Whitworth University
Policy on Integrity in Research
And Procedures for Allegations of Misconduct in Research

I. INTRODUCTION

A. GENERAL POLICY
Creation and dissemination of knowledge are primary missions of any educational institution. Whitworth University recognizes that its faculty and staff are entitled to full freedom in research and to full freedom in the publication of the results of those research endeavors. Along with this freedom comes the responsibility to maintain integrity and the obligation to maintain the highest standards of professional ethics. Membership in the academic community imposes on faculty, staff, and students the commitment to foster and to defend intellectual honesty in research and scholarship. Guided by a deep conviction of the worth and dignity of the advancement of knowledge, faculty members recognize that their primary responsibility to their subject is to seek and to state the truth. Therefore, the development and improvement of scholarly competence is a high priority; the obligation to exercise critical self-discipline and judgement in using, extending, and transmitting knowledge is accepted, and intellectual honesty is practiced.

B. ETHICAL CONDUCT STATEMENT
Each faculty member is expected to be a scholar, a teacher, an academic advisor, and an example of Christian commitment and spirituality. Accordingly, the university must foster an environment in which research and scholarship flourishes, through faculty members who are dedicated to a reverent search for truth, who accept by faith the revelation of God in Jesus Christ, who by His help attempt to live and teach in His spirit. Such an environment requires the integrity of faculty, students and staff who conduct research and scholarship. Students doing research or scholarly activities are expected to uphold the same standards of academic integrity as the faculty and staff. Furthermore, faculty, investigators, and other supervisors need to ensure the integrity of research and scholarship conducted under their direction. Whitworth University does not condone misconduct in research and scholarship.

C. SCOPE
This policy and the associated procedures apply to all individuals engaged in academic research at Whitworth University. The policy is derived from the Office of Research Integrity’s (administered by HHS) sample provisions for Institutional Policies and Procedures on Research Misconduct and as such are particularly appropriate for scientific research supported by, or for which support is requested from the National Science Foundation, the Public Health Service (PHS) or any other Federal agency. The provisions herein meet the minimum requirements in 42 Code of Federal Regulations (CFR) Part 93 (see appendix for full text of final rule). The Office of Research Integrity (ORI) is an independent entity within the U.S. Department of Health and Human Services reporting directly to the Secretary of Health and Human Services. ORI is responsible for protecting the integrity of PHS extramural and intramural research programs.

II. DEFINITIONS
A. Research misconduct is defined in 42 CFR 93.103 as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.
   (a) Fabrication is making up data or results and recording or reporting them.
   (b) Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
   (c) Plagiarism is the appropriation of another person’s ideas, processes, results, or words without giving appropriate credit.
   (d) Research misconduct does not include honest error or differences of opinion.

B. Further, Whitworth University, in accordance with AAUP principles, defines research misconduct as
(a). Failure to comply with federal, state or university requirements for (i) protecting researchers, human subjects and the public during research and/or (ii) ensuring the welfare of animals used in research; or
(b). Failure to fully credit student research assistants or other scholars who have made significant contributions to a faculty member’s published or unpublished work; or
(c). Falsely crediting authors who have made no contribution to the idea, execution, analysis or reporting of the results or interpretations of scholarship or research; or
(d). Use of research funds, facilities, or staff for unauthorized or illegal activities; or
(e) Adverse distortion of normal academic programs or the direction of students to expressly benefit scholarship or research, particularly those activities involving contracts or collaborations; or
(f). Undisclosed conflicts of interest as defined by the university policy for Significant Financial Interest Disclosure

C. Allegation means a written or oral statement or other indication of possible academic research misconduct made to an institutional or ORI official. [§93.201]

D. Charge Letter means the written notice, as well as any amendments to the notice, that are sent to the respondent stating the findings of research misconduct and any HHS administrative actions. If the charge letter includes a debarment or suspension action, it may be issued jointly by the ORI and the debarring official. [93.202]

E. Complainant means a person who makes an allegation of academic research misconduct or inadequate institutional response thereto or who cooperates with an investigation of such allegation. There can be more than one complainant in any inquiry or investigation. [93.203]

E. Conflict of interest means the real or apparent interference of one person’s interest with another, where potential bias may occur due to prior or existing personal or professional relationships.

F. Debarment or suspension means the Government wide exclusion, whether temporary or for a set term, of a person from eligibility for Federal grants, contracts, and cooperative agreements under the HHS regulations at 45 CFR part 76 (non-procurement) and 48 CFR subparts 9.4 and 309.4 (procurement.) [§93.205]

F. responsible official means the institutional official who makes final determinations on allegations of academic research misconduct and on any responsive institutional actions. At Whitworth University the responsible official is the provost and executive vice president for Academic Affairs. The responsible official can have no direct prior involvement in the university’s inquiry, investigation, or allegation assessment.

G. Good faith as applied to a complainant or witness, means having a belief in the truth of one’s allegation or testimony that a reasonable person in the complainant’s or witness’s position could have based on the information known to the complainant or witness at the time. An allegation or cooperation with a research misconduct proceeding is not in good faith if made with knowing or reckless disregard for information that would negate the allegation or testimony. Good faith as applied to a committee member means cooperating with the research misconduct proceeding by carrying out the duties assigned impartially for the purpose of helping an institution meet its responsibilities under this part. A committee member does not act in good faith if his/her acts or omissions on the committee are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the research misconduct proceeding (§93.210)

H. Inquiry means preliminary information-gathering and initial fact-finding to determine whether an allegation or apparent instance of academic research misconduct warrants an investigation meeting the criteria and following the procedures of (§§93.307-93.309).

I. Investigation means the formal development of a factual record and the examination of that record leading to a decision not to make a finding of research misconduct or to a recommendation for a finding of research misconduct which may include a recommendation for other appropriate actions, including administrative actions ( §93.215).
J. Preponderance of the evidence means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not (§93.219).

K. Research integrity officer means the university official responsible for assessing allegations of academic research misconduct and determining when such allegations warrant inquiries and for overseeing inquiries and making recommendations. [§93.224]

L. Research record means the record of data or results that embody the facts resulting from scientific inquiry, including but not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and any documents and materials provided to HHS or an institutional official by a respondent in the course of the research misconduct proceeding (§93.224).

M. Respondent means the person against whom an allegation of academic research misconduct is directed, or the person whose actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation (§93.225).

N. Retaliation means any deliberate response by Whitworth University, or any employee of Whitworth University, that adversely affects the employment or other institutional status of a respondent to whom an allegation of misconduct has been directed, but not proven; or of a complainant who, in good faith, has made an allegation of academic research misconduct or of inadequate institutional response thereto, or who has cooperated in good faith with an investigation of such allegation. (§93.226).

III. INTERPRETATION
Any interpretation of 42 CFR Part 93 must further the policy and purpose of HHS and the Federal government to protect the health and safety of the public, to promote the integrity of research, and to conserve public funds.

IV. REQUIREMENTS FOR FINDINGS OF RESEARCH MISCONDUCT
As stated in §93.104, a finding of research misconduct made under this part requires that
1. There be a significant departure from accepted practices of the relevant research community; and
2. The misconduct be committed intentionally, knowingly, or recklessly; and
3. The allegation be proven by a preponderance of the evidence.

V. EVIDENTIARY STANDARDS
1. The following evidentiary standards apply to findings made under this part. (§93.106)
   (a) Standard of proof. An institutional or HHS finding of research misconduct must be proved by a preponderance of evidence.
   (b) Burden of proof. (1) The institution or HHS has the burden of proof for making a finding of research misconduct. The destruction, absence of, or respondent’s failure to provide research records adequately documenting the questioned research is evidence of research misconduct where the institution or HHS establishes by a preponderance of the evidence that the respondent intentionally, knowingly, or recklessly had research records and destroyed them. Had the opportunity to maintain the records but did not do so, or maintained the records and failed to produce them in a timely manner and that the respondent’s conduct constitutes a significant departure from accepted practices of the relevant research community
   2. The respondent has the burden of going forward with and the burden of proving, by a preponderance of the evidence, any and all affirmative defenses raised. In determining whether HHS or the institution has carried the burden of proof imposed by this part, the finder of fact shall give due consideration to admissible, credible evidence of honest error or difference of opinion presented by the respondent.
   3. The respondent has the burden of going forward with and proving by a preponderance of the evidence any mitigating factors that are relevant to a decision to impose administrative actions following a research misconduct proceeding.
VI. RIGHTS AND RESPONSIBILITIES OF THE INSTITUTION, COMPLAINANT AND RESPONDENT

A. OVERSIGHT AND ADMINISTRATIVE RESPONSIBILITY

The university assumes responsibility for resolving allegations and investigating misconduct in research and scholarship by its faculty, staff, and students.

B. RIGHTS AND RESPONSIBILITIES OF WHITWORTH UNIVERSITY

Oversight for all aspects of this policy is the responsibility of the research integrity officer. The research integrity officer shall be the associate provost for Faculty Development and Scholarship (hereinafter referred to as the associate provost) and as such is appointed by the provost. As associate provost responsible for faculty development and scholarship, The research integrity officer (RIO) is well qualified to handle the procedural requirements involved and is sensitive to the varied demands made on those who conduct research, those who are accused of misconduct, and those who report apparent misconduct in good faith.

The RIO is responsible for appointing the inquiry and investigation committees and ensuring that necessary and appropriate expertise is secured to carry out a thorough and authoritative evaluation of the relevant evidence in an inquiry or investigation.

The associate provost will assist the inquiry and investigation committees and all university personnel in complying with these procedures and with applicable standards imposed by government or external funding sources. The associate provost is also responsible for maintaining files of all documents and evidence and for the confidentiality of the process and the security of the files.

When Federal funds are involved, the associate provost will report any inquiry that results in an investigation to the Office of Research Integrity (ORI) and/or the funding agency as required by regulation, and keep ORI and/or the funding agency apprised of any developments during the course of the inquiry or investigation that may affect current or potential funding or that need to be known to ensure appropriate use of Federal funds and otherwise protect the public interest.

VII. CONFIDENTIALITY AND PROTECTION OF COMPLAINANTS AND RESPONDENTS

The associate provost will monitor the treatment of individuals who bring allegations of misconduct or inadequate institutional response thereto, or who cooperate in inquiries or investigations. He/she will ensure that these persons are not retaliated against in the terms and conditions of their employment or other status at Whitworth University and will review instances of alleged retaliation for appropriate action. Employees should immediately report any alleged or apparent retaliation to the associate provost in his/her role as the research integrity officer.

At the same time, inquiries and investigations at Whitworth University will be conducted in a manner that will ensure fair treatment to the respondent(s) in the inquiry or investigation.

To the extent allowed by law, Whitworth University shall maintain the identity of respondents and complainants securely and confidentially and shall not disclose any identifying information, except to: (1) those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; and (2) ORI as it conducts its review of the research misconduct proceeding and any subsequent proceedings. [§93.108].

To the extent allowed by law, any information obtained during the research misconduct proceeding that might identify the subjects of research shall be maintained securely and confidentially and shall not be disclosed, except to those who need to know in order to carry out the research misconduct proceeding.

University employees accused of research misconduct may consult with legal counsel or a non-lawyer personal advisor (who is not a principal or witness in the case) to seek advice and may bring the counsel or personal advisor to interviews or meetings. Outside counsel may advise the respondent(s), but may not actively participate in the inquiry or investigation.
C. COMPLAINANT

The Complainant shall have an opportunity to testify before the inquiry and/or investigation committee, to review portions of the inquiry and/or investigation reports pertinent to that testimony, to be informed of the results of the inquiry and/or investigation, and to be protected from retaliation.

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperation with an inquiry or investigation.

Allegations of academic research misconduct made in bad faith, having no basis in fact or put forth merely to discredit the respondent will themselves constitute academic research misconduct, which will be subject to formal review by the research integrity officer as well as the Dean of the School wherein the faculty or staff member holds an institutional appointment.

D. RESPONDENT

The respondent shall be informed in writing of the allegations when an inquiry is opened, shall be provided with a copy of this policy and notified in writing of the final determinations and resulting actions as soon as possible following the conclusion of all formal actions. The respondent shall also have the opportunity to be interviewed by and to present witnesses and evidence for the inquiry and to the investigation committee, to be present at an inquiry and/or investigative hearing, to review the draft inquiry and investigation reports, and to have the assistance of counsel. Further, the respondent may write out questions to be asked of witnesses during an inquiry.

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry or investigation. If the respondent is not found guilty of scientific misconduct, he or she has the right to receive University assistance in restoring his or her reputation.

E. RESPONSIBLE OFFICIAL

The provost and executive vice president for Academic Affairs (hereinafter referred to as the provost) will receive the inquiry and/or investigation report and any written comments made by the respondent or the complainant. The responsible official will consult with the associate provost or other appropriate officials and will determine whether to conduct an investigation, whether misconduct occurred, whether to impose sanctions, or whether to take other appropriate administrative actions.

VIII. GENERAL POLICIES AND PRINCIPLES

A. REPORTING OF ALLEGED SCIENTIFIC AND SCHOLARLY MISCONDUCT

All employees, students, or individuals associated with Whitworth University have the obligation and duty to report observed, suspected, or apparent misconduct in science and research to the associate provost (RIO). If an individual is unsure whether a suspected incident falls within the definition of scientific misconduct, he or she may call the associate provost to discuss confidentially and informally the suspected misconduct. If the circumstances described by the individual do not meet the definition of scientific misconduct, the associate provost will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

B. CAUTIONS

The gathering and assessing of information in cases of alleged scientific misconduct can be extremely difficult. It is essential to protect the professional reputations of those involved, as well as the interests of the public and of any who might be harmed by the allege misconduct. In the course of conducting inquires or investigations, the following provisions are applicable:

- Expert assistance should be sought as necessary to conduct a thorough and authoritative evaluation of all evidence.
- Precautions should be taken to avoid real or apparent conflicts of interest on the part of those involved in the inquiry or investigation.
- Where appropriate efforts should be made to restore the reputations of those accused when allegations are not confirmed.
C. COOPERATION WITH INQUIRIES AND INVESTIGATIONS
University employees will cooperate with the associate provost and other university officials in the review of allegations and the conduct of inquiries and investigations. Employees have an obligation to provide relevant evidence to the research integrity officer or other institutional officials on misconduct allegations.

D. PRELIMINARY ASSESSMENT OF ALLEGATIONS
Promptly after receiving an allegation of research misconduct, defined as a disclosure of possible research misconduct through any means of communication, the associate provost shall assess the allegation to determine if: (1) it meets the definition of research misconduct in 42 CFR §93.103 (copy attached); (2) it involves either the PHS supported research, applications for PHS research support, or research records specified in 42 CFR §93.102(b) (copy attached); and, (3) the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified.

IX. CONDUCTING THE INQUIRY

A. INITIATION AND PURPOSE OF THE INQUIRY
In initiating the inquiry, the associate provost shall identify clearly the original allegation and any related issues that should be evaluated. The purpose of the inquiry phase is to make a preliminary evaluation of the available evidence and testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation. The purpose of the inquiry is not to reach a final conclusion about whether misconduct definitely occurred or who was responsible, but rather to determine if an investigation is warranted.

B. SEQUESTRATION OF THE RESEARCH RECORDS
The university shall take the following specific steps to obtain, secure, and maintain the research records and evidence pertinent to the research misconduct proceeding:
1. Either before or when the associate provost notifies the respondent of the allegation, the university shall promptly take all reasonable and practical steps to obtain custody of all research records and evidence needed to conduct the research misconduct proceeding, inventory those materials, and sequester them in a secure manner, except in those cases where the research records or evidence encompass scientific instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments.
2. Where appropriate, give the respondent copies of, or reasonable supervised access to the research records.
3. Undertake all reasonable and practical efforts to take custody of additional research records and evidence discovered during the course of the research misconduct proceeding, including at the inquiry and investigation stages, or if new allegations arise, subject to the exception for scientific instruments in (1) above.
4. The university shall maintain all records of the research misconduct proceeding, as defined in §93.317(a) (copy attached), for seven years after completion of the proceeding, or any ORI or HHS proceeding under Subparts D and E of 42 CFR Part 93 (copy attached), whichever is later, unless we have transferred custody of the records and evidence to HHS, or ORI has advised us that we no longer need to retain the records.

C. APPOINTMENT OF THE INQUIRY COMMITTEE
The associate provost, or his/her designee(s) will chair and convene an inquiry committee composed of three or more faculty members. When possible, at least two faculty members will be familiar with the questioned research or scholarship, have no real or apparent conflicts of interest in the case, and have the necessary and appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence. The committee is authorized to add and use experts from inside or outside the university when deemed necessary to evaluate specific allegations.

The associate provost will notify the respondent of the proposed committee membership within ten days. If the respondent submits a written objection to any appointed member of the inquiry committee or expert based on bias or conflict of interest within five days, the associate provost will determine whether to replace the challenged member or expert with a qualified substitute.
D. **CHARGE TO THE COMMITTEE AND THE FIRST MEETING**

The associate provost will prepare a charge for the inquiry committee that describes the allegations and any related issues identified during the allegation assessment and state that the purpose of the inquiry is to make a preliminary evaluation of the evidence and testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible scientific misconduct to warrant an investigation. To protect the anonymity of the complainant and respondent, consultation with the committee must be in strict confidence to the extent permitted by law.

At the committee’s first meeting, the associate provost will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, and answer any questions raised by the committee. The associate provost and institutional counsel will be present or available throughout the inquiry to advise the committee as needed.

E. **INQUIRY PROCESS**

The inquiry committee will normally interview the complainant and key witnesses as well as examining relevant research records and materials. The committee will evaluate the evidence and testimony obtained during the inquiry phase. After consultation with the associate provost and institutional counsel, the committee members will decide whether there is sufficient evidence of possible scientific misconduct to recommend further investigation. The scope of the inquiry does not include deciding whether misconduct occurred or conducting exhaustive interviews and analyses.

X. **THE INQUIRY REPORT**

A. **ELEMENTS OF THE INQUIRY REPORT**

A written inquiry report must be prepared that states the name and title of the committee members and experts, if any; provides a description of the allegations; the federal support if any including grant number, application number, contracts and publications; a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; a description of the evidence in sufficient detail to demonstrate whether an investigation is warranted or not; and the committee’s determination as to whether an investigation is recommended and whether any other actions should be taken if an investigation is not recommended.

B. **CUSTODY OF THE RECORDS**

To the extent not already done so at the allegations or inquiry initiation stage, the associate provost will take all reasonable and practical steps to obtain custody of all research records and evidence needed to conduct the misconduct investigation, inventory the records and evidence and secure them, except when it includes data or evidence on instruments shared by several users, custody may be limited to copies of the data or evidence so long as copies are substantially equivalent to the evidentiary value of the instrument.

C. **COMMENTS ON THE DRAFT REPORT BY THE RESPONDENT AND THE COMPLAINANT**

The associate provost will provide the respondent with a copy of the draft inquiry report for comment and rebuttal and will provide the complainant, if he or she is identifiable, with portions of the draft inquiry report that address the complainant’s role and opinions in the investigations.

1. Confidentiality. The associate provost may establish reasonable conditions for review to protect the confidentiality of the draft report.

2. Receipt of Comments. Within 14 calendar days of receipt of the inquiry report, unless circumstances warrant a longer period, the complainant and respondent will provide their comments, if any, to the inquiry committee. Based on the comments, the inquiry committee may revise the report as appropriate.

D. **INQUIRY DECISION AND NOTIFICATION**

1. Decision by Deciding Official. The associate provost will transmit the final report and any comments to the provost who will make the determination of whether findings from the inquiry provide sufficient evidence of possible scientific misconduct to justify conducting an investigation. The inquiry is completed when the provost makes this determination, which must be made within 60 days of the first
meeting of the inquiry committee unless the circumstances warrant a longer period. Any extension of this period will be based on good cause and recorded in the inquiry file.

2. The associate provost will notify both the respondent and the complainant in writing of the provost’s decision of whether to proceed to an investigation and will remind them of their obligation to cooperate in the event an investigation is opened. The associate provost will also notify all appropriate institutional officials of the provost’s decision.

XI. CONDUCTING THE INVESTIGATION
If the inquiry results in a determination that an investigation is warranted, the associate provost shall initiate the investigation within 30 calendar days of that determination. The respondent shall be notified in writing by the associate provost of the allegations to be investigated. The respondent shall also be given written notice of any new allegations within a reasonable time after determining to pursue allegations not addressed in the inquiry or in the initial notice of the investigation. If federal funds are involved, the inquiry report and written determination will be sent to ORI by the associate provost. The Investigation Committee will use its best efforts to complete the investigation within 120 calendar days of the date on which it began, including conducting the investigation, preparing the report of findings, providing the draft report for comment, and sending the final report to ORI, if required. If it becomes apparent that the committee cannot complete the investigation within that period, we shall promptly request and extension in writing from ORI, if it was required to report the investigation to ORI.

In conducting all investigations, Whitworth University shall: (1) 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 the allegations; (2) Interview each respondent, complainant, and 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 investigation; (3) pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of additional instances of possible research misconduct, and continue the investigation to completion; and (4) Otherwise comply with the requirements for conducting an investigation in 42 CFR §93.310 (copy attached).

A. PURPOSE OF THE INVESTIGATION
The purpose of the investigation is to explore in detail the allegations, to examine the evidence in depth and to determine specifically whether misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged 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 will be set forth in an investigation report.

B. APPOINTMENT OF THE INVESTIGATION COMMITTEE
The associate provost shall take all reasonable steps to ensure an impartial and unbiased research misconduct proceeding to the maximum extent practicable. The associate provost, in consultation with other institutional officials as appropriate, will appoint an investigation committee and the committee chair within 10 days of the notification to the respondent that an investigation is planned or as soon thereafter as practicable. The investigation committee shall consist of at least three individuals. The associate provost shall select those conducting the inquiry or investigation on the basis of scientific or disciplinary expertise that is pertinent to the matter and, prior to the selection, he/she shall screen them for any unresolved personal, professional, or financial conflicts of interest with the respondent, complainant, potential witnesses, or others involved in the matter. Any such conflict which a reasonable person would consider to demonstrate potential bias shall disqualify the individual from selection. At least one faculty member will have an academic appointment outside the department or division of the affected individual(s).

C. CHARGE TO THE COMMITTEE AND THE FIRST MEETING
The associate provost 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, defines scientific misconduct, and identifies the name of the respondent. The charge will state that the committee is to evaluate the evidence and testimony of the respondent, complainant, and key witnesses to determine whether, based on a preponderance of the evidence, scientific misconduct occurred and, if so, to what extent, who was responsible, and its seriousness.

During the investigation, if additional information becomes available that substantially changes the subject matter of the investigation or would suggest additional respondents, the committee will notify the associate provost, who will determine whether it is necessary to notify the respondent of the new subject matter or to provide notice to additional respondents.

D. INVESTIGATION PROCESS
The investigation committee will be appointed and the process initiated within 30 days of the completion of the inquiry, if the provost determines that findings from that inquiry provide a sufficient basis for conducting an investigation.

The investigation will normally involve examination of all documentation including, but not necessarily limited to, relevant research records, computer files, proposals, manuscripts, publications, correspondence, memoranda, and notes of telephone calls.

Whenever possible, the committee should interview the complainant(s), the respondents(s), and other individuals who might have information regarding aspects of the allegations. Interviews should be tape recorded. In compliance with the laws of the State of Washington, written consent must be obtained from each individual in order to tape record. Summaries or transcripts of the interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.

XII. THE INVESTIGATION REPORT

A. ELEMENTS OF THE INVESTIGATION REPORT
The committee shall prepare the draft and final institutional investigation reports in writing and provide the draft report for comment as provided elsewhere in these policies and procedures and 42 CFR §93.312 (copy attached). The final investigation report shall:

(1) Describe the nature of the allegations of research misconduct.
(2) Describe and document the PHS support, if any, include for example any grant numbers, grant applications, contracts, and publications listing PHS support;
(3) Describe the specific allegations of research misconduct considered in the investigation;
(4) Include the institutional policies and procedures under which the investigation was conducted, if not already provided to ORI;
(5) Identify and summarize the research records and evidence reviewed, and identify any evidence taken into custody, but not reviewed. The report should also describe any relevant records and evidence not taken into custody and explain why.
(6) Provide a statement of findings finding as to whether research misconduct did or did not occur for each separate allegation of research misconduct identified during the investigation, and if misconduct was found, (i) identify it as falsification, fabrication, or plagiarism and whether it was intentional, knowing, or in reckless disregard, (ii) summarize the facts and the analysis supporting the conclusion and consider the merits of any reasonable explanation by the respondent and any evidence that rebuts the respondent’s explanations, (iii) identify the specific PHS support, if any; (iv) identify any publications that need correction or retraction; (v) identify the person(s) responsible for the misconduct, and (vi) list any current support or know applications or proposals for support that the respondent(s) has pending with non-PHS Federal agencies; and,
(7) Include and consider any comments made by the respondent and complainant on the draft investigation report.
If federal funds are involved. The university shall maintain and provide to ORI upon request all relevant research records and records of our research misconduct proceeding, including results of all interviews and the transcripts or recordings of such interviews.

B. ENSURING A FAIR RESEARCH MISCONDUCT PROCEEDING
The university and the committee shall take all reasonable steps to ensure an impartial and unbiased research misconduct proceeding to the maximum extent practicable. The university shall select those conducting the inquiry or investigation on the basis of scientific expertise that is pertinent to the matter and, prior to selection, we shall screen them for any unresolved personal, professional, or financial conflicts of interest with the respondent, complainant, potential witnesses, or others involved in the matter. Any such conflict, which a reasonable person would consider to demonstrate potential bias, shall disqualify the individual from selection.

C. NOTICE TO RESPONDENT DURING MISCONDUCT PROCEEDINGS
During the research misconduct proceedings, the associate provost on behalf of the committees shall provide the following notifications to all identified respondents:

- **Initiation of Inquiry.** Prior to or at the beginning of the inquiry, the associate provost shall provide the respondent(s) written notification of the inquiry and contemporaneously sequester all research records and other evidence needed to conduct the research misconduct proceeding. If the inquiry subsequently identifies additional respondents, they shall be promptly notified in writing.
- **Comment on Inquiry Report.** The associate provost shall provide the respondent(s) an opportunity to comment on the inquiry report in a timely fashion so that any comments can be attached to the report.
- **Results of the Inquiry.** The associate provost shall notify the respondent(s) of the results of the inquiry and attach to the notification copies of the inquiry report and these institutional polices and procedures for the handling of research misconduct allegations.
- **Initiation of Investigation.** Within a reasonable time after our determination that an investigation is warranted, but not later than 30 calendar days after that determination, the associate provost shall notify the respondent(s) in writing of the allegations to be investigated. The associate provost shall give respondent(s) written notice of any new allegations within a reasonable time after determining to pursue allegations not addressed in the inquiry or in the initial notice of investigation.
- **Scheduling of Interview.** The associate provost will notify the respondent sufficiently in advance of the scheduling of his/her interview in the investigation so that the respondent may prepare for the interview and arrange for the attendance of legal counsel, if the respondent wishes.
- **Comment on Draft Investigation Report.** The associate provost shall give the respondent(s) a copy of the draft investigation report, and concurrently, a copy of, or supervised access to, the evidence on which the report is based and notify the respondent(s) that any comments must be submitted within 30 days of the date on which he/she received the draft report. The associate provost shall ensure that these comments are included and considered in the final investigation report.
- **Appeal.** The university provides for an appeal process that could result in the reversal or modification of the findings in the investigation report. The respondent will be given notification of that appeals process in the investigation report. The respondent will be given notification of that appeals process in the investigation report. Any appeal process must be completed within 120 days unless an extension is needed. If funding is provided by PHS, a written request to ORI to extend the appeal beyond 120 days is required and a response must be received. This deadline applies only to the appeals process, not to any other institutional hearings that are conducted separately from the appeal process.

D. COMMENTS ON THE DRAFT REPORT
1. Respondent
The associate provost will provide the respondent with a copy of the draft investigation report for comment and rebuttal. The respondent will be allowed 10 days to review and comment on the draft report. The findings of the final report should take into account the respondent’s comments in addition to all the other evidence.

2. Complainant
The associate provost will provide the complainant, if he or she is identifiable, with those portions of the draft investigation report that address the complainant’s role and opinions in the investigation. The report should be modified, as appropriate, based on the complainant’s comments.

3. Institutional Counsel
The draft investigation report will be transmitted to the institutional counsel for a review of its legal sufficiency. Comments should be incorporated into the report as appropriate.

4. Confidentiality
In distributing the draft report, or portions thereof, to the respondent and complainant, the associate provost will inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality.

E. INSTITUTIONAL REVIEW AND DECISION
Based on a preponderance of the evidence, the provost will make the final determination whether to accept the investigation report, its findings, and the recommended institutional actions. If this determination varies from that of the investigation committee, the provost will explain in detail the basis for rendering a decision different from that of the investigation committee in the university’s letter transmitting the report to ORI, if required. The provost explanation should be consistent with the PHS definition of scientific misconduct, the university’s policies and procedures, and the evidence reviewed and analyzed by the investigation committee. The provost may also return the report to the investigation committee with a request for further fact-finding or analysis. The provost determination, together with the investigation committee’s report, constitutes the final investigation report for purposes of ORI review.

When a final decision on the case has been reached, the provost will notify both the respondent and the complainant in writing. In addition, the provost 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 associate provost is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

F. TIME LIMIT FOR COMPLETING THE INVESTIGATION REPORT
An investigation should ordinarily be completed within 120 days of its initiation, with the initiation being defined as the first meeting of the investigation committee. This includes conducting the investigation, preparing the report of finding, making the draft report available to the subject of the investigation for comment, submitting the report to the provost for approval, and submitting the report to the ORI if required. [93.315]

XIII. REQUIREMENT FOR REPORTING TO ORI AND OTHER AGENCIES
A. REPORTING INITIATION OF AN INVESTIGATION
Whitworth University will comply with the requirements and regulations of its funding agencies.
Notification to ORI and other External Agencies
On or before the date on which the investigation begins (the investigation must begin within 30 calendar days of our finding that an investigation is warranted), we shall provide ORI with the written finding by the provost and a copy of the inquiry report containing the information required by 93.309(a) (copy attached). Upon a request from ORI we shall promptly send them: (1) a copy of our 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.

We shall promptly provide to ORI after the investigation: (1) A copy of the investigation report, all attachments, and any appeals; (2) A statement of whether the institution found research misconduct and, if so, who committed it; (3) A statement of whether the institution accepts the findings in the investigation report; and (4) A description of any pending or completed administrative actions against the respondent.

In the case of PHS funding, the university will provide yearly assurances of compliance as required as well as aggregated information on allegations, inquiries and investigations. Further, in accord with Public Health Service and National Science Foundation regulations, in cases involving research funded by those agencies, the agency will be informed in the following situations.

1. **Outcome of an Inquiry** – only if the outcome includes the recommendation for a full investigation
2. **Commencement of an Investigation** – provide on or before the commencement of the investigation and include all the required information – consult NSF and PHS policies.
3. For PHS funding, the university’s decision to initiate an investigation must be reported in writing to the Director, ORI, on or before the date the investigation begins (the investigation must begin within 30 calendar days of the university’s finding that an investigation is warranted). The associate provost will provide ORI with the written finding and copy of the inquiry report containing the information required by 42 CFR §93.309(a) copy attached. Upon a request from ORI, the university shall promptly send them: (1) a copy of 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.

A notification will include the name of the person(s) against whom the allegations have been made, the general nature of the allegation as it relates to the PHS definition of scientific misconduct, and the PHS applications or grant number involved.

If required, The associate provost shall promptly provide to ORI, after the investigation: (1) A copy of the investigation report, all attachments, and any appeals; (2) A statement of whether the institution found research misconduct and, if so, who committed it; (3) A statement of whether the institution accepts the findings in the investigation report; and (4) A description of any pending or completed administrative actions against the respondent.

Other Requirements if PHS or NSF funding is involved.

1. **Written request for a time extension** – if investigation and determination of discipline will take more than the required time limits the associate provost will file a written request with ORI for an extension.
2. **Interim reports** – PHS must be apprised during an investigation of facts that may affect current or potential PHS funding of the individual(s) under investigation or to ensure proper use of federal funds or protection of the public interest. NSF requires interim reports if the seriousness of the apparent misconduct warrants.
3. **Early termination** – PHS must be notified of any decision to terminate an inquiry or investigation prior to the completion of all relevant requirements. This notice must include the reasons for such action. PHS retains the right to investigate the matter further on its own.
4. **Final Outcome** – PHS and NSF will be notified of the final outcome of an investigation involving their funded project(s), and provided with a complete copy of the final report.
5. **Special Emergency Notifications** – PHS must be informed at any stage if any of the following are discovered:
   a) Health or safety of the public is at risk, including an immediate need to protect human or animal subjects.
   b) HHS resources or interests are threatened.
   c) Research activities should be suspended.
   d) There is a reasonable indication of violations of civil or criminal law (within 24 hours)
e) Federal action is required to protect the interests of those involved in the research misconduct proceeding.

f) A likelihood that an alleged incident is going to be reported publicly prematurely, so that HHS may take appropriate steps to safeguard evidence and protect the rights of those involved.

g) The university believes the research community or public should be informed.

B. ADMISSION OF SCIENTIFIC MISCONDUCT WHEN PHS FUNDS ARE INVOLVED

When PHS funding or applications for funding are involved and an admission of scientific misconduct is made, the associate provost will contact ORI for consultation and advice. The individual making the admission will be asked to sign a statement attesting to the occurrence and extent of misconduct. When the case involves PHS funds, Whitworth University cannot accept an admission of scientific misconduct as a basis for closing a case or not undertaking an investigation without prior approval from ORI.

C. NOTIFICATION OF OTHER INVOLVED INDIVIDUALS OR PARTIES

When a final decision on the case has been reached by the provost, the associate provost will notify both the respondent and the complainant in writing. In addition, the associate provost 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 concerned parties, should be notified if the outcome of the case. The associate provost is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

D. INTERIM PROTECTIVE ACTIONS

At any time during a research misconduct proceeding, the university shall take appropriate interim action to protect public health, federal funds and equipment, and the integrity of the PHS supported research process if applicable. The necessary actions will vary according to the circumstances of each case, but examples of actions that may be necessary include delaying the publication of research results, providing for closer supervision of one or more researchers, requiring approvals for actions relating to the research that did not previously require approval, auditing pertinent records, or taking steps to contract other institutions that may be affected by an allegation of research misconduct.

XIV. INSTITUTIONAL ADMINISTRATIVE ACTIONS

Whitworth University will take appropriate administrative actions against individuals when an allegation of misconduct has been substantiated. If the provost determines that the alleged misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken, after consultation with the research integrity officer. The provost shall make this determination within established University policies for faculty, students, and staff.

XV. COOPERATION WITH ORI

The university shall cooperate fully and on a continuing basis with ORI during its oversight reviews of this institution and its research misconduct proceeding and during the process under which the respondent may contest ORI findings of research misconduct and proposed HHS administrative actions. This includes providing, as necessary to develop a complete record of relevant evidence, all witnesses, research records, and other evidence under our control or custody, or in the possession of, or accessible to all persons that are subject to our authority.

A. REPORTING TO ORI

We will report to ORI any proposed settlements, admission of research misconduct, or institutional findings of misconduct that arise at any stage of a misconduct proceeding, including the allegation and inquiry stages.
XV. OTHER CONSIDERATIONS

A. RELATIONSHIP OF ORI ACTION TO WHITWORTH UNIVERSITY ACTION

Whitworth University may find conduct to be actionable under its standards even if the action does not meet ORI’s definition of research misconduct. An ORI finding or settlement does not affect institutional findings or administrative actions based on the institutional standards of conduct.

B. TERMINATION OF INSTITUTIONAL EMPLOYMENT OR RESIGNATION PRIOR TO COMPLETING INQUIRY OR INVESTIGATION

Termination or resignation will not preclude or terminate the academic research misconduct procedures. If the respondent refuses to participate in the process after resignation, the committee will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent’s failure to cooperate and the resulting effect on its review of all the evidence.

C. RESTORATION OF THE RESPONDENT'S REPUTATION

If Whitworth University finds no misconduct and ORI concurs if federal funds are involved, after consulting with the respondent, the associate provost on behalf of the university will undertake all reasonable, practical, and appropriate efforts to protect and restore the reputation of any person alleged to have engaged in research misconduct, but against whom no finding of research misconduct was made, if that person or his/her legal counsel or other authorized representative requests that we do so. Depending on the particular circumstances, the associate provost should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in forums in which the allegation of scientific misconduct was previously publicized, or expunging all reference to the scientific misconduct allegation from the respondent’s personnel file. Any university actions to restore the respondent’s reputation must first be approved by the provost.

D. PROTECTION OF THE COMPLAINANT AND OTHERS

Regardless of whether the university, or ORI if they are involved, determines that scientific misconduct occurred, the associate provost will undertake reasonable efforts to protect the complainant(s) who made allegations of scientific misconduct in good faith and others who cooperated in good faith with the inquiries and investigations of such allegations. Upon completion of an investigation, the provost will determine, after consulting with the complainant(s) what steps, if any, are needed to restore the position or reputation of the complainant. The associate provost will also take appropriate steps during the inquiry and investigation to counter any potential or actual retaliation against the complainant(s), witness(es) and committee member(s).

E. ALLEGATIONS NOT MADE IN GOOD FAITH

If relevant, the provost will determine whether the complainant’s allegations of scientific misconduct were made in good faith. If an allegation was not made in good faith, the provost will determine whether any administrative action should be taken against the complainant.

F. OTHER MECHANISMS FOR REVIEW

The procedures of this policy do not exclude other mechanisms for the review of alleged misconduct. When allegations involve the misuse of funds, the university’s Vice President for Business and Finance or outside auditors may investigate allegations and report the findings to the proper authorities. When alleged illegal activities occur, the university President retains the power to direct investigations, take interim measures to preserve property or resources, and request reports on alleged misconduct. Where an investigation of misconduct under this policy may duplicate other official inquires the provost may elect not to conduct an investigation under this policy when no federal funds are involved. Where federal funds are involved, if a termination of an inquiry or investigation is planned for any reason without completing all relevant requirements under this policy, a report of such planned termination, including a description of the reasons for such termination, shall be made to the Office of Research Integrity, U.S. Department of Health and Human Services, which will then decide whether further investigation should be undertaken.
G. INTERIM ADMINISTRATIVE ACTIONS
   University officials will take interim administrative actions, as appropriate, to protect Federal funds and
   ensure that the purposes of the Federal financial assistance are carried out.

XVI. RECORDS RETENTION
   After completion of a case and all ensuing related actions, the associate provost will prepare a complete file
   including the records of any inquiry or investigation and copies of all documents and other materials
   furnished to the associate provost or committees. The associate provost will keep the file for seven years
   after completion of the case to permit later assessment of the case if necessary. ORI or other authorized
   federal authorities will be given access to the records when federal funds are involved.