

Through this Certification **The System-Wide Policy and Procedures for Responding to Allegations of Possible Research Misconduct of the University of Puerto Rico** are established. This document provides a general overview of these guidelines so that the reader may become familiar with them. However, this document does not contain all the details found in the policy, therefore it is important to refer to the original policy for a complete understanding.

I. Introduction

A. General Policy

In order to safeguard research against actions that undermine its integrity and the public's trust, this system-wide policy, with general procedures, has been established to discourage and address effectively allegations of misconduct in research and research-related activities and for reporting to the pertinent agencies, when required.

B. Scope

This policy applies to noncompliance with federal, state, or institutional regulations concerning human subjects, animal care and use, recombinant DNA, and other types of regulations governing research. When there is federal funding involved, the funding agency's policy on research misconduct will apply in addition to this system-wide policy.

II. Definitions

This section provides a list of definitions of important terms used for this policy. It is strongly recommended that the reader review these definitions carefully.

III. Roles and Responsibilities

A. Institutional Responsibility

Each campus and institutional unit is responsible for implementing the procedures required for compliance with this system-wide policy, as well as with the requirement established by the funding sponsor(s) for each specific project.

B. Chancellor

The Chancellor of each campus is responsible for developing mechanisms to make this policy known to all faculty, staff, students, and collaborators and to make sure the procedures in this policy are carried out.

C. Research Integrity Officer

The Research Integrity Officer is appointed by the Chancellor under the Dean of Academic Affairs or under the Dean of Graduate Studies and Research. This Officer's primary responsibility is to oversee the implementation of the University's policies and procedures on research misconduct.

D. Complainant

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation. If interviewed, the complainant shall be given the transcript or recording of the interview for correction. The Research Integrity Officer may provide the complainant with a draft of the investigation report for comments. If any comment is submitted by the complainant, it shall be considered and included in the final investigation report.

E. Respondent

The respondent is responsible for maintaining confidentiality and cooperating with the inquiry and investigation. The Research Integrity Officer will inform the respondent at the time or before an inquiry. The respondent will be given the opportunity to comment on the inquiry report and have his/her comments attached to the report. If interviewed, the respondent will have the opportunity to comment on the interview transcript or recording, to identify other witnesses or evidence in his/her defense, to obtain a copy of the draft investigation report and to have access to the evidence on which the report is based.

IV. General Policies and Principles

A. Responsibility to Report Misconduct

Any faculty member, student, or staff who believes in good faith that an act of research misconduct is taking place or has taken place at the UPR has an **obligation** to report his/her concerns to a UPR official or directly to the Research Integrity Officer. If the circumstances reported by the individual do not meet the definition of research misconduct, the Research Integrity Officer will refer the allegation to other officials with responsibility for resolving the problem.

B. Cooperation with Research Misconduct Proceedings

Institutional members will cooperate with the Research Integrity Officer and other institutional officials in the review of allegations of research misconduct and in conducting inquiries.

C. Confidentiality

The Research Integrity Officer must protect the confidentiality of respondents, complainants, and research subjects that can be identified in research records or evidence by limiting disclosure to only those people who need the information in order to carry out a complete misconduct proceeding.

D. Interim Administrative Actions and Notifying Federal Agencies of Special Circumstances

Throughout the research misconduct proceeding, the Research Integrity Officer will review the situation to determine if there is any threat of harm to public health, federal funds, equipment, or the integrity of the federally supported research process and notify the appropriate federal agencies of such threat. If the Research Integrity Officer determines there is such situation, appropriate interim actions will be taken in order to protect against any such threat. Interim action may include, for example, additional monitoring of the research process, reassignment of personnel, among others.

V. Conducting the Inquiry

A. Assessment of Allegations

After receiving an allegation, the Research Integrity Officer will assess the allegation to determine if it meets certain criteria. An inquiry will be conducted only if:

1. The allegation falls under the definition of research misconduct
2. The allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified

B. Notice to Respondent

The Research Integrity Officer will notify respondent (if respondent is known) of the UPR's decision to conduct an inquiry. This notification must be in written form.

C. Sequestration of Research Records

On or before the date on which the respondent is notified, or the inquiry begins (whichever is earlier), the Research Integrity Officer will obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding and sequester them in a secure manner. In appropriate cases, the Research Integrity Officer may consult with ORI, NSF, or other federal agencies for assistance in this regard.

D. Appointment of the Inquiry Committee

The Research Integrity Officer will recommend to the Dean of Academic Affairs or to the Dean of Graduate Studies and Research possible members of the inquiry committee for the research misconduct proceeding. This committee shall consist of individuals who do not have conflicts of interest in relation to the inquiry and should possess the appropriate scientific expertise to evaluate the evidence and issues related to the inquiry. The respondent shall have the opportunity to object that a proposed member be part of the committee by submitting an objection to the Research Integrity Officer. The Research Integrity Officer will then make the final determination as to whether such conflict exists.

E. Charge to the Inquiry Committee

The Research Integrity Officer will prepare a charge to the inquiry committee that:

1. Establishes the time for completion of the inquiry
2. Describes the allegations
3. States that the purpose of the inquiry is to conduct an initial review of the evidence to determine whether an investigation is warranted, **not** to determine if research misconduct definitely occurred or who was responsible
4. States the criteria for determining that an investigation is warranted
5. Informs the inquiry committee that they are responsible for preparing or directing the preparation of a written report of the inquiry

F. Inquiry Process

The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to conduct an investigation, and **not** to determine if research misconduct has occurred or who committed the research misconduct. After evaluating the evidence, the inquiry committee will consult with the Research Integrity Officer and decide whether to recommend an investigation.

G. Time for Completion

The whole inquiry process must be completed within 60 days from its initiation, unless the Research Integrity Officer determines that a longer period is necessary.

VI. **The Inquiry Report**

A. Elements of the Inquiry Report

A written inquiry report must be prepared that includes the following information:

1. The name and position of the respondent
2. A description of the allegation of research misconduct
3. The PHS, NSF, or other federal agency support
4. The basis for recommending or not recommending that the allegations warrant an investigation
5. Any comments the respondent or complainant submitted on the draft report

The inquiry report should also include:

1. Names and titles of committee members who conducted inquiry
2. Summary of the inquiry process
3. List of the research records reviewed
4. Summaries of any interviews
5. Recommendations of other actions to be taken if investigation is not warranted

B. Notification to the Respondent and Opportunity to Comment

The Research Integrity Officer shall provide the respondent with an opportunity to review and comment on the inquiry report. Any comments received from the respondent will be attached to the report.

C. Institutional Decision and Notification

1. *Decision by the Chancellor or Designee:* The Research Integrity Officer will submit the final inquiry report to the Chancellor or Designee for a final determination as to whether an investigation is warranted.
2. *Notification to Respondent:* The Research Integrity Officer shall notify the respondent whether the inquiry found that an investigation is warranted. This notice must include a copy of the inquiry report, a copy of or refer to this policy and other applicable federal research misconduct policy.
3. *Notification to Complainant:* The Research Integrity Officer may notify the complainant whether the inquiry found an investigation to be warranted and may provide relevant

portions of the inquiry report to the complainant for comment within 10 days. A confidentiality agreement should be a condition for access to the report.

4. *Notification to Applicable Federal Agency:* The Research Integrity Officer will provide ORI or other applicable federal agency with the Chancellor's or Designee's written decision and a copy of the inquiry report within 30 days of the decision.
5. *Documentation of Decision Not to Investigate:* If the Chancellor or Designee determines an investigation is not warranted, the Research Integrity Officer will preserve all related documentation for a period of 7 years to permit a later assessment by supporting federal agencies.

VII. Conducting the Investigation

A. Initiation and Purpose

The purpose of the investigation is to determine the facts by exploring the allegations in detail and examining the evidence. This will lead to the conclusion of whether research misconduct has been committed, by whom and to what extent. The investigation shall begin 30 days after the Chancellor's or Designee's determines that an investigation is warranted.

B. Notifying Federal Officials and Respondent

On or before the date on which the investigation begins, the Research Integrity Officer shall notify the appropriate federal officials of the decision to begin the investigation and provide them with a copy of the inquiry report. Before the investigation begins, the Research Integrity Officer shall notify respondent of the allegations to be investigated. If new allegations that are not in the original inquiry report arise, the respondent will also be notified.

C. Sequestration of Research Records

Before or at the time the UPR notifies the respondent, the Research Integrity Officer will 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.

D. Appointment of the Investigation Committee

The Chancellor will name an investigation committee which will conduct the investigation. This committee will consist of individuals who do not have conflicts of interest in relation to the investigation and must have the scientific expertise necessary to evaluate the evidence and issues related to the investigation. These individuals may have also served on the inquiry committee. The respondent will have the opportunity to object to a proposed member of the committee based upon conflicts of interest. The Research Integrity Officer will make the final determination of whether such conflict exists.

E. Charge to the Investigation Committee

The Research Integrity Officer will define the subject matter of the investigation in a written charge to the investigation committee that includes guidelines for analyzing all allegations and evidence for the preparation the final investigation report. The investigation committee will be provided with a copy of this policy and other applicable federal regulations.

F. Investigation Process

The investigation committee and Research Integrity Officer will:

1. Ensure that the investigation is thorough and sufficiently documented
2. Ensure impartial and unbiased investigation to the maximum extent practical
3. Interview all people who have been reasonably identified as having information related to the investigation
4. Pursue diligently all significant issues and leads that are relevant to the investigation

G. Standard for Making a Finding of Research Misconduct

The investigation committee must find, by preponderance of the evidence, that research misconduct occurred, that the conduct departed from accepted practices in the relevant research

community, and that the respondent committed the research misconduct intentionally, knowingly, or recklessly.

H. Time of Completion

The investigation shall ordinarily be completed within 120 days of its initiation. However, if the Research Integrity Officer determines that more time is needed, he/she will submit to the applicable agency a written request for an extension setting forth the reasons for the delay.

VIII. **The Investigation Report**

A. Elements for the Investigation Report

The written investigation report will include the following elements:

1. Description of the nature of the allegation of research misconduct
2. Description and documentation of all federal or private funding
3. Description of the specific allegations considered in the investigation
4. A copy of this policy
5. Summary of all evidence reviewed

The report must also include a statement of findings for each separate allegation of research misconduct identified during the investigation. The statement of findings must provide a decision as to whether misconduct did or did not occur.

B. Comments on the Draft Investigation Report and Access to Evidence

1. *Respondent*: The Research Integrity Officer shall provide the respondent with a copy of the draft investigation report for comment and rebuttal, and will also provide access to the evidence on which the report is based.
2. *Complainant*: The Research Integrity Officer may provide complainant a copy of the draft investigation report for comment.
3. *Confidentiality*: The Research Integrity Officer will ensure that the complainant and respondent, upon the receipt of the draft report, agree to maintain to maintain confidentiality on the matter.

C. Decision of the Chancellor

The Research Integrity Officer will assist the investigation committee in finalizing the draft investigation report and will transmit the final investigation report to the Chancellor of Chancellor's designee, who will determine whether the UPR accepts the investigation report and the appropriate institutional actions in response to the report's findings. The Chancellor may return the report to the investigation committee with a request for further fact-finding analysis. When a final decision has been reached, the Research Integrity Officer will notify both the respondent and complainant in writing and notify all sponsor agencies.

D. Appeals

The respondent has the right to appeal the findings of the Chancellor regarding research misconduct. This appeal must be in compliance with Certification 94 (1984-1985), as amended by Certification 94 (1989-1990).

E. Notice to Applicable Federal Agencies of Institutional Findings and Actions

The Research Integrity Officer shall submit to ORI or other applicable federal agency a copy of the final investigation report with all attachments, any appeal made, and a statement of the completed or pending administrative actions.

F. Maintaining the Records for Review by Federal Agencies

The Research Integrity Officer shall maintain, and provide upon request by ORI or other federal agency, records of the research misconduct proceedings. These records shall be maintained in a secure manner for seven years after the completion of the proceeding or the completion of any federal agency proceeding.

- IX. Completion of Cases and Reporting Premature Closures to Applicable Federal Agencies**
Generally, all inquiries and investigations will be carried out and completed diligently. The Research Integrity Officer is responsible of notifying ORI or other applicable federal agency if a case will be closed prematurely because the respondent has admitted guilt, a settlement has been reached or for any other reason. The Research Integrity Officer will not need to notify the premature closure of a case: (1) when a case is closed in the inquiry stage because an investigation was not warranted or (2) when there is no finding misconduct at the investigation stage.
- X. Institutional Administrative Actions**
This Article provides a list of sanctions that the Chancellor may adopt when research misconduct is found. None of these sanctions limits the authority of the sponsoring agency to impose its own sanctions.
- XI. Other Considerations**
- A. Termination or Resignation Prior to Completing the Inquiry or Investigation
The termination of a respondent's employment, before or after an allegation of possible research misconduct has been reported, will not have the effect of ending the investigation or limit the UPR's or another federal agency's responsibilities. If the respondent refuses to cooperate in the investigation after termination, the Research Integrity Officer will note in the final report respondent's refusal to cooperate during the proceeding.
- B. Protecting the Respondent
Respondents may consult with legal counsel or a non-lawyer adviser to seek advice. Respondents may be accompanied by this counsel or personal adviser to interviews and meetings on the case, but it will be the respondent's responsibility to answer all questions. The Research Integrity Officer may, when appropriate, protect respondent's reputation when there exists an allegation of research misconduct, but no finding of research misconduct has been made. Depending on the circumstances, the Research Integrity Officer may publicize the final results of the proceeding.
- C. Protecting the Complainant, Witnesses, and Committee Members
Institutional members may not retaliate in any way against complainants, witnesses, or committee members. Any retaliation incident must be immediately reported to the Research Integrity Officer. During the research proceeding and upon its completion, the Research Integrity Officer will protect the reputation of any complainant who made research misconduct allegations in good faith, and of any witnesses and committee members who cooperated during the proceeding.
- D. Allegations Not Made in Good Faith
If the Chancellor determines that the complainant knowingly made a false allegation of research misconduct, such complainant will be subject to Section 35.2.16 of the 2002 UPR General Regulations, as amended in 2005.¹ Student cases will be dealt with through the discipline boards of their respective campuses.

¹ Section 35.2.16 of the 2002 UPR General Regulations states that presenting false allegations of any kind is subject to sanctions established in sections 35.3.1-35.3.4, which include oral and written warnings, suspension, and destitution.