<table>
<thead>
<tr>
<th>CONTACT INFORMATION</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>6</td>
</tr>
<tr>
<td>1. Prologue</td>
<td>6</td>
</tr>
<tr>
<td>2. Mission Statement</td>
<td>6</td>
</tr>
<tr>
<td>3. Overall Scope</td>
<td>6</td>
</tr>
<tr>
<td>ROLES AND RESPONSIBILITIES</td>
<td>10</td>
</tr>
<tr>
<td>1. Research Integrity Officer (RIO)</td>
<td>10</td>
</tr>
<tr>
<td>2. Complainant</td>
<td>14</td>
</tr>
<tr>
<td>3. Respondent</td>
<td>14</td>
</tr>
<tr>
<td>4. Deciding Official (DO)</td>
<td>14</td>
</tr>
<tr>
<td>5. BSU Office of Research Integrity (ORI)</td>
<td>15</td>
</tr>
<tr>
<td>MAKING AN ALLEGATION</td>
<td>16</td>
</tr>
<tr>
<td>1. Obligation to Report</td>
<td>16</td>
</tr>
<tr>
<td>2. Options for Reporting</td>
<td>16</td>
</tr>
<tr>
<td>3. Conducting the Assessment</td>
<td>16</td>
</tr>
<tr>
<td>4. RIO Conflict of Interest</td>
<td>16</td>
</tr>
<tr>
<td>5. Immediate Action</td>
<td>17</td>
</tr>
<tr>
<td>CONDUCTING THE INQUIRY</td>
<td>18</td>
</tr>
<tr>
<td>1. Criteria for Conducting an Inquiry</td>
<td>18</td>
</tr>
<tr>
<td>2. Initiation and Purpose of the Inquiry</td>
<td>18</td>
</tr>
<tr>
<td>3. Notice to Respondent &amp; Sequestration of Research Records</td>
<td>18</td>
</tr>
<tr>
<td>4. Appointment of the Inquiry Committee</td>
<td>18</td>
</tr>
<tr>
<td>5. Charge to the Committee and First Meeting</td>
<td>19</td>
</tr>
<tr>
<td>6. Inquiry Process</td>
<td>19</td>
</tr>
</tbody>
</table>
CONDUCTING THE INVESTIGATION

1. Initiation and Purpose of the Investigation
2. Notice to Respondent & Sequestration of Research Records
3. Appointment of the Investigation Committee
4. Charge to the Committee and First Meeting
5. Investigation Process
6. Investigation Report
7. Institutional Decision and Notification
8. Time for Completion

EXTERNAL REPORTING

1. PHS Funded Projects
2. Other Funded Projects
3. Correcting the Research Record
4. Immediacy

RESTORATION OF THE RESPONDENT’S REPUTATION

1. During the Investigation
2. After the Investigation
3. Legal Counsel

OTHER CONDITIONS

1. Allegations Not Made in Good Faith
2. Termination or Resignation Prior to Completing Inquiry or Investigation
3. Completion of Cases; Reporting Premature Closures to ORI 27

4. Coordination with other University Entities 27

5. Coordination with other non-BSU Entities 27

APPENDIX A – HANDOUT: PROCEDURAL STEPS IN A RESEARCH MISCONDUCT PROCEEDING 28
Contact Information
To ask questions or make a report of research misconduct, please contact:

Susan McDowell, Ph.D.
Research Integrity Officer (RIO)
Vice Provost for Research
West Quad 100D
(765)-285-8846
samcdowell@bsu.edu

To request education and training on research misconduct and responsible conduct of research, please contact:

Grace Yoder, MA
Deputy Research Integrity Officer (Deputy RIO)
Responsible Conduct of Research Officer
Office of Research Integrity; Ball State
West Quad 100A
(765)-285-5034
gmyoder@bsu.edu

You can also make a report of research misconduct via Ball State’s website. If you report via this link, your allegation will go to the Office of General Counsel and then be re-directed to the RIO.


Including your contact information in the report is highly encouraged as it makes it possible for the RIO to get enough details to make sure the allegation is credible and specific enough to warrant an investigation.
Introduction

1. Prologue
   - This manual is based on applicable federal regulations, applicable state statutes, and Ball State University (BSU) Policies as they pertain to the responsible conduct of research (RCR) at BSU.
   - For purposes of education and training in the area of Responsible Conduct of Research (RCR), BSU uses a combination of online trainings tools, in-person presentations, in-class presentations, and one-on-one (or small group) consultations.

2. Mission Statement
   - It is the mission of Ball State’s Office of Research Integrity (ORI) to foster a culture of research integrity, excellence in research practices, and support of scholarly pursuits. This is realized by supporting a foundation of safety, ensuring regulatory adherence, and promoting rigorous ethical practices with the aim of stimulating curiosity, student growth, and the advancement of knowledge.
   - In furtherance of this mission, the mission of Ball State University’s (BSU) Responsible Conduct of Research Program (RCR) is to promote research that exceeds standards and is a leader in best research practices.
   - To achieve this goal, BSU’s RCR program ensures that BSU operates in compliance with federal regulations and strives to adhere to the highest ethical standards in research. In service of this mission, the RCR program endeavors to:
     o Create an atmosphere of research integrity and excellence;
     o Inform researchers about guidance, best practices, and ethical principles that may impact their particular area of research;
     o Educate faculty, staff, and students about the ethical principles and federal regulations guiding research;
     o Always maintain the public’s trust in its research programs;
     o When applicable, develop new tools, educational programs, policies, etc. that better serve the overarching mission of the RCR Program;
     o Respond appropriately to all allegations of research misconduct.

3. Overall Scope
   The following apply to this Policy:
   - 42 CFR 50 & 93
   - Professional ethical codes as applicable to the researcher(s)
   - Faculty Handbook Section 28 - BSU Whistleblower Policy

These policies and procedures apply to all research activities of BSU faculty, staff, and students. These policies apply regardless of funding source (e.g., federally funded, private foundation, etc.) or funding status (e.g., funded vs. unfunded). Reporting outside of Ball State will comply with federal requirements and the requirements of the funding source.
Definitions
For purposes of these policies, the following definitions and concepts apply:

**Allegation:** a disclosure of possible research misconduct through any means of communication. The disclosure may be a written or oral statement. The allegation should be made to the Research Integrity Officer (RIO). An allegation alone does not establish that research misconduct actually occurred.

**Charge Letter:** 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 administrative actions.

**Complainant:** a person who in good faith makes an allegation of research misconduct. May also be referred to as a whistleblower. Whistleblowers, acting in good faith, are protected by federal and state laws, as well as BSU’s Whistleblower policy.

**Deciding Official (DO):** the institutional official who makes final determinations on allegations of research misconduct and any institutional administrative actions. The DO will not be the same individual as the Research Integrity Officer (RIO) and should have no direct prior involvement in the institution’s inquiry, investigation, or allegation assessment. A DO’s appointment of an individual to assess allegations of research misconduct, or to serve on an inquiry or investigation committee, is not considered to be direct prior involvement. Ball State’s DO is the Provost and Executive Vice President for Academic Affairs.

**Evidence:** any document, tangible item, electronic record or materials, or testimony offered or obtained during a research misconduct proceeding that tends to prove or disprove the existence of an alleged fact.

**Funding Component:** any organizational unit of the Public Health Service (PHS) authorized to award grants, contracts, or cooperative agreements for any activity that involves the conduct of biomedical or behavioral research, research training, or activities related to that research or research training (e.g. agencies, bureaus, centers, institutes, divisions, or offices and other awarding units within the PHS).

**Good Faith:**

*As applied to a Complainant:* having a belief in the truth of one’s allegation or testimony that a reasonable person in the complainant’s position could have based on the information known to the complainant 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.

*As applied to a Committee Member:* 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.

**Inquiry:** preliminary information gathering and preliminary fact-finding.

**Investigation:** 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.

**Notice:** a written communication served in person, sent by mail or its equivalent to the last known street address, facsimile number or e-mail address of the addressee.
Office of Research Integrity (ORI):

When preceded by “federal”’: the office to which the Human Health Service (HHS) Secretary has delegated responsibility for addressing research integrity and misconduct issues related to PHS supported activities.

When preceded by “Ball State’s”’: the office within Ball State University that has the obligation to respond to allegations of misconduct and proceed according to the legal statutes created by the federal ORI.

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 (42 CFR § 93.219).

Public Health Service (PHS): the unit within the Department of Health and Human Services that includes the Office of Public Health and Science and the following Operating Divisions: Agency for Healthcare Research and Quality, Agency for Toxic Substances and Disease Registry, Centers for Disease Control and Prevention, Food and Drug Administration, Health Resources and Services Administration, Indian Health Service, National Institutes of Health, and the Substance Abuse and Mental Health Services Administration, and the offices of the Regional Health Administrators.

PHS Support: PHS funding, or applications or proposals therefor, for biomedical or behavioral research, biomedical or behavioral research training, or activities related to that research or training, that may be provided through: Funding for PHS intramural research; PHS grants cooperative agreements, or contracts or subgrants or subcontracts under those PHS funding instruments; or salary or other payments under PHS grants, cooperative agreements or contracts.

Research: a systematic experiment, study, evaluation, demonstration, or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research) relating broadly to public health by establishing, discovering, developing, elucidating, or confirming information about, or the underlying mechanisms relating to, biological causes, functions or effects, diseases, treatments, or related matters to be studied.

Research Misconduct: Fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or in reporting research results.

Fabrication: Making up data or results and recording or reporting them.

Falsification: 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.

Plagiarism: The appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

Note: Research misconduct does not include honest error or differences of opinion.

Research Misconduct Proceeding: any actions related to alleged research misconduct including: allegation assessments, inquiries, investigations, federal ORI oversight reviews, and hearings.

Research Record: 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 Ball State’s ORI by a respondent in the course of the research misconduct proceeding.

Respondent: the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.
**Retaliation:** an adverse action taken against a complainant, witness, or committee member by an institution or one of its members in response to a good faith allegation of research misconduct or good faith cooperation with a research misconduct proceeding.
Roles and Responsibilities

1. **Research Integrity Officer (RIO)**

   Generally, the RIO is responsible for:

   - Consulting confidentially with persons uncertain about whether to submit an allegation of research misconduct;
   - Receiving and documenting allegations of research misconduct;
   - Keeping the Deciding Official (DO) and others who need to know apprised of the progress of the research misconduct proceedings;
   - Ensuring that administrative actions taken by the federal ORI are enforced; and
   - Being available or present throughout the research misconduct proceedings to advise the committee as needed.
   - Appointing a Deputy RIO and/or designee to serve as needed.

**During Assessment, the RIO is responsible for:**

- Assessing each allegation of research misconduct to determine whether it falls within the definition of research misconduct and warrants an inquiry;
- Sequestering and securely maintaining research data and evidence pertinent to the allegation of research misconduct;
- Providing confidentiality to those involved in the research misconduct proceeding;
- Notifying the respondent and provide opportunities for him/her to review/comment/respond to allegations, evidence, and committee reports; and
- Informing respondents, complainants, and witnesses of the procedural steps in the research misconduct proceeding.

**During Inquiry, the RIO is responsible for:**

- Initiating the inquiry process if it is determined that an inquiry is warranted;
- Making a good faith effort to notify the respondent of the inquiry in writing;
- Taking all reasonable and practical steps to obtain custody of all research records and evidence needed to conduct the research misconduct proceeding;
- Inventorying the records and evidence and sequestering them in a secure manner;
- Appointing the chair and members of the inquiry committee (see requirements for committee composition below);
- Ensuring that the committee is properly staffed and has appropriate expertise;
- Determining whether each person involved in handling an allegation of research misconduct has an unresolved personal, professional, or financial conflict of interest and take appropriate action to ensure that no person with such conflict is involved in the research misconduct proceeding;
- Preparing a charge for the inquiry committee;
- Convoking the first meeting of the inquiry committee and at that meeting briefing the committee on the allegations, the charge to the committee, and the appropriate procedures for conducting the inquiry, including the need for confidentiality and for developing a plan for the inquiry, and assisting the committee with organizational and other issues that may arise.
- Providing the inquiry committee with needed logistical support (e.g., expert advice), organizational support, and clerical support (e.g. arranging witness interviews and recording or transcribing those interviews);
- Consulting with the committee prior to its decision on whether to recommend that an investigation is warranted;
- Assisting the inquiry committee in preparing a draft inquiry report and sending the respondent a copy of the draft report for comment;
• Taking appropriate action to protect the confidentiality of the draft report, receiving any comments from the respondent, and ensuring that the comments are attached to the final inquiry report;
• Receiving the final inquiry report from the inquiry committee and forwarding it, together with any comments the RIO may wish to make, to the DO who will determine in writing whether an investigation is warranted;
• Notifying the respondent whether the inquiry found an investigation to be warranted and including in the notice a copy of this policy; and
• Securing and maintaining documentation for seven (7) years after the termination of the inquiry.

During Investigation, the RIO is responsible for:
• Notifying the respondent in writing of the allegations to be investigated;
• Appointing the chair and members of the investigation committee, ensuring that the committee is properly staffed with appropriate expertise (see requirements for committee composition below);
• Determining whether each person involved in handling an allegation of research misconduct has an unresolved personal, professional, or financial conflict of interest and take appropriate action, including recusal, to ensure that no person with such conflict is involved in the research misconduct proceeding;
• Preparing a charge for the investigation committee in accordance with this policy;
• Convening the first meeting of the investigation committee and at that meeting briefing the committee on the charge, the inquiry report and the procedures and standards for the conduct of the investigation, including the need for confidentiality and developing a specific plan for the investigation;
• Providing the investigation committee with needed logistical support (e.g., expert advice), organizational support, and clerical support (e.g. arranging witness interviews and recording or transcribing those interviews);
• Assisting the investigation committee in preparing a draft investigation report, sending the respondent a copy of the draft report for comment, taking appropriate action to protect the confidentiality of the draft report, receiving any comments from the respondent and ensuring that the comments are included and considered in the final investigation report;
• Assisting the investigation committee in finalizing the draft investigation report and receiving the final report from the committee;
• Transmitting the final investigation report to the DO.

After a decision has been made, the RIO is responsible for:
• Taking all reasonable and practical steps to protect or restore the positions and reputations of good faith complainants, witnesses, and committee members and counter potential or actual retaliation against them by respondents or other institutional members;
• Maintaining records of the research misconduct proceeding;
• Notifying the respondent in writing of the investigation committee’s decision and the next steps;
• If there is a finding of research misconduct:
  a. In conjunction with the DO, determining whether law enforcement agencies, professional societies, professional licensing boards, editors of involved journals, collaborators of the respondent, or other relevant parties should be notified of the outcome of the case.

When the research is PHS supported, the RIO is responsible for all of the above and the following additional duties:
• Taking interim action as necessary and notify the federal ORI of special circumstances;
• Notifying and making reports to the federal ORI as required by 42 CFR Part 93;
Maintaining records of the research misconduct proceeding and making them available to the federal ORI.

Determining whether circumstances clearly warrant a period longer than sixty (60) calendar days to complete the inquiry (including preparation of the final inquiry report and the decision of the DO on whether an investigation is warranted), requesting an extension if warranted, and documenting the reasons for exceeding the sixty (60) day period in the record of the research misconduct proceeding;

Providing the federal ORI with the written finding and a copy of the inquiry report within thirty calendar (30) days of a DO decision that an investigation is warranted;

Providing to the federal ORI, upon request, the institutional policies and procedures under which the inquiry was conducted, the research records and evidence reviewed, transcripts or recordings of any interviews, copies of all relevant documents, and the allegations to be considered in the investigation;

On or before the date on which the investigation begins: (1) notifying the federal ORI of the decision to begin the investigation and providing the federal ORI a copy of the inquiry report; and (2) notifying the respondent in writing of the allegations to be investigated;

Upon determining that the investigation cannot be completed within 120 calendar days of its initiation (including providing the draft report for comment and sending the final report with any comments to the federal ORI), submitting a request to the federal ORI for an extension of the 120-day period that includes a statement of the reasons for the extension. If the extension is granted, the RIO will file periodic progress reports with the federal ORI;

Maintaining and providing to the federal ORI upon request all relevant research records and records of the institution’s research misconduct proceeding, including the results of all interviews and the transcripts or recordings of those interviews; and

Transmitting to the federal ORI a copy of the investigation report with all attachments, a statement of whether the institution found research misconduct, and if so, who committed it, and a description of any pending or completed administrative actions against the respondent.

The RIO is responsible for ensuring that the institution:

- Takes all reasonable and practical steps to foster a research environment that promotes the responsible conduct of research, research training, and activities related to that research or research training, discourages research misconduct, and deals promptly with allegations or evidence of possible research misconduct;
- Has and complies with written policies and procedures for responding to allegations of research misconduct and when necessary reporting information about that response to the federal ORI;
- Informs its institutional members about its research misconduct policies and procedures and its commitment to compliance with those policies and procedures;
- Takes appropriate interim action during a research misconduct proceeding to protect public health, federal funds and equipment, and the integrity of the research process;
- Files an annual report with the federal ORI containing the information prescribed by the federal ORI;
- Notifies the federal ORI immediately if, at any time during the research misconduct proceeding, it has reason to believe that health or safety of the public is at risk, HHS resources or interests are threatened, research activities should be suspended, there is reasonable indication of possible violations of civil or criminal law, federal action is required to protect the interests of those involved in the research misconduct proceeding, the institution believes that the research misconduct proceeding may be made public prematurely, or the research community or the public should be informed;
• Provides the federal ORI with the written finding by the responsible institutional official that an investigation is warranted and a copy of the inquiry report, within thirty (30) calendar days of the date on which the finding is made;

•Notifies the federal ORI of the decision to begin an investigation on or before the date the investigation begins;

•Within 120 calendar days of beginning an investigation, or such additional days as may be granted by the federal ORI, provides the federal ORI with the investigation report, a statement of whether the institution accepts the investigation’s findings, a statement of whether the institution found research misconduct and, if so, who committed it, and a description of any pending or completed administrative actions against the respondent;

•Seeks advance federal ORI approval if the institution plans to close a case at the inquiry, investigation, a settlement with the respondent has been reached, or for any other reason, except the closing of a case at the inquiry stage on the basis that an investigation is not warranted or a finding of no misconduct at the investigation stage;

•Cooperates fully with the federal ORI during its oversight review and any subsequent administrative hearings, including providing all research records and evidence under the institution’s control, custody, or possession and access to all persons within its authority necessary to develop a complete record of relevant evidence; and

•Ensures that the investigation committee:
  a. uses diligent efforts to conduct an investigation that includes an examination of all research records and evidence relevant to reaching a decision on the merits of the allegations and that is otherwise thorough and sufficiently documented;
  b. takes reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
  c. interviews 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 records or transcribes each interview, provides the recording or transcript to the interviewee for correction, and includes the recording or transcript in the record of the research misconduct proceeding; and
  d. pursues diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible research misconduct and continues the investigation to completion.
2. **Complainant**  
The Complainant is responsible for:  
- Making allegations in good faith;  
- Maintaining confidentiality;  
- Cooperating with the inquiry and investigation;  
- Being interviewed at the inquiry and investigation stages;  
- Being recorded during inquiry and investigation interviews; and  
- Reviewing transcripts of interviews for accuracy.

3. **Respondent**  
The Respondent is responsible for:  
- Maintaining confidentiality and cooperating with the conduct of an inquiry and investigation;  
- Being interviewed at the inquiry and investigation stages;  
- Being recorded during inquiry and investigation interviews; and  
- Reviewing transcripts of interviews for accuracy.  
The Respondent is entitled to:  
- A good faith effort from the RIO to notify the respondent in writing at the time of or before beginning an inquiry or investigation;  
- An opportunity to comment on the inquiry report and have his/her comments attached to the report;  
- Notification of the outcome of the inquiry, and receive a copy of the inquiry report;  
- Notification in writing of the allegations to be investigated and be notified in writing of any new allegations, not addressed in the inquiry or in the initial notice of investigation;  
- An opportunity to correct the recording or transcript of the interview, and have the corrected recording or transcript included in the record of the research misconduct proceedings;  
- Have interviewed during the investigation any witness who has been reasonably identified by the respondent as having information on relevant aspects of the investigation, have the recording or transcript provided to the witness for correction, and have the corrected recording or transcript included in the record of investigation;  
- Receive 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 be notified that any comments must be submitted within thirty (30) calendar days of the date on which the copy was received and that the comments will be considered by the institution and addressed in the final report.  
- An opportunity to admit that research misconduct occurred and that he/she committed the research misconduct. With the advice of the RIO and/or other institutional officials, the DO may terminate the institution’s review of an allegation that has been admitted. If the research under question is PHS funded, Ball State’s acceptance of the admission and any proposed settlement must be approved by the federal ORI.

4. **Deciding Official (DO)**  
BSU’s DO is the Provost and Executive Vice President for Academic Affairs or their designee.  
The DO is responsible for:  
- Receiving and reading the inquiry report;  
- Consulting with the RIO and deciding if an investigation is warranted;  
- Providing in writing (if applicable) documentation that an investigation is warranted;  
- Receiving and reading the investigation report;  
- Deciding the extent to which the institution accepts the findings of the investigation;
• Deciding what institutional administrative actions are appropriate to respond to the misconduct; and
• Ensuring (if the project is PHS supported) that the final investigation report, the findings of the DO, and a description of any pending or completed administrative actions are provided to the federal ORI.

5. **BSU Office of Research Integrity (ORI)**
The ORI is responsible for:

- Providing administrative and logistic support to the Inquiry & Investigation Committee;
- Scheduling meeting dates and times, reserving meeting spaces and providing technical support;
- Maintaining evidence; and
- Keeping records of inquiries and investigations.
Making an Allegation

1. **Obligation to Report**
   
   All institutional members are obligated to report observed, suspected, or apparent research misconduct to the Research Integrity Officer (RIO). The Vice Provost for Research serves as the RIO for Ball State University and can be reached at (765) 285-8846.

   If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may meet with or contact the RIO to discuss the suspected research misconduct informally, which may include discussing it anonymously and/or hypothetically. If the circumstances described by the individual do not meet the definition of research misconduct, the RIO will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

   At any time, an institutional member may have confidential discussions and consultations about concerns of possible misconduct with the RIO and will be counseled about appropriate procedures for reporting allegations.

2. **Options for Reporting**

   Research misconduct allegations must be reported to the RIO. Individuals may report via the phone (765-285-8846), e-mail (samcdowell@bsu.edu), in person (West Quadrangle 100D), via the link on the BSU General Counsel website (https://secure.ethicspoint.com/domain/media/en/gui/42020/index.html). Note that any report through this system will go to General Counsel before coming to the RIO. Though anonymous reports are allowed, it is preferable for the complainant to come forward so that they can provide all the information that the RIO needs to determine if the allegation is sufficiently credible and specific. Once reported, the RIO will document this on a “New Allegation Intake Form” and it will be retained for three (3) years from the closing of the case. If the research misconduct proceeding goes past the allegation stage, documentation will be retained for seven (7) years from the closing of the case.

3. **Conducting the Assessment**

   Upon receiving an allegation of research misconduct, the RIO will immediately assess the allegation to determine whether it is sufficiently credible and specific so that potential evidence of research misconduct may be identified and whether the allegation falls within the definition of research misconduct. An inquiry must be conducted if these criteria are met. The RIO must also determine whether it is within the jurisdictional criteria of the federal ORI for reporting purposes.

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

4. **RIO Conflict of Interest**

   If the RIO has a conflict of interest with the respondent(s) a designee of the DO will take over duties as RIO. The designee will be responsible for all duties that the RIO would typically perform.
5. **Immediate Action**
Throughout a research misconduct proceeding, the RIO will monitor the situation to determine whether there exists any threat of harm to the public health, externally supported funds and equipment or the integrity of the research process. In the event of a sufficiently credible and specific threat of this or similar nature, the RIO (in consultation with other institutional officials, General Counsel, and/or the federal ORI as needed) will take interim Administrative Action. Such action may include (but is not limited to):

- Protective action taken to preserve and protect human or animal subjects, the safety of research personnel, the research record, equipment, data, or other property owned by the University or entrusted to its control;
- Monitoring of the research process and the handling of funds and equipment;
- Withdrawal or correction of pending or published abstracts or manuscripts;
- Reassignment or removal of personnel in connection with the project (including a PI or other investigator);
- Monitoring of ongoing research and reporting;
- Delayed or limited approval or submission of manuscripts, publications, funding proposals, or reports; or
- Required training (or additional training) in the responsible conduct of research.

In addition, if the research in question is PHS funded, Ball State will notify the federal ORI immediately if any of the following circumstances arise during a Research Misconduct Proceeding involving PHS-supported Research:

- Health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
- The resources or interests of the sponsor or research partner are threatened;
- Research activities are suspended, or the University determines that suspension is necessary;
- There is a reasonable indication of possible violations of civil or criminal law;
- Action by government oversight officials is required to protect the interests of those involved in the Research Misconduct Proceeding;
- The University anticipates that the Research Misconduct Proceeding may be made public prematurely; or
- The University determines that the Research community or public should be informed of the proceedings before completion of the full process.
Conducting the Inquiry

1. **Criteria for Conducting an Inquiry**
   For the allegation to proceed to an inquiry, the following conditions must be met:
   - The allegation meets the definition of Research Misconduct as described above.
   - The allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified.
   The decision to move to an inquiry is made by the RIO. If the RIO determines an inquiry is not warranted, no further action will be taken.

2. **Initiation and Purpose of the Inquiry**
   If the RIO determines that the criteria for an inquiry are met, s/he will immediately initiate the inquiry process. The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to conduct an investigation. An inquiry does not require a full review of all the evidence related to the allegation. The inquiry committee should be formed within ten (10) business days of the decision to proceed to this stage.

3. **Notice to Respondent & Sequestration of Research Records**
   At the time of or before beginning an inquiry, the RIO must make a good faith effort to notify the respondent in writing, if the respondent is known. If the inquiry subsequently identifies additional respondents, they must be notified in writing.

   On or before the date on which the respondents are notified, or the inquiry begins, whichever is earlier, the RIO must take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence and sequester them in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. The RIO may consult with the federal ORI for advice and assistance in this regard.

   Ball State personnel who may be involved in this process include, but may not be limited to: Information Technology, Campus Police, and the Department Chair or College Dean of the respondent.

4. **Appointment of the Inquiry Committee**
   The RIO, in consultation with the DO will appoint an inquiry committee and committee chair as soon after the initiation of the inquiry as is practical. The inquiry committee will be comprised of selected members of the Faculty Senate and other experts as appropriate. Committee members will be invited to serve based on criteria that may include but are not limited to: experience with the subject matter and tenure status.

   The inquiry committee must consist of an odd number of individuals (minimum of 3), at least one of whom must be a subject matter expert with the appropriate expertise to evaluate the evidence. The RIO will serve in an advisory role and is not a voting member.

   All members must disclose any actual or perceived conflicts of interest. The committee only will include members who do not have any conflict of interest with those involved in the inquiry.

   The respondent will be notified of the members of the committee and has five (5) calendar days to submit any objections. The RIO will make the final determination on objections to determine whether any conflict of interest exists.
5. **Charge to the Committee and First Meeting**
The RIO will prepare a charge for the inquiry committee that:

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

At the committee's first meeting, the RIO will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The RIO will be present or available throughout the inquiry to advise the committee as needed.

6. **Inquiry Process**
The inquiry committee will interview the complainant, the respondent, and key witnesses as well as examining relevant research records and materials. Then the inquiry committee will evaluate the evidence, including the testimony obtained during the inquiry.

After consultation with the RIO, the committee members will decide whether an investigation is warranted based on the following criteria:

1. there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct
2. the allegation may have substance, based on the committee’s review during the inquiry.

The scope of the inquiry is not required to and does not normally include deciding whether misconduct occurred, who committed the research misconduct, or conducting exhaustive interviews and analyses. However, if a sufficient admission of research misconduct is made by the respondent, misconduct may be determined at the inquiry stage if all relevant issues are resolved.

7. **Inquiry Report**
A written inquiry report must be prepared that includes the following information:

- the name and position of the respondent;
- a description of the allegations of research misconduct;
- the names and titles of the committee members and experts who conducted the inquiry;
- a list of the research records reviewed;
- summaries of any interviews;
- the basis for recommending or not recommending that the allegations warrant an investigation;
- any comments on the draft report by the respondent or complainant
- If applicable it must also contain the PHS support, including, for example, grant numbers, grant applications, contracts and publications listing PHS support;
The RIO will provide a copy of this report to the respondent and notify the respondent whether the inquiry found an investigation to be warranted. The respondent has ten (10) calendar days to make any comments on the document. These comments will be attached to the document as the process moves forward. Based on the comments, the inquiry committee may revise the draft report as appropriate and prepare it in final form. The committee will deliver the final report to the RIO.

8. **Institutional Decision and Notification**
The RIO will transmit the final inquiry report and any comments to the DO, who will determine in writing whether an investigation is warranted. The inquiry is completed when the DO makes this determination. The DO also will notify those institutional officials who need to know if an investigation is warranted.

If the inquiry involves PHS funded research, the RIO will provide the federal ORI with the DO’s written decision and a copy of the inquiry report within thirty (30) calendar days of the decision. The RIO must provide the following information to the federal ORI upon request:

- the institutional policies and procedures under which the inquiry was conducted;
- the research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and
- the charges to be considered in the investigation.

If the DO decides that an investigation is not warranted, the RIO shall secure and maintain for seven (7) years after the termination of the inquiry sufficiently detailed documentation of the inquiry to permit a later assessment of the reasons why an investigation was not conducted. For research that is PHS funded, these documents must be provided to the federal ORI or other authorized HHS personnel upon request.

9. **Time for Completion**
The inquiry, including preparation of the final inquiry report and the decision of the DO on whether an investigation is warranted, must be completed within sixty (60) calendar days of initiation of the inquiry, unless the RIO determines that circumstances clearly warrant a longer period. If the RIO approves an extension, the inquiry record must include documentation of the reasons for exceeding the sixty (60) day period.
Conducting the Investigation

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

2. **Notice to Respondent & Sequestration of Research Records**
   On or before the date on which the investigation begins, the RIO must notify the respondent in writing of the allegations to be investigated. The RIO must also give the respondent written notice of any new allegations of research misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation. If the allegations relate to PHS funded research, the RIO must also notify the federal ORI Director of the decision to begin the investigation and provide the federal ORI a copy of the inquiry report.

   The RIO will take all reasonable and practical steps to obtain custody of and sequester in a secure manner all research records and evidence needed to conduct the research misconduct proceeding that were not previously sequestered during the inquiry. The need for additional sequestration of records for the investigation may occur for any number of reasons, including the institution's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The RIO may consult with the federal ORI for advice and assistance in this regard.

   Ball State personnel who may be involved in this process include, but may not be limited to: Information Technology, Campus Police, and the Department Chair or College Dean of the Respondent.

3. **Appointment of the Investigation Committee**
   The RIO, in consultation with the DO, will appoint an investigation committee and the committee chair as soon after the beginning of the investigation as is practical. Committee members will be invited to serve based on criteria that may include but are not limited to: experience with the subject matter and tenure status. The chairperson who served for the inquiry committee will serve as the chairperson for the investigation committee unless unable to serve due to a change in circumstances. Members of the investigation committee will be chosen initially from the Faculty Senate with other experts added as needed. The investigation committee must consist of an odd number of individuals (minimum 5). Committee makeup should be as follows:
   - Members do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation.
   - At least one member has the appropriate expertise to evaluate the evidence and issues related to the allegation, interview the respondent and complainant and conduct the investigation.
   - Individuals appointed to the investigation committee also may have served on the inquiry committee unless unable to serve due to a change in circumstances.
   - When necessary, for example, if there is a need to secure the necessary expertise or to avoid conflicts of interest, the RIO may select committee members from outside the institution.
The respondent will be notified of the members of the committee and has five (5) calendar days to submit any objections. The DO will make the final determination of committee members.

4. **Charge to the Committee and First Meeting**
The RIO will define the subject matter of the investigation in a written charge to the committee that describes the allegations and related issues identified during the inquiry:

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

The RIO will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of this policy. If the research in question is PHS funded, they will also be provided with a copy of 42 CFR Part 93. The RIO will be present or available throughout the investigation to advise the committee as needed.

5. **Investigation Process**
The investigation must begin within thirty (30) calendar days after the determination by the DO that an investigation is warranted.

The investigation committee and the RIO must:

- Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of each allegation;
- Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
- Interview each respondent, complainant, and 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
  - Each interview must be recorded and transcribed, the transcript provided to the interviewee for correction, and included in the record of the investigation. The transcript must include appendices with all evidence referred to in the interview.
- 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.
6. **Investigation Report**
A written investigation report must be prepared that includes the following information:

- The nature of the allegation of research misconduct, including identification of the respondent;
- The specific allegations of research misconduct considered in the investigation;
- The statement of findings for each allegation of misconduct identified. Each statement of findings must:
  1. identify whether the research misconduct was falsification, fabrication, or plagiarism, and whether it was committed intentionally, knowingly, or recklessly;
  2. summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the respondent, including any effort by respondent to establish by a preponderance of the evidence that he or she did not engage in research misconduct because of honest error or a difference of opinion;
  3. identify whether any publications need correction or retraction;
  4. identify the person(s) responsible for the misconduct; and
- The institutional policies and procedures under which the investigation was conducted;
- A summary of the research records and evidence reviewed and identifies any evidence taken into custody but not reviewed; and
- If applicable, it must also contain the PHS support, including, for example, grant numbers, grant applications, contracts and publications listing PHS support. It also must list any current support or known applications or proposals for support that the respondent has pending with non-PHS federal agencies.

The RIO will provide a copy of this report to the respondent and notify the respondent whether the investigation found research misconduct. The respondent has ten (10) calendar days to make any comments on the document. These comments will be attached to the document as the process moves forward. Based on the comments, the investigation committee may revise the draft report as appropriate and prepare it in final form. The committee will deliver the final report to the RIO.

7. **Institutional Decision and Notification**

The RIO will transmit the final inquiry report and any comments to the DO.

If the DO determines that research misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken. The administrative actions may include but are not limited to:

- Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;
- Removal of the responsible person from the particular project,
- Letter of reprimand,
- Special monitoring of future work,
- Probation or suspension,
- Salary reduction or initiation of steps leading to possible rank reduction or termination of employment;
- Restitution of funds to the grantor agency as appropriate; and
- Other action appropriate to the research misconduct.

The DO also will notify those institutional officials who need to know if an investigation is warranted.
When there is a finding of research misconduct, the RIO will retain: (1) a copy of the final investigation report with all attachments; (2) a statement of whether the institution accepts the findings of the investigation report; (3) a statement of whether the institution found misconduct and, if so, who committed the misconduct; and (4) a description of any pending or completed administrative actions against the respondent. If this process is going to take more than the prescribed 120 calendar day period, the RIO will notify the respondent.

If the research is federally funded, these materials must also be submitted to the federal ORI within the same timeframe. For federally funded research, the decision must also be submitted to the federal ORI regardless of whether or not there is a research misconduct finding. If this process is going to take more than the prescribed 120 calendar day period, the RIO will contact the federal ORI and request an extension.

8. **Time for Completion**
The investigation is to be completed within 120 calendar days of beginning it, including conducting the investigation, preparing the report of findings, providing the draft report for comment and sending the final report to federal ORI if applicable. However, if the RIO determines that the investigation will not be completed within this 120-day period, he/she will notify the respondent. If the research is federally funded, the RIO will submit to the federal ORI a written request for an extension, setting forth the reasons for the delay. The RIO will ensure that periodic progress reports are filed with the federal ORI, if the federal ORI grants the request for an extension and directs the filing of such reports.
External Reporting

1. **PHS Funded Projects**
   As stated throughout, there are differences in procedures for PHS funded projects. All allegations of research misconduct that are related to a PHS funded project will follow the procedures outlined not only in this policy but in 42 CFR 50 & 93. The federal ORI will be notified if any allegation of research misconduct related to a PHS funded project proceeds to the inquiry stage.

2. **Other Funded Projects**
   Sponsored Projects Administration guidance will be followed.

3. **Correcting the Research Record**
   The Respondent is responsible for reporting all places in which the research that was fabricated, falsified, or plagiarized was disseminated. The RIO will contact any journal or entity that published the research that was fabricated, falsified, or plagiarized after finding of research misconduct has been made. The DO will be involved in these external communications and guidance will be sought from Ball State’s Legal Counsel if necessary.

4. **Immediacy**
   Any research that is under investigation that may lead to possible harm to human or animal subjects will be treated on a case-by-case basis. If the RIO determines that there is potential for harm if the research community is not immediately notified of the potential for unsubstantial claims in the research, they will notify the publishers of the research and others as necessary. The RIO must notify the DO within 2 calendar days of the action taken. The RIO reserves the right to consult with subject experts as needed to determine the level of risk. As little information as needed to protect human subjects, animal subjects, or public funding will be provided. When possible, the RIO will consult with the Office of General Counsel before making such a disclosure. Circumstances in which this reporting may be necessary include but are not limited to:
   1. there is an immediate public health or safety hazard involved;
   2. there is an immediate need to protect sponsoring agency funds, interests, or equipment;
   3. ongoing research activities should be suspended;
   4. there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is/are the subject of the allegations, as well as their co-investigators and associates, if any;
   5. it is probable that the alleged incident is going to be reported publicly, so that the agency may take appropriate steps to safeguard evidence and protect the rights of those involved;
   6. the research community or public should be informed (e.g., where the allegation involves a public health-sensitive issue such as a clinical trial); or
   7. there is a reasonable indication of possible violation of civil or criminal law. In this instance, the institution must inform the applicable officials within twenty-four (24) hours of obtaining that information.

In the case that there is no finding of research misconduct or detrimental research practices that put the results into question, the RIO will be responsible for doing what is possible to restore the reputation of the Respondent.
Restoration of the Respondent’s Reputation

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

2. **After the Investigation**
Following a final finding of no research misconduct the RIO must, at the request of the respondent, undertake all reasonable and practical efforts to restore the respondent's reputation. Depending on the particular circumstances and the views of the respondent, the RIO should consider notifying those individuals aware of or involved in the investigation of the final outcome and publicizing the final outcome in any forum in which the allegation of research misconduct was previously publicized. Any institutional actions to restore the respondent's reputation should first be approved by the DO.

3. **Legal Counsel**
During the research misconduct proceeding, the RIO is responsible for ensuring that respondents receive all the notices and opportunities provided for in the policies and procedures of the institution. Respondents may consult with legal counsel or a personal adviser (who is not a witness in the case) to seek advice and may bring the counsel or personal adviser to interviews or meetings on the case. If the Respondent is bringing legal counsel, notice must be given 3 business days prior to the meeting so that legal counsel for Ball State University also may be present. The legal counsel’s role at interviews and meetings is restricted to advising (as opposed to representing) the respondent.

For information on the protection of the Complainant, please refer to the Whistleblower’s Policy in the Faculty Handbook (Section 28).
Other Conditions

1. **Allegations Not Made in Good Faith**
   If relevant, the RIO in conjunction with the DO will determine whether the complainant’s allegations of research misconduct were made in good faith, or whether a witness or committee member acted in good faith. If the complainant is determined to have not been acting in good faith, the DO will determine sanctions or referrals to an appropriate committee.

2. **Termination or Resignation Prior to Completing Inquiry or Investigation**
   The voluntary termination of the respondent's institutional employment, by resignation, retirement or other similar means, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the research misconduct proceeding or otherwise limit any of the institution’s responsibilities under 42 CFR Part 93.

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

3. **Completion of Cases; Reporting Premature Closures to ORI**
   Generally, all inquiries and investigations will be carried through to completion and all significant issues will be pursued diligently. The RIO must notify ORI in advance if there are plans to close a case at the inquiry or investigation on the basis that respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except: (1) closing of a case at the inquiry stage on the basis that an investigation is not warranted; or (2) a finding of no misconduct at the investigation stage, which must be reported to ORI, as prescribed in this policy and 42 CFR § 93.315.

4. **Coordination with other University Entities**
   In the course of an inquiry or subsequent investigation, information or evidence may implicate other University policies such as those dealing with the use of human subjects, the use and care of laboratory animals, the use and care of hazardous substances, conflicts of interest, and external professional activities. In such cases, the RIO shall confer about the matter with the appropriate University authority for consideration under the applicable policy and shall work with such authorities to coordinate the handling of the matter.

5. **Coordination with other non-BSU Entities**
   In the event that an allegation of research misconduct involves persons, groups and/or other organizations outside of BSU, the BSU RIO will make all reasonable efforts to coordinate the assessment and/or investigation process with the outside entities.

   If there is a dual (or multi-site) jurisdictional issue, the BSU RIO will coordinate with the outside RIOs (or their equivalent counter-part) to either establish who will serve as the primary investigative agency or to set up a joint review, committee and reporting process. In the event that state laws and/or outside institutional policies may be involved and that may differ (ex. employment laws), the RIO and their counterparts will coordinate with their general counsel(s) to address the matter accordingly.
Appendix A – Handout: Procedural Steps in a Research Misconduct Proceeding

- **Allegation made**
  - Good Faith; Sufficient Specific Evidence
  - Good Faith; Insufficient Specific Evidence
  - Bad Faith allegation

- **Inquiry**
  - Process Ends; No one is notified (unless project is PHS funded)

- **Allegation falls within the definition of research misconduct & has substance**
  - Investigation
  - Respondent Found Guilty - Repercussions for Respondent
  - No finding of Research Misconduct - Repair Reputation of Respondent or referred to appropriate office.

- **Allegation has no substance**
  - Process Ends

- **Allegation has substance but does not fall under the definition of research misconduct**
  - Process referred to appropriate office or handled within the department

- **Process Ends; Reprecussions for Complainant**