







natural sciences, engineering, humanities and arts, and social and behavioral sciences.

a) Research record means any physical or electronic record of data or results that embody the facts resulting from scientific inquiry. It includes, but is not limited to data, document, computer file, computer storage device, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of research misconduct. Examples of research records include, but are not limited to, research proposals, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; abstracts; theses; oral presentations; internal reports; journal articles; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.

7) Retaliation means any adverse action taken against an individual because the individual a) has made a good faith allegation of research misconduct or of inadequate institutional response thereto; or b) cooperated in good faith with any action or proceeding under this rule. This includes adverse action taken by any individual, the University, or any unit of the University.

8) Student refers to a person having once been admitted to the University who has not completed a course of study and who intends to or does continue a course of study in or through one of the Universities of the University System. For the purpose of these rules, student status continues whether or not the University's academic programs are in session.

#### 4. General Principles

- a. Prohibition: Research misconduct is prohibited and subject to sanctions pursuant to this rule.
- b. Requirements for findings of research misconduct: A finding of research misconduct requires a determination that there has been a significant departure from accepted practices of the relevant academic community; that the research misconduct was committed intentionally, knowingly, or recklessly; and that the allegation has been proved by a preponderance of evidence.

- c. Handling of questionable research practices: Concerns in the context of research and scholarship that do not constitute research misconduct as defined in this rule, such as carelessness or questionable research practices, as well as authorship disputes, will generally be handled through the appropriate administrative channels or other applicable processes, including but not limited to Standards of Faculty Conduct CRR 330.110.
- d. Retaliation is prohibited and is subject to disciplinary action in accordance with applicable University policies. The University will take reasonable and practical steps to counter potential or actual retaliation against individuals participating in proceedings under this rule.
- e. Good faith participation: Complainants, respondents, and other participants in the research misconduct review process are expected to act in good faith throughout. Failure to act in good faith may lead to disciplinary action in accordance with applicable University rules and policies.
- f. Conflicts of Interest Prohibited: No individual responsible for carrying out proceedings under this rule shall have any unresolved personal, professional, or financial conflict of interest with the Complainant, Respondent, or witnesses. An individual having such a conflict of interest must promptly recuse from participation in any proceedings.
- g. Responsibility to Report Research Misconduct: All employees or individuals associated with the University of Missouri must report observed, suspected, or apparent research misconduct to the RIO. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, the individual may contact the RIO to discuss the suspected misconduct informally. If the circumstances described by the individual do not meet the definition of research misconduct, the RIO may refer the individual or allegation to other offices or officials. At any time, an employee may have discussions and consultations about concerns of possible research misconduct with the RIO and will be counseled about appropriate procedures for reporting allegations.
- h. Protecting the Complainant and Cooperating Individuals: The RIO will monitor the treatment of individuals who bring allegations of research misconduct or of inadequate institutional response thereto, and those who cooperate in inquiries or investigations. The RIO will attempt to ensure that these persons will not be retaliated against and will review

assessment or inquiry within applicable policies, regulations, and laws, if any, but the Complainant will be advised that if the matter is referred to an investigation committee, anonymity will no longer be guaranteed. The University will take all reasonab

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The University may take disciplinary action, up to and including termination of



- 2) the procedures shall reflect a spirit of mutual respect and collegiality, and may, therefore, be as informal as agreed by the Respondent under the circumstances;
  - 3) the Respondent shall have the right to have an advisor as stated in this rule;
  - 4) in all preliminary assessments, inquiries, and investigations, the Respondent shall have the right to present evidence and to identify persons who might have evidence about the allegation;
  - 5) formal rules of evidence shall not apply;
  - 6) to the extent that a published regulation of a federal funding source requires a specific procedural element in the review and adjudication of an Allegation concerning a proposal to or an award from that federal funding source, that procedural element shall be included in the procedures adopted.
- b. General Counsel Advice: The Office of the General Counsel shall, when so requested, provide legal advice regarding the implementation of these procedures and other aspects of the University's review of an





allegation, interview the principals and key witnesses, and conduct the inquiry. These individuals may be scientists, subject matter experts, administrators, lawyers, or other qualified persons, and they may be from inside or outside the University. The majority of the committee will consist of tenured faculty.

- 2) The RIO will notify the Respondent of the proposed committee membership in writing. If the Respondent submits a written objection to any appointed member of the inquiry committee or expert based on bias or conflict of interest within 5 days, the RIO will determine whether to replace the challenged member or expert with a qualified substitute.
- f. Charge to the Committee and the First Meeting:
- 1) Charge to the Committee: The RIO will prepare a charge for the inquiry committee that describes the allegations and any related issues identified during the allegation assessment and states that the purpose of the inquiry is to make a preliminary evaluation of the evidence and testimony of the Respondent, Complainant, and key witnesses to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation.
  - 2) The First Meeting: At the committee's first meeting, the RIO will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The RIO and the Office of the General Counsel will be available throughout the inquiry to advise the committee as needed.
- g. Inquiry Process: The inquiry committee will normally interview the Complainant, the Respondent and key witnesses as well as review relevant research records and materials. Then the inquiry committee will evaluate the evidence and testimony obtained during the inquiry. After consultation with the RIO and the Office of the General Counsel as needed, the committee members will decide whether there is sufficient evidence of possible research misconduct to recommend further investigation. The inquiry committee then prepares a report and submits it to the RIO.
5. The Inquiry Report
- a. Elements of the Inquiry Report: The written inquiry report shall contain the following information:
    - 1) The name and position of the Respondent(s);
    - 2) A description of the allegations of research misconduct;
    - 3) Research sponsorship, including, for example, grant numbers, grant applications, contracts, and publications listing PHS funding or other non-PHS funding;



entered into the record of the proceeding. The Respondent also will be notified of the extension.

- 2) For allegations that involve PHS funding, within 30 days of the VCR's decision that an investigation is warranted the RIO shall provide ORI with the written finding and a copy of the inquiry report containing the information required by the U.S. Code of Federal Regulations. Upon a request from ORI, the RIO shall promptly send to ORI:
    - a) a copy of institutional policies and procedures under which the inquiry was conducted;
    - b) the research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and
    - c) the charges for the investigation to consider.
  - 3) Inquiry reports of allegations that do not involve PHS funding in accordance with the definition of research misconduct will not be forwarded to ORI, but will otherwise be in accordance with this rule.
- e. Documentation of Decision Not to Investigate: If the VCR decides that an investigation is not warranted, the RIO shall secure and maintain for 7 years after the termination of the inquiry sufficiently detailed



- 2) The First Meeting: The RIO, with the Office of the General Counsel, will convene the first meeting of the investigation committee to 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. The investigation committee will be provided with a copy of this rule and, where PHS funding is involved, the PHS regulation.
- e. Investigation Process: In conducting all investigations, the University shall:
- 1) Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of the allegations;
  - 2) Interview each Respondent, Complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the Respondent, and 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 investigation;
  - 3) Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of additional instances of possible research misconduct, and continue the investigation to completion; and
  - 4) Otherwise comply with the requirements for conducting a research misconduct investigation in the U.S. Code of Federal Regulations.
  - 5) The Respondent will be notified sufficiently in advance of the scheduling his or her interview so that the Respondent may prepare for the interview and arrange for the attendance of an advisor, if the Respondent wishes.

## 7. The Investigation Report

- a. Elements of the Investigation Report: The RIO, in conjunction with the investigation committee, shall prepare the draft and final institutional investigation reports in writing and provide the draft report for comment as provided elsewhere in this rule and the U.S. Code of Federal Regulations. The final investigation report shall:
- 1) Describe the nature of the allegations of research misconduct;
  - 2) Describe and document the PHS funding (if applicable), including, for example any grant numbers, grant applications, contracts, and publications listing PHS funding;











for an extension that explains the delay, reports on the progress to date, estimates the date of completion of the report, and describes other necessary steps to be taken. If the request is granted, the RIO will file periodic progress reports as requested by the ORI.

- e. When the case involves PHS funds, the University cannot accept an admission of research misconduct as a basis for closing a case or not undertaking an investigation without prior approval from ORI.
- f. At any time during a research misconduct proceeding, the University shall notify ORI immediately if it has reason to believe that any of the following conditions exist:
  - 1) Health or safety of the public is at risk, including an immediate need to protect human or animal subjects.
  - 2) HHS resources or interests are threatened.
  - 3) Research activities should be suspended.
  - 4) There is a reasonable indication of violations of civil or criminal law.
  - 5) Federal action is required to protect the interests of those involved in the research misconduct proceeding.
  - 6) The University believes the research misconduct proceeding may be made public prematurely, so that HHS may take appropriate steps to safeguard evidence and protect the rights of those involved.
  - 7) The University believes the research community or public should be informed.

10. Other Considerations

- a. Termination of University Employment or Resignation Prior to Completing Inquiry or Investigation

- 1) The termination of the Respondent's employment with the University, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, ~~At a minimum, the University will take the following steps to conduct~~ proceedings. If the Respondent, without admitting to the

