



NORTHWESTERN
UNIVERSITY

Responsible University Official: Director, Office for Research Integrity
Responsible Office: Office for Research Integrity
Origination Date: September 1, 1989

Procedures for Reviewing Alleged Research Misconduct

Procedures Statement: These procedures are the implementing procedures pursuant to Northwestern University's *Policy for Reviewing Alleged Research Misconduct*. It is the policy of Northwestern University to inquire into and, if necessary, investigate and resolve promptly and fairly all instances of alleged research misconduct.

Purpose: As a recipient of federal research funds, Northwestern University must have institutional policies and procedures in place to handle allegations of research misconduct.

Who Approved These Procedures: Provost, Vice President for Research

Who Needs to Know These Procedures: Faculty, students, other trainees, staff, and all other members of Northwestern University's research community.

Contact: Office for Research Integrity

If you have any questions regarding this policy, you may:

1. Call the Office for Research Integrity at 312.503.0054, or
2. Send an e-mail to researchintegrity@northwestern.edu

Table of Contents		Page #
1.1	Preliminary Assessment of the Allegation	2
1.2	Conducting the Inquiry	3-4
1.3	The Inquiry Report	5
1.4	Conducting the Investigation	6-7
1.5	The Investigation Report	8-9
1.6	Record Retention	9
	References	9

Procedures

1.1 Preliminary Assessment of the Allegation

Research misconduct allegations reported to the Provost, Vice President for Research (VPR), Associate Vice President for Research (AVPR), deans, department personnel, Office of General Counsel (OGC), Auditing and Advisory Services, or other reporting mechanisms are directed to the Director of the Office for Research Integrity (Director ORI). Upon receiving an allegation of research misconduct, the Director ORI consults in confidence with the VPR, AVPR, Provost, deans, and other University personnel as appropriate and applicable, to determine whether the allegation meets Northwestern University's definition of research misconduct. The purpose for this initial assessment is to determine the appropriate roles and responsibilities of Northwestern University, its personnel, and our oversight agencies with respect to evaluating the allegations, as well as to identify individuals, information, and data relevant to the allegation.

Determination to Conduct an Inquiry

If, after assessing the allegation, the Director ORI determines that the allegation warrants further action and meets the definition of research misconduct as defined in Northwestern University's *Policy for Reviewing Alleged Research Misconduct*, Northwestern University initiates the research misconduct review process. As noted in Northwestern University's *Policy for Reviewing Alleged Research Misconduct*, the Director ORI serves as Northwestern University's Research Integrity Officer (RIO) and the Office for Research Integrity (ORI), under the Director, assists pre-inquiry activities by gathering and summarizing data and information for use by those evaluating the allegations. In some cases, an outside consultant or investigator may be retained to assist ORI at the pre-inquiry assessment and/or inquiry phase(s).

Determination to Dismiss an Allegation

If, after assessing the allegation, the Director ORI determines that the allegation does not warrant further action and/or does not meet the definition of research misconduct as defined in this policy, the Director ORI, in conjunction with the AVPR, VPR, Provost, and/or deans, formally dismisses the allegations. The Director ORI need not notify the respondents of such allegations. The Director ORI notifies the

complainant that the allegations will not be pursued under Northwestern University's *Policy for Reviewing Alleged Research Misconduct*.

1.2 Conducting the Inquiry

Purpose of Inquiry

Once Northwestern University determines that the criteria for an inquiry are met, the Director ORI initiates the inquiry process. The purpose of the inquiry is to determine whether the allegation or apparent instance of research misconduct warrants an investigation based on an initial review of the available evidence. The purpose of the inquiry is not to make a final determination based on the merits of the allegation.

Timeframe

The inquiry committee is generally convened within 30 days of the determination to convene an inquiry. The inquiry, including the final report and decision of whether an investigation is warranted, should generally be completed within 60 days of the convening of the inquiry.

Sequestration

Once the determination is made to convene an inquiry, ORI takes all reasonable and practicable steps to:

- Obtain custody of all research records and evidence needed to conduct the research misconduct proceeding;
- Inventory the records and evidence; and
- Sequester records and evidence in a secure manner.

Research records resulting from research awarded and conducted at Northwestern University are the property of Northwestern University. As defined in Northwestern University's *Policy for Reviewing Alleged Research Misconduct*, research records include any data, document, email, computer file, computer diskette, 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. Research records include, but are not limited to: grant or contract applications whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; laboratory records, both physical and electronic; theses; abstracts; oral presentations; internal reports; manuscripts and publications; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; clinical records directly related to research; research subject files; and any documents provided to any institutional official by a respondent in the course of the research misconduct proceeding. ORI accords all appropriate rights to the respondent in the act of sequestering research records. Research records are sequestered in a manner which causes minimal disruption to research. ORI will provide the respondent with an inventory of items sequestered and will generally provide copies of most sequestered items within two or three days business after sequestration, although specialty copies such as gels and films may require a longer period of time to duplicate.

Notifications

Within 15 days of the determination to convene an inquiry, ORI notifies the respondent in writing of the allegation(s). Respondent notification includes:

- The specific allegation(s);
- The rights and responsibilities of the respondent;
- The role of the inquiry committee;
- A description of the inquiry process; and

- Copies of Northwestern University's *Policy for Reviewing Alleged Research Misconduct* and Northwestern University's *Procedures for Reviewing Alleged Research Misconduct*.

The Dean and Department Chair, or equivalent in the respondent's department, are also notified in writing of the determination to convene an inquiry.

Selection of Inquiry Committee

The Director ORI appoints full-time faculty members to serve on the inquiry committee, selected in consideration of Northwestern University's infrastructure. The inquiry committee includes at least three members meeting the following criteria:

- Have appropriate scientific expertise to evaluate the evidence and issues related to the allegation; and
- Have no personal, professional, or financial conflicts of interest with the complainant or respondent.

ORI notifies the respondent in writing of the proposed inquiry committee membership. The respondent will be given an opportunity to object to any proposed member based on a personal, professional, or financial conflict of interest. The respondent will submit any objections within seven days of notification of the potential committee membership. The Director ORI makes the final determination of whether any such conflict exists.

Responsibilities of Inquiry Committee

The inquiry committee is responsible for determining whether the allegation or apparent instance of research misconduct warrants an investigation based on an initial review of the available evidence. The inquiry committee may also identify, in the course of its duties, if there are issues which would justify broadening the scope of the misconduct proceeding beyond 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 evidence and documentation relative to the allegation of research misconduct and may request to interview the complainant, respondent, and/or others, if necessary and appropriate. The inquiry committee comes to a determination of whether an investigation is warranted based on its initial review of the available evidence. The inquiry committee summarizes its findings and recommendations in a written report to the VPR. The inquiry, including the final report and decision of whether an investigation is warranted, should generally be completed within 60 days of the convening of the inquiry.

Charge to the Inquiry Committee

The Director ORI provides the charge to the inquiry committee, which includes:

- Purpose of the inquiry;
- Definition of research misconduct;
- Timeframe for completion;
- Identification of respondent;
- Specific allegation(s) to be evaluated;
- Responsibilities of the inquiry committee, including:
 - Election of a committee chair;
 - Initial review of evidence, including review of documentation and evidence;
 - Interviews of complainant, respondent and/or others if deemed necessary and appropriate;
 - Preparation of a final report; and
- Copies of Northwestern University's *Policy for Reviewing Alleged Research Misconduct* and Northwestern University's *Procedures for Reviewing Alleged Research Misconduct*.

1.3 The Inquiry Report

At the conclusion of an inquiry, the inquiry committee prepares a written report of its findings and recommendations. The required elements of the inquiry committee report include:

- Names of inquiry committee members;
- Committee charge, i.e. the identification of respondent and a description of allegation(s);
- Process used, i.e. accordance with Northwestern University's *Policy for Reviewing Alleged Research Misconduct* and Northwestern University's *Procedures for Reviewing Alleged Research Misconduct*;
- Inventory of evidence reviewed;
- The basis for the inquiry committee's recommendations for each allegation;
- Identification of any federal support; and
- Any comments on the draft inquiry committee report by the respondent.

Review of Inquiry Report

The respondent has the opportunity to review and provide written comments in response to the draft inquiry committee report. The respondent must provide any written comments within 15 days of receipt of the draft inquiry committee report. The inquiry committee considers the comments of the respondent, may revise the inquiry committee draft report as appropriate, and prepares its final report. Any written comments provided by the respondent must be attached to the final inquiry committee report. The final inquiry committee report with all attachments is submitted to the VPR.

Institutional Decision

If the inquiry committee finds that the allegation meets the definition of research misconduct as defined in Northwestern University's *Policy for Reviewing Alleged Research Misconduct* and warrants further action, and the VPR concurs, the Director ORI will formally convene the research misconduct investigation. If the inquiry committee finds that the allegation does not meet Northwestern University's definition of research misconduct and/or does not warrant further action, and the VPR concurs, the Director ORI formally dismisses the allegation. If requested, the institution will make all practical, reasonable, and appropriate efforts to restore the reputation of the individual alleged to have engaged in research misconduct, but against whom no basis for allegations of research misconduct were found.

Notifications

The VPR notifies the respondent in writing of the results of the inquiry, including a copy of the final inquiry committee report with all attachments. ORI will notify the Dean and Department Chair or equivalent in the respondent's department of the results of the inquiry. ORI will notify the complainant of the results of the inquiry.

1.4 Conducting the Investigation

Purpose of Investigation

Once Northwestern University determines that the criteria for an investigation have been met, the Director ORI initiates the 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 and the nature and seriousness of the research misconduct. In some cases, an outside consultant or investigator may be retained to assist ORI at the investigation phase.

Timeframe

The investigation committee is generally convened within 30 days of the determination to convene an investigation. The investigation, including the final report and findings for each allegation, should generally be completed within 120 days of the convening of the investigation.

Sequestration

The Director ORI will take all reasonable or practical steps to obtain custody of and sequester in a secure manner all research records and evidence needed to conduct the research misconduct proceeding that were not previously sequestered during the inquiry.

Notifications

Within 15 days of the determination to convene an investigation, ORI notifies the respondent in writing of the decision to convene an investigation. Respondent notification includes:

- The specific allegation(s);
- The rights and responsibilities of the respondent;
- The role of the investigation committee;
- The investigation process timeline; and
- Copies of Northwestern University's *Policy for Reviewing Alleged Research Misconduct* and Northwestern University's *Procedures for Reviewing Alleged Research Misconduct*.

The Dean and Department Chair or equivalent in the respondent's department are also notified in writing of the determination to convene an investigation.

If required, the Director ORI notifies the appropriate federal agencies in writing of any decision to open an investigation within 30 days of the determination that an investigation is warranted. This written communication includes a copy of the inquiry committee report and other information and references as required by federal oversight agencies.

Selection of Investigation Committee

The Director ORI appoints full-time faculty members to serve on the investigation committee, selected in consideration of Northwestern University's infrastructure. The investigation committee includes at least three members meeting the following criteria:

- Have appropriate scientific expertise to evaluate the evidence and issues related to the allegation; and
- Have no personal, professional, or financial conflicts of interest with the complainant or respondent.

When appropriate, the VPR may appoint experts from outside Northwestern University to serve on the investigation committee. The respondent will be notified, in writing, of the proposed investigation committee membership. The respondent will be given an opportunity to object to any proposed member based on a personal, professional, or financial conflict of interest. The respondent will submit any objections within 7 days of notification of the potential committee membership. The Director ORI makes the final determination of whether any such conflict exists.

Responsibilities of Investigation Committee

The investigation committee is responsible for conducting a thorough examination 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 and the nature and

seriousness of the research misconduct. The investigation committee may also identify, in the course of its duties, if there are issues which would justify broadening the scope of the misconduct proceeding beyond the initial allegation. The investigation committee must interview the complainant, the respondent, and any other available persons who have been reasonably identified as having information relevant to the investigation. Interviews are recorded or transcribed and provided to the interviewee for correction. The investigation committee comes to 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 the research misconduct must have been committed intentionally, knowingly or recklessly. The investigation committee summarizes its findings and recommendations in a written report to the VPR. The investigation, including the final report and findings for each allegation, should generally be completed within 90 days of the convening of the investigation.

Charge to the Investigation Committee

ORI provides the charge to the investigation committee, which includes:

- Purpose of the investigation;
- Definition of research misconduct;
- Requirements for findings of research misconduct;
- Timeframe for completion;
- Identification of respondent;
- Specific allegation(s) to be evaluated;
- Responsibilities of the investigation committee, including:
 - Election of a committee chair;
 - Examination of evidence, including review of all relevant documentation;
 - Interviews of complainant and respondent;
 - Interviews of other persons as necessary and appropriate;
 - A finding, for each allegation, determining whether research misconduct occurred, and if so, to determine the responsible person and the nature and seriousness of the research misconduct;
 - Preparation of a final report; and
- Copies of Northwestern University's *Policy for Reviewing Alleged Research Misconduct* and Northwestern University's *Procedures for Reviewing Alleged Research Misconduct*.

1.5 The Investigation Report

At the conclusion of an investigation, the investigation committee prepares a written report that summarizes its findings and recommendations. The required elements of the investigation committee report include:

- Names of investigation committee members;
- Committee charge, i.e. the identification of respondent and a description of allegations;
- Process used, i.e. accordance with Northwestern University's *Policy for Reviewing Alleged Research Misconduct* and Northwestern University's *Procedures for Reviewing Alleged Research Misconduct*;
- Inventory of evidence reviewed;
- 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;
- Identification of each finding of research misconduct as plagiarism, falsification, fabrication, or other serious deviation from accepted practices;
- Identification of the individual responsible for each finding of research misconduct;

- Summary of the facts and analysis supporting the conclusion;
- Identification of any federal support;
- Identification of any publications that require correction or retraction; and
- Any comments on the draft investigation committee report by the respondent.

Review of Investigation Report

The respondent has the opportunity to review and provide written comments in response to the draft investigation committee report. If the respondent requests access to evidence and documentation supporting the decision of the investigation committee, the respondent may have supervised access to such evidence and documentation. The respondent must provide any written comments within 30 days of receipt of the draft investigation committee report. The investigation committee considers the comments of the respondent, may revise the investigation committee draft report as appropriate, and prepares its final report. Recordings or transcripts from all interviews must be attached to the final investigation committee report. Any written comments provided by the respondent must be attached to the final investigation committee report. The investigation committee report with all attachments is submitted to the VPR.

Institutional Decision

If the investigation committee finds that research misconduct has occurred, and the VPR concurs, the Provost, in consultation with the VPR, will determine an appropriate course of disciplinary action in accordance with established Northwestern University procedures. The Provost may invoke sanctions or disciplinary actions imposed as a result of the investigation committee's findings in accordance with established Northwestern University procedures. If the investigation committee determines that research misconduct has not occurred, and the VPR concurs, then the matter is closed. If requested, the institution will make all practical, reasonable, and appropriate efforts to restore the reputation of the individual alleged to have engaged in research misconduct, but against whom no findings of research misconduct were found.

Notifications

The respondent is notified 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. ORI notifies the Dean and Department Chair or equivalent in the respondent's department of the results of the investigation. As required, the Director ORI notifies federal oversight agencies in writing of the investigation committee's findings, whether the institution accepts the investigation committee's findings, the final accepted institutional findings, and any completed or pending institutional actions or sanctions. This notification includes a copy of the investigation report with all attachments. ORI will notify the complainant of the results of the investigation.

1.6 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 ORI for a period of seven 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 years from the date of the completion of the research misconduct proceedings.

References

Northwestern University would like to acknowledge that these procedures were modeled on and referenced content from the federal Office for Research Integrity's *Sample Policy and Procedures for Responding to Allegations of Research Misconduct* and institutional policies and procedures at the University of Pennsylvania and Indiana University.

History/Revision Dates

Origination Date: September 1, 1989

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