

**RESEARCH MISCONDUCT AND
RESEARCH-RELATED MISCONDUCT
ADMINISTRATIVE PROCEDURES
Colorado State University**

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I. INTRODUCTION

Colorado State University has adopted a policy on Research Misconduct and Research-Related Misconduct. The following are administrative procedures for dealing with situations that might constitute Research Misconduct or Research-Related Misconduct. The procedures apply to all members of the Colorado State University academic community, including academic faculty, students, administrative professionals, state classified personnel, and postdoctoral fellows, both with respect to reporting situations and to being named a Respondent in a situation.

These procedures will be followed when an appropriate University official receives an allegation of possible Misconduct. Allegations can come from a member of the CSU community, a sponsor, a journal editor, or other individuals not associated with CSU.

In consultation with the chair of the Committee on Scholarship, Research and Graduate Education (CoSRGE) and the Office of General Counsel, the Research Integrity Officer (RIO) may recommend to the Vice President for Research (VPR) a variation from these procedures when it is in the best interests of the University and fair to the subject of an allegation. The VPR is the final decision maker as to any variations from these procedures. Minor, technical variations from these procedures that do not materially affect the outcome of an investigation will not invalidate it.

Any person involved in the Misconduct procedures who cannot objectively perform their duties due to a conflict of interest is expected to self-recuse or may be recused by a higher-level administrator.

Allegations that do not appear to constitute Misconduct, or that are determined not to be Misconduct, may nonetheless be at variance with university policy, and nothing in these procedures shall preclude appropriate action in other fora.

II. DEFINITIONS

Allegation: Notice to the institution or a responsible official of the institution, either in writing or orally, that wrongdoing is suspected or known to have occurred. An allegation should be brought forth with the greatest degree of specificity possible under the circumstances.

Appeal: An opportunity for review, pursuant to this policy, of the final determination of the Investigation.

Complainant: An individual who makes the allegation of Misconduct. There can be more than one Complainant in any Inquiry or Investigation.

Confidentiality: The obligation to refrain from disclosing allegations, the identities of the parties involved in the process described herein, or communications, records, or

information generated as part or learned as a result of the process to others including the existence of the allegation, except to those as identified and authorized by the Vice President for Research (VPR) as having a “need to know.” In addition to Respondents and Complainants, individuals having a “need to know” could include research collaborators, research assistants, government funding or regulatory agencies, etc. Confidentiality will apply while the investigation is ongoing. At the conclusion of the Investigation and after the close of the final appeals window, the VPR may permit public dissemination of the official findings.

Conflict of Interest (COI): A real or apparent bias, resulting from a familial, financial, or close collegial or other relationship, now or in the past, with any of the parties involved, which would prevent one from being objective if serving on an Inquiry Committee or Investigation Committee.

Department Head: Depending upon the unit, may be designated Department Head, Department Chair, or Director.

Determination: The ultimate finding(s) of an Inquiry Committee or Investigation Committee regarding an allegation of Misconduct.

Fraud: A complex term involving in part an intentionally false representation of fact or suppression of truth by someone who knew or should have known it was not truthful, upon which someone could rely, and which could result in damage. Fraud is not necessary for a determination of Misconduct.

Inquiry: The initial sixty-day (60) period for information-gathering, preliminary fact-finding, and evaluation of an allegation to determine whether an allegation may have substance and an Investigation is warranted.

Inquiry Committee: A committee comprising a minimum of three faculty members (Chair of CoSRGE, one from the Respondent’s home department and one from outside the home department), appointed by the Vice President for Research or designee to gather facts and evidence, make preliminary findings of fact, and render a recommendation as to whether an investigation into the alleged Research Misconduct should be commenced.

Investigation: The process to explore in detail the allegations, to examine relevant evidence in-depth, and to determine whether the evidence supports a finding that Misconduct has been committed, by whom, and to what extent, and to recommend institutional sanctions and report the findings to the VPR.

Investigation Committee: A committee comprising a minimum of three faculty members (Chair of CoSRGE, one from the Respondent’s home department and one from outside the home department) appointed by the Vice President for Research to conduct an investigation into allegations of Research Misconduct following a recommendation of the Inquiry Committee, or allegations of Research-Related Misconduct following a

determination by the RIO that there is sufficient and credible evidence to warrant an Investigation, and render a determination with respect to each allegation.

Misdeed: A questionable or unacceptable practice that does not rise to the severity of Misconduct but deserves corrective action or sanctions and is otherwise contrary to CSU policy. For example, a misdeed would include retaliation of any kind against a person who has, in good faith, reported or provided information about suspected or alleged misconduct or who has acted pursuant to this policy.

Misconduct: A reference that includes Research Misconduct and Research-Related Misconduct.

Pre-Inquiry Review: The Pre-inquiry review is a process wherein the RIO, in consultation with the Dean and/or Department Head and others deemed necessary to allow for an informed decision to be made, immediately assesses the allegation to determine whether there is sufficient and credible evidence to warrant an Investigation into possible Research Misconduct or Research-Related Misconduct, or should be addressed by another office or through another process.

Preponderance of the Evidence: The standard for weighing evidence that requires a showing that it is more probable than not that Misconduct occurred. The greater weight of the evidence; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other. This is the customary standard in civil trials.

Research Misconduct: Colorado State University's definition of Research Misconduct includes fabrication, falsification, or plagiarism in proposing, performing or reviewing research, or in reporting research results, where federal funding is involved. The following terms apply to both Research Misconduct and Research-Related Misconduct:

1. *Fabrication* is making up data or results and recording or reporting them.
2. *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.
3. *Plagiarism* is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
4. Research Misconduct does not include honest error or difference of opinion.

Research-Related Misconduct: Colorado State University will consider the following to be Research-Related Misconduct when it occurs in proposing, performing or reviewing research or reporting research results:

1. *Research Misconduct* as defined above where federal funding is not involved;

2. Intentionally misleading or deliberately false reporting of credentials and related information;
3. Abuse of confidentiality with respect to unpublished materials and data;
4. Misappropriation of research materials including, without limitation, [research data](#);
5. Knowing evasion of, or intentional failure to comply, after notice, with research regulations such as those governing human subjects, laboratory animals and radioactive materials;
6. Intentionally or after notice failing to disclose (a) actual or potential conflicts of commitment or conflicts of interest, or (b) foreign collaborations, funding sources, or intellectual property transfers; and
7. Ordering, suggesting or advising that subordinates engage in Misconduct.
8. Research-Related Misconduct does not include honest error or difference of opinion.

If any of the foregoing occurs in the preparation or submission of class assignments including papers by a graduate or undergraduate student, these issues may be addressed through other existing university policies and procedures, including, but not limited to, the [Student Conduct Code](#).

Respondent: An individual against whom the allegation of Misconduct has been directed or a person whose actions are the subject of the Inquiry or Investigation. There can be more than one Respondent in any Inquiry or Investigation.

Retaliation: An action by the University or an employee of the University adversely affecting the employment or institutional status of an individual because that individual has, in good faith, made an allegation of Misconduct, an allegation of inadequate institutional response thereto, or cooperated with the process of examining such an allegation. Retaliation is a violation of the policy.

Sanctions: Discipline or remedial action imposed on the culpable individual(s).

Sponsor: The governmental agency or private organization that has funded a project at Colorado State University.

Whistleblower: A person who, in good faith, reports suspected wrongful activities of the employer or fellow employee. Such employee may be protected under federal statutes prohibiting retaliation. These include, but are not limited to, 42 C.F.R. Section 50.103(d)(13) and 42 C.F.R. 93. Retaliation against a Whistleblower is strictly prohibited and may be grounds for disciplinary sanctions pursuant to the policies and procedures of the University.

III. ROLES AND RESPONSIBILITIES

COMPLAINANT: The Complainant is expected to cooperate by providing information and/or evidence to the greatest degree possible. The Complainant shall be offered the opportunity to testify or present evidence to the Inquiry Committee and/or the Investigation Committee, to review and respond to the portions of the Committee's reports pertinent to the allegations or testimony, to be informed of the results of the process, and to be protected from retaliation if acting in good faith. Any allegations and responses shall be included as part of the official case record. The Complainant is responsible for acting in good faith and is expected to maintain confidentiality of all information learned through the process.

RESPONDENT: The Respondent's primary responsibilities include: 1) to maintain confidentiality (but this does not preclude discussions with colleagues to the extent necessary to gather evidence and/or seek advice); 2) to be truthful and forthcoming; and 3) to cooperate fully with the process. The Respondent is entitled to: 1) written notification of the allegation at the point an Inquiry is initiated; 2) an opportunity to testify or present evidence to the Inquiry Committee and/or the Investigative Committee; 3) an opportunity to review and respond to the Inquiry and/or Investigation reports; 4) reasonable access to documentation and materials presented as evidence; and 5) advice of counsel should they wish to retain counsel. The Respondent's responses to the Inquiry and/or Investigation reports shall be included as a part of the official case record.

DEAN OF THE COLLEGE: The Dean has the obligation to report to the RIO any allegation of Misconduct that comes to the Dean's attention, or that the Dean observes or suspects. The Dean should bring allegations of Misconduct to the RIO promptly. The Dean of the Respondent's college, or the Dean's designee, such as the Associate Dean for Research, represents the college, consults with and is consulted by the RIO as necessary, and is to be kept informed of Inquiry or Investigation proceedings by the RIO. The Dean oversees the imposition of any sanctions. In cases in which the Dean or Dean's designee is recused, the Provost/Executive Vice President or designee shall replace the Dean.

DEPARTMENT CHAIR/HEAD: The Department Head of the Respondent's department is often the person to whom concerns are first expressed. The Department Head must convey that information to the Dean and the RIO as soon as possible if it appears that Misconduct might have occurred. The RIO shall keep the Department Head informed of the Inquiry and Investigation proceedings simultaneously with the Dean. In cases in which the Department Head is recused, the Dean shall designate a substitute for the particular case.

FACULTY COUNCIL COMMITTEE ON SCHOLARSHIP, RESEARCH, AND GRADUATE EDUCATION (CoSRGE): This standing committee of the Faculty Council coordinates with the VPR to conduct Inquiries and Investigations for Misconduct matters according to university procedures and is responsible for developing a pool of general faculty members

able to contribute the necessary expertise for the procedures outlined herein. The Chair of CoSRGE serves as the chairperson for both the Inquiry and Investigation Committees, unless otherwise precluded by conflict of interest, in which case, the Vice-Chair of CoSRGE assumes the duties of the Chair with regard to the Misconduct proceedings.

RESEARCH INTEGRITY OFFICER (RIO): The RIO is appointed by the VPR to ensure that institutional procedural responsibilities are met concerning Misconduct issues. The RIO reports to the VPR and fosters standardized processing of allegations and institutional consistency. The RIO monitors situations for potential retaliation and reports suspected retaliation to the VPR. The RIO assists all institutional representatives in implementing these procedures and meeting standards and requirements imposed by external entities. The RIO is responsible for maintenance of all files and evidence. Should the RIO need to be recused, the Vice President for Research shall designate a substitute RIO for that case.

VICE PRESIDENT FOR RESEARCH (VPR): The VPR has administrative jurisdiction for all aspects of matters involving Misconduct and appoints members to the Inquiry and Investigation Committees. The VPR is responsible for reviewing reports of suspected Misconduct and Retaliation and directing that appropriate steps be taken to mitigate such actions. The Inquiry Committees and Investigation Committees report their findings to the VPR and RIO. Should the VPR be recused, the case shall be referred to the Provost/Executive Vice President, who shall act in place of the VPR.

IV. REPORTING, INVESTIGATION AND ADJUDICATION PROCEDURES

A. Reporting Misconduct Concerns

All employees and individuals associated with Colorado State University must report observed, suspected, or apparent Misconduct to the [RIO](#). Reports may also be made using the CSU System's online [Compliance Reporting Hotline](#).

B. Initial Assessment

The RIO will then meet with the Complainant confidentially to:

1. Obtain and document contact information and details of the situation with the greatest degree of specificity possible under the circumstances.
2. If the situation does not qualify as Misconduct, explain why and handle or refer the issue appropriately.
3. If the matter appears to meet the definition of Misconduct, apprise the Complainant of the process, responsibilities, and timing associated with Misconduct procedures through verbal explanation and providing a copy of the Research Misconduct Policy and these Procedures.

C. Confidentiality

As previously noted, all of those involved in the process must refrain from disclosing allegations, the identities of the parties involved in the process described herein, or communications, records, or information generated as part of or learned as a result of the process to others including the existence of the allegation, except to those as identified and authorized by the VPR as having a need to know. In addition to Respondents and Complainants, individuals having a need to know could include research collaborators, research assistants, government funding or regulatory agencies, CSU administrators, etc. All aspects of the Misconduct procedures are intended to be kept confidential by all parties, including the Complainant, Respondent, staff, Committee members, and witnesses, to the extent possible and consistent with fair treatment of such persons, protection of the public health and safety, the need to carry out the Inquiry and Investigation and legal requirements. The VPR has sole responsibility for coordinating the release of any information regarding Misconduct cases. **A breach of confidentiality is a violation of the Code of Ethical Behavior in section D.9 of the Academic Faculty and Administrative and Professional Manual and the Student Conduct Code and may be grounds for disciplinary action.** At the conclusion of the Investigation and after the close of the final appeals window, the VPR may permit public dissemination of the official findings by the RIO.

D. Conflicts of Interest

All persons involved in a Misconduct proceeding in an official capacity on behalf of the University, including the department head, dean, members of the Faculty Council Committee on Scholarship, Research, and Graduate Education, Inquiry Committee, Investigation Committee, Legal Counsel, RIO, VPR, and others with a need to know shall recuse themselves from participation in instances where conflict of interest would impede their ability to act in an impartial manner. A senior official may direct the recusal of a subordinate official when necessary to protect the process.

E. Notifications

Reporting. The VPR oversees all annual and case-specific reporting to sponsors that may be necessary, recognizing that sponsor requirements vary. Unless otherwise required by specific regulations, sponsors shall be notified only if an Investigation determines Misconduct has occurred. Notification shall be accomplished within time periods required and may consist of a summary of the Investigation report and such other information as regulations may require. The University shall retain supporting evidence.

The VPR is responsible for all case-specific contact with external entities such as collaborators, other institutions, professional societies, journals, or media. The VPR may delegate these responsibilities as deemed necessary and appropriate.

Sponsor notification. When or before a Research Misconduct Investigation begins, the VPR shall notify or cause the sponsor to be notified in accordance with the sponsor's regulations. Otherwise, sponsors are notified only if the Investigation concludes that Research Misconduct did occur or if notification is necessary to protect the public interest. Notification shall include the name of the Respondent; the general nature of the allegation; and the application, grant, or contract number of involved projects funded by that sponsor, along with any other information the sponsor's regulations require.

Circumstances requiring immediate agency notification. For projects involving sponsors requiring notification, the VPR shall notify the affected agency promptly after ascertaining that any of the following conditions exist:

1. the health or safety of the public is at risk, including the immediate need to protect human or animal subjects;
2. there is an immediate need to protect sponsor funds or equipment;
3. there is an immediate need to protect the interests of the Complainant, Respondent, or the Respondent's co-investigators or associates, if any;
4. there is a reasonable basis to believe that the alleged incident is going to be reported publicly; or
5. there is a reasonable indication of possible criminal violation.

The RIO, the Dean, the Inquiry Committee, and the Investigation Committee must be attentive to these conditions and immediately notify the VPR if they exist.

Notifications to Complainant and Respondent. The Complainant and the Respondent shall receive notification of an Inquiry or Investigation from the RIO at the beginning of the Inquiry or Investigation stages notifying them that the case has proceeded to the next phase. At the conclusion of each stage, the RIO shall provide the Complainant with a written summary of the determination within ten (10) calendar days of that determination. The RIO shall provide the Respondent with the full report of the Inquiry Committee or Investigation Committee within ten (10) calendar days of the Committee's determination. The Respondent has ten (10) calendar days in which to respond in writing.

F. Interim Action

The VPR may take interim administrative action as a precautionary measure to the extent necessitated by circumstances. Such steps may be taken to protect involved parties, data or evidence, or federal or state funds, and may range from restrictions of access to data or records to suspensions of grant activity or appointments. Such administrative action does not constitute a finding. Such administrative action may be released at the end of any phase of the process with the concurrence of the VPR, and in no case may last longer than the duration of the entire process unless instituted as a sanction. Sequestration of data may need to take place as soon as a concern is brought to light to preserve the

integrity of evidence and protect the parties from allegations of tampering or other improper actions.

G. Disposition of the Respondent

Incapacity of the Respondent or departure of the Respondent from the University, whether voluntary or involuntary, does not negate the institutional responsibility to pursue the allegation to the fullest procedural extent, just as if the Respondent were still present; nor shall such conditions preclude the University from taking remedial actions determined by it to be appropriate under the circumstances. Notwithstanding the foregoing, the VPR in consultation with the relevant Dean may determine that suspending or concluding pursuit of the allegation is reasonable under the circumstances. The basis for any such determination will be documented by the VPR and included in records pertaining to the proceedings.

H. Additional Allegations or Respondents

During the process, if additional information becomes available that substantially changes the subject matter being examined or would suggest additional allegations or Respondents, the Dean or Committee shall notify the RIO, who shall determine whether it is necessary to notify the Respondent of the new subject matter or to notify the additional Respondents. Separate procedures may be, but are not required to be, initiated if determined appropriate by the RIO.

I. Multiple Respondents

At times, more than one individual will be alleged to have participated in the same act or transaction, or in the same series of acts or transactions, constituting Misconduct. In general, it will be the practice of the University to consider allegations against each Respondent as a separate inquiry, although each inquiry may be conducted by the same Inquiry or Investigative Committee. Upon appointment of an Inquiry Committee or Investigative Committee, the committee may determine that joinder of one or more inquiries is appropriate. In such situations, all Respondents will be notified and given an opportunity to object in writing to such joinder. Any objections must be received by the RIO or designee within ten (10) calendar days of Respondent receiving notice of such joinder. The RIO will review all objections received and respond with the decision within thirty (30) days to the Respondent(s) and the Inquiry Committee.

J. Legal Counsel or Advisor

If the Complainant and/or Respondent wish to retain personal legal counsel or another advisor, they may do so at their own expense. Such legal counsel or advisor may be present with the Complainant or Respondent at meetings; provided, however, that the Complainant or Respondent shall give the Inquiry Committee or Investigation Committee chairperson at least forty-eight (48) hours' notice of the intent to have legal counsel or an advisor present.

The legal counsel or advisor may consult with the individual(s) they represent, but may not act as a representative or speak on behalf of such party or otherwise participate in the discussions or proceedings. The University's legal counsel may also attend such meetings, subject to the same restrictions.

V. IMPLEMENTATION OF RESEARCH MISCONDUCT PROCEDURES

A. General Outline of Procedures

The Research Misconduct procedures consist of a preliminary stage (Pre-inquiry Review), followed by two formal stages, the Inquiry and Investigation, as follows:

Pre-inquiry: The Pre-inquiry review is a process where the RIO, in consultation with the Dean and/or Department Head and/or others deemed necessary to allow for an informed decision to be made, immediately assesses the allegation to determine whether there is sufficient and credible evidence to warrant an Inquiry, whether federally supported research is involved, and whether the allegation falls within the definition of Research Misconduct or is some other misdeed that should be resolved by another office.

Inquiry: The Inquiry stage is the formal process outlined herein in which an Inquiry Committee conducts a preliminary collection and evaluation of the available evidence and testimony of the Complainant, Respondent, and key witnesses to the extent reasonably necessary to determine whether an allegation has substance and an Investigation is warranted. The purpose of an Inquiry is **not** to reach a conclusion whether Research Misconduct occurred.

Investigation: The Investigation stage is the formal process by which an Investigation Committee collects and examines facts and evidence in detail to determine whether Research Misconduct has occurred. The Investigation Committee may also make recommendations as to appropriate remedial actions to the VPR for consideration; however, such recommendations are not binding upon the VPR or the University.

B. Pre-inquiry Review

In the Pre-inquiry stage, the RIO, in consultation with the Dean and/or Department Head and/or others deemed necessary to allow for an informed decision to be made, assesses the circumstances of the concern initially to evaluate, as a preliminary matter based on the facts available, whether there is sufficient credible evidence, whether federally supported research is involved, and if the allegations fall within the definition of Research Misconduct such that an Inquiry should be conducted. This is an informal, preliminary step to determine if a concern or allegation is devoid of reason to pursue, if it should be referred to another office for resolution, or if it should be referred to an Inquiry Committee for further fact-finding and evaluation. The pre-inquiry should normally be conducted without putting the potential Respondent on notice so as to preserve the integrity of any evidence prior to a sequestration decision. If the decision is made to

pursue an Inquiry, sequestration of evidence will follow the conclusion of the pre-inquiry review and the Respondent will be notified that an Inquiry will be conducted.

C. Inquiry

Initiating the Inquiry. The VPR shall notify the chairperson of the Faculty Council Committee on Scholarship, Research, and Graduate Education (CoSRGE) that an Inquiry is necessary, including the general circumstances of the situation. The VPR, in consultation with the Chair of CoSRGE and RIO, shall appoint an Inquiry Committee consisting of a minimum of:

- the Chair of CoSRGE;
- one tenured faculty member knowledgeable in the discipline at hand, who may be from within the college or department; and
- one tenured faculty member, who must be from outside the department.

At the discretion of the VPR, additional individuals with relevant expertise from inside or outside the University, but not from within the department, may be appointed. In the event of a tie vote, the VPR shall cast the final vote.

The Chair of the CoSRGE shall serve as chairperson of the Inquiry Committee. The RIO serves *ex officio*, non-voting on the Committee and arranges staffing for it. The RIO serves as liaison with both the Complainant and Respondent to keep them apprised of the progress of the Inquiry, both for required notifications and *ad hoc* questions they may have. Each member, upon being requested to serve, shall be asked to disclose any conflict of interest in the situation, which would warrant recusal from the Committee.

The VPR shall charge the Committee in writing with its assignment. The RIO, along with University legal counsel, shall convene the first meeting, , to provide orientation materials and case-specific information to the Inquiry Committee and assist the Committee in establishing its process and time frame. The RIO shall provide the Respondent with written notification at least five (5) calendar days prior to the beginning of the Inquiry (interim action described in IV.E may be taken before or during this timeframe). It shall include a description of the allegations, a copy of the Research Misconduct Policy and this Procedures document, identification of the persons on the Inquiry Committee, and, to the extent known at the time, a time and place for testimony to be given to the Inquiry Committee or the timeframe to be utilized by the Committee. The Respondent shall have five (5) calendar days within which to submit a written objection to any appointed member of the Inquiry Committee based on a perceived bias or conflict of interest. The RIO shall determine whether to replace the challenged member with a qualified substitute.

Activities of the Inquiry Committee. The RIO shall sequester all necessary data and evidence immediately upon making the determination that an Inquiry is warranted. To determine whether an Investigation is warranted, the Inquiry Committee shall take the

following actions:

1. Provide the Complainant with reasonable opportunity to provide testimony to the Committee. At the discretion of the Chair, testimony may be received in writing or orally.
2. Provide the Respondent with reasonable opportunity to provide testimony to the Committee. At the discretion of the Chair, testimony may be received in writing and/or orally.
3. Provide the Respondent with copies of research records or supervised access to research records.
4. Provide other individuals, including experts, with reasonable opportunity to review the records and other evidence and provide relevant information. At the discretion of the Chair, the information may be received in writing or orally.
5. Examine relevant research records and materials.
6. Evaluate the evidence and testimony obtained.

Inquiry determinations. The Inquiry Committee shall determine, by majority vote, one of the following regarding each allegation:

1. The allegation falls within the definition of Research Misconduct and has substance, thus an Investigation is recommended.
2. The allegation does not merit recommending an Investigation for one of the following reasons:
 - a. The matter does not fall within the definition of Research Misconduct, but could be a violation of another policy or procedure (for example, Research-Related Misconduct, Sexual Harassment, Animal Care and Use, Human Subjects); or
 - b. Sufficient credible evidence is lacking to make a determination that an Investigation is warranted.

Inquiry Committee reports. Upon making its determination, the Inquiry Committee shall prepare a written report that includes the following:

1. names, academic titles, *curriculum vitae*, and institutional affiliations of Inquiry Committee members
2. name and position of the Respondent
3. all relevant sponsored research projects by pertinent identifiers, such as title, Colorado State University account number, sponsor contract number, sponsor, principal investigator, and any other pertinent details (must include sponsored

- research impacted by the Research Misconduct as well as any current support or known applications or proposals);
4. the specific allegations reviewed
 5. the specific charge to the Inquiry Committee
 6. description of evidence examined and procedures, as well as measures taken to assure the security of the evidence during the Inquiry
 7. list of persons interviewed or from whom testimony was obtained, a summary of each interview or testimony, and either a transcript or recording of each interview
 8. copies of pertinent documents upon which determinations were based
 9. documentation of reasons for exceeding the sixty-day (60) period, if necessary
 10. determination and basis of determination that an Investigation is warranted, if this is the case
 11. recommended remedial action (if the allegation does not merit an Investigation, but is considered to be a misdeed)
 12. additional information as requested by the VPR or as felt necessary by the Committee, such as mitigating factors, indications of related allegations which may require attention, or notice of special circumstances.

The Inquiry Committee Chair shall notify the Respondent as to whether the Inquiry Committee is recommending that an Investigation is warranted. A draft of the report must be sent to the Respondent for review and comment. The Respondent's comments, if any, must be received by the Committee within ten (10) calendar days. The Respondent's comments, if any, shall be attached to the report.

The Chair shall notify the Complainant of the Inquiry Committee's recommendation and may send the report, or portions thereof, to the Complainant for review and comment. Comments, if any, must be received by the Committee within ten (10) calendar days and shall be attached to the report.

Based upon comments received, the Inquiry Committee may choose to revise the report as appropriate. In this case, the revised report shall be sent to the Respondent for additional review and comment. The Respondent's comments must be received by the Committee within five (5) calendar days. This circumstance may be grounds for extending the Inquiry past the sixty (60) day period.

Conclusion of the Inquiry. The RIO shall transmit the report to the VPR who shall review the report and Inquiry record and make the final determination of whether the findings from the Inquiry Committee provide sufficient evidence of possible Research Misconduct to

justify conducting an Investigation. The final determination must be made within sixty (60) calendar days of the Committee's first meeting and constitutes disbandment of the Inquiry Committee. Should the Inquiry Committee require more than sixty (60) calendar days, the chairperson of the Committee shall notify the VPR in writing of the necessity of and justification for requesting an extension.

The RIO shall inform the Complainant and Respondent of the VPR's decision in writing within ten (10) calendar days. The RIO shall also send notice to the applicable Dean(s) and Department Head(s) and the Chair of CoSRGE. The decision of the VPR is final as to this portion of the Research Misconduct proceedings. The Inquiry concludes with the VPR's decision.

D. Investigation

An Investigation is the formal review of an allegation of Research Misconduct that occurs when the Inquiry determines that an allegation has substance and an Investigation is warranted. The purpose of the Investigation is to explore the allegations in detail and examine relevant evidence in depth to determine whether the evidence supports a finding that Research Misconduct has been committed, by whom, and to what extent, and to recommend sanctions and report the findings to the VPR.

Initiating the Investigation. The Investigation must be opened within thirty (30) calendar days of the final Inquiry decision by the VPR. The appropriate federal sponsors, if any, shall be notified prior to or concurrent with the initiation of the Investigation, if deemed necessary by the VPR for compliance with federal regulations.

Appointing the Committee. The VPR shall notify the Chair of the Faculty Council Committee on Scholarship, Research, and Graduate Education (CoSRGE) that a Research Misconduct Investigation is beginning. In consultation with the Chair of CoSRGE and the RIO, the VPR shall appoint an Investigation Committee, consisting of a minimum of:

- the Chair of CoSRGE;
- one tenured faculty member from inside or outside the involved department(s);
- one additional individual, from inside (a tenured faculty member) or outside the University, but not from within the involved department(s), and with expertise pertinent to the subject matter.

At the discretion of the VPR, additional individuals with relevant expertise from inside or outside the University, but not from within the department, may be appointed. In the event of a tie vote, the VPR shall cast the final vote.

The Chair of CoSRGE shall serve as chairperson of the Investigation Committee. Each member, upon being requested to serve, shall be asked to disclose any, or confirm that they have no, conflict of interest that would disqualify them from serving. The RIO serves *ex*

officio, non-voting on the Committee and arranges for administrative staffing to support its work. The RIO serves as liaison with both the Complainant and Respondent to keep them apprised of the progress of the Investigation, both for required notifications and *ad hoc* questions they may have.

The RIO shall notify the Respondent of the composition of the committee within five (5) calendar days of its appointment. The Respondent shall have five (5) calendar days within which to submit a written objection to any appointed member of the Investigation Committee based on bias or conflict of interest.

The RIO, in consultation with the VPR, shall determine whether to replace the challenged member with a qualified substitute or to leave the challenged member in place. If there is a challenge, the RIO/VPR may also wish to add additional members to address issues of perceived bias or conflict of interest.

Charge to the Committee and the first meeting. The VPR shall charge the Committee, in writing. The charge shall describe the allegations and related issues identified during the Inquiry and identify the name of the Respondent. The charge shall state that the committee is to evaluate evidence and testimony to determine whether, based on a preponderance of the evidence, Research Misconduct occurred and, if so, to what extent and who was responsible.

The RIO shall convene the first meeting, and, with the assistance of legal counsel, shall 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 and time frame.

Activities of the Investigation Committee. To make its determination, the Investigation Committee shall:

- review the report of the Inquiry Committee;
- examine all documentation, including relevant research records, transcripts, computer files, proposals, manuscripts, publications, correspondence, and memoranda;
- gather additional data and evidence as it deems necessary;
- interview the Complainant, the Respondent, and other relevant individuals, including experts, identified as having information regarding any relevant aspects of the Investigation;
- record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the Record of the Investigation; and

- provide the Respondent with copies of research records or supervised access to research records.

The VPR may ask the Committee to complete additional *ad hoc* tasks, such as suggesting how to avoid future Research Misconduct or examining additional work of the Respondent or affected projects not directly involved in the present allegation.

Investigation determinations. By majority vote, the Investigation Committee shall determine one of the following regarding the allegation:

1. The matter constitutes Research Misconduct. A finding of Research Misconduct requires that:
 - a. There is fabrication, falsification or plagiarism that constitutes a significant departure from accepted practices of the relevant research community;
 - b. The misconduct was committed intentionally, knowingly, or recklessly; and
 - c. The allegation has been proven by a preponderance of the evidence, i.e., it is more likely than not.
2. The matter does not constitute Research Misconduct for one of the following reasons:
 - a. It is more probable than not that no Research Misconduct occurred, i.e., the allegation has not been proven by a preponderance of the evidence;
 - b. Sufficient credible evidence is lacking to make a determination that Research Misconduct occurred; or
 - c. The matter is a result of honest error or honest differences of opinion.

Investigation Committee reports. Upon making a determination, and within ninety (90) calendar days of the Committee's first meeting, the Investigation Committee shall prepare and deliver a draft written report to the institution's legal counsel for legal sufficiency review. The RIO shall also provide a copy of the draft report to the Respondent with the notice that the Respondent has twenty (20) calendar days following receipt of the report in which to respond, and that the responses become part of the permanent record. The RIO may also provide a copy of the draft report, or pertinent portions thereof, to the Complainant for review and comment. Similarly, the Complainant shall have twenty (20) calendar days following receipt of the draft report in which to respond, and the responses shall become part of the permanent record. The RIO shall remind both the Complainant and Respondent of the confidentiality under which the draft report is made available for review. The Committee may modify the report based on the comments received. In this case, the modified report shall be sent to the Respondent for additional review and comment. The Respondent's comments must be received by the Committee within five (5) calendar days. Upon completion, the final report shall be transmitted to the VPR and the

Respondent. Should the Investigation Committee require more than ninety (90) calendar days, the chairperson of the committee shall notify the VPR in writing of the necessity of and justification for requesting an extension.

The Investigation Report must include the information set forth in the Report Checklist, Appendix 2.

Conclusion of Investigation. The VPR shall review the Investigation Committee's report and make the final determination whether to accept the Investigation report, its finding(s), and the recommended institutional actions. If the VPR's determination varies from that of the Committee, the VPR must explain in detail and in writing the basis for rendering a different decision. The VPR's explanation must be consistent with the definition of Research Misconduct, the institution's policies and procedures, and the evidence reviewed and analyzed by the Investigation Committee. The VPR may also return the report to the Investigation Committee with a request for further fact-finding or analysis. Within ten (10) calendar days of receipt of the final report, the VPR shall render a decision, and, within ten (10) calendar days of the decision, the VPR shall notify the following individuals or offices of the final decision:

- Chair of the Faculty Council Committee on Scholarship, Research, and Graduate Education
- Respondent, including instructions on how to actuate the appeal process
- Complainant
- Department Heads and Deans of involved departments and colleges
- Sponsor(s) if the decision is Research Misconduct
- Any relevant external entities such as law enforcement agencies, professional societies, professional licensing boards, editors of journals, and/or Respondent's research collaborators, who may require notification because of the determination. The VPR may delegate responsibility to notify external entities to the appropriate administrator(s).

For good cause, any deadlines may be extended by the VPR, but for no longer than 150 calendar days. If the Investigation will exceed 120 calendar days, the VPR shall fulfill any sponsor requirements regarding applying for sponsor approval of an extension.

E. Remedial Actions

The University places great importance on prevention and corrective action in preference to imposing sanctions. The Inquiry Committee or Investigation Committee may make suggestions for appropriate remedial actions that may include, but need not be limited to:

- letters of reprimand to the official personnel files of individuals determined to have committed Research Misconduct or misdeeds;
- supervised activity (e.g., publications or proposals must be reviewed before submission);
- attendance at professional development training on one or more topics;
- assigned mentoring utilizing senior personnel with relevant experience and expertise;
- letters of clarification, correction, retraction, or apology to outside involved entities, such as journals, professional societies, or sponsors;
- permanent or temporary debarment from the privilege of submitting proposals on behalf of the University or publications using the University's name;
- referral to the appropriate body for consideration of revocation of tenure; and/or
- termination of employment or student status, in accordance with required university policies and procedures.

The VPR, after considering recommendations made by the Investigation Committee, shall make a recommendation to the Provost/Executive Vice President for sanction or remedial action pursuant to established University disciplinary procedures.

Recommendations for sanctions or remedial actions arising from a Research Misconduct determination shall not be imposed on or communicated to the Respondent before the conclusion of any appeal of such determination, although a department or college may exercise its normal review privileges for publications and proposals, and interim actions may remain in effect until the end of the appeal process.

F. Appeals

Except as necessary to explain the basis of new information, an appeal of the outcome of the investigative process shall be limited to a review of the record of the Investigation and supporting documents for one or more of the following reasons:

1. to determine whether the Investigation was conducted fairly in light of the allegations and information presented and in conformity with the procedures prescribed in this policy – minor deviations from designated procedures are not a basis for sustaining an appeal unless there has been a documented adverse effect on the outcome of the Investigation;
2. to determine whether the information presented in the Investigation was sufficient to establish that Research Misconduct occurred; or
3. to consider new information sufficient to alter the decision or other relevant

facts not brought out in the Investigation, because such information and/or facts were not known to the person appealing at the time of the Investigation.

The outcome of an Inquiry, or any other part of the Research Misconduct procedure, shall not be subject to appeal prior to the conclusion of the Investigation. Only the Respondent may file an appeal.

Filing an appeal. The outcome of an Investigation may be appealed to the Provost/ Executive Vice President of Colorado State University, unless the Provost/ Executive Vice President must recuse himself or herself, in which case, appeal is to a delegate of the Provost/ Executive Vice President. The appeal must be:

- in writing, addressed to the Provost/Executive Vice President;
- specify the facts on which the Respondent bases the appeal; and
- received by the Provost/Executive Vice President within thirty (30) calendar days following the date of notice to the Respondent setting forth the conclusions of the Investigation.

Response to an appeal. Within ten (10) calendar days of receipt of the appeal, the Provost/ Executive Vice President shall render a written decision, either denying the appeal or returning the case to the VPR for re-consideration. The Provost/ Executive Vice President shall notify all involved campus parties in writing; the VPR shall in turn notify the sponsor(s) in writing. The appeal process must be completed within 120 calendar days from receipt by the VPR of the Investigation Committee's report.

VI. Implementation of Research-Related Misconduct Procedures

A. General Outline of Procedures

The Research-Related Misconduct procedures consist of a preliminary stage (Pre-inquiry Review), followed by notice and a formal Investigation.

The *Pre-inquiry review* is a process where the RIO, in consultation with the Dean and/or Department Head and others deemed necessary to allow for an informed decision to be made, assesses the allegation to determine whether there is sufficient and credible evidence to warrant an Investigation as possible Research-Related Misconduct or whether the allegation instead falls within the definition of Research Misconduct or should be resolved by another office or through another process.

The *Investigation* stage is the formal process by which an Investigation Committee collects and examines facts and evidence in detail to determine whether Research-Related Misconduct has occurred. The Investigation Committee may also make recommendations as to appropriate remedial actions to the VPR for consideration; however, such recommendations are not binding upon the VPR or the University.

B. Pre-Inquiry Review

In the Pre-Inquiry stage, the RIO, in consultation with the Dean and/or Department Head and/or others deemed necessary to allow for an informed decision to be made, assesses the circumstances of the concern initially to evaluate, as a preliminary matter based on the facts available, whether there is sufficient credible evidence available and if the allegations fall within the definition of Research-Related Misconduct such that an Investigation should be conducted. This is an informal, preliminary step to determine if a concern or allegation appears to have merit enough to pursue, if it should be referred to another office or regulatory body for resolution, or whether the allegation instead falls within the definition of Research Misconduct. Upon completion of the Pre-Inquiry stage, the RIO shall notify the VPR of the outcome.

C. Notice to Respondent; Sequestration of Records

At the time of commencement of an Investigation, the RIO must make a good faith effort to notify the Respondent in writing of the Allegation and initiation of an Investigation, if the Respondent is known. If the Investigation subsequently identifies additional Respondents, they must be notified in writing. On or before the date of the notice of Investigation, the RIO must take all reasonable and practical steps to obtain custody of all records and evidence needed to conduct the misconduct proceeding, inventory the records and evidence and sequester them in a secure manner, except that where the 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 appropriate federal agency for advice and assistance in this regard. The Complainant, the Respondent, and every person who is made aware of the Allegation and/or Investigation has an affirmative duty to preserve records and evidence and turn them over to the RIO promptly upon learning of the Allegation and/or Investigation.

D. Investigation

An Investigation is the formal review of an Allegation that Research-Related Misconduct has occurred. The purpose of the Investigation is to explore the allegations in detail, to examine relevant evidence in depth, and to determine whether the evidence supports a finding that Research-Related Misconduct has been committed, by whom, and to what extent, and to report the findings and recommend sanctions to the VPR.

Initiating the Investigation. The Investigation must be opened within thirty (30) calendar days of the conclusion of the Pre-Inquiry Review.

Appointing the Committee. The VPR shall notify the Chair of CoSRGE that a Research-Related Misconduct Investigation is beginning. In consultation with the Chair of CoSRGE and the RIO, the VPR shall appoint an Investigation Committee to consist of:

- the Chair of CoSRGE;
- one tenured faculty member from inside or outside the involved department(s);
- one additional individual, from inside (a tenured faculty member) or outside the University, but not from within the involved department(s), and with expertise pertinent to the subject matter; and
- such other subject matter expert as the VPR in consultation with the Chair of CoSRGE determines should be appointed.

The Chair of CoSRGE shall serve as chairperson of the Investigation Committee. Each member, upon being requested to serve, shall be asked to disclose any conflict of interest which would disqualify the member from serving. The RIO serves *ex officio*, non-voting on the Investigation Committee and arranges staffing for it. The RIO serves as liaison with both the Complainant and Respondent to keep them apprised of the progress of the Investigation, both for required notifications and *ad hoc* questions they may have.

The RIO shall notify the Respondent of the composition of the Investigation Committee within five (5) calendar days after the full committee has been appointed. The Respondent shall have five (5) calendar days within which to submit a written objection to any appointed member of the Investigation Committee based on bias or conflict of interest. The RIO shall determine whether to replace the challenged member with a qualified substitute.

Charge to the Investigation Committee and the first meeting. The VPR shall charge the Investigation Committee in writing. The charge shall describe the Allegations and related issues identified during the Pre-Inquiry Review and identify the Respondent. The charge shall state that the Investigation Committee is to evaluate evidence and testimony to determine whether, based on a preponderance of the evidence, Research-Related Misconduct occurred and, if so, to what extent and who was responsible.

The RIO shall convene the first meeting, and, with the assistance of legal counsel, shall review the charge, the Pre-Inquiry findings, and the prescribed procedures and standards for the conduct of the Investigation, including the necessity for confidentiality and for developing a specific Investigation plan and time frame.

Activities of the Investigation Committee. To make its determination, the Investigation Committee shall:

1. Examine all documentation, including relevant research records, transcripts, computer files, proposals, manuscripts, publications, correspondence, and memoranda.
2. Gather additional data and evidence as it deems necessary.
3. Interview the Complainant, Respondent, and other relevant individuals,

including experts, identified as having information regarding any relevant aspects of the Investigation.

4. Record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the Investigation.
5. Provide the Respondent with copies of relevant records or supervised access to relevant records.

The VPR may ask the Committee to complete additional *ad hoc* tasks, such as suggesting how to avoid future Research-Related Misconduct or examining additional work of the Respondent or affected projects not directly involved in the present allegation.

Investigation determinations. By majority vote, the Investigation Committee shall determine, by a preponderance of the evidence, whether Research-Related Misconduct has occurred.

Investigation Committee reports. Upon making a determination, and within ninety (90) calendar days of the Committee's first meeting, the Investigation Committee shall prepare and deliver a draft written report to the institution's legal counsel for legal sufficiency review. The RIO shall also provide a copy of the draft report to the Respondent with the notice that the Respondent has twenty (20) calendar days following receipt of the report in which to respond, and that the responses become part of the permanent record. The RIO shall also provide a copy of the draft report, or pertinent portions thereof, to the Complainant for review and comment. Similarly, the Complainant shall have twenty (20) calendar days following receipt of the draft report in which to respond, and the responses shall become part of the permanent record. The RIO shall remind both the Complainant and Respondent of the confidentiality under which the draft report is made available for review.

The Committee may modify the report based on the comments received. In this case, the modified report shall be sent to the Respondent for additional review and comment. The Respondent's comments must be received by the Committee within five (5) calendar days. Upon completion, the final report shall be transmitted to the VPR and the Respondent. Should the Investigation Committee require more than ninety (90) calendar days, the chairperson of the committee shall notify the VPR in writing of the necessity of and justification for requesting an extension.

The Investigation Report must include the information set forth in the Report Checklist attached as Appendix 2.

Conclusion of Investigation. The VPR shall review the Investigation Committee's report and make the final determination whether to accept the Investigation report, its finding, and the recommended institutional actions. If the VPR's determination varies from that of

the Committee, the VPR must explain in detail and in writing the basis for rendering a different decision. The VPR's explanation must be consistent with the definition of Research-Related Misconduct, the institution's policies and procedures, and the evidence reviewed and analyzed by the Investigation Committee. The VPR may also return the report to the Investigation Committee with a request for further fact-finding or analysis. Within ten (10) calendar days of receipt of the final report, the VPR shall render a decision, and, within ten (10) calendar days of the decision, the VPR shall notify the following individuals or offices of the final decision:

- Chair of the Faculty Council Committee on Scholarship, Research, and Graduate Education
- Respondent, including instructions on how to actuate the appeal process
- Complainant
- Department Heads and Deans of involved departments and colleges
- Sponsor(s) if the decision is Research Misconduct
- Any relevant external entities such as law enforcement agencies, professional societies, professional licensing boards, editors of journals, and/or Respondent's research collaborators, who may require notification because of the determination. The VPR may delegate responsibility to notify external entities to the appropriate administrator.

For good cause, any deadlines may be extended by the VPR, but the Investigation shall be completed within 150 calendar days from the date that the Respondent is notified of the Investigation unless factors outside the University's control prevent it. If the Investigation will exceed 120 calendar days, the VPR shall fulfill any sponsor requirements regarding applying for sponsor approval of an extension.

E. Remedial Actions

The University places great importance on prevention and corrective action in preference to imposing sanctions. The Inquiry Committee or Investigation Committee may make suggestions for appropriate remedial actions that may include, but need not be limited to:

- letters of reprimand/expectation to the official personnel files or similar records of individuals determined to have committed Research-Related Misconduct or misdeeds;
- supervised activity (e.g., publications or proposals must be reviewed before submission);
- attendance at professional development training on one or more topics;
- assigned mentoring utilizing senior personnel with relevant experience and

expertise;

- letters of clarification, correction, retraction, or apology to outside involved entities, such as journals, professional societies, or sponsors;
- permanent or temporary debarment from the privilege of submitting proposals on behalf of the University or publications using the University's name;
- referral to the appropriate body for consideration of revocation of tenure; and/or
- termination of employment or student status, in accordance with required University policies and procedures.

The VPR, after considering recommendations made by the Investigation Committee, shall make a recommendation to the Provost for sanction or remedial action pursuant to established University disciplinary procedures. Recommendations for sanctions or remedial actions arising from a Research-Related Misconduct determination shall not be imposed on or communicated to the Respondent before the conclusion of any appeal of the determination, although a department or college may exercise its normal review privileges for publications and proposals, and interim actions may remain in effect until the end of the appeal process.

F. Appeals

Except as necessary to explain the basis of new information, an appeal of the outcome of the investigative process shall be limited to a review of the record of the Investigation and supporting documents for one or more of the following reasons:

1. To determine whether the Investigation was conducted fairly in light of the allegations and information presented and in conformity with the procedures prescribed in this policy – minor deviations from designated procedures are not a basis for sustaining an appeal unless there has been a documented adverse effect on the outcome of the Investigation;
2. To determine whether the information presented in the Investigation was sufficient to establish that Research-Related Misconduct occurred; or
3. To consider new information sufficient to alter the decision or other relevant facts not brought out in the Investigation, because such information and/or facts were not known to the person appealing at the time of the Investigation.

The outcome of an Inquiry, or any other part of the Research-Related Misconduct procedure, shall not be subject to appeal prior to the conclusion of the Investigation. Only the Respondent may file an appeal.

Filing an appeal. The outcome of an Investigation may be appealed to the Provost/ Executive Vice President of Colorado State University, unless the Provost/ Executive Vice President must recuse himself or herself, in which case, appeal is to a delegate of the Provost/ Executive Vice President. The appeal must:

- Be in writing and addressed to the Provost/Executive Vice President;
- Specify the basis and facts on which the Respondent bases the appeal; and
- Be received by the Provost/Executive Vice President within thirty (30) calendar days following the date of notice to the Respondent setting forth the conclusions of the Investigation.

Response to an appeal. Within ten (10) calendar days of receipt of the appeal, the Provost/ Executive Vice President shall render a written decision, either denying the appeal or returning the case to the VPR for re-consideration. The Provost/ Executive Vice President shall notify all involved campus parties in writing; the VPR shall in turn notify the sponsor in writing. The appeal process must be completed within 120 calendar days from receipt by the VPR of the Investigation Committee’s report.

VII. Other Issues

A. Records

All records pertaining to the proceedings are the property of the University and shall be considered a part of the Respondent's personnel file. All records shall be under the control of the RIO. Other individuals shall not retain any copies of such records, other than the Complainant's and Respondent's personal copies. After termination of a case and all ensuing actions, the RIO shall prepare a complete record of the case, including all reports, copies of evidence, and copies of any other documentation provided to the committee or the RIO. The RIO shall seal the file, record it on a master retention log, and retain it for seven years. Access to the file shall only be by written authorization from the VPR for good cause, or as may be required or permitted by law. Original documents and records used as evidence shall be returned to the individuals providing them.

The RIO shall destroy the file seven years from the date of the final decision, unless the RIO or VPR determine in writing that there is good reason to retain the records. Such a determination shall state the reason for retention and the length of time for which the records shall be retained.

If a case is determined not to constitute Misconduct, the University shall undertake all reasonable, practical, and appropriate efforts to protect and restore the reputation of any person alleged to have engaged in Misconduct, but against whom no finding of Misconduct was made. In addition, the University shall undertake all reasonable and practical efforts to protect and restore the position and reputation of any Complainant, witness, or committee member who acted in good faith, and to counter potential or actual retaliation against those Complainants, witnesses, and committee members.

B. Revising Research Misconduct Procedures

Federal sponsor requirements or institutional needs may necessitate modifications to the procedures. Such modification is the responsibility of the VPR and the RIO, in

consultation with campus groups, including but not limited to the Faculty Council, the Administrative Professional Council, the State Classified Personnel Council, the Graduate Student Council, and the Research Associate Deans.

C. Training on Misconduct Topics

The Research Integrity Officer shall be responsible for facilitating training efforts and disseminating of information on Misconduct issues for the faculty, staff, and students of Colorado State University.

D. Notifications and Submissions

Whenever these Procedures require that written notice be given or a document submitted, notice or submission shall be deemed effective as of the date that it is transmitted via email or hand-delivered to the intended recipient, or three business days after it is placed in either campus mail or US Postal mail.

APPENDIX 1
Chart of Procedures

This chart presents all steps of Research Misconduct and Research Related Misconduct procedures. However, a case might conclude before the Investigation stage is begun if the determination at either the Pre-inquiry Review or Inquiry stage is to not pursue. A case which continues through the Investigation stage might not include an appeal step.

Procedure	Document	Timing ¹
PRE-INQUIRY REVIEW		
Department Chair/Head, Dean, RIO or VPR receives concern		
If any “immediate conditions” for relevant agencies: VPR notifies agencies	Letter	NTE ² 24 hours>Dean’s notification
RIO makes Pre-inquiry Review determination	Memo to VPR	NTE 10 days>decision
Include on Dean’s annual misconduct report		
INQUIRY (DOES NOT APPLY TO RESEARCH RELATED MISCONDUCT CASES)		
VPR appoints Inquiry Committee in consultation with chairperson of COSRGE and RIO		
VPR charges committee	Case-specific charge letter to Committee	
RIO informs Respondent of Inquiry	Notice of Inquiry Administrative Procedures	

¹ All references to days are calendar days.

² Not to exceed

RIO informs Complainant of Inquiry	Notice of Inquiry	
RIO convenes Inquiry Committee		*clock starts*
Committee makes Inquiry determination	Inquiry report to VPR	NTE 60 days>clock start
VPR renders final Inquiry determination		NTE 10 days>report received AND NTE 60 days>clock start
Respondent notified (include option to respond)	Letter, Inquiry report	NTE 10 days>decision
Complainant notified	Letter	NTE 10 days>decision
Others ³ involved in the Inquiry notified as necessary	Letter	NTE 10 days>decision
INVESTIGATION		NTE 30 days of conclusion of Inquiry
If investigation opened		
VPR notifies agency of initiation of Investigation (only if required by agency)	Letter	On or before Investigation begins
VPR appoints Investigation Committee in consultation with chairperson of CoSRGE and RIO		
VPR charges committee	Case-specific charge letter to committee	*clock re-starts*
RIO informs Respondent of Investigation	Notice of Investigation	
RIO informs Complainant of Investigation	Notice of Investigation	

³ “Others” for Inquiry or Investigation may be witnesses, Department Heads, Deans within the University

RIO convenes Investigation Committee		
Committee makes Investigation determination	Investigation report to VPR	NTE 90 days from clock re-start
RIO notifies Respondent (include option to comment and appeal)	Letter, Investigation report	NTE 10 days>VPR receives Investigation Report
Respondent provides comment for record		NTE 30 days>receipt of Investigation report
VPR renders final determination		NTE 10 days>end of comment period AND NTE 120 days>clock re-start
Complainant notified	Letter	NTE 10 days>decision
Others involved in Investigation notified as necessary	Letter	
VPR notifies agency(ies) of Investigation outcome	Letter	NTE 120 days from clock re-start
APPEAL		
Provost/Ex. VP receives Respondent's appeal		NTE 30 days>notification of decision
Provost/Ex. VP makes determination	Letter	NTE 10 days>receipt of appeal
Respondent notified	Letter	
Complainant notified	Letter	
Others involved in the investigation notified as necessary	Letter	
CLOSE-OUT		
VPR recommends remedial actions, based on committee's recommendations		
Professional external contacts notified, such as journals	Letter	
RIO collects documents, seals file		End of Inquiry, Investigation or appeal, whichever is latest
RIO maintains file		For 7 years

RIO destroys file		7 years from Inquiry or Investigation decision

APPENDIX 2 Report Checklist

- Names, academic titles, curriculum vitae, and institutional affiliations of Investigation Committee members
- Name and position of Respondent
- Specific allegations reviewed
- All relevant sponsored research projects by pertinent identifiers, such as title, Colorado State University account number, sponsor contract number, sponsor, principal investigator, and any other pertinent details (must include sponsored research impacted by the Research-Related Misconduct as well as any current support or known applications or proposals)
- The specific charge to the Investigation Committee
- Description and summary of evidence examined and procedures, as well as measures taken to assure the security of the evidence during the Investigation
- Identification of publications that may need corrections or retraction
- List of persons interviewed, a summary of each interview, and a transcript or recording of each interview
- Copies of pertinent documents upon which determinations were based
- Comments made by the Respondent and Complainant on draft Reports
- Documentation of reasons for exceeding the ninety-day (90) period for the Investigation Committee's determination, if necessary
- Determination/finding, including identification of the Research-Related Misconduct and if it was intentional, knowing, or in reckless disregard
- Basis for the determination/finding, summarizing the facts and analysis which support and oppose the conclusion, and considering additional information as requested by the VPR or as felt necessary by the committee, such as mitigating factors or indications of related allegations which would require attention
- Suggestions to the VPR for institutional sanctions or remedial actions related to the purview of the VPR. Additional sanctions and actions may be recommended to the appropriate academic committees in accordance with the Faculty and Administrative Professional Manual.