

All citations refer to Public Health Service Policies on Research Misconduct; Final Rule, 42 C.F.R. Part 93 (2005)

PREPARE

Know your policies and establish procedures for handling allegations and whistleblower protections **before you have a case.**

Coordinate with your institution's general counsel, IT, PR, security, and other compliance offices.

SEQUESTER

At the time of or before beginning an inquiry:

- **Promptly** take all reasonable steps to obtain custody of relevant research records and evidence.
- Inventory and sequester the records and evidence in a **secure manner.**

§93.307(b)

Protect the institution and respondent(s) from accusations of tampering with the evidence

Maintain **confidentiality** to protect respondents, complainants, and research subjects. §93.304(a)

Prevent unresolved **conflicts of interest.** §93.304(b)

Protect complainants, witnesses, and committee members from retaliation. §93.304(l)

Ensure fair proceedings and safeguard the rights of those involved

NOTIFY

ORI

Inform ORI:

- Before an investigation begins. §93.304(d)
- Before closing a case. §93.316(a)
- When exigent circumstances arise. §93.318

Ensure proper oversight of proceedings

RESPONDENT

Notify respondent in writing:

- At the time of or before beginning an inquiry. §93.307(b)
- If an investigation is warranted. §93.308(a)
- Describing the allegations before the investigation begins. §93.310(c)
- Describing all new allegations that may arise. §93.310(c)

Uphold respondent's right to respond to allegations

SCOPE

Pursue all leads relevant to the investigation. §93.310(h)

Determine if research misconduct extends beyond the initial allegation(s).

TIME LINES

INQUIRIES	If an INVESTIGATION is warranted...	
Complete	Begin Investigation & Notify ORI	Complete
§93.307(g)	§93.310(a) §93.309(a)	§93.311(a)

IS THERE ENOUGH EVIDENCE FOR A FINDING?

§93.104

- 1 Is there a **significant departure** from accepted practices of the relevant research community?
- 2 Was the misconduct committed **knowingly, intentionally, or recklessly**?
- 3 Can the allegation be proven by a **preponderance of the evidence**?