University of Wisconsin – Extension
Process for Investigation of Alleged Research Misconduct

PROCEDURES

(1) Making an Allegation

a) Any individual who has questions with respect to possible research misconduct or who is considering making an allegation of research misconduct may privately meet with the Secretary of the Faculty and Staff for advice or to discuss such questions. The University of Wisconsin – Extension (UWEX) encourages reasonable efforts be made to resolve issues of alleged research misconduct prior to the commencement of formal administrative procedures related to the Research Misconduct Policy.

b) In the event that the concerns of an individual are not resolved informally to the satisfaction of the individual, a formal allegation of research misconduct can be made in writing and delivered to the person with immediate responsibility for the work of the individual against whom the allegation is being made. See section (2)(b).

c) An individual making an allegation of research misconduct should document the basis of a charge including what aspect of misconduct has occurred, who did what, how they did it, and when.

(2) Inquiry upon allegation or other evidence of possible research misconduct.

(a) Informal allegations or informal reports of possible misconduct in research at UWEX shall be directed initially to the person with immediate responsibility for the work of the individual against whom the allegations or reports have been made. The person receiving such an informal allegation or informal report is responsible for either resolving the matter or encouraging the submission of a formal allegation or report.

(b) A formal allegation or formal report should be submitted to the person with immediate responsibility for the work of the individual against whom the allegation is being made. The formal allegation/report will document the basis of the charge of research misconduct including what aspect of misconduct has occurred, who did what, how they did it and when. Upon receipt of formal allegations/reports of research misconduct, the person with immediate responsibility for the work of the individual against whom the allegations/reports have been made shall immediately inform in writing the Vice Chancellor of Academic Affairs.

(b) The Vice Chancellor of Academic Affairs shall appoint an individual or individuals to conduct a prompt inquiry into the allegation or report of research misconduct.

i. The inquiry must be completed within 60 calendar days of its initiation unless circumstances clearly warrant a longer period. If the inquiry takes longer than 60 days to complete, the reasons for exceeding the 60-day period shall be documented and included with the record.

ii. The individual against whom the allegation was made shall be notified that a formal allegation has been made against them less than or equal to 60 days from initiation of the inquiry and before the start of a formal investigation. The individual against whom the allegation was made shall be given a copy of the report of the inquiry by the Vice Chancellor of Academic Affairs and shall have an opportunity to respond to the report within 10 days of receipt. Any response must be in writing and will become a part of the record of the inquiry.
The individual or individuals conducting the inquiry shall prepare a written report for the Vice Chancellor of Academic Affairs describing the evidence reviewed, summarizing relevant interviews and including the conclusions of the inquiry. To protect the privacy and reputation of all individuals involved, including the individual reporting possible misconduct and the individual against whom the allegation is made, information concerning the initial report, the inquiry and any resulting investigation shall be kept confidential and shall be released only to those having a legitimate need to know about the matter, or as required by law.

(c) If the inquiry concludes that the allegation of research misconduct is unsubstantiated and an investigation is not warranted, the reasons and supporting documentation for this conclusion shall be reported to the Vice Chancellor of Academic Affairs who shall be responsible for reviewing the conclusion of the inquiry. If the Vice Chancellor of Academic Affairs concurs in the conclusion that an investigation is not warranted, his or her determination and all other supporting documentation from the inquiry shall be recorded and the record maintained confidentially for a period of 3 years after the termination of the inquiry. If the inquiry or the Vice Chancellor of Academic Affairs determines that a formal investigation is warranted, the procedures in paragraph (3) shall be followed.

(3) Formal Investigation of reported misconduct in research.

(a) If a formal investigation is determined to be warranted under paragraph (2):

- The Vice Chancellor of Academic Affairs shall so inform the Chancellor. The Chancellor shall immediately appoint a committee to conduct a formal investigation. The committee shall be composed of impartial UWEX staff members possessing appropriate competence and research expertise for the conduct of the investigation. No appointed staff member having responsibility for the research under investigation or having any other conflict with the UWEX’s interest in securing a fair and objective investigation may serve on the investigation committee. If necessary, individuals possessing the requisite competence and research expertise who are not affiliated with UWEX may be asked to serve as consultants to the investigating committee.

- The Vice Chancellor of Academic Affairs shall inform Human Resources (HR) for the benefit of communication. HR will provide contact with the employee being investigated to ensure that the employee is made aware of their rights and of services/resources available to them.

(b) The formal investigation must be initiated within 30 days of the completion of the inquiry. The investigation normally will include examination of all documentation including but not limited to relevant research data and proposals, publications, correspondence, and memoranda of telephone calls, emails and internet access. Interviews should be conducted of all individuals involved either in making the allegation or against whom the allegation is made, as well as others who might have information regarding key aspects of allegations. Summaries of interviews conducted shall be prepared and provided to the parties interviewed for their comment or revision. These summaries shall be made a part of the record of the investigation.

(c) The individual making the allegation and the individual against whom the allegation is made, and all others having relevant information shall cooperate fully with the work of
the investigating committee. They shall make available all relevant documents and materials associated with the research under investigation.

(d) The investigation should ordinarily be completed within 120 days of its initiation. This includes conducting the investigation, preparing the report of the findings, making that report available for comment by the subjects of the investigation, and submitting the report to the Chancellor. If the investigating committee determines that it cannot complete the investigation within the 120-day period, it shall submit to the Chancellor a written request for an extension explaining the need for delay and providing an estimated date of completion. If the research under investigation is funded by an agency within the U.S. Public Health Service (PHS), the procedures under paragraph (4)(d) of this policy shall also apply.

(e) The report of the investigation should include a description of the policies and procedures under which the investigation was conducted, information obtained and the sources of such information, an accurate summary of the position of the individual under investigation, the findings of the committee, including the basis for its findings, and the committee’s recommendation to the Chancellor concerning whether the evidence of research misconduct is sufficient to warrant discipline or dismissal under the applicable staff personnel rules. All documentation substantiating the findings and recommendation of the investigating committee, together with all other information comprising the record of the investigation shall be transmitted to the Chancellor with the report upon completion of the investigation.

(f) A copy of the investigating committee’s report shall be provided to the individual being investigated by the Chancellor. The Chancellor or appropriate administrative officer shall afford 14 days to the individual under investigation an opportunity to discuss the matter prior to taking action under paragraph (4) of this policy.

(4) Reporting to U.S. Office of Scientific Integrity (OSI) where research is funded by U.S. Public Health Service (PHS) grants.

Where research is funded by an agency within PHS:

(a) A determination that an investigation should be initiated under paragraph (2)(c) must be reported in writing to the OSI Director on or before the date the investigation begins. The notification should state the name of the individuals against whom the allegations of research misconduct have been made, the general nature of the allegations, and the PHS application or grant numbers involved.

(b) During the course of the investigation, the granting agency should be apprised of any significant findings that might affect current or potential funding of the individual under investigation or that might require agency interpretation of funding regulations.

(c) The OSI must be notified at any stage of an inquiry or investigation if UWEX determines that any of the following conditions exist:
   i. There is an immediate health hazard involved;
   ii. There is an immediate need to protect federal funds or equipment.
   iii. There is an immediate need to protect the interests of the person making the allegations or of the individual who is the subject of the allegations as well as his or her co-investigators and associates, if any;
   iv. It is probable that the alleged incident is going to be reported publicly;
v. There is a reasonable indication of possible criminal violation. In this instance, UWEX must inform OSI within 24 hours of obtaining that information.

(d) If UWEX is unable to complete the investigation within the 120-day period, as described above, the Vice Chancellor of Academic Affairs must submit to OSI a written request for an extension and an explanation of the delay, including an interim progress report and an estimated date of completion of the investigation. If the request is granted, the UWEX institution must file periodic progress reports as requested by the OSI. If satisfactory progress is not made in UWEX’s investigation, the OSI may undertake an investigation of its own.

(e) If UWEX plans to terminate an inquiry or investigation for any reason without completing all the relevant requirements, a report of such planned termination, including a description of the reasons for such termination, shall be made to OSI which will then decide whether further investigation should be undertaken.

(f) Upon completion of the investigation, UWEX will notify OSI of the outcome in a report which shall include the information and documentation specified in paragraph (3)(e) of this process.

(5) Other action following completion of investigation.

(a) If the allegation of research misconduct is substantiated as a result of an investigation, the Vice Chancellor of Academic Affairs shall notify the agency, if any, sponsoring the research project of the result of the investigation. In such a case, the individual involved will be required to withdraw all pending abstracts and papers emanating from the research misconduct and the Vice Chancellor of Academic Affairs will notify editors of journals in which relevant papers appeared. In addition, other institutions and sponsoring agencies with which the individual has been affiliated shall be notified if, based on the results of the investigation, it is believed that the validity of previous research by the individual investigated is questionable.

(b) Where research misconduct is substantiated, UWEX will take appropriate action which may include discipline or dismissal with regard to the employment status of the individual or individuals involved. Applicable personnel rules, policies and procedures set forth in University of Wisconsin System Board of Regents policy documents, Wisconsin Administrative Code, Chapters UWS 4,6,11, and 13, and related UWEX policies shall govern discipline or dismissal actions resulting from an investigation of research misconduct.

(c) Where allegations of research misconduct are not substantiated by the investigation, UWEX shall make diligent efforts, as appropriate, to restore the reputations of persons alleged to have engaged in misconduct and to protect the positions and reputations of those persons who in good faith made allegations. Depending on the particular circumstances, the Vice Chancellor of Academic Affairs should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in forums in which the allegation of research misconduct was previously publicized, or expunging all references to the research misconduct allegation from the respondent’s reputation. Additionally to be considered, upon completion of an investigation, the Vice Chancellor of Academic Affairs will determine, after consulting with the informant of misconduct (whistleblower) what steps if any are needed to restore the positon or reputation of the informant.
**Definitions**

**Allegation**
A written or oral statement of possible research misconduct made to an institutional official.

**Conflict of Interest**
The real or apparent interference of one person's interests with the interests of another person where potential bias may occur due to prior or existing personal or professional relationships.

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

**Good faith allegation**
An allegation made with the honest belief that research misconduct may have occurred. An allegation is not in good faith if it is made with knowing or reckless disregard for facts that would negate the allegation or testimony.

**Inquiry**
Preliminary information gathering and preliminary fact-finding to determine whether an allegation or apparent instance of research misconduct warrants an investigation.

**Federal Policy on Research Misconduct**
Advances in science, engineering, and all fields of research depend on the reliability of the research record, as do the benefits associated with them in areas such as health and national security. Sustained public trust in the research enterprise also requires confidence in the research record and in the processes involved in its ongoing development. For these reasons, and in the interest of achieving greater uniformity in Federal policies in this area, the National Science and Technology Council (NSTC) initiated discussions in April 1996 on the development of a research misconduct policy. The Office of Science and Technology Policy (OSTP) provided leadership and coordination.

The OSTP Federal policy applies to federally-funded research and proposals submitted to Federal agencies for research funding. It thus applies to research conducted by the Federal agencies, conducted or managed for the Federal government by contractors, or supported by the Federal government and performed at research institutions, including universities and industry.

OSTP establishes the scope of the Federal government's interest in the accuracy and reliability of the research record and the processes involved in its development. It consists of a definition of research misconduct and basic guidelines for the response of Federal agencies and research institutions to allegations of research misconduct.

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[Page 76260-76264] OFFICE OF SCIENCE AND TECHNOLOGY POLICY

**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 make a recommendation for a finding of research misconduct which may include a recommendation for other appropriate actions, including administrative actions.
U.S. Office of Research Integrity (ORI)
The office within the U.S. Department of Health and Human Services (DHHS) that is responsible for the research misconduct and research integrity issues related to the U.S. Public Health Service supported activities.

U.S. Public Health Service (PHS)
An operating component of the Department of Health and Human Services (DHHS).

Research
DHHS regulations define research as a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.

A “systematic investigation” is an activity that involves a prospective plan that incorporates data collection, either quantitative or qualitative, and data analysis to answer a question.

Examples of systematic investigations include:
- Surveys and questionnaires
- Interviews and focus groups
- Analyses of existing data or biological specimens
- Epidemiological studies
- Evaluations of social or educational programs
- Cognitive and perceptual experiments
- Medical chart review studies

Investigations designed to develop or contribute to generalizable knowledge are those designed to:
- Draw general conclusions,
- Inform policy, or
- Generalize findings beyond a single individual or an internal program (e.g., publications or presentations)

However, research results do not have to be published or presented to qualify the experiment or data gathering as research. The intent to contribute to “generalizable scholarly knowledge” makes an experiment or data collection research regardless of publication. Research that never gets published is still research. Participants in research studies deserve protection whether or not the research is published.

Examples of activities that typically are not generalizable include:
- Biographies
- Oral histories that are designed solely to create a record of specific historical events
- Service or course evaluations, unless they can be generalized to other individuals
- Services, courses or concepts where it is not the intention to share the results beyond UWEX
- Classroom exercises solely to fulfill course requirements or to train students in the use of particular methods or devices
• Quality assurance activities designed to continuously improve the quality or performance of a department or program where it is not the intention to share the results beyond UWEX

Note: Thesis or dissertation projects conducted to meet the requirement of a graduate degree are usually considered generalizable, and require Institutional Review Board (IRB) review and approval.

**Research Misconduct**
Research misconduct means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

(a) *Fabrication* is making up data or results and recording or reporting them.

(b) *Falsification* is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

(c) *Plagiarism* is the appropriation of another person’s ideas, processes, results, or words without giving appropriate credit.

(d) Research misconduct does not include honest error or differences of opinion.

**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 an institutional official by a respondent in the course of the research misconduct proceeding.

**Retaliation**
Any adverse action taken against an individual in response to a good faith allegation of research misconduct, or good faith cooperation with research misconduct proceedings of the UWEX.

**Scientific Misconduct/Misconduct in Science**
Another term used for Research Misconduct.

**Whistleblower**
Another term used to describe the person who makes an allegation of research misconduct. An informant of misconduct.