MISCONDUCT MUST BE PROVEN BY EVIDENCE
Allegations of research misconduct must be proven by a preponderance of evidence (§93.104(c)).

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 THE RIGHTS OF RESPONDENTS

PROTESTING THE RIGHT OF RESPONDENTS

NOTIFICATIONS & OPPORTUNITY TO COMMENT

WHAT RESPONDENTS SHOULD KNOW

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)).

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)).

NOTIFICATIONS & OPPORTUNITY TO COMMENT

NOTIFICATION 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)).

NOTIFICATION 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).

NOTIFICATION 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 institutions policies and procedures adopted under its assurance (§93.308(a)).

PROTECTING IDENTITY
Disclosure of the respondents 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

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

PROTECTING IDENTITY

PROTECTING REPUTATION

COMMENTING ON INQUIRY REPORT

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YOU’VE BEEN ACCUSED OF RESEARCH MISCONDUCT NOW WHAT?

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

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