

## **Policies and Procedures for Addressing Allegations of Possible Misconduct in Scientific Research**

NOTE: Wesleyan University adapted this policy and procedure statement from the U.S. Department of Health and Human Services Office of the Assistant Secretary for Health Office of Research Integrity's (ORI) [Sample Policy & Procedures for Responding to Research Misconduct Allegations | ORI - The Office of Research Integrity](#).

### **General Policies and Principles**

Science scholars at Wesleyan University ("Wesleyan") strive to maintain the highest professional standards and realize that unethical practices in the conduct of scientific research represent a grave breach of trust between the researcher and the scientific community. Because of their potential impact on the integrity of the body of scientific knowledge, and on the reputations of Wesleyan and its researchers, allegations of misconduct in scholarship and research must be dealt with in a prompt, serious, and decisive way.

Wesleyan is responsible for ensuring that these policies and procedures for addressing allegations of research misconduct meet the requirements of the [Public Health Service \("PHS"\) Policies on Research Misconduct](#) (42 CFR Part 93, "the PHS Regulation"). Wesleyan will establish and maintain these policies and procedures, inform all Wesleyan members about these policies and procedures, and make these policies and procedures publicly available. Wesleyan is committed to following these policies and procedures in preventing, detecting, investigating, and correcting misconduct involving individual researchers.

### **Scope and Applicability**

These policies and procedures apply to allegations of research misconduct involving:

1. Applications or proposals for PHS support for biomedical or behavioral research, biomedical or behavioral research training, or activities related to that research or research training.
2. PHS-supported biomedical or behavioral research.
3. PHS-supported biomedical or behavioral research training programs.
4. PHS-supported activities that are related to biomedical or behavioral research or research training, such as, but not limited to, the operation of tissue and data banks or the dissemination of research information.
5. Research records produced during PHS-supported research, research training, or activities related to that research or research training.
6. Research proposed, performed, reviewed, or reported, as well as any research record generated from that research, regardless of whether an application or proposal for PHS funds resulted in an awarded grant, contract, cooperative agreement, subaward, or other form of PHS support.

These policies and procedures apply only to research misconduct occurring within six (6) years of the date The U.S. Department of Health and Human Services ("HHS") or Wesleyan receives an allegation of research misconduct, subject to the following exceptions:

- The six (6) year time limitation does not apply if the Respondent, as defined below, continues or renews any incident of alleged research misconduct that occurred before the six (6) year period through the use of, republication of, or citation to the portion(s) of the research record alleged to have been fabricated, falsified, or plagiarized, for the potential benefit of the respondent (the “Subsequent Use Exception”).
- The six (6) year time limitation also does not apply if the Office of Research Integrity (“ORI”) or Wesleyan, following consultation with ORI, determines that the alleged research misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public.

These policies and procedures do not supersede or establish an alternative to the PHS Regulation or any existing regulations for handling research misconduct involving non-PHS supported research. They do not replace the PHS Regulation, and in case of any conflict between this document and 42 CFR Part 93, the PHS Regulation will prevail. They are intended to enable Wesleyan to comply with the requirements of the PHS Regulation.

### **Definitions**

- **Accepted Practices of the Relevant Research Community.** This term means those practices established by the PHS Regulation and by PHS funding components, as well as commonly accepted professional codes or norms within the overarching community of researchers and institutions that apply for and receive PHS awards.
- **Administrative Record.** The Administrative Record comprises: the Institutional Record, as defined below; any information provided by the Respondent to ORI, including but not limited to the transcript of any virtual or in-person meetings under [§ 93.403\(b\)](#) between the Respondent and ORI, and correspondence between the Respondent and ORI; any additional information provided to ORI while the case is pending before ORI; and any analysis or additional information generated or obtained by ORI. Any analysis or additional information generated or obtained by ORI will also be made available to the Respondent.
- **Allegation.** This term is a disclosure of possible Research Misconduct, as defined below, through any means of communication and brought directly to the attention of a Wesleyan Academic Dean, Research Integrity Office or the Vice President for Academic Affairs or HHS official.
- **Assessment.** Assessment means a consideration of whether an Allegation appears to fall within the below definition of Research Misconduct; appears to involve PHS-supported biomedical or behavioral research, biomedical or behavioral research training, or activities related to that research or research training; and is sufficiently credible and specific so that potential evidence of Research Misconduct may be identified. The Assessment only involves the review of readily accessible information relevant to the Allegation.
- **Complainant.** Complainant means an individual who in good faith makes an Allegation.
- **Evidence.** Evidence means anything offered or obtained during a Research Misconduct Proceeding, as defined below, that tends to prove or disprove the existence of an alleged fact. Evidence includes documents, whether in hard copy or electronic form, information, tangible items, and testimony.
- **Fabrication.** Fabrication means making up data or results and recording or reporting them.

- **Falsification.** Falsification means 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.
- **Good Faith.** (a) Good Faith as applied to a Complainant or Witness, as defined below, means having a reasonable belief in the truth of one's Allegation or testimony, based on the information known to the Complainant or Witness at the time. An Allegation or cooperation with a Research Misconduct Proceeding is not in Good Faith if made with knowledge of or reckless disregard for information that would negate the Allegation or testimony. (b) Good Faith as applied to a Wesleyan Academic Dean or the VPAA, or committee and its members convened to investigate an allegation, means cooperating with the Research Misconduct Proceeding by impartially carrying out the duties assigned for the purpose of helping Wesleyan meet its responsibilities under the PHS Regulation. A Wesleyan or committee member does not act in Good Faith if their acts or omissions during the Research Misconduct Proceedings are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the Research Misconduct Proceeding.
- **Inquiry.** Inquiry means preliminary information-gathering and preliminary fact-finding that meets the criteria and follows the procedures of [§ 93.307](#) through [§ 93.309](#). An inquiry is warranted if the allegation (a) falls within the definition of research misconduct under [42 CFR Part 93](#), (b) is within the applicability criteria of [§ 93.102](#), and (c) is sufficiently credible and specific so that potential evidence of research misconduct may be identified. An Inquiry does not require a full review of all related Evidence.
- **Deciding Official.** The Deciding Official is the Vice President of Academic Affairs. This is the Wesleyan official who makes final determinations on Allegations and any institutional actions. The same individual cannot serve as the Deciding Official and the Research Integrity Officer.
- **Wesleyan Member(s).** Wesleyan Member(s) means an individual (or individuals) who is employed by, is an agent of, or is affiliated by contract or agreement with Wesleyan. Wesleyan Member(s) may include, but are not limited to, officials, tenured and untenured faculty, teaching and support staff, researchers, research coordinators, technicians, postdoctoral and other fellows, students, volunteers, subject matter experts, consultants, or attorneys, or employees or agents of contractors, subcontractors, or sub-awardees.
- **Official Record.** The Record comprises: (a) The records that Wesleyan compiled or generated during the Research Misconduct Proceeding, except records Wesleyan did not consider or rely on. These Records include but are not limited to (1) documentation of the Assessment as required by [§ 93.306\(c\)](#); (2) if an inquiry is conducted, the inquiry report and all records (other than drafts of the report) considered or relied on during the inquiry, including, but not limited to, research records and the transcripts of any transcribed interviews conducted during the inquiry, information the Respondent provided to Wesleyan, and the documentation of any decision not to investigate as required by [§ 93.309\(c\)](#); (3) if an Investigation, as defined below, is conducted, the Investigation report and all records (other than drafts of the report) considered or relied on during the Investigation, including, but not limited to, research records, the transcripts of each interview conducted pursuant to [§ 93.310\(g\)](#), and information the Respondent provided to Wesleyan; (4) decision(s) by the Deciding Official, such as the written decision from the Deciding Official under [§ 93.314](#); (5)

the complete record of any Wesleyan appeal consistent with [§ 93.315](#); (b) a single index listing all the research records and evidence that Wesleyan compiled during the Research Misconduct Proceeding, except records Wesleyan did not consider or rely on; and (c) a general description of the records that were sequestered but not considered or relied on.

- **Intentionally.** To act Intentionally means to act with the aim of carrying out the act.
- **Investigation.** Investigation means the formal development of a factual record and the examination of that record that meets the criteria and follows the procedures of [§§ 93.310](#) through [93.317](#).
- **Knowingly.** To act Knowingly means to act with awareness of the act.
- **Plagiarism.** Plagiarism means the appropriation of another person’s ideas, processes, results, or words, without giving appropriate credit. (a) Plagiarism includes the unattributed verbatim or nearly verbatim copying of sentences and paragraphs from another’s work that materially misleads the reader regarding the contributions of the author. It does not include the limited use of identical or nearly identical phrases that describe a commonly used methodology. (b) Plagiarism does not include self-plagiarism or authorship or credit disputes, including disputes among former collaborators who participated jointly in the development or conduct of a research project. Self-plagiarism and authorship disputes do not meet the definition of research misconduct.
- **Preponderance of the Evidence.** Preponderance of the Evidence means proof by evidence that, compared with evidence opposing it, leads to the conclusion that the fact at issue is more likely true than not.
- **PHS Support.** PHS Support means PHS funding, or applications or proposals for PHS funding, for biomedical or behavioral research, biomedical or behavioral research training, or activities related to that research or training, that may be provided through funding for PHS intramural research; PHS grants, cooperative agreements, or contracts; subawards, contracts, or subcontracts under those PHS funding instruments; or salary or other payments under PHS grants, cooperative agreements, or contracts.
- **Recklessly.** To act Recklessly means to propose, perform, or review research, or report research results, with indifference to a known risk of Fabrication, Falsification, or Plagiarism.
- **Research Integrity Officer.** The Research Integrity Officer (“RIO”) refers to the Dean of Natural Sciences and Mathematics, who is the Wesleyan official responsible for administering Wesleyan’s written policies and procedures for addressing Allegations in compliance with the PHS Regulation. This position will be responsible for convening Committees, where determined in the best interest of the University to expand expertise, during both Inquiry and Investigations phases a Research Misconduct case.
- **Research Misconduct.** Research Misconduct means Fabrication, Falsification, or Plagiarism, whether committed by an individual directly or through the use or assistance of other persons, entities, or tools, including artificial intelligence (AI)-based tools, in proposing, performing, or reviewing research, or in reporting research results. Research Misconduct does not include honest errors or differences of opinion. This definition is adapted to include the definition of Research Misconduct by NSF in Publication Number NSF 26-200,

- **Research Misconduct Proceeding.** Research Misconduct Proceeding means any actions related to alleged Research Misconduct taken under the PHS Regulation, including Assessments, inquiries, investigations, ORI oversight reviews, and appeals under [subpart E](#) of the PHS Regulation.
- **Research Records.** Research Records means the record of data or results that embody the facts resulting from scientific inquiry. Data or results may be in physical or electronic form. Examples of items, materials, or information that may be considered part of the Research Records include, but are not limited to, research proposals, raw data, processed data, clinical research records, laboratory records, study records, laboratory notebooks, progress reports, manuscripts, abstracts, theses, records of oral presentations, online content, lab meeting reports, and journal articles.
- **Respondent.** Respondent means the individual against whom an Allegation is directed or who is the subject of a Research Misconduct Proceeding.
- **Retaliation.** Retaliation means an adverse action taken against a Complainant, Witness, or committee member by Wesleyan or Wesleyan Member(s) in response to (a) a Good Faith Allegation or (b) Good Faith cooperation with a Research Misconduct Proceeding.
- **Suspension and Debarment Official.** Suspension and Debarment Official (“SDO”) means the HHS official authorized to impose suspension and debarment, which are the actions that Federal agencies take to disqualify persons deemed not presently responsible from doing business with the Federal Government.
- **Witnesses.** Witnesses are people whom Wesleyan has reasonably identified as having information regarding any relevant aspects of the Investigation.

## **Roles, Rights, and Responsibilities**

### **Wesleyan’s General Responsibilities**

To the extent possible, Wesleyan will limit disclosure of the identity of Respondents, Complainants, and Witnesses while conducting the Research Misconduct Proceedings to those who need to know, inform all Wesleyan Member(s), as defined above, about these policies and procedures, and make these policies and procedures publicly available. This limitation on disclosure no longer applies once Wesleyan has made a final determination of research misconduct findings. Wesleyan will respond to each Allegation under the PHS Regulation in a thorough, competent, objective, and fair manner. Wesleyan will take all reasonable and practical steps to ensure the cooperation of Respondents and other Wesleyan Member(s) with Research Misconduct Proceedings, including, but not limited to, their providing information, Research Records, and other Evidence. Wesleyan agrees to cooperate with ORI during any Research Misconduct Proceeding or compliance review, including addressing deficiencies or additional allegations in the Record if directed by ORI and to assist in administering and enforcing any HHS administrative actions imposed on Wesleyan Member(s). Wesleyan may also take steps to manage published data or acknowledge that data may be unreliable.

### **Wesleyan’s Responsibilities During and After a Research Misconduct Proceeding**

Except as may otherwise be prescribed by applicable law, Wesleyan will maintain confidentiality for any Records or Evidence from which research subjects might be identified and will limit disclosure to those who need to know to carry out a Research Misconduct Proceeding. Before or at the time of notifying the Respondent of the Allegation(s) and whenever additional items become known or relevant, Wesleyan will promptly take all reasonable and practical steps to obtain all Research Records and other Evidence and sequester them securely. Wesleyan will ensure that the Record contains all required elements, i.e., Research Records that were compiled and considered during the proceedings, assessment documentation, and inquiry and/or Investigation reports. Upon completion of the inquiry, Wesleyan will provide ORI with the complete inquiry report and add it to the Record. Wesleyan will maintain the Record and all sequestered Research Records and other evidence in a secure manner for seven (7) years after completion of the Wesleyan and/or HHS proceeding.

Wesleyan will provide information related to the Allegation and Research Misconduct Proceeding to ORI upon request and transfer custody or provide copies of the Record or any component of it and any sequestered Evidence to HHS, regardless of whether the Evidence is included in the Record. Additionally, Wesleyan will promptly notify ORI of any special circumstances that may arise.

Disclosure of the identity of Respondents, Complainants, and Witnesses while Wesleyan is conducting the Research Misconduct Proceeding is limited to those who need to know, which Wesleyan will determine, consistent with a thorough, competent, objective, and fair Research Misconduct Proceeding, and as allowed by law. Those who need to know may include Wesleyan review boards, journals, editors, publishers, co-authors, and collaborating institutions.

#### **Wesleyan's Responsibilities to the Complainant(s)**

The institution will provide confidentiality consistent with the PHS Regulation for all Complainants in a Research Misconduct Proceeding. Wesleyan will also take precautions to ensure that individuals responsible for carrying out any part of the Research Misconduct Proceeding do not have potential, perceived, or actual personal, professional, or financial conflicts of interest with the Complainant(s). Wesleyan agrees to take all reasonable and practical steps to protect the positions and reputations of Complainants and to protect these individuals from Retaliation by Respondents and/or other Wesleyan Members. If Wesleyan chooses to notify one Complainant of the inquiry results in a case, all Complainants will be notified by Wesleyan, to the extent possible.

#### **Wesleyan's Responsibilities to the Respondent(s)**

As with Complainants, Wesleyan will provide confidentiality consistent with the PHS Regulation to all Respondents in a Research Misconduct Proceeding. Wesleyan will make a Good Faith effort to notify the Respondent(s) in writing of the Allegations being made against them. Wesleyan will take precautions to ensure that individuals responsible for carrying out any part of the Research Misconduct Proceeding do not have unresolved personal, professional, or financial conflicts of interest with the Respondent. Wesleyan is responsible for giving the Respondent(s) copies of our supervised access to the sequestered Research Records. Wesleyan will notify the Respondent whether the Inquiry found that an Investigation is warranted, provide the Respondent an opportunity to review and comment on the Inquiry report, and attach their comments to the Inquiry report. If an Investigation is commenced, Wesleyan must notify the Respondent, give written notice

of any additional allegations raised against them not previously addressed by the Inquiry report, and allow the Respondent(s) an opportunity to review the Witness transcripts. Wesleyan will give the Respondent(s) an opportunity to read and comment on the draft Investigation report and any information or Allegations added to the Record. Wesleyan will give due consideration to admissible, credible evidence of honest error or difference of opinion presented by the Respondent.

Wesleyan will bear the burden of proof, by a preponderance of the Evidence, for making a finding of Research Misconduct. Wesleyan will make all reasonable, practical efforts, if requested and as appropriate, to protect or restore the reputation of Respondents against whom no finding of Research Misconduct is made.

### **Wesleyan's Responsibilities to Committee Members**

Wesleyan will ensure that a committee, consortium, or person acting on its behalf conducts Research Misconduct Proceedings in compliance with the PHS Regulation. Wesleyan will take all reasonable and practical steps to protect the positions and reputations of Good Faith committee members and to protect these individuals from Retaliation.

### **Wesleyan's Responsibilities to the Witnesses**

Wesleyan will provide confidentiality consistent with the PHS Regulation for all Witnesses. Wesleyan will take precautions to ensure that individuals responsible for carrying out any part of the Research Misconduct Proceedings do not have unresolved personal, professional, or financial conflicts of interest with the Witnesses. Wesleyan will also take all reasonable and practical steps to protect the positions and reputations of Witnesses and to protect these individuals from Retaliation.

### **Committee and Consortium Members**

The RIO bears the responsibility of convening Committee or Consortium Members in Inquiries or Policies conducted pursuant to this policy. Committee Members (and Consortium Members where applicable) are experts who act in Good Faith to cooperate with the Research Misconduct Proceedings by impartially carrying out their assigned duties for the purpose of helping Wesleyan meet its responsibilities under the PHS Regulation. Committee and Consortium Members will have relevant scientific expertise and be free of real or perceived conflicts of interest with any of the parties involved.

Committee or Consortium Members or anyone acting on behalf of Wesleyan will conduct Research Misconduct Proceedings consistent with the PHS regulation. They will determine whether an Investigation is warranted, documenting the decision in an Inquiry report. During an Investigation, Committee or Consortium Members participate in recorded interviews of 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(s). They will also determine whether or not the Respondent(s) engaged in Research Misconduct and document the decision in the Investigation report. They consider Respondent and/or Complainant comments on the Inquiry/Investigation report(s) and document that consideration in the Investigation report.

An Investigation into multiple Respondents may convene with the same Investigation Committee or Consortium Members or anyone acting on behalf of Wesleyan, but there will be separate Investigation reports and separate Research Misconduct determinations for each Respondent. Committee or Consortium Members may serve for more than one Investigation, in cases with multiple Respondents. Committee or Consortium Members may also serve as both the Inquiry and the Investigation.

### **Reporting an Allegation**

Allegations of misconduct in scholarship and research will be referred, in writing, to the appropriate divisional Dean who will notify the Vice President for Academic Affairs (VPAA). If more than one division is involved, then the Dean(s) of the other division(s) will also be notified of the allegation.

### **Procedures for Addressing Allegations of Research Misconduct**

#### 1. Assessment

Upon receiving an Allegation, the RIO or other designated Wesleyan official will promptly determine whether the Allegation (a) falls within the definition of Research Misconduct, (b) is within the applicability criteria of [42 CFR Part 93 § 93.102](#), and (c) is credible and specific enough to identify and sequester potential Evidence.

If the RIO or other designated Wesleyan official or Committee determines that the Allegation meets these three (3) criteria, they will promptly: (a) document the Assessment and (b) initiate an Inquiry and sequester all Research Records and other Evidence. The RIO or other designated Wesleyan official must document the Assessment and retain the Assessment documentation securely for seven (7) years after completion of the Research Misconduct Proceedings. If the RIO or other designated Wesleyan official determines that the Allegation does not meet the criteria to proceed to an Inquiry, they will write sufficiently detailed documentation to permit a later review by ORI of why Wesleyan did not proceed to an Inquiry and securely retain this documentation for seven (7) years.

#### 2. Inquiry

The RIO, or other designated Wesleyan official or Committee will conduct a preliminary review of the Evidence. In the process of fact-finding, the Inquiry Committee or Consortium Members may interview the Respondent and/or Witnesses. An Investigation is warranted if (a) there is a reasonable basis for concluding that the Allegation falls within the definition of Research Misconduct under the PHS Regulation and involves PHS-supported biomedical or behavioral research, biomedical or behavioral research training, or activities related to that research or research training, as provided in [§ 93.102](#); and (b) preliminary information-gathering and fact-finding from the Inquiry indicates that the Allegation may have substance.

The Inquiry Committee or Consortium Members will not determine if Research Misconduct occurred, nor assess whether the alleged misconduct was Intentional, Knowing, or Reckless; such a determination is not made until the case proceeds to an Investigation.

Wesleyan will complete the inquiry within ninety (90) days of initiating it unless circumstances warrant a longer period, in which it will sufficiently document the reasons for exceeding the time limit in the Inquiry report.

### **Sequestering Evidence and Notifying the Respondent**

Before or at the time of notifying the Respondent(s), Wesleyan will obtain the original or substantially equivalent copies of all Research Records and other Evidence that are pertinent to the Research Misconduct Proceeding, inventory these materials, sequester the materials in a secure manner, and retain them for seven (7) years. Wesleyan has a duty to obtain, inventory, and securely sequester Evidence that extends to whenever additional items become known or relevant to the Inquiry or Investigation.

At the time of or before beginning the Inquiry, Wesleyan will make a Good Faith effort to notify the presumed Respondent(s), in writing, that an Allegation has been raised against them, the relevant Research Records have been sequestered, and an Inquiry will be conducted to decide whether to proceed with an Investigation. If additional Allegations are raised, Wesleyan will notify the Respondent(s) in writing. When appropriate, Wesleyan will give the Respondent(s) copies of, or reasonable supervised access to, the sequestered materials.

If additional Respondents are identified, Wesleyan will provide written notification to the new Respondent(s). All additional Respondents will be given the same rights and opportunities as the initial Respondent. Only Allegations specific to a particular Respondent will be included in the notification to that Respondent.

### **Convening the Committee or Consortium Members and Ensuring Neutrality**

Wesleyan will ensure that all Inquiry Committee or Consortium Members understand their commission, keep the identities of Respondents, Complainants, and Witnesses confidential, and conduct the Research Misconduct Proceedings in compliance with the PHS Regulation. In lieu of a committee, Wesleyan may task the RIO or other designated Wesleyan official to conduct the Inquiry, provided this person utilizes subject matter experts as needed to assist in the Inquiry.

### **Documenting the Inquiry**

At the conclusion of the Inquiry, regardless of whether an Investigation is warranted, the Inquiry Committee or Consortium Members, RIO, or other designated Wesleyan officials will prepare a written Inquiry report. The contents of a complete Inquiry report will include:

1. The names, professional aliases, and positions of the Respondent and Complainant(s).
2. A description of the Allegation(s).
3. Details about the PHS funding, including any grant numbers, grant applications, contracts, and publications listing PHS support.
4. The composition of the Inquiry Committee, if used, including name(s), position(s), and subject matter expertise.

5. An inventory of sequestered Research Records and other Evidence and description of how sequestration was conducted.
6. Transcripts of interviews, if transcribed.
7. Inquiry timeline and procedural history.
8. Any scientific or forensic analyses conducted.
9. The basis for recommending that the Allegation(s) warrant an Investigation.
10. The basis on which any Allegation(s) do not merit further investigation.
11. Any comments on the Inquiry report by the Respondent or the Complainant(s).
12. Any Wesleyan actions implemented, including internal communications or external communications with journals or funding agencies.
13. Documentation of potential Evidence of honest error or difference of opinion.

### **Completing the Inquiry**

Wesleyan will give the Respondent a copy of the draft Inquiry Report for review and comment. Wesleyan may, but is not required to, provide relevant portions of the report to a Complainant for comment.

Wesleyan will notify the Respondent of the Inquiry's outcome and provide the Respondent with copies of the final Inquiry report, the PHS Regulation, and these policies and procedures. Wesleyan may, but is not required to, notify a Complainant whether the Inquiry found that an Investigation is warranted. If Wesleyan provides notice to one Complainant in a case, it must provide notice, to the extent possible, to all Complainants in the case.

### **If an Investigation Is Not Warranted:**

If the Inquiry Committee or Consortium Members, RIO, or other designated Wesleyan official determines that an Investigation is not warranted, Wesleyan will keep sufficiently detailed documentation to permit a later review by ORI of why the Wesleyan did not proceed to an Investigation, store these Records in a secure manner for at least seven (7) years after the termination of the Inquiry, and provide them to ORI upon request.

### **If an Investigation is Warranted:**

If the Inquiry Committee or Consortium Members, RIO, or other designated Wesleyan official determines that an Investigation is warranted, Wesleyan must: (a) within a reasonable amount of time after this decision, provide written notice to the Respondent(s) of the decision to conduct an Investigation of the Allegations, including any Allegations not addressed during the Inquiry; and (b) within thirty (30) days of determining that an Investigation is warranted, provide ORI with a copy of the Inquiry report.

On a case-by-case basis, Wesleyan may choose to notify the Complainant that there will be an Investigation of the Allegations, but it is required to take the same notification action for all Complainants in cases where there is more than one Complainant.

### **3. Investigation**

The purpose of an Investigation is to formally develop a factual record, pursue leads, examine the record, and recommend finding(s) to the Deciding Official, who will make the final decision, based

on a preponderance of Evidence, on each Allegation and any Wesleyan actions. As part of its Investigation, Wesleyan will pursue diligently all significant issues and relevant leads, including any Evidence of additional instances of possible Research Misconduct, and continue the Investigation to completion. Within thirty (30) days after deciding an Investigation is warranted, Wesleyan will notify ORI of the decision to investigate and begin the Investigation.

### **Notifying the Respondent and Sequestering Evidence**

Wesleyan will notify the Respondent(s) of the Allegation(s) within thirty (30) days of determining that an Investigation is warranted and before the Investigation begins. If any additional Respondent(s) are identified during the Investigation, Wesleyan will notify them of the Allegation(s) and provide them with an opportunity to respond, consistent with the PHS Regulation. If Wesleyan identifies additional Respondents during the Investigation, it may choose to either conduct a separate Inquiry or add the new Respondent(s) to the ongoing Investigation. Wesleyan will obtain the original or substantially equivalent copies of all Research Records and other Evidence, inventory these materials, sequester them in a secure manner, and retain them for seven (7) years after its proceeding or any HHS proceeding, whichever is later.

### **Convening an Investigation Committee**

After vetting Investigation committee members for conflicts of interest and appropriate scientific expertise, Wesleyan will convene the Investigation committee and ensure that the members understand their responsibility to conduct the Research Misconduct Proceedings in compliance with the PHS regulation. The Investigation committee will conduct interviews, pursue leads, and examine all Research Records and other evidence relevant to reaching a decision on the merits of the Allegation(s). Wesleyan will use diligent efforts to ensure that the Investigation is thorough, sufficiently documented, and impartial and unbiased to the maximum extent practicable. Wesleyan will notify the Respondent in writing of any additional Allegations raised against them during the Investigation.

### **Conducting Interviews**

Wesleyan will interview each Respondent, Complainant(s), 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. Wesleyan will number all relevant exhibits and refer to any exhibits shown to the interviewee during the interview by that number. Wesleyan will record and transcribe interviews during the investigation and make the transcripts available to the interviewee for correction. Wesleyan will include the transcript(s) with any corrections and exhibits in Record of the Investigation. The Respondent will not be present during the Witnesses' interviews, but Wesleyan will provide the Respondent with a transcript of each interview, with redactions as appropriate to maintain confidentiality.

### **Documenting the Investigation**

Wesleyan will complete all aspects of the Investigation within one hundred and eighty (180) days. Wesleyan will conduct the Investigation, prepare the draft Investigation report for each Respondent, and provide the opportunity for Respondents to comment. Wesleyan will document the Deciding Official's final decision and transmit the Record (including the final Investigation

report and the Deciding Official's decision) to ORI. If the Investigation takes more than one-hundred and eighty (180) days to complete, Wesleyan will ask ORI in writing for an extension and document the reasons for exceeding the one-hundred and eighty (180) day period in the Investigation report.

The Investigation report for each Respondent will include:

1. Description of the nature of the Allegation(s), including any additional Allegation(s) addressed during the Research Misconduct Proceeding.
2. Description and documentation of PHS support, including any grant numbers, grant applications, contracts, and publications listing PHS support. This documentation includes known applications or proposals for support that the Respondent has pending with PHS and non-PHS Federal agencies.
3. Description of the specific Allegation(s) for consideration in the Investigation of the Respondent.
4. Composition of Investigation committee, including name(s), position(s), and subject matter expertise.
5. Inventory of sequestered Research Records and other evidence, except records Wesleyan did not consider or rely on. This inventory will include manuscripts and funding proposals that were considered or relied on during the Investigation. The inventory will also include a description of how any sequestration was conducted during the Investigation.
6. Transcripts of all interviews conducted.
7. Identification of the specific published papers, manuscripts submitted but not accepted for publication (including online publication), PHS funding applications, progress reports, presentations, posters, or other Research Records that contain the allegedly Falsified, Fabricated, or Plagiarized material.
8. Any scientific or forensic analyses conducted.
9. A copy of these policies and procedures.
10. Any comments made by the Respondent and Complainant(s) on the draft Investigation report and the Investigation committee's consideration of those comments.
11. A statement for each separate Allegation of whether the Investigation committee recommends a finding of Research Misconduct.

If the Investigation committee recommends a finding of Research Misconduct for an Allegation, the Investigation report will present a finding for each Allegation. These findings will (a) identify the individual(s) who committed the Research Misconduct; (b) indicate whether the Research Misconduct was Falsification, Fabrication, and/or Plagiarism; (c) indicate whether the Research Misconduct was committed Intentionally, Knowingly, or Recklessly; (d) identify any significant departure from the accepted practices of the relevant research community and that the Allegation was proven by a preponderance of the Evidence; (e) summarize the facts and analysis supporting the conclusion and consider the merits of any explanation by the Respondent; (f) identify the specific PHS support; and (g) state whether any publications need correction or retraction.

If the Investigation committee does *not* recommend a finding of Research Misconduct for an Allegation, the Investigation report will provide a detailed rationale for its conclusion.

The Investigation committee should also provide a list of any current support or known applications or proposals for support that the Respondent has pending with PHS and non-PHS Federal agencies.

### **Completing the Investigation**

Wesleyan will give the Respondent a copy of the draft Investigation report and, concurrently, a copy of, or supervised access to, the Research Records and other evidence that the Investigation committee considered or relied on. The Respondent will submit any comments on the draft Investigation report to Wesleyan within thirty (30) days of receiving the draft Investigation report. If Wesleyan chooses to share a copy of the draft Investigation report or relevant portions of it with the Complainant(s) for comment, the Complainant's comments will be submitted within thirty (30) days of the date on which they received the draft Investigation report. Wesleyan will add any comments received to the Investigation report.

### **Deciding Official's Review of the Investigation Report**

The Deciding Official will review the Investigation report and make a final written determination of whether Wesleyan found Research Misconduct and, if so, who committed Research Misconduct. In this statement, the Deciding Official will include a description of relevant Wesleyan actions taken or to be taken. In the case of substantiated misconduct, the Deciding Official will either take final action short of dismissal or suspension without pay, or if he/she seeks dismissal or suspension without pay will bring the matter to the Faculty Committee on Rights and Responsibilities (FCRR).

### **Creating and Transmitting the Record**

After the Deciding Official has made a final determination of Research Misconduct findings, Wesleyan will add the Deciding Official's written decision to the Investigation report and organize the Record in a logical manner.

The Record consists of the records that were compiled or generated during the Research Misconduct Proceeding, except records Wesleyan did not rely on. These records include documentation of the Assessment, a single index listing of all Research Records and Evidence, the Inquiry report and Investigation report, and all records considered or relied on during the Investigation. The Record also includes the Deciding Official's final decision and any information the Respondent provided to Wesleyan. The Record must also include a general description of the records that were sequestered but not considered or relied on.

If the Respondent filed an appeal, the complete record of any Wesleyan appeal also becomes part of the Record. Wesleyan will wait until the appeal is concluded to transmit the record to ORI. After the Deciding Official has made a final written determination, and any Wesleyan appeal is complete, Wesleyan must transmit the Record to ORI.

### **Other Procedures and Special Circumstances**

#### **Multiple Institutions and Multiple Respondents**

If the alleged Research Misconduct involves multiple institutions, Wesleyan may work closely with the other affected institutions to determine whether a joint Research Misconduct Proceeding will be conducted. If so, the cooperating institutions will choose an institution to serve as the lead institution. In a joint Research Misconduct Proceeding, the lead institution will obtain Research

Records and other Evidence pertinent to the Research Misconduct Proceeding, including Witness testimony, from the other relevant institutions. By mutual agreement, the joint Research Misconduct Proceeding may include committee members from the institutions involved. The determination of whether further Inquiry and/or Investigation is warranted, whether Research Misconduct occurred, and the Wesleyan actions to be taken may be made by the institutions jointly or tasked to the lead institution.

If the alleged Research Misconduct involves multiple Respondents, Wesleyan may either conduct a separate Inquiry for each new Respondent or add them to the ongoing Research Misconduct Proceedings. Wesleyan must give additional Respondent(s) notice of and an opportunity to respond to the Allegations.

### **Respondent Admissions**

Wesleyan will promptly notify ORI in advance if at any point during the Research Misconduct Proceedings (including the Assessment, Inquiry, Investigation, or appeal stage) it plans to close a Research Misconduct case because the Respondent has admitted to committing Research Misconduct or a settlement with the Respondent has been reached. If the Respondent admits to Research Misconduct, Wesleyan will not close the case until providing ORI with the Respondent's signed, written admission. The admission must state the specific Fabrication, Falsification, or Plagiarism that occurred, which Research Records were affected, and that it constituted a significant departure from accepted practices of the relevant research community. Wesleyan must not close the case until giving ORI a written statement confirming the Respondent's culpability and explaining how it determined that the Respondent's admission fully addresses the scope of the Research Misconduct.

### **Other Special Circumstances**

At any time during the Research Misconduct Proceedings, Wesleyan will immediately notify ORI if any of the following circumstances arise:

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 reasonable indication of possible violations of civil or criminal law.
5. Federal action is required to protect the interests of those involved in the Research Misconduct Proceeding.
6. HHS may need to take appropriate steps to safeguard Evidence and protect the rights of those involved.

### **Records Retention**

Wesleyan will maintain the Institutional record and all sequestered Evidence, including physical objects (regardless of whether the Evidence is part of the Institutional record), in a secure manner for seven (7) years after the completion of the Research Misconduct Proceeding or the completion of any HHS proceeding, whichever is later, unless custody has been transferred to HHS.

*Reviewed and approved*  
*Wesleyan University Research Compliance Committee*  
*April 14, 2026*