YOU'VE BEEN ACCUSED OF RESEARCH MISCONDUCT

NOW WHAT?

Institutions, that receive Public Health Service biomedical research funding, must have written policies and procedures for addressing allegations of research misconduct and must respond to each allegation (§93.300(a-b)).

DEFINITION OF RESPONDENT: Respondent means the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding (§93.225).

PROTECTING THE RIGHTS OF RESPONDENTS

PROTECTING IDENTITY

Disclosure of the respondent's identity is limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective and fair research misconduct proceeding, and as allowed by law (§93.108).

PROTECTING REPUTATION

Institutions must make all reasonable and practical efforts, if requested and as appropriate, to protect or restore the reputation of persons alleged to have engaged in research misconduct but against whom no finding of research misconduct is made (§93.304(k)).

NOTIFICATIONS & OPPORTUNITY TO COMMENT

RESPONDENT'S PARTICIPATION IN PROCEEDING

Federal regulation provides a meaningful opportunity for respondents to participate in the proceeding.

NOTICE OF INQUIRY

At the time of or before beginning an inquiry, an institution must make a good faith effort to notify in writing the presumed respondent, if any. If the inquiry subsequently identifies additional respondents, the institution must notify them (§93.307(b)).

COMMENTING ON INQUIRY REPORT

The institution must provide the respondent an opportunity to review and comment on the inquiry report and attach any comments received to the report (§93.307(f)).

The institution must notify the respondent whether the inquiry found that an investigation is warranted. The notice must include a copy of the inquiry report and include a copy of or refer to 42 C.F.R. Part 93 and the institution's policies and procedures adopted under its assurance (§93.308(a)).

NOTICE OF INVESTIGATION

Notify the respondent in writing of the allegations within a reasonable amount of time after determining that an investigation is warranted, but before the investigation begins (§93.310(c)).

NOTICE OF NEW ALLEGATIONS

The institution must give the respondent written notice of any new allegations of research misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of investigation (§93.310(c)).

COMMENTING ON INVESTIGATION REPORT

The institution must give the respondent a copy of the draft investigation report and, concurrently, a copy of, or supervised access to, the evidence on which the report is based. The comments of the respondent on the draft report, if any, must be submitted within 30 days of the date on which the respondent received the draft investigation report (§93.312).

WHAT RESPONDENTS SHOULD KNOW

MISCONDUCT MUST BE PROVEN BY EVIDENCE

Allegations of research misconduct must be proven by a preponderance of evidence (§93.104(c)).

ACCESS TO RESEARCH RECORDS

Where appropriate, the institution must give the respondent copies of, or reasonable, supervised access to the research records (§93.305(b)).

PROTECTING THE RESEARCH RECORD

Taking custody of all the research records and evidence needed to conduct the research misconduct proceeding by the institution (§93.305(a)) is done to protect the integrity of the evidence and to develop a complete record of relevant evidence (§93.304(m)).

All citations refer to Public Health Service Policies on Research Misconduct; Final Rule, 42 C.F.R. Part 93