

Procedure for Research Integrity and Resolving Complaints of Research Misconduct

This procedure implements the Policy for Research Integrity.

10.3.41. Roles and Responsibilities

A. Vice President for Research and Technology Transfer (VPRTT)

The VPRTT ensures the ultimate implementation of this procedure through the Research Integrity Officer (RIO), and is responsible for the dissemination of the policy and procedure to the members of the community involved in research on behalf of Mines and promoting the responsible conduct of research, consistent with the standards set forth in this policy. As appropriate, the VPRTT consults with the Provost, the relevant Deans and Department Heads, and the RIO when receiving and assessing allegations of research misconduct. The VPRTT ensures that an appropriate review procedure is promptly implemented by the RIO when allegations of research misconduct are reported. The VPRTT receives the final reports of the inquiry and investigation committees, and any written comments provided by the respondent. The VPRTT provides recommendations to the Provost relative to the results of research misconduct investigations. Working with the RIO, the VPRTT shall ensure that the final investigation report, the decision of the Provost, and a description of any pending or completed administrative actions are provided to applicable federal oversight and funding agencies, including the federal Office of Research Integrity (ORI, as required by 42 CFR § 93.315.

A.B. Research Integrity Officer (RIO)

The VPRTT will appoint the RIO, who has primary responsibility for assuring compliance with the ~~procedures of this~~ Policy for Research Integrity and ~~any other Mines~~ this ~~procedures~~ adopted ~~to for its implementation~~ it. To promote research integrity, the RIO develops, implements, and manages a training program for Responsible Conduct of Research (RCR). With regard to research misconduct proceedings, the RIO's responsibilities generally include the following:

1. Consults confidentially with persons uncertain about whether to submit an allegation of research misconduct;
2. Receives allegations of research misconduct, and assesses each allegation in accordance with ~~this~~ es policy and procedure to determine whether it falls within the definition of research misconduct and warrants an inquiry;
3. ~~As necessary, takes interim action and notifies the federal Office of Research Integrity (ORI) of special circumstances, in accordance with this policy;~~
- 4.3. Sequesters research data and evidence pertinent to the allegation of research

misconduct and maintains it securely in accordance with ~~Mine~~sthis policy, this ~~procedure, and~~ applicable law, and regulation;

~~5.4.~~ Provides confidentiality to those involved in the research misconduct proceeding as required by institutional policy, 42 CFR § 93.108, and other applicable law, ~~and institutional policy~~;

~~6.5.~~ Supports and facilitates the inquiry and investigation processes outlined in this policy;

~~7. Serves as liaison, as appropriate and necessary, among the committee members, the complainant, and the respondent;~~

~~8.6.~~ Educates respondents, complainants, witnesses and committee members about Mines' process for research misconduct proceedings;

~~9.7.~~ Facilitates appointment of the members of ~~the~~ inquiry and investigation committees, ensuring that those committees are properly staffed and that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence;

~~10.8.~~ Keeps the VPRTT and others who with a need to know apprised of the progress of the review of the allegation of research misconduct;

~~11.9.~~ Notifies and makes reports to federal oversight and funding agencies, including the ORI as appropriate and as required by 42 CFR Part 93; and

10. Ensures that administrative actions taken by the institution and the ORI are enforced.

B.C. Complainant

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation. Allegations may be reported orally or in writing. The complainant will have the opportunity to submit evidence to the inquiry and investigation committees. ~~The complainant also has the opportunity, if requested by an inquiry committee, to appear before the committee. The complainant will be given the opportunity to be interviewed by and present evidence to the investigation committee.~~ If the RIO or a committees determines that the complainant may be able to provide pertinent information or clarification to any portion of the committees' draft reports, these portions may be given to shared with the complainant for comment. The complainant will be informed of the results of the inquiry and investigation.

C.D. Respondent

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry and investigation. The respondent is entitled to:

1. Timely, written notification of ~~the~~ a decision to convene an inquiry and of the research misconduct allegation;
2. An opportunity to comment on the inquiry report and have ~~his/her~~ their comments attached to the report;
3. Be notified of the outcome of the inquiry, and receive a copy of the inquiry report ~~that includes a copy of the institution's policy and procedures on research misconduct~~;

4. Timely, written notification of the decision to proceed with an investigation, and the allegations to be investigated, ~~including any new allegations not addressed in the inquiry;~~
5. Be interviewed during the investigation, have the opportunity to correct the recording or transcript of the interview, and have the corrected recording or transcript included in the record of the investigation;
6. Have interviewed during the investigation any witness who has been reasonably identified by the respondent as having information ~~on-relevant aspects of~~ the investigation; and
7. Have the opportunity to review and comment on the draft investigation report, and have ~~his/her/their~~ comments attached to ~~the~~ report.
8. If not found to have committed research misconduct, the opportunity to request reasonable and practical assistance from Mines in restoring his or her reputation.
9. The respondent may admit that research misconduct occurred and that he or she committed the research misconduct. In this event, and upon consultation with the RIO and/or other institutional officials, as appropriate, the VPRTT may terminate the institution's review of an allegation ~~that has been admitted~~. The institution's acceptance of the admission and any proposed settlement or resolution may be subject to and conditioned upon the approval of federal oversight and funding agencies, as appropriate and required by federal law or policy.

~~**D. Vice President for Research and Technology Transfer (VPRTT)** The VPRTT ensures the ultimate implementation of this policy and related procedures through the RIO, and is responsible for the dissemination of the policy to the members of the community involved in research on behalf of Mines and promoting the responsible conduct of research, consistent with the standards set forth in this policy. As appropriate, the VPRTT consults with the Provost, the RIO, and the relevant Deans and Department Heads when receiving and assessing allegations of research misconduct. The VPRTT ensures that appropriate review procedures are promptly implemented by the RIO when allegations of research misconduct are reported, and the VPRTT receives the final reports of the inquiry and investigation committees, and any written comments provided by the respondent. The VPRTT provides recommendations to the Provost relative to the results of research misconduct investigations. Working with the RIO, the VPRTT shall ensure that the final investigation report, the decision of the Provost, and a description of any pending or completed administrative actions are provided to applicable federal oversight and funding agencies, including the ORI, as required by 42 CFR § 93.315.~~

E. Ethics Across Campus

The Ethics Across Campus Committee (EAC), in conjunction with the RIO, reviews RCR training and education alternatives. EAC faculty lead ethics education for graduate students, faculty, and other employees. Participants explore research ethics by engaging with fundamental principles, completing assignments designed to develop sensitivity to

ethical issues inherent to research, and discussion of case studies or scenarios that reveal the complexities of ethical practice. EAC encourages development of and establishes criteria for training and education alternatives, reviews departmental courses and workshops for approval, and periodically reviews those alternatives. EAC and the RIO may approve alternative means of meeting the research integrity training requirement, such as teaching research ethics courses or publishing on the topic of research integrity.

E.F. Provost

The Provost issues a written decision following receipt of the a final investigatory committee report and the VPRTT's recommendation. As appropriate, the Provost may be involved in consultations with the VPRTT, RIO, and the relevant Deans and Department Heads in receiving and assessing allegations of research misconduct, ~~and receiving the results of research misconduct investigations.~~ ~~The Provost issues a written decision following receipt of the final investigatory committee report and the VPRTT's recommendation.~~ In the event of a final determination of research misconduct, the Provost may impose appropriate sanctions. The Provost's decision stands as the institution's final decision regarding the research misconduct complaint.

F.G. Deans and Department Heads

The Deans and Department Heads ensure implementation of this policy and procedure in their respective departments. The Deans and Department Heads will report knowledge of allegations of research misconduct to the Provost, VPRTT, or RIO. The Deans and Department Heads ~~also~~ help ensure the cooperation of respondents and other individuals in their respective units regarding inquiries and investigations related to allegations of research misconduct, including, but not limited to the sequestration and protection of research records and/or other information and evidence relevant to the allegations.

G.H. Researchers Personnel

~~Research Personnel are~~ Researchers are responsible for maintaining the highest ethical standards in proposing, performing, and reviewing research, and in reporting research results. Principal investigators are specifically responsible for: (a) assuring that these standards and the requirements of this policy and procedure are communicated to and understood by all who work under their supervision, directly or indirectly; (b) assuring the validity of all information communicated by their research groups; and (c) assuring appropriate citation of contributions from all deserving individuals both within and outside their research groups. Co-authorship shall reflect actual scientific involvement in and responsibility for work reported.

2. Training in Responsible Conduct of Research

A. Training Requirement

Training and awareness are critical to ensuring research integrity and avoiding research misconduct. Intentional misconduct is rare; missteps in research due to ignorance, inexperience, or honest error are more common. Mines provides training in Responsible Conduct of Research (RCR) to all active researchers, regardless of funding source. Annually and aligned with the academic cycle, Mines identifies students and employees who are active in research, and communicates the requirement for RCR training. Research-active students must complete training as early as possible during their education; academic faculty and research employees must complete training every five years.

B. Training and Educational Alternatives

Mines adopts an RCR training program that serves as the standard for all active researchers. Alternatives to this training include credit-bearing courses, non-credit workshops, and certain training and educational activities completed at a previous institution. In each case, alternative means of completing the requirement for RCR training must receive the approval of EAC and RIO. In addition, EAC and RIO review any approved alternative training and education approaches every five years.

C. More Stringent Training Requirement for Research Funded by NIH and NSF

Mines requires researchers engaged in work funded by the National Institutes of Health and the National Science Foundation to complete RCR training or education including face-to-face discussion. For these agencies, Mines does not consider online training alone to satisfy the requirement. Students may enroll in SYGN 502 or an equivalent course. Faculty members, other employees, or students may participate in a research ethics workshop.

10.3.5 3. Procedures for Responding to ~~all~~ Allegations of Research Misconduct

A. General Provisions

1. Responsibility to Report Misconduct

All members of Mines' community must report observed, suspected, or apparent research misconduct to their Department Head, Dean, RIO, VPRTT or Provost. ~~If reports of suspected research misconduct are made to the Deans or Department Heads, the Deans and Department Heads must communicate such reports to the RIO, VPRTT or Provost.~~ If any individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may meet with or contact the RIO to discuss the suspected research misconduct informally and confidentially. 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 with responsibility for resolving the problem, as necessary and appropriate. Mines will protect those individuals who provide information in good faith about questionable

conduct against reprisals and retaliation.

2. Cooperation with Research Misconduct Proceedings

~~Individuals covered by this policy and its implementing procedures~~Mines employees and students must cooperate with the RIO and other institutional officials in the review of allegations and conduct of inquiries and investigations, by providing evidence and responding to questions. ~~Employees, students, and university appointees, including respondents, have an obligation to provide evidence relevant to research misconduct allegations to the RIO or other institutional officials. The RIO or other institutional officials may determine whether it is necessary to sequester original research records and materials relevant to such allegations.~~

2.3. Confidentiality and Protecting the Respondent, Complainant, Witnesses and Committee Members

Throughout the process of responding to an allegation of research misconduct, all persons involved, including the RIO, committee members, complainant, respondent, and witnesses, shall exercise great care to preserve the confidentiality of the proceedings to the extent consistent with a thorough, competent, objective, and fair research misconduct proceeding, and as allowed by law. Applicable laws and regulations may require Mines to disclose the identity of respondents and complainants to federal oversight and funding agencies. Consistent with federal regulations and Mines business practices, Mines will make reasonable and practical efforts to protect the positions and reputations of those individuals who make allegations in good faith. Mines does not permit

~~3. Protecting Complainants, Witnesses, and Committee Members~~

~~The RIO shall monitor the treatment of individuals who bring allegations of research misconduct and those who cooperate with or participate in inquiries and investigations. These individuals are not to be retaliated against in employment or other status at the institution, and the RIO shall review instances of alleged retaliation for appropriate action.~~ Individuals should immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the RIO, who shall review the matter and immediately make reasonable and practical efforts, as appropriate, to address any potential or actual retaliation, and to protect and restore the position and institutional reputation of the person against whom the retaliation is directed. ~~Consistent with federal regulations and its own business practices, Mines will make reasonable and practical efforts to protect the positions and reputations of those individuals who make allegations in good faith.~~

4. Protecting the Respondent

~~During the research misconduct proceeding, the RIO is responsible for ensuring that respondents receive all the notices and opportunities provided for in 42 CFR Part 93, and a copy of Mines' relevant policy and procedures. As requested and appropriate, the RIO and other institutional officials shall make reasonable and practical efforts to~~

~~protect or restore the institutional reputations of persons alleged to have engaged in research misconduct, but against whom no finding of research misconduct is made.~~

5.4. Legal Counsel

Upon request, attorneys from the Mines Office of Legal Services and/or the Colorado Attorney General's Office shall provide legal advice to the RIO, VPRTT and Provost, as well as procedural advice to the inquiry committee and investigation committee. Neither the university nor the respondent may have legal counsel present at meetings or interviews conducted by the inquiry and investigation committees, except at the express invitation of the committees. Should legal counsel be invited, the invitation will be extended to both ~~parties~~ the respondent and complainant. When invited, legal counsel may observe, but shall not participate in the proceedings. With the prior approval of the committees, the respondent may be accompanied by a non-attorney colleague at meetings of the committees. When invited, the non-attorney colleague may observe but shall not participate in the proceedings.

6.5. Requirements for Research Misconduct Findings

A finding of research misconduct requires:

- a. There be a significant departure from accepted practices of the relevant research community;
- b. The research misconduct be committed intentionally, knowingly, or recklessly; and
- c. The allegation of misconduct be proven by a preponderance of evidence.

7.6. Interim Administrative Actions and Notifying ORI of Special Circumstances

Throughout the research misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to public health, federal funds and equipment, or the integrity of the sponsored research process. In the event of such a threat, the RIO will, in consultation with other institutional officials and the ORI, as appropriate, take interim action to protect against any such threat. Interim action may include, but is not limited to any of the following: additional monitoring of the research process and the handling of federal funds and equipment; reassignment of personnel or of the responsibility for the handling of federal funds and equipment; additional review of research data and results; and delaying publication. The RIO shall, at any time during a research misconduct proceeding, notify ORI immediately if there is reason to believe that any of the following conditions exist:

- a. Public health or safety is at risk;
- b. Federal agency resources or interests are threatened;
- c. Research activities should be suspended;
- d. There is a reasonable indication of possible violations of civil or criminal law;
- e. Federal action is required to safeguard evidence or protect the interests of those involved in the research misconduct proceeding; or
- f. The research community or public should be informed.

8.7. Impact of Termination of Employment

Once the review of a research misconduct allegation has begun, the termination of the respondent's university enrollment, employment or appointment, by resignation or otherwise, will not terminate Mines' research misconduct proceeding. Assessment, inquiry and investigation of the alleged misconduct will continue until a final determination is made, consistent with the procedure herein.

9.8. Malicious or Bad Faith Complaints

Making unfounded allegations of research misconduct that are motivated by malicious intent or bad faith violates the principles of integrity and ethical behavior that are the foundation of this policy and procedure. Mines may impose appropriate sanctions, including, but not limited to disciplinary action, against a complainant whose allegations are found to have been made in bad faith or with malicious intent, and without reasonable basis in fact and honest belief for making the charges.

B. Preliminary Assessment of Research Misconduct Allegations

1. Reporting Requirements Purpose of the preliminary assessment

Research misconduct allegations should be promptly reported to the RIO, regardless of which university personnel initially receive the allegations. Allegations may be communicated orally or in writing. Upon receiving a report of such an allegation, the RIO will consult in confidence with the VPRTT, Provost, and Deans, and Department Heads or other university personnel, as appropriate and applicable, to determine whether the allegation meets Mines' definition of research misconduct, which is per consistent with 42 CFR § 93.103. ~~As part of the initial assessment, the RIO will also determine the appropriate roles and responsibilities of Mines, Mines personnel, and external oversight agencies with respect to evaluating the allegations, and identify individuals, information and data relevant to the allegation.~~ This initial assessment should be completed within 10 days of the RIO's receipt of the allegations, except in circumstances out of the ordinary.

2. Determination to Conduct an Inquiry

If, after assessing the allegation, the RIO determines that the allegation warrants further action and meets the definition of research misconduct as defined in ~~the~~ is policy and procedure, the RIO will initiate the inquiry process outlined below. As part of the preliminary assessment ~~process~~, the RIO is not required to interview the complainant, respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific and meets the definition of research misconduct.

3. Determination to Dismiss an Allegation

If, after assessing the allegation, the RIO determines that the allegation does not warrant further action and/or does not meet the definition of research misconduct as defined in the ~~his~~ policy and procedure, the RIO, in concurrence with the VPRTT, will formally dismiss the allegation. In this circumstance, if for any reason the respondent was not notified of the allegation, then the RIO need not notify the respondent of such allegation or the disposition of same. However, the RIO must notify the complainant in writing that the allegation will not be pursued under Mines' Policy for Research Misconduct Integrity Policy and Complaint-related Procedure.

C. Conducting ~~the-an~~ Inquiry

1. Purpose of ~~the-an~~ Inquiry

If, based on the preliminary assessment, the RIO determines that an inquiry is appropriate, ~~he or she~~ they will immediately initiate the inquiry process. The purpose of the inquiry is to ~~conduct an initial~~ review of the available evidence ~~to-and~~ determine whether ~~to-conduct~~ an investigation is warranted. An inquiry does not require a full review of all of the evidence related to the allegation.

~~2.~~ Time Limitations

~~The-An~~ inquiry committee should be convened within 30 days of ~~the-any~~ determination of preliminary assessment that an inquiry is appropriate. The inquiry process, including the final report and decision regarding whether an investigation is warranted, should be completed within 60 days of convening the inquiry committee, except in circumstances out of the ordinary.

3.2. Sequestration of Research Records and Evidence

Once the determination is made to convene an inquiry, the RIO must take all reasonable and practical steps to obtain custody of all research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence, and sequester them in a secure manner. Where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. Research records and evidence will be sequestered in a manner that causes minimal disruption to ~~non-un~~ related research activities.

4.3. Notifications of the Respondent

Within 10 days of the determination to convene an inquiry, the RIO will notify the respondent of the allegation in writing. The notification to the respondent will include: the specific allegation(s); the rights and responsibilities of the respondent; the role of the inquiry committee; a description of the inquiry process; and a copy of Mines' Policy for Research Misconduct Integrity Policy and Complaint-~~P~~this procedure.

5.4. Appointment of Inquiry Committee

The RIO, in consultation with other institutional officials as appropriate, will appoint an inquiry committee as soon after the initiation of the inquiry as is practical. The committee will consist of three full-time, tenured faculty members who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry. At least two of the members must have the appropriate scientific-academic expertise to evaluate the evidence and issues related to the allegation.

6.5. Responsibilities of Inquiry Committee

The inquiry committee is responsible for determining whether the allegation of research misconduct warrants an investigation based on an initial review of the available evidence. The inquiry committee may also identify issues that would justify broadening the scope of the misconduct proceeding beyond the specifics of the initial allegation. The inquiry committee is not responsible for making a final determination based on the merits of the allegation. The inquiry committee has access to any and all evidence relevant to the allegation of research misconduct, and may interview the complainant, respondent, and/or others, if necessary and appropriate. The committee will determine whether an investigation is warranted based on its initial review of the available evidence, and summarize its findings and recommendations in a written report to the VPRTT. ~~The inquiry, including the final report and decision regarding whether an investigation is warranted, should be completed within 60 days of the date that the committee is convened, except in circumstances out of the ordinary.~~

7.6. Charge to the Inquiry Committee

The RIO will provide the charge to the inquiry committee, which includes:

- a. ~~Distribution of copies of t~~The Mines Policy for Research Misconduct Integrity Policy and Complaint Pthis procedure;
- b. Purpose of the inquiry;
- c. Definition of research misconduct;
- d. Specific timeframe for completion of the inquiry;
- e. Description of the allegations and any related issues identified during the allegation assessment;
- f. Identification of the respondent; and
- g. Responsibilities of the inquiry committee, including:
 1. Election of committee chair;
 2. Initial review of evidence;
 3. Interviews of complainant, respondent and others, if deemed necessary and appropriate, and the requirement to transcribe any interviews;
 4. Determination that an investigation is warranted if the committee finds: (1) there is a reasonable basis for concluding that the allegation falls within the definition -of research misconduct; and (2) the allegation may have substance, based on the committee's review during the inquiry; and

5. Preparation of a final, written report.

~~The RIO will be available throughout the inquiry to advise the committee as needed.~~

8.7. Inquiry Process

The inquiry committee will examine relevant research records and materials, and may interview the complainant, respondent, and key witnesses. Any interviews will be recorded or transcribed and provided to the interviewee for correction. The committee will then evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members will decide whether an investigation is warranted based on the criteria in this policy and 42 CFR § 93.307(d). The scope of the inquiry is not required to and does not normally include a final determination as to whether research misconduct occurred. However, if a legally sufficient admission of research misconduct is made by the respondent, misconduct may be determined at the inquiry stage if all relevant issues are resolved. In that case, the institution shall promptly determine the next steps that should be taken, consulting with external oversight agencies as needed and appropriate.

9.8. Inquiry Report

At the conclusion of the inquiry, the inquiry committee will prepare a written report of its findings and recommendations. The required elements of this report are:

- a. Names of committee members;
- b. Name and title/position of respondent;
- c. Description of the allegations of research misconduct;
- d. A summary of the inquiry process utilized;
- e. Inventory of evidence reviewed;
- f. If federal funds are involved, identification of grant numbers, applications, contracts and publications that list PHS or other federal support;
- g. Basis for the committee's recommendations for each allegation; ~~and~~
- h. Any comments on the draft report by the respondent; ~~and~~
- ~~h.i. The policy and procedure on research integrity and misconduct.~~

10.9. ~~Notification to the Respondent's~~ Opportunity to Comment

The RIO shall notify the respondent as to whether the inquiry found an investigation to be warranted, and include a copy of ~~the~~ draft inquiry report. The respondent has the opportunity to review and provide comment on the draft committee report. Any comments must be provided within 10 days of receipt of the draft report for consideration. The inquiry committee will consider the comments of the respondent and may revise the draft report as appropriate. Any written comments provided by the respondent must be attached to the final inquiry committee report. The final inquiry committee report with all attachments must be submitted by the inquiry committee to the VPRTT and RIO.

41-10. Institutional Decision

Upon review of the inquiry committee's report and any attachments, the VPRTT will make a written determination as to whether the allegation should be dismissed or an investigation of the allegation is warranted. The VPRTT's decision is final and not subject to appeal. If the decision is to proceed with an investigation, the VPRTT will direct the RIO to initiate the investigation process.

42-11. Notification of Institutional Decisions

The VPRTT will notify the respondent in writing regarding the ~~VPRTT's~~ decision of ~~if~~ whether to proceed with an investigation, and will include a copy of the final inquiry committee report with all attachments. The ~~VPRTT will direct the~~ RIO ~~will~~ provide written notification to the Provost, affected Deans and Department Heads, and complainant regarding the results of the inquiry and the decision ~~of~~ whether to proceed with an investigation.

43-12. Disposition of Inquiry Record

If the VPRTT determines that an investigation is not warranted, the RIO shall secure and maintain for seven (7) years after the termination of the inquiry sufficiently detailed documentation of the inquiry to permit a subsequent assessment by an external oversight agency or other reviewing body of the reasons why an investigation was not conducted. If the VPRTT determines that an investigation is warranted, the RIO will forward the inquiry report and any additional ~~all of the~~ information assembled in the course of the inquiry to the investigatory committee for use in its investigation.

D. Conducting ~~the an~~ Investigation

1. Purpose and Time Limitations of an Investigation

Once the VPRTT determines that an investigation is warranted, they will direct the RIO ~~will be directed~~ to initiate ~~the an~~ investigation ~~process~~. The purpose of the investigation is to determine, based on a preponderance of evidence, whether research misconduct has occurred and, if so, to determine the responsible person(s), and the nature and seriousness of the misconduct. The investigation committee should be convened within 30 days of the determination to initiate an investigation. The investigation process, including the final report and findings for each allegation, should be completed within 120 days of convening the investigation committee, except in circumstances out of the ordinary.

2. Sequestration of Research Records

The RIO will take all reasonable and practical steps to obtain custody of and sequester in a secure manner all research records and evidence needed to conduct the research misconduct investigation not previously sequestered during the inquiry process.

3. Notifications

Within 10 days of the determination to convene an investigation, the RIO will formally notify the respondent in writing of the institution's decision to convene an investigation, including the following:

- a. The specific allegation(s);
- b. The rights and responsibilities of the respondent;
- c. The role of the investigation committee;
- d. The investigation process timeline; and
- e. A copy of Mines' Policy for Research Misconduct Integrity Policy and Complaint this procedure.
- e.f. If required in any research award documentation or pursuant to federal regulation, the RIO will also notify appropriate federal funding and oversight agencies in writing of the decision to proceed with an investigation within 30 days of the determination that an investigation is warranted. This notification will include a copy of the inquiry committee report and other information and references as required by relevant federal regulation or oversight agencies.

4. Appointment of the Investigation Committee

The RIO, in consultation with other institutional officials as appropriate, will appoint an investigation committee as soon after the initiation of the investigation as is practical. The investigation committee will consist of three full-time, tenured faculty members who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation. At least two of the committee members must have the appropriate scientific-academic expertise to evaluate the evidence and issues related to the allegation. When necessary to secure the necessary expertise or to avoid conflicts of interest, the RIO may select committee members from outside the institution.

5. Responsibilities of Investigation Committee

The investigation committee is responsible for conducting a thorough review of all facts and evidence relevant to the investigation to determine, based on a preponderance of evidence, whether research misconduct has occurred and, if so, to determine the responsible person(s) and the nature and seriousness of the misconduct. The investigation committee may also identify, in the course of its duties, issues that would justify broadening the scope of the misconduct investigation beyond the initial allegation. The investigation committee must interview the complainant, respondent, and any other available persons who have been reasonably identified as having information relevant to the investigation. Interviews will be recorded or transcribed and provided to the interviewee for correction. ~~The investigation committee shall make a finding for each allegation, determining whether research misconduct occurred, by whom and to what extent, taking into account that a finding of research misconduct requires: a preponderance~~

~~of evidence; a significant departure from accepted practices in the relevant scientific community; and that the research misconduct must have been committed intentionally, knowingly or recklessly. The investigation committee shall summarize its findings and recommendations in a written report to the VPRTT. The investigation, including the final report and findings for each allegation, should be completed within 90 days of convening the investigation committee, except in circumstances out of the ordinary.~~

6. Charge to the Committee

The RIO will provide the charge to the investigation committee, which includes:

- a. The Mines Policy for Research Integrity and this Procedure;
- b. Purpose of the investigation;
- c. Definition of research misconduct and requirements for findings of misconduct;
- d. Timeframe for completion of the investigation;
- e. Description of the specific allegation(s) to be investigated and related issues identified during the inquiry process;
- f. Identification of the respondent(s); and
- g. Responsibilities of the investigation committee, including:
 1. Election of a committee chair;
 2. Examination of evidence;
 3. Interviews of complainant and respondent;
 4. Interviews of other persons as necessary and appropriate, and transcriptions of all interviews;
 5. Preserving the confidentiality of all persons involved;
 6. A finding for each allegation, a recommendation of whether research misconduct occurred, and if so, identify the responsible person and determine the nature and seriousness of the research misconduct;
 7. Preparation of a final, written investigation report.

4. 7. Investigation Process

The investigation committee must ~~use diligent efforts to~~ ensure that the investigation is thorough and sufficiently documented, and includes an examination of all research records and evidence relevant to reaching a decision on the merits of each allegation. The committee will 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. All interviews will be recorded or transcribed, and the interviewees will be provided the recording or transcript of the interview for correction.

2.8. The Investigation Report

At the conclusion of the investigation, ~~the investigation committee will prepare a written report that summarizes its findings and recommendations.~~ The investigation

committee shall summarize its findings and recommendations in a written report to the RIO and the VPRTT. The investigation, including the final report and findings for each allegation, should be completed within 90 days of convening the investigation committee, except in circumstances out of the ordinary.

The required elements of this report are:

- a. Names of the committee members;
- b. Name and title/position of the respondent;
- c. Description of the allegation of research misconduct investigated;
- d. Description of the investigation process utilized;
- e. Inventory of the evidence reviewed, including documents and evidence examined and witnesses interviewed;
- f. A finding as to whether research misconduct occurred for each separate allegation identified during the investigation, and whether it was committed intentionally, knowingly, or recklessly;
- g. Identification of each finding of research misconduct as plagiarism, falsification, fabrication, or other serious deviations from accepted practices;
- h. Identification of the individual responsible for each instance of research misconduct;
- i. Summary of the facts and analysis supporting the conclusion;
- j. If federal funds are involved, identification of grant numbers, applications, contracts and publications that list PHS or other federal support;
- k. Identification of any publications that require correction or retraction; and
- l. Any comments on the draft investigation committee report by the respondent.
- m. The inquiry report, and any additional information from the inquiry.

3.9. Respondent's Opportunity for Review and Comment

The RIO will provide the respondent a copy of the draft investigation report for comment and, concurrently, a copy of, or supervised access to the evidence on which the report is based. The respondent will be allowed 30 days from the date he or she receives the draft report to submit written comments to the RIO. Any comments will be provided to the investigation committee for consideration. The committee may revise the draft investigation report, as appropriate, and will prepare a final report. Any written comments provided by the respondent must be attached to the final investigation committee report. The investigation committee report with all attachments must be submitted to the VPRTT and RIO.

4.10. Institutional Decision

Upon review of the investigation committee's final report and attachments, the VPRTT will prepare a written recommendation and forward both the investigation committee report and ~~his or her~~ their recommendation to the Provost for review and disposition. The Provost will issue a final, written decision. If the Provost's decision varies from the findings of the investigation committee and/or the VPRTT's recommendation, the Provost will, as part of his or her written determination, explain

in detail the basis for the decision. If it is determined that research misconduct has occurred, the Provost will determine the appropriate course of disciplinary action in accordance with relevant Mines policies and procedures, and will confer with the VPRTT and RIO to determine other, appropriate institutional actions in response to the research misconduct. If it is determined that research misconduct has not occurred, the matter is closed with the Provost's decision, ~~which~~ The Provost's decision serves as the final decision of the institution. If requested, the institution will make all practical, reasonable and appropriate efforts to restore the reputation of ~~the~~ any individual alleged to have engaged in research misconduct, but against whom no findings of research misconduct were found.

5.11. Notifications

The Provost will notify the respondent in writing of the results of the investigation, including a copy of the final investigation committee report with all attachments. The notification will outline plans for any pending disciplinary action against the respondent. By separate, written communication, the Provost will also notify the complainant of the results of the investigation. The RIO will notify the affected Deans and Department Heads of the results of the investigation. As required, the RIO will also notify any applicable federal oversight and funding agencies in writing of: the investigation committee's findings; whether the institution accepts the investigation committee's findings; whether the institution found misconduct and, if so, who committed the misconduct; and any pending or completed institutional actions or sanctions. This notification will include a copy of the investigation committee's report with all attachments.

6.12. Record Retention

All documentation and records related to allegations of research misconduct, regardless of whether they resulted in an inquiry or investigation, will be retained and secured by the RIO for a period of seven (7) years from the date of the receipt of the allegation. All documentation and records related to research misconduct inquiries and investigations will be retained and secured for a period of seven (7) years from the date of the completion of the research misconduct proceedings.

Promulgated by the Mines Board of Trustees on June 13, 1996. Amended by the Mines Board of Trustees on June 22, 2000, ~~and~~ May 19, 2014, and Date, 2021-