

HOWARD UNIVERSITY POLICY

Policy Number:	100-011: The Academy and Research
Policy Title:	RESEARCH MISCONDUCT POLICY
Responsible Officers:	Provost and Chief Academic Officer Associate Vice President and Institutional Official, Regulatory Research Compliance
Responsible Offices:	Office of the Provost and Chief Academic Officer Office of Regulatory Research Compliance (ORRC)
Effective Date:	Conforming Amendments: February 20, 2026 Revision: March 1, 2024 (Approved by Board of Trustees) Interim: Approved December 12, 2023 Conforming Amendments: July 30, 2001 November 16, 1990 (Approved by Board of Trustees)

I. POLICY STATEMENT

Howard University (“the University” or “HU”) upholds the scientific method in the conduct of research and is unequivocally committed to the ethical conduct of research by its personnel and students. Individuals charged with supervising research, all individuals directly engaged in research, and collaborators of researchers outside their laboratories bear an obligation to pursue their studies ethically. All researchers are responsible for the quality of all data they publish. Valid experimental observation requires that the data and the conditions under which they were obtained can be verified, either by scrutiny of accurate records made at the time of the experiment or by repeating the experiment.

Willful misconduct in pursuing basic, clinical, or applied research at Howard University and its affiliates is intolerable and unacceptable to administrators, faculty, staff, and students. Research misconduct is fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or reported results. All University personnel are responsible for maintaining the highest standards of ethics and professional integrity in conducting and reporting research activities. Infractions of this policy constitute grounds for disciplinary action, including, but not limited to, removal from a particular project, a letter of reprimand, monitoring of future work, probation, suspension, salary reduction, rank reduction, or termination of employment. Misconduct may also result in the suspension or expulsion of a student or trainee from the University.

This policy and its appendices and attachments are intended, among other things, to cause the University to be compliant with 42 CFR Part 93 and shall be reviewed and updated from time to time as required and generally construed to achieve these purposes.

II. RATIONALE

It is recognized that accusations of research misconduct are among the most severe charges that can be lodged against a researcher. Any person contemplating such accusations should fully consider the gravity of the accusation and its consequences and make every reasonable effort to avoid lodging charges devoid of a substantial element of truth. Frivolous or false accusations may also constitute grounds for disciplinary actions.

Howard University recognizes and supports the continued free and open scientific discourse at this institution. Accordingly, researchers are strongly encouraged to continue their scientific endeavors in a manner congruent with this policy and sound scientific judgment. This policy is intended to provide an orderly process for dealing with allegations of research misconduct and to comply with the requirements of sponsoring organizations.

III. DEFINITIONS

- A. **Research Misconduct:** Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or in reporting research results.
1. **Fabrication** is making up results and recording or reporting them.
 2. **Falsification** is manipulating research materials, equipment, processes, changing or omitting data or results, such that the Research is not accurately represented in the research record.
 3. **Plagiarism** is appropriating another person's ideas, processes, results, or words without giving appropriate credit, including those obtained through confidential review of others' research proposals and manuscripts.
 - a. Plagiarism also includes the unattributed verbatim or nearly verbatim copying of sentences and paragraphs from another's work that materially misleads the reader regarding the contributions of the author. It does not include the limited use of identical or nearly identical phrases that describe a commonly used methodology.
 - b. Plagiarism does not include self-plagiarism or authorship or credit disputes, including disputes among former collaborators who participated jointly in the development or conduct of a research project. Under this policy, self-plagiarism and authorship disputes do not constitute research misconduct.
 4. **What is excluded** from the above definition: It does not include honest errors or honest differences in interpretations or judgments of data.
- B. **Assessment** means a consideration of whether an allegation of research misconduct appears to fall within the definition of research misconduct.
- C. **Inquiry** is an informal information-gathering and initial fact-finding process to determine whether an allegation of misconduct warrants an investigation.
- D. **Investigation** is defined as a formal examination and evaluation of all relevant facts to determine the seriousness of the offense and the extent of any adverse effects resulting from the misconduct.
- E. **Allegation** means a disclosure of possible research misconduct through any means of communication and brought directly to the attention of an institutional or HHS official.
- F. **Complainant** means an individual who, in good faith, makes an allegation of research misconduct.
- G. **Respondent** means the individual against whom an allegation of research misconduct is directed or the person who is the subject of a research misconduct proceeding.
- H. **Administrative record.** The administrative record comprises: the institutional record, any information provided by the respondent, including but not limited to the transcript of any virtual

or in-person meetings between the respondent and RIO, and correspondence between the respondent and RIO; any additional information provided to the ORI while the case is pending before RIO; and any analysis or additional information generated or obtained by RIO. Any analysis or additional information generated or obtained by RIO will also be made available to the respondent.

- I. **Evidence** means anything offered or obtained during a research misconduct proceeding that tends to prove or disprove the existence of an alleged fact. Evidence includes documents, whether in hard copy or electronic form, information, tangible items, and testimony.
- J. **Good faith** applies to the complainants, respondents, witnesses, institutions, and committee members.
 - 1. Good faith, as applied to a complainant or witness, means having a reasonable belief in the truth of one's allegation or testimony 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.
 - 2. Good faith, as applied to an institutional or committee member, means cooperating with the research misconduct proceeding by impartially carrying out the duties assigned to help an institution meet its responsibilities under this part. An institutional or committee member does not act in good faith if their acts or omissions during the research misconduct proceedings are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the research misconduct proceeding.
 - 3. Good faith, as applied to a respondent, means acting with a reasonable belief that the respondent's actions are consistent with accepted practices of the relevant research community.
- K. **Intentionality** means to act intentionally to carry out the act.
- L. **Knowingly means** to act with the awareness of the act.
- M. **Recklessly** means to propose, perform, or review research, or report research results, with indifference to a known risk of fabrication, falsification, or plagiarism.
- N. **Preponderance of the Evidence** means proof by evidence that, compared with evidence opposing it, leads to the conclusion that the fact at issue is more likely true than not.
- O. **Research Integrity Officer (RIO)** refers to the Institutional Official responsible for administering the institution's written policies and procedures for addressing allegations of research misconduct in compliance with this part. The RIO is also the Misconduct Policy Officer.
- P. **Associate Research Integrity Officer** refers to the Institutional Official assisting the RIO in administering the institution's written policies and procedures for addressing allegations of research misconduct in compliance with this part.
- Q. **Institutional Certifying Official** means the Institutional Official responsible for assuring, on behalf of an institution, that the Institution has written policies and procedures for addressing allegations of research misconduct, in compliance with this part, and complies with its policies and procedures and the requirements of this part. In the HU case, the Institutional Certifying Official is synonymous with the

Research Integrity Officer (RIO). The Institutional Certifying Official is also responsible for certifying the content of the institution's annual report, which contains the information specified by the Office of Research Integrity (ORI) or other oversight Federal Agencies on the institution's compliance with 42 CFR Part 93, and ensuring the report is submitted to the ORI or other oversight Federal Agency(s), as applicable.

- R. **Institutional Deciding Official** means the Institutional Official who makes final determinations on allegations of research misconduct and any institutional actions. An Institutional Deciding Official is synonymous with the President or Designee (Provost). The same individual cannot serve as both the institutional decision-making official and the research integrity officer.

IV. PREVENTING OR AVOIDING RESEARCH MISCONDUCT

The University recognizes that efforts to prevent or avoid research misconduct may impede or impair scientific pursuits. However, researchers and administrators can take measures to foster a culture of openness in research and discourage research misconduct. These measures, examples of which are set forth in Appendix B, should not be construed as mandatory but rather represent best practices that researchers already regularly follow.

V. ROLES AND RESPONSIBILITIES

- A. **Committee on Research Misconduct:** The President or designee (Provost) of the University will appoint a Committee on Research Misconduct consisting of seven members. The committee shall comprise tenured faculty members and may include a senior administrator, as well as one at-large student/trainee or staff member. The President or designee (Provost) shall appoint one member as chair.
- B. **Research Integrity Officer:** The President of the University shall appoint an individual to serve as the Research Integrity Officer (RIO). This individual will be responsible for:
1. Working with any individual who wishes to pursue an allegation of research misconduct to develop a specific, formal, written complaint.
 2. Providing staff and other assistance for inquiries and investigations
 3. Maintaining records of all allegations and institutional responses; and
 4. Serving as ex officio (without a vote) on any inquiry or investigative group considering misconduct allegations. The President shall provide the Research Integrity Officer with sufficient resources to carry out the functions of the office.

VI. HANDLING ALLEGATIONS OF RESEARCH MISCONDUCT

- A. Whenever an accusation of research misconduct is reported, the University will first conduct an assessment of the allegation. It will diligently pursue all significant issues and leads deemed relevant to the inquiry and investigation, including any evidence of additional possible instances of misconduct, and continue the investigation to completion. The University will notify the sponsor at any stage of the inquiry or investigation that any of the following conditions exist:
1. The award agreement contractually requires notice under given circumstances and timelines.
 2. There is an immediate health hazard involved.

3. There is an immediate need to protect Federal funds or equipment.
4. There is an immediate need to protect the interests of the person(s) making the allegations or the individual(s) who are the subject of the allegations and their co-investigators and associates, if any, and sponsor notification would facilitate such purpose.
5. The alleged incident is probably going to be reported publicly.
6. There is a reasonable indication of possible criminal violation, in which event the University will notify the funding agency within 24 hours of obtaining such information.

B. Responsibility to Report Misconduct: All institutional members who suspect an individual subject to these Policies and Procedures is committing or has committed research misconduct must immediately report the observed, suspected, or apparent research misconduct to the RIO. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, they may meet with or contact the RIO to discuss the suspected research misconduct informally, including discussing it anonymously or hypothetically. If the circumstances described by the individual do not meet the definition of research misconduct, the RIO will refer the individual or the allegation to other offices or officials responsible for resolving the problem.

C. How to Report an Allegation: Allegations may be presented by any means of communication, such as written or oral statements or other means of communication to the University. At any time, an institutional member may have confidential discussions and consultations with the RIO regarding concerns of possible misconduct and will be counseled on appropriate procedures for reporting allegations.

Research Integrity Officer (RIO) Contact Information:

Via Teams

Phone: 202-865-8597

Email: RIO.ORRC@howard.edu

Address: 1328 Florida Ave NW, Washington, DC 20009

Whenever an accusation of research misconduct is brought to the University's attention, the charges should be directed to the RIO. This officer shall work with individuals with a specific research misconduct allegation against a current or former Howard University researcher. The RIO will assist the individual in developing a signed formal complaint for referral to the Committee on Research Misconduct. The RIO will take steps to protect individuals' privacy by making reports in good faith.

In the case of anonymous allegations, the RIO will record the allegation and all preliminary information gathered in connection with the allegation. The RIO will consult with the dean/director of the unit involved in the anonymous allegation and will convene a group of no more than three individuals to determine whether the anonymous allegation should be referred to the Committee on Research Misconduct for inquiry.

The RIO will refer all allegations to the Committee on Research Misconduct within five (5) working days of receipt of the allegation. The Committee on Research Misconduct will determine whether sufficient information warrants an initial inquiry.

D. Time Limitation

1. **Six-year limitation.** This limitation applies only to research misconduct that occurred within 6 years of the date the University RIO receives an allegation of research misconduct.

2. **Exceptions to the six-year limitation.** The six-year limitation does not apply in the following instances:
 - a. The respondent continues or renews any incident of alleged research misconduct that occurred before the six-year limitation through the use of, republication of, or citation to the portion(s) of the research record (e.g., processed data, journal articles, funding proposals, data repositories) that is alleged to have been fabricated, falsified, or plagiarized, for the potential benefit of the respondent.
 - b. When the respondent uses, republishes, or cites the portion(s) of the research record that is alleged to have been fabricated, falsified, or plagiarized in submitted or published manuscripts, submitted Public Health Service (PHS) grant applications, progress reports submitted to PHS funding components, posters, presentations, or other research records within six (6) years of when the Department of Health and Human Services (HHS) and other oversight Federal Agency(s) or institution received the allegations, this exception applies.
3. **Final determination of the six-year exception:** For allegations that may fall under this exception, an institution must inform ORI of the relevant facts before concluding the exception does not apply. ORI or the applicable oversight agency will decide on the subsequent use exception for each allegation.
4. **Exceptions for the health or safety of the public.** If ORI or the institution, following consultation with ORI or other oversight agency, determines that the alleged research misconduct, if it occurred, would have a substantial adverse effect on the health or safety of the public, this exception applies.

E. **Sequestration of Research Records**

On or before the date on which the respondent is notified, or the inquiry begins, whichever is earlier, the RIO must take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence, and securely sequester them to prevent the loss, alteration, or fraudulent creation of records. Except where the research records or evidence encompass scientific instruments shared by several users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. Additionally, all reasonable and practical efforts must be undertaken to obtain custody of additional research records and evidence discovered during a research misconduct proceeding. A respondent's failure to provide research records may not be considered as part of the overall evaluation of evidence in a case unless the respondent has destroyed them or refused to provide them.

VII. CONFIDENTIALITY

- A. **Disclosure of the identity of respondents, complainants, and witnesses in research misconduct proceedings:** This is limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective, and fair research misconduct proceeding, and as allowed by law. The RIO will inform respondents, complainants, and witnesses before they are interviewed about how their identities may be disclosed. However, the RIO must disclose the identity of respondents, complainants, or other relevant persons to ORI or other applicable Agency(s) pursuant to an ORI review of research misconduct proceedings.
- B. **Except as may otherwise be prescribed by applicable law,** confidentiality must be maintained for any records or evidence from which research subjects might be identified. Disclosure of

ongoing research misconduct proceedings under this part is limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective, and fair research misconduct proceeding, or the purpose of 42 CFR Part 93 as described in § 93.101(f). In this context, “those who need to know” may include public and private entities.

- C. **Disclosure of concerns related to the reliability of the research record that is alleged to have been fabricated, falsified, or plagiarized** is limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective, and fair research misconduct proceeding, or the purpose of this part as described in § 93.101(f). In this context, “those who need to know” may include journals, editors, publishers, public and private entities.
- D. **For officials at institutions other than the institution where the research misconduct proceedings are being conducted**, their need to know occurs when the institution:
 - 1. May possess records relevant to allegations under review.
 - 2. Employs a respondent alleged or found to have committed research misconduct or
 - 3. Funds research being conducted by a respondent alleged or found to have committed research misconduct.
- E. **Confidentiality restriction:** Only applies until the institution has made its final determination in the research misconduct process.
- F. **Protecting Complainants, Witnesses, and Committee Members:** Institutional members may not retaliate in any way against complainants, witnesses, or committee members. Institutional members should immediately report any alleged or apparent retaliation against complainants, witnesses, or committee members to the RIO, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.
- G. **Multiple Respondent:** If the committee identifies additional respondents during an inquiry or investigation, the institution is not required to conduct a separate inquiry for each new respondent. However, each additional respondent must be provided with notice and an opportunity to respond to the allegations consistent with this policy.
- H. **Multiple Institutions:** When multiple institutions are involved in a research misconduct proceeding, one institution should be designated as the “lead institution.” The lead institution should obtain research records from other relevant institutions.
- I. **Protecting the Restoration of the Respondent’s Reputation:**
 - 1. As requested, and as appropriate, the RIO and other institutional officials shall make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in research misconduct but against whom no research misconduct is found.
 - 2. During the research misconduct proceedings, the RIO is responsible for ensuring that respondents receive all the notices and opportunities provided for in 42 CFR Part 93 and the relevant policies and procedures of the University. Respondents may consult with legal counsel or a non-lawyer personal adviser to seek advice and may bring the counsel or personal adviser to interviews or meetings on the case.

VIII. RETENTION OF RECORDS FOR REVIEW BY THE OVERSIGHT FEDERAL AGENCY

1. The RIO must maintain and provide to the Oversight Federal Agency [Office of Research Integrity (ORI), National Science Foundation (NSF), Department of Defense (DoD), and others as relevant] upon request “records of research misconduct proceedings,” as that term is defined by 42 CFR § 93.317. Unless custody has been transferred to the applicable oversight Federal Agency (ORI, NSF, DoD, and others as relevant) has advised in writing that the records no longer need to be retained, records of research misconduct proceedings must be maintained securely for seven (7) years after completion of the proceeding or the completion of any government agency oversight proceeding involving the research misconduct allegation, or as required by any applicable record retention provision, whichever is later. The RIO is also responsible for providing any information, documentation, research records, evidence, or clarification requested by the oversight Federal Agency (ORI, NSF, DoD, and others as relevant) to conduct its review of an allegation of research misconduct or the institution’s handling of such an allegation.
2. The RIO may, depending on contractual language, have to provide relevant records to sponsors who are not an Oversight Federal Agency when there is an incident of research misconduct related to a sponsored program. The RIO shall consult with the University Office of the General Counsel when uncertain as to the obligation to provide such records.

IX. ASSESSMENT

- A. An assessment’s purpose is to determine whether an allegation warrants an inquiry. An assessment is intended to be a review of readily accessible information relevant to the allegation. Upon receiving an allegation of research misconduct, the RIO or another designated institutional official will promptly determine whether the allegation:
 1. Falls within the definition of research misconduct,
 2. Is within the applicability criteria of 42 CFR Part 93 § 93.102, and;
 3. Is credible and specific enough to identify and sequester potential evidence. If the RIO or designee determines that the allegation meets these three criteria, they will promptly:
 - a. Document the assessment and;
 - b. Initiate an inquiry and sequester all research records and other evidence. The RIO or another institutional official must document the assessment and retain the documentation securely for seven years after completion of the misconduct proceedings. If the RIO or another institutional official determines that the alleged misconduct does not meet the criteria to proceed to an inquiry, they will write sufficiently detailed documentation to permit a later review by ORI of why the University did not proceed to an inquiry and securely retain this documentation for seven years.

X. INITIAL INQUIRY PROCESS

A. **Criteria Warranting an Inquiry**

An inquiry is warranted if (1) the allegation falls within the definition of research misconduct as defined by these Policies and Procedures and (2) is sufficiently credible and specific so that potential evidence of research misconduct may be identified.

B. Charge to the Inquiry Committee and First Meeting:

1. The RIO will prepare an order for the inquiry committee that sets forth the expected timeframe for completion of the inquiry. Alternatively, the RIO or another designated institutional official may conduct the inquiry.
2. Describes the allegations and any related issues identified during the allegation assessment.
3. States that the purpose of the inquiry is to conduct an initial review of the evidence, including the testimony of the respondent, complainant, and key witnesses, and to determine whether an investigation is warranted.
4. States that an investigation is warranted if the committee decides:
 - a. There is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and, if applicable, is within the jurisdictional criteria of a government agency and,
 - b. The allegation may have substance, based on the committee's preliminary review during the inquiry.
 - c. Informs the inquiry committee that they are responsible for preparing or directing the preparation of a written report of the inquiry that meets the requirements of these procedures and, if applicable, the relevant government agency requirements.

C. Conducting the Informal Inquiry:

1. Once the Committee determines that an informal inquiry is warranted, the Chairman shall, within three (3) working days of the referral, appoint an Inquiry Board consisting of three members from the Committee on Research misconduct to conduct the inquiry.
2. The inquiry committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry, such as witnesses, and should include individuals with the appropriate scientific expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry.
3. No member of the Inquiry Board has a primary appointment in the department of the Respondent or Complainant. The RIO is an ex officio (non-voting) member of the Inquiry Board and is responsible for maintaining the records of the Inquiry Board's deliberations.
4. The Inquiry Board will consist of individuals with the necessary expertise to read and evaluate material and information developed as the inquiry proceeds. The RIO, in consultation with the entire committee, will determine if external consultants serving as experts are likely to facilitate the inquiry process. External experts will serve in an advisory capacity and will not vote on the disposition of the inquiry. Candidates from within and outside the committee will be eligible for the role of expert consultant.
5. The RIO will ensure that, where Federal funding of research is involved, interim administrative actions are taken to protect Federal funds and public health so that the purposes of Federal financial assistance are met.
6. An Inquiry consists of information-gathering and initial fact-finding to determine whether an allegation of misconduct warrants an investigation. The Inquiry Board shall immediately notify the respondent, along with the dean/director of the relevant college or unit, that an allegation of research misconduct has been received. Private and separate sessions will be held to hear the accuser (if identified), the respondent, and others as determined necessary by the Inquiry Board.
7. All relevant evidence that is produced shall be reviewed and secured. A representative of their choice may accompany all persons meeting with the Inquiry Board. The Respondents' refusal to allow the Inquiry board to review necessary documents shall be grounds for an investigation.

8. An Investigation will be triggered when the inquiry phase uncovers information supporting the allegation or raises questions about possible misconduct that can only be resolved by a formal investigation. The Inquiry Board shall take no more than 30 days from the date the RIO was first notified of the allegation to conduct its inquiry and determine whether a formal investigation is warranted. If the inquiry exceeds the 30-day period, the Inquiry Board shall document the reason(s) for the delay.

D. Elements of the Inquiry Report - The report can recommend that either:

1. Information collected during the inquiry does not substantiate the allegation, and a formal investigation is not warranted or
 2. The allegations have sufficient substance to warrant further investigation.
 3. A written inquiry report must be prepared that includes the following information:
 - a. The name and position of the respondent.
 - b. A description of the allegations of research misconduct.
 - c. The Federal support, including, for example, grant numbers, grant applications, contracts, and publications listing all support.
 - d. The basis for recommending or not recommending that the allegations warrant an investigation.
 - e. Any comments on the draft report by the respondent or complainant.
 - f. A summary of the inquiry process used.
 - g. A list of the research records reviewed.
 - h. Summaries of any interviews and findings.
 - i. If any other actions should be taken, if an investigation is not recommended.
 - j. If a committee is convened, the names and titles of the committee members and experts who conducted the inquiry.
 - k. A description of analyses conducted.
 - l. Redacted transcripts of any interviews that were transcribed.
 - m. A timeline and procedural history.
 - n. An inventory of sequestered research records.
 - o. Any institutional actions implemented.
- E. Sharing Inquiry Reports and Transcript of Transcribed Interviews:** A copy of the report shall be sent to the respondent, dean/director, the college or unit, and the President through the Provost. The respondent may comment on the report, which will become part of the record. Records from the inquiry and any subsequent investigation will be maintained in a secure manner for a period of at least seven (7) years after the termination of the inquiry or investigation and will be made available to authorized personnel of the funding agency upon request. Respondents will also be granted access to transcripts of interviews (if transcribed) with redactions as appropriate to maintain confidentiality.
- F. When an Inquiry is Terminated:** When Howard University, through the Committee on Research Misconduct, elects to terminate an inquiry before all steps are taken, the RIO will advise the Office of Research Integrity (ORI) or other oversight agency (s), as applicable, of the planned early termination. The reasons for this termination will be specific in this communication. The Committee on Research Misconduct will be responsive to ORI review and advice regarding early termination.
- G. Protecting Respondents' Reputation as Necessary:** The RIO will undertake reasonable steps to restore the respondent's reputation where an inquiry determines that no investigation is necessary. Where appropriate, this will include notifying those aware of the inquiry of the final disposition,

expunging any record of the inquiry from personnel files, and, where an allegation has been made public, publicizing the outcome of the inquiry. The Institutional Deciding Official will approve all actions to restore a respondent's reputation.

- H. **Protecting Complainants' Reputation:** Regardless of the final disposition of an inquiry, the RIO will make reasonable efforts to protect the positions and reputations of those who have made allegations in good faith and cooperated in good faith with the inquiry. The Deciding Official will determine what steps are needed to restore the position and reputation of those who make allegations or cooperate with inquiries. The Research Integrity Officer will implement the measures approved by the Deciding Officer. The RIO will take appropriate steps to ensure that those making allegations in good faith are not retaliated against during an inquiry.
- I. **Office of General Counsel:** The Office of the General Counsel shall be available to advise the RIO and the inquiry committee concerning the legal sufficiency of the inquiry report. Modifications should be made, as appropriate, in consultation with the RIO and the inquiry committee.
- J. **Office of the Chief Audit and Compliance Officer:** The Chief Audit and Compliance Officer shall serve in an ex officio capacity on the Research Misconduct Committee.

XI. FORMAL INVESTIGATION

Appropriate action will be taken if the President concurs with the Inquiry Board's recommendations.

A. Notifications

1. **Notifying the Funding Agency:** If an investigation is warranted, the Deciding Officer (President) should inform the funding agency, if any, that an investigation is underway to determine if research misconduct has occurred. The University shall keep the funding agency apprised of any developments during the investigation, including the status of current funds designated for the respondent's use.
2. **Notifying the Office of Research Integrity (ORI):** The ORI will be informed that an investigation will be initiated on or before the date it begins and within 30 days of completing an inquiry and the decision that an investigation is warranted. A copy of the inquiry report shall be included in this notification to ORI.
3. **Protecting Sponsor Funds (including Federal Funds):** The RIO will ensure that during an investigation, interim administrative actions are taken to protect relevant sponsor funds. Concerning Federal funds, in particular, the Research Integrity Officer will protect Federal Funds and public health to ensure the purposes of Federal assistance are carried out.

- B. **Appointing an Investigating Committee:** The President or designee (Provost) shall appoint an Investigating Committee of no more than five persons, including at least one (1) member of the Committee on Research Misconduct and, if determined appropriate or necessary, one (1) individual not affiliated with the University. The Investigating Committee should consist of individuals with sufficient expertise and dedication to conduct a thorough investigation. Precautions should be taken to avoid real or apparent conflicts of interest from those involved in the inquiry or investigation. University Legal Counsel shall participate in the proceedings and advise the Investigating Committee. The investigation is to be initiated within 30 days of the completion of the inquiry into the allegations.

- C. **Notification, Representation, and Interviewing:** The respondent and the complainant shall be notified immediately that a formal investigation will occur. The University, the respondent, and the complainant may each be represented by counsel during the investigation if desired. The investigation must be timely and thorough and allow the respondent to respond fully to the allegations. Although interviews during the investigation shall be conducted in a non-adversarial manner, they shall be fully recorded by tape recorder or court reporter, unless legal counsel otherwise advises the Investigating Committee. Each participant shall have an opportunity to review and, if necessary, correct the transcript from their interview. The record of the discussions will become a part of the investigatory file. Private, separate sessions will be held to hear the respondent, the accuser, and others, as deemed necessary by the Investigating Committee. All relevant evidence that is produced shall be reviewed and secured. Necessary support (e.g., clerical, gathering information, witnesses, organization, security, record keeping, and confidentiality) will be arranged by the RIO, who shall serve as an ex officio member (without a vote) of the Investigating Committee.
- D. **Completion of the Investigation and Report:** The formal investigation shall be completed within 180 days after the completion of the informal inquiry. This includes conducting the investigation, preparing the report on findings, and making the report available for comments. The Investigating Committee, in collaboration with the ORRC, will provide a draft of the written report of its findings, conclusions, and recommendations, together with all pertinent documentation and evidence, to the Respondent to provide written comments, if any. The Respondent must petition the Committee in writing no later than 30 days after receiving the Committee's report. The Investigation Committee will consider and address the comments before issuing the final report to the Research Misconduct Committee. After this process, the Research Misconduct Committee will issue its final report to the University President. The Committee's report and the President's decision will be filed with the funding agency detailing the University's response to the allegation of research misconduct. The entire institutional record must be filed with ORI upon the conclusion of the investigation (including documentation of the assessment; the inquiry report and all records considered or relied on during the inquiry; the investigation report and all records considered or relied on during the investigation; all transcripts; decisions by the Institutional Deciding Official; records of any appeals; an index listing all the research records and evidence that the institution compiled during the research misconduct proceeding; and a general description of the records that were sequestered but not considered or relied on).

The investigation may result in various outcomes, including:

1. *A finding of misconduct.*
2. *A finding that no culpable conduct was committed, but serious scientific errors were discovered.*
3. *A finding that no fraud, misconduct, or serious scientific error was committed.*

The Investigating Committee's report shall:

1. Set forth the nature of any violation, the severity of the infraction, and the effect of the violation on the research project and any other research being conducted at this University.
2. The Federal support, including, for example, grant numbers, grant applications, contracts, and publications listing all support.
3. The final report must describe the policies and procedures under which the investigation was conducted, how and from whom information was obtained relevant to the investigation, the findings and basis for the findings, and include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct, as well as a description of any sanctions or corrective measures recommended to be taken.
4. Specifically, the report shall recommend whether corrective measures for information erroneously published or submitted for publication, such as letters of retraction or

withdrawal of manuscripts from the publisher, are warranted.

5. Include an inventory of sequestered materials and how sequestration was conducted, transcripts of all interviews.
 6. Any scientific or forensic analyses conducted.
 7. Each member of the Investigating Committee shall sign the report or submit a signed dissenting report (See Appendix C for Investigative Report Template).
- E. **Handling Delay in Completing an Investigation:** If the Investigating Committee determines that it will not be able to complete the investigation within 180 days, it must submit to the President a written request for an extension and an explanation for the delay that includes an interim report on the progress to date and an estimate for the date of completion of the report and other necessary steps. The request for an extension beyond 180 days will be submitted to the Office of Research Integrity. This request will include an explanation of the request for an extension of time, an interim progress report, an outline of remaining activities, and a projection of the completion date.
- F. **Terminating an Investigation:** When Howard University, through the Committee on Research Misconduct, elects to terminate an investigation, the RIO will advise the ORI of the planned termination. These reasons for this termination will be specified in the communication. The Committee on Research Misconduct will be responsive to the Office of Research Integrity review and advice regarding early termination. If misconduct is not substantiated, the Committee's report shall so state, and the university shall make diligent efforts to restore the reputation of the respondent. No disciplinary measures should be taken against the complainant, and every effort should be made to prevent retaliatory action against the complainant if the allegations, however incorrect, are found to have been made in good faith. If the allegations are found to be maliciously motivated, disciplinary action may be taken against those responsible.
- G. **Final Decision by the President:** If misconduct is confirmed, the President, upon the recommendation of the Committee on Research Misconduct and the appropriate Vice President(s) or Provost, shall impose appropriate sanctions against the respondent. The President's decision shall be final. ¹The lack of an ORI finding of research misconduct does not overturn an institution's determination that the conduct constituted professional or research misconduct warranting remediation under our policy.

THE POLICIES AND PROCEDURES SET FORTH IN THIS DOCUMENT SHALL PREEMPT SIMILAR POLICIES PROVIDED IN THE HOWARD UNIVERSITY FACULTY HANDBOOK, EMPLOYEE HANDBOOK (NON-FACULTY), AND THE STUDENT JUDICIARY CODE OF CONDUCT WITH REGARD TO ALLEGATIONS OF RESEARCH MISCONDUCT AND/OR FRAUD.

This revision to the Howard University Research Misconduct Policy is based on the requirements of the Office of Research Integrity (ORI) at 42 C.F.R. 93., and as applicable to other oversight Federal Agency(s). This Policy covers ALL research activities within Howard University and its Affiliates.

¹ Tenured Faculty members retain the right to petition the Board of Trustees as provided in the *Faculty Handbook*.