XII. Disclosure, Non-retaliation and Post-proceeding

- A. Except as required by a Research Sponsor Requirement or as otherwise permitted by this Section XII, Purdue will not, without consent of the individual in question, disclose the identity of a Complainant, witness or committee member to anyone who is not a participant in a proceeding under these Procedures. Purdue will also, upon request, take reasonable, practical and appropriate steps to protect Complainants, witnesses and committee members from retaliation by Respondents and other Purdue Associates for participating in proceedings under these Procedures.
- B. In the event that a finding of Research Misconduct becomes final (whether due to consent, lack of appeal or affirmance upon appeal), the University may disclose the Investigation Committee's final report and related evidence as necessary in the University's discretion.
- C. For a proceeding under these Procedures that does not result in a finding of Research Misconduct, the Respondent may request that Purdue take reasonable, practical and appropriate steps to restore the reputation of the Respondent. Purdue may disclose a summary, determination, final report and/or ruling stemming from a preliminary assessment, inquiry, investigation and/or appeal that determines the alleged Research Misconduct did not occur, if Purdue and the Respondent believe that disclosure would assist in restoring the reputation of the Respondent and/or the University and would serve overall fairness.
- D. The RIO will securely store, as applicable, the inquiry report, investigation report and all evidence considered by the Investigation Committee for the longer of the period required by applicable law or the period determined by University legal counsel pursuant to the policy on Assignment of Authority and Responsibility for the Retention and Disposal of University Records (V.B.3), as amended or superseded, for the preservation of Evidentiary Records. Following that storage period, the RIO will then destroy all copies of the reports and other supporting materials.

XIII. History and Updates

March 1, 2018: These procedures were separated from the policy on Research Misconduct (III.A.2) in accordance with the policy template. Some language from the policy was incorporated into the procedures to provide clarity, reduce redundancies and alleviate the need for an appendix.