

# Research Misconduct in Federally Sponsored Research

Academics and Research – Research

**EWU Policy 302-09**

**Effective: January 1, 2026**

**Authority: EWU Board of Trustees**

**Proponent: Vice President of Academic Affairs**

**Purpose:** Any EWU faculty, staff, or student involved in research or scholarly activities under the auspices of Eastern Washington University (EWU) are expected to conform to the accepted standards for the ethical conduct of research. This policy describes EWU's process for investigating and responding to allegations of misconduct in research that is federally funded.

**History:** This policy is new. It was approved by the Board of Trustees on December 12, 2025, with an effective date of January 1, 2026.

**Applicability:** This policy applies to all faculty, staff, and students of Eastern Washington University and to any persons engaged in research activities conducted under the auspices of the University that are funded through federal grants or federal contracts. The process for investigating concerns about misconduct in research that is not federally funded are contained in EWU Policy 302-05 (Integrity in Research & Scholarship).

## CONTENTS

Chapter 1 – General

Chapter 2 – Research Misconduct

Chapter 3- Initial Assessment and Inquiry

Chapter 4- Investigation

## 1. GENERAL

### 1-1. Introduction & Scope

The creation and dissemination of knowledge are primary missions of the university. Accordingly, the university encourages participation in research, scholarship and service activities which contribute to the university's educational, research, and community service mission. In all of these activities, EWU endeavors to maintain the highest standards of integrity and ethics. EWU is committed to fostering a research environment that promotes the responsible conduct of research and research training, discourages research misconduct, and deals promptly with allegations or evidence of possible research misconduct. Under federal regulations and guidelines and by extension, university policy and procedures, EWU is obligated to carry out inquiries and, if warranted, to conduct investigations to resolve allegations of misconduct.

This policy applies to all faculty, staff and students of EWU and to any persons engaged in research that is federally sponsored. As a recipient of funds from the Public Health Service (PHS), EWU must comply with the regulations of this agency in order to remain eligible for funding from PHS. Therefore, EWU's policy is based on the core language and associated procedures template provided by the federal Office of Research Integrity (ORI) within the US Department of Health and Human Services (DHHS) – the parent agency of PHS. EWU has elected to mirror the PHS regulations (and ORI guidance) with respect to federally sponsored research because EWU's other federal sponsors also comply with this agency's rules (such as DHHS, NSF, FDA, HRSA, CDC).

This policy specifically covers any research proposed, performed, reviewed or reported or any research record generated from that research that is submitted for federal funding regardless of whether an application or proposal for federal funds resulted in a grant, contract, cooperative agreement, or other form of federal support.

Any allegations of misconduct received by the Research Integrity Officer or their designee that involve federal funding must follow the procedures identified in this policy unless a federal sponsor requires variations in this procedure. Any change in procedure must also ensure fair treatment to the subject of the inquiry or investigation.

### 1-2. Definitions

Faculty, students and staff who direct or participate in research and scholarship must do so with integrity and strict adherence to the ethical standards of this policy and related laws and regulations.

For purposes of this policy, the following definitions apply:

**Accepted practices of the relevant research community** means those practices established by the regulations relevant to the type of research being conducted, as well as commonly accepted professional codes or norms within the overarching community of researchers and institutions that apply for and receive the relevant type of federal award.

**Complainant** means an individual who in good faith makes an allegation of research misconduct. EWU, at its discretion, may also serve as the complainant.

**Day** means calendar day unless otherwise specified. If a deadline falls on a Saturday, Sunday, or state holiday, the

deadline will be extended to the next day that is not a Saturday, Sunday, or state holiday.

**Deciding Official** means the university official who makes final determinations on allegations of research misconduct and any institutional actions. The Deciding Official cannot be the Research Integrity Officer.

**Evidence** means anything offered or obtained during a research misconduct proceeding 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** is making up data or results and recording or reporting them.

**Falsification** is 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.

**Federally sponsored** refers to research supported by a federal grant or contract. It includes instances where the research is directly sponsored by a federal agency as well as instances where the university is a sub-recipient or subcontractor and the research performed is subject to any federal regulations pertaining to research.

**Good faith** is defined differently depending on one's status in the research integrity process.

As applied to a complainant or witness, good faith 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.

As applied to an institutional member, good faith means cooperating with the research misconduct proceeding by impartially carrying out the duties assigned for the purpose of helping an institution meet its responsibilities under federal law. An institutional 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** means preliminary fact-finding to determine if an allegation or apparent instance of research misconduct warrants an investigation.

**Institutional member(s)** means a person who is employed by, is an agent of, or is affiliated by contract or agreement with EWU. Institutional members may include, but are not limited to administrators, staff, tenured and untenured faculty, researchers, students, volunteers, subject matter experts, consultants, attorneys, or employees or agents of contractors, subcontractors, or sub-awardees.

**Institutional record** means the records EWU compiled or generated during the research misconduct proceeding, except records EWU did not consider or rely on. These records include, but are not limited to:

- (1) Documentation of the assessment required by 42 C.F.R. § 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 the university, and the documentation of any decision not to investigate as required by 42 C.F.R. § 93.309(c).
- (3) If an investigation is conducted, the investigative 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, and information the respondent provided to the institution.
- (4) Decision by the Deciding Official.
- (5) The complete record of any institutional appeal.

The record also must include a single index listing all the research records and evidence EWU compiled during the research misconduct proceeding, except records the institution did not consider or rely on and a general description of the records that were sequestered but not considered or relied on.

**Intentionally** means to act with the aim of carrying out the act.

**Investigation** means the formal examination and evaluation of all relevant facts to determine if research misconduct has occurred and, if so, to determine the responsible person and the seriousness of the research misconduct.

**Knowingly** means to act with awareness of the act.

**Notice** means a written communication served by sending an email to a person's official university email address.

**Plagiarism** is the appropriation of another person's ideas, processes, results or words without giving appropriate credit.

- (1) 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.
- (2) 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 product. Self-plagiarism and authorship disputes do not meet the definition of research misconduct.

**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** means the Public Health Service, an operating division of the U.S. Department of Health and Human Services, and any components of the PHS to which the authority involved may be delegated.

**Recklessly** means to propose, perform, or review research, or report research results, with indifference to a known risk of fabrication, falsification, or plagiarism.

**Research** means a systematic experiment, study, evaluation, demonstration, or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research) by establishing, discovering, developing, elucidating, or confirming information or underlying mechanisms related to biological causes, functions or effects; diseases; treatments; or related matters to be studied. Activities which meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

**Research Integrity Officer** means the designated institutional official who is responsible for administering the university's policies and procedures for addressing allegations of research misconduct.

**Research misconduct** means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest error or differences of opinion.

**Respondent** means the person who is alleged to have engaged in research misconduct.

**Retaliation** means an adverse action taken against a complainant, witness, or institutional member in response to: (a) a good faith allegation of research misconduct; or (b) good faith cooperation with a research misconduct proceeding.

### 1-3. References

- Chapter 42.52 RCW, Ethics in Public Service
- EWU Policy 901-01, Ethical Standards
- EWU Policy 401-02, Additional or Outside Employment
- 42 CFR Part 50, Subpart F, Responsibility of Applicants for Promoting Objectivity in Research for Which PHS Funding Is Sought
- 42 CFR Part 93, Public Health Service Policies on Research Misconduct
- 45 CFR Part 689, National Science Foundation Research Misconduct
- EWU Policy 901-02, Appropriate Use of University Resources
- EWU Policy 302-08, Conflicts of Interest- Research & Technology Transfer
- EWU Policy 302-07, Institutional Biosafety
- EWU Policy 302-04, Intellectual Property Management

- EWU Policy 302-03, Care and Use of Animals in Research
- EWU Policy 302-02, Human Research
- WAC 172-90, Student Academic Integrity

### 1-4. Reporting Violations

Any suspected misconduct in research, scholarship, creative works or other violation of this policy should be reported to the Research Integrity Officer or their designee.

### 1-5. Reprisal or Retaliation

It is a violation of this policy for any person to engage in reprisal or retaliation against an individual because that individual has, in good faith, filed a complaint, testified, assisted, or participated in any process under this policy, or has attempted to do so.

### 1-6. Confidentiality

Disclosure of the identity of the respondent, complainants, and witnesses while conducting research misconduct proceedings is limited, to the extent possible, to those who need to know, as determined by EWU, consistent with a thorough, competent, objective, and fair research misconduct proceeding, and as allowed by law. Those who need to know may include institutional review boards, journals, editors, publishers, co-authors, and collaborating institutions. This limitation on disclosure of the identity of respondents, complainants, and witnesses no longer applies once an institution has made a final determination of research misconduct findings. EWU, however, must disclose the identity of respondents, complainants, or other relevant persons (including, but not limited to, the Institutional Review Board, Institutional Animal Care and Use Committee, or Institutional Biosafety Committee), the federal granting agency's office of research integrity, or the Office of Research Integrity (ORI).

Unless disclosure is required by law, any records or evidence from which research subjects might be identified must be maintained as confidential records and disclosure limited to those who need to know to carry out a research misconduct proceeding.

### 1-7. Discipline

Violations of this policy or the corresponding federal regulations may result, for employees, in constructive/corrective or disciplinary action, up to and including termination. Violations of this policy or the corresponding federal regulations may result, for students, in discipline, up to and including suspension or expulsion. In addition, any substantiated violation of this policy may result in a suspension of the affected project or activity, as well as one's ability to engage in future research or scholarship on behalf of the university.

### 1-8. Training

All research personnel (students, faculty, and staff) participating in a National Science Foundation, National Institutes of Health, or National Institute of Food &

Agriculture supported program shall complete Responsible Conduct in Research (RCR) training. More information about this mandatory training is available from the Office of Grant and Research Development or at: <https://inside.ewu.edu/ogrd/compliance/rcr/>.

## 2. RESEARCH MISCONDUCT

### 2-1. General

The university maintains an active assurance of compliance and assumes responsibility for resolving allegations and investigating misconduct in research, scholarship, and creative works by its faculty, staff and students. Any allegations of misconduct in research and scholarship shall be referred to the Research Integrity Officer. The Research Integrity Officer is responsible for directing inquiries and investigations of alleged misconduct in research, scholarship, and creative works, and in meeting all reporting requirements established by federal and non-federal agencies.

As a recipient of federal research funding, EWU provides the following assurances consistent with 42 CFR §§ 93.300–93.305:

- EWU has established written policies and procedures for responding to allegations of research misconduct that comply with the Public Health Service (PHS) Policies on Research Misconduct and other applicable federal regulations.

- EWU will take all reasonable and practical steps to foster a research environment that promotes the responsible conduct of research and discourages research misconduct.

- EWU will inform its institutional members who are subject to 42 CFR Part 93 about its research misconduct policies and procedures and its commitment to compliance.

- EWU will comply with all notification and reporting requirements to the ORI and other federal agencies, including timely reporting of inquiries, investigations, and findings of research misconduct.

- EWU will cooperate fully with ORI during oversight reviews and any subsequent administrative hearings or appeals, including providing access to all relevant research records, evidence, and personnel.

- EWU will take appropriate interim actions during a research misconduct proceeding to protect public health, federal funds and equipment, and the integrity of the research process.

- EWU will maintain records of research misconduct proceedings in a secure manner for seven years after completion of the proceeding or any related federal action, unless custody is transferred to ORI or otherwise directed.

### 2-2. Research Misconduct

Research misconduct is defined above. To make a determination that a person has engaged in research

misconduct, the following must be established by a preponderance of the evidence:

- There was a significant departure from accepted practices of the relevant research community;
- The misconduct was committed intentionally, knowingly, or recklessly; and,
- The alleged actions are proven by a preponderance of the evidence.

### 2-3. Other Misconduct

Other forms of misconduct that may occur during research are beyond the scope of this policy and are addressed under other university policies and procedures. In particular, violations of human subjects protocols, biosafety rules, or animal research protocols are addressed under separate policies and procedures. These standards are contained in EWU Policy 302-02 (Human Research), EWU Policy 302-07 (Institutional Biosafety), and EWU Policy 302-03 (Care and Use of Animals in Research).

In cases where allegations of research misconduct as defined in this policy are raised in conjunction with concerns of violations of other policies, the procedures identified in this policy only apply to the allegations of research misconduct in federally sponsored research.

### 2-4. Time Limitations

Consistent with 42 C.F.R. § 93.104, the procedures set forth in chapter four only apply to research misconduct that occurs within six years of the date the federal grant agency or EWU receives an allegation of research misconduct, unless the allegations fall within one of the following exceptions:

- Subsequent use exception. The respondent continues or renews any incident of alleged research misconduct that occurred before the six-year limitation through the use of, republication of, or citation to the portion(s) of the research record (e.g. processed data, journal articles, funding proposals, data repositories) alleged to have been fabricated, falsified, or plagiarized, for the potential benefit of the respondent.
  - When a respondent uses, republishes, or cites to the portion(s) of the research record that is alleged to have been fabricated, falsified, or plagiarized, in submitted or published manuscripts, submitted federal grant applications, progress reports submitted to federal grant funding components, posters, presentations, or other research records within 6 years of when the allegations were received by federal funding agency, ORI, or EWU, this exception applies.
  - For research misconduct that appears subject to this subsequent use exception, EWU must document its determination that the subsequent use

exception does not apply consistent with 42 C.F.R. § 93.318.

(b) Exception for the health or safety of the public. If the applicable federal office of research integrity or EWU, following consultation with the federal agency, determines that the alleged research misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public, this exception applies.

### 3. INITIAL ASSESSMENT AND INQUIRY

#### 3-1. Reporting Allegations

All complaints or allegations of misconduct in research, scholarship, or creative works involving federal funding must be forwarded to the Research Integrity Officer. The Research Integrity Officer or designee will inform the Director of the Office of Grants and Research of the allegation, who will take appropriate interim action to protect the federal funds and ensure that the purposes of the federal financial assistance are carried out. When required by federal law or the terms of a grant/contract, the Research Integrity Officer or designee will promptly notify the funding agency and/or ORI. At any time during a research conduct proceeding, the Research Integrity Officer or designee must immediately notify the funding agency and/or ORI if any of the following conditions exist: health or safety of the public is at risk, including an immediate need to protect human or animal subjects; federal agency resources or interests are threatened; research activities should be suspended; there is a reasonable indication of possible violations of civil or criminal law; federal action is required to protect the interests of those involved in the research misconduct proceeding; or, the federal agency may need to take appropriate steps to safeguard evidence and the protect the rights of those involved.

#### 3-2. Evidentiary Standards

**Standard of Proof:** Allegations of research misconduct must be established by a preponderance of the evidence.

**Burden of Proof:** EWU has the burden of proof for determining a person has engaged in research misconduct. A respondent's destruction of research records documenting the questioned research is evidence of research misconduct when EWU, ORI, or the federal granting agency establishes by a preponderance of the evidence that the respondent intentionally or knowingly destroyed records after being informed of the research misconduct allegations. A respondent's failure to provide research records documenting the questioned research is evidence of research misconduct where the respondent claims to possess the records but refuses to provide them upon request.

If the respondent raises an affirmative defense, the respondent then has the burden of going forward and providing the affirmative defense by a preponderance of the evidence. The respondent also has the burden of going forward and proving, by a preponderance of the evidence, any mitigating factors relevant to a decision to impose

administrative sanctions after a research misconduct proceeding.

In determining if the federal funding agency, ORI, or EWU has carried the burden of proof, the decision maker shall give due consideration to admissible, credible evidence of honest error or difference of opinion presented by the respondent.

#### 3-3. Sequestration of records

Upon receipt of an allegation of research misconduct, EWU must promptly take all reasonable and practical steps to obtain all research records and other evidence, which may include copies of the data or other evidence so long as those copies are substantially equivalent in evidentiary value, needed to conduct the research misconduct proceeding; inventory the research records and other evidence; and sequester them in a secure manner. Where the research records or other evidence are located on or encompass scientific instruments shared by multiple users, the university may obtain copies of the data or other evidence from such instruments, so long as those copies are substantially equivalent in evidentiary value to the instruments. Whenever possible, EWU must obtain the research records or other evidence: (a) before or at the time EWU notifies the respondent of the allegation(s); and (b) whenever additional items become known or relevant to the inquiry or investigation.

Where appropriate, EWU must give the respondent copies of, or reasonable supervised access to, the research records that have been sequestered. If the alleged misconduct involves multiple institutions, EWU will take all steps necessary to meet the requirements of 42 C.F.R. § 93.305.

#### 3-4. University Assessment

Upon receiving an allegation of research misconduct, the Research Integrity Officer must promptly assess the allegation to determine whether or not the allegation falls within the definition of research misconduct, meets all of the criteria identified in section 2-2, and is sufficiently credible and specific so that potential evidence of research misconduct may be identified. If these criteria are met, an inquiry must be conducted.

If the requirements are met, the Research Integrity Officer must: (a) document the assessment, (b) promptly sequester all research records and other evidence under section 3-3, and (c) promptly initiate the inquiry.

If the Research Integrity Officer determines the requirements for an inquiry are not met, they must keep sufficiently detailed documentation of the assessment to permit a later review by the granting agency of the reasons why the university did not conduct an inquiry.

#### 3-5. University Inquiry

The Research Integrity Officer or their designee(s) shall carry out an inquiry if the alleged conduct would: (a) meet the definition of research misconduct, (b) meets the criteria of section 2-2, and (c) is sufficiently credible and specific

such that evidence of research misconduct may be identified. The purpose of an inquiry is to conduct an initial review of the evidence to determine whether an allegation warrants an investigation. An inquiry does not require a full review of the evidence related to the allegation. An inquiry may be conducted by an individual or an inquiry committee.

Where university resources are insufficient to resolve the issue of alleged misconduct, the Research Integrity Officer may ascribe the conduct of the investigation to the agency that provided funding for the research or scholarship. If multiple institutions are involved, a joint research misconduct inquiry must be conducted consistent with applicable federal regulations.

As part of the inquiry process, the respondent will be informed in writing about the nature and proposed extent of the inquiry. If an inquiry subsequently identifies additional respondents, the university must notify them as well. Only allegations specific to a particular respondent are to be included in the notification to that respondent. If additional allegations are raised, the respondent(s) must be notified in writing of the additional allegations raised against them.

The Research Integrity Officer or designee(s) will promptly take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct investigation, inventory the records and evidence, and sequester them in a secure manner consistent with section 3-3. The Research Integrity Officer or designee(s) will also collect any other information needed to determine whether or not an investigation is warranted and will draft an inquiry report. Members of the inquiry committee will be carefully selected and must ensure that they have no real or apparent conflicts of interest with those involved in the inquiry.

Inquiries will be initiated immediately after the initial assessment and completed within 90 calendar days of their initiation. This time frame may be extended if the Research Integrity Officer deems that circumstances of the allegations or inquiry warrant a longer period of review;

The written inquiry report must include the following information:

- (a) Names, professional aliases, and positions of the respondent and complainant;
- (b) Description of the allegation(s) of research misconduct;
- (c) Identification of any federal support for the research, such as grant numbers, grant applications, contracts and publications listing federal agency support;
- (d) Composition of the inquiry committee, if used, including the name(s), position(s), and subject matter expertise;
- (e) Inventory of sequestered research records and other evidence and description of how sequestration was conducted;
- (f) Transcripts of any transcribed interviews;
- (g) Timeline and procedural history;
- (h) Any scientific or forensic analyses conducted;

- (i) Basis for recommending that the allegation(s) warrant or do not warrant an investigation;
- (j) Any comments on the inquiry report by the respondent or complainant; and,
- (k) Any university actions taken, including communications with journals or funding agencies.

If there is potential evidence of honest error or difference of opinion, this must be noted in the inquiry report. A copy of the inquiry report should be provided to the respondent. The respondent will then have seven days to review the inquiry report and submit any written comments or additional evidence for consideration.

If, after reviewing the inquiry report and respondent's response, the Research Integrity Officer determines there is a reasonable basis for concluding the allegation(s) falls within the definition of research misconduct and preliminary information-gathering and fact-finding from the inquiry indicates the allegation(s) may have substance, or if findings of research misconduct cannot be made at the inquiry stage, the Research Integrity Officer will initiate an official investigation. The Research Integrity Officer will notify the respondent of their decision as to whether or not an investigation is warranted and include a copy of the inquiry report. This decision must be provided to the respondent in writing. The university is not required to notify a complainant of the results of the inquiry. The university may, but is not required to, provide relevant portions of the report to the complainant for comment. If notice is provided to one complainant in a case, notice must be provided, to the extent possible, to all complainants in the case.

The Research Integrity Officer will notify the relevant federal agency prior to an investigation and within 30 days following the completion of an inquiry. If there is indication of criminal violations, the Research Integrity Officer will notify the relevant federal agency within 24 hours of obtaining appropriate evidence.

If it is determined that an investigation is not warranted, records will be maintained in sufficient detail to permit subsequent assessment of that determination. Such records will be kept in a secure manner in accordance with the records retention schedule for the federal project or seven years after the termination of the inquiry, whichever is longer, and shall, where appropriate, be provided to the relevant federal agency.

## 4. INVESTIGATION

### 4-1. Appointment of Investigator

If the Research Integrity Officer determines under section 3-5 that an investigation is warranted, the Research Integrity Officer or their designee(s) shall carry out an official investigation into the allegations of research misconduct. The investigation must be impartial and unbiased. Investigations will begin within 30 days of the completion of the initial review.

The Research Integrity Officer will appoint an investigator to conduct an investigation in accordance with this policy. The Research Integrity Officer may appoint multiple individuals to conduct the investigation, including individuals with appropriate scientific expertise. The investigation should be thorough, competent, objective, fair, and consistent with federal regulations. Members of the investigative committee will be carefully selected and must ensure that they have no real or apparent conflicts of interest with those persons involved in the investigation. Any individuals involved in the investigation or decision-making process must not have unresolved personal, professional, or financial conflicts of interest with the complainant, respondent, or witnesses. When possible, the Research Integrity Officer will endeavor to include at least one faculty member or academic administrator who has the appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence. Members of the investigative committee may be the same as the inquiry committee.

#### 4-2. Timeline

The investigation will entail a formal examination and evaluation of all relevant facts to determine if misconduct has occurred. Investigations shall be completed within 180 calendar days of their initiation. This deadline includes any disciplinary decisions and notification of the results to the appropriate federal agency. If the Research Integrity Officer determines that a longer time frame is needed in which to complete the investigation, and federal funds are involved, he/she will submit a written request to the Office of Research Integrity, US Department of Health and Human Services, for an extension and provide an explanation for the delay that includes an interim report on the progress to date and an estimate for the date of completion of the report and other necessary steps. The reasons for the extension must be included in the investigative report. If evidence of criminal violations results from an investigation, the appropriate state or federal agency will be notified immediately.

#### 4-3. Investigative Process

The investigator will provide the respondent with notice of the investigation and a description of the allegations. If records are not already sequestered, they must be sequestered at this time. The respondent shall be given an opportunity to respond to the allegations and provide any relevant evidence. The investigator must also interview the respondent, complainant, or any relevant witnesses. Interviews must be recorded and transcribed. Any exhibits shown during the interview must be numbered and referred to by that number in the interview. A copy of the recording or transcription should be given to each interviewee for review and correction. The transcript(s) with any corrections and numbered exhibits must be included in the investigative record. The investigator must pursue diligently all significant issues and leads discovered that are relevant to the investigation, including any evidence of additional instances of possible research misconduct, and continue the investigation to completion. If additional allegations are raised, the respondent(s) must

be notified in writing of the additional allegations raised against them.

After gathering and reviewing all relevant evidence, the investigator/investigative committee will create a draft investigative report. The report will state what evidence was reviewed, summarize relevant interviews, and include the conclusions of the investigation. The draft report will be provided to the respondent to review, as well as a copy of any research records or evidence the investigative committee considered or relied on. The respondent must submit any comments on the draft report within 30 days of receiving the draft report. The university may also provide the complainant a copy of the draft investigative report or relevant portions of the report. The comments of the complainant, if any, must be submitted within 30 days of the date on which the complainant received the draft investigative report or relevant portions of it.

#### 4-4. Content of Investigative Report

The final investigative report for each respondent must be in writing and include:

- (a) Names, professional aliases, and positions of the respondent and complainant;
- (b) Description of the allegation(s) of research misconduct, including any additional allegation(s) addressed during the research misconduct proceeding;
- (c) Identification of any federal support for the research, such as grant numbers, grant applications, contracts and publications listing federal agency support;
- (d) Description of the specific allegation(s) of research misconduct for consideration during the investigative phase;
- (e) Composition of the investigation committee, if used, including the name(s), position(s), and subject matter expertise;
- (f) Inventory of sequestered research records and other evidence and description of how sequestration was conducted. This inventory must include manuscripts and funding proposals that were considered or relied on during the investigation;
- (g) Transcripts of all interviews conducted;
- (h) Identification of the specific published papers, manuscripts submitted but not accepted for publication (including online publication), grant funding applications, progress reports, presentations, posters, or other research records that allegedly contained the falsified, fabricated, or plagiarized material;
- (i) Any scientific or forensic analyses conducted;
- (j) Timeline and procedural history;
- (k) Any relevant university policies or procedures;
- (l) Any comments made by the respondent and complainant on the draft investigation report and the investigator/investigation committee's consideration of those comments; and,
- (m) A statement for each separate allegation of whether the investigation/investigation committee recommends a finding of research misconduct.

If the investigation committee recommends a finding of research misconduct for an allegation, the investigation report must, for that allegation:

- Identify the individual(s) who committed the research misconduct.
- Indicate whether the research misconduct was falsification, fabrication, and/or plagiarism.
- Indicate whether the research misconduct was committed intentionally, knowingly, or recklessly.
- State whether the other requirements for a finding of research misconduct, as defined in this policy, have been met.
- Summarize the facts and the analysis which support the conclusion and consider the merits of any explanation by the respondent.
- Identify any specific federal support.
- Identify whether any publications need correction or retraction.

If the investigator/investigative committee does not recommend a finding of research misconduct for an allegation, the investigative report must provide a detailed rationale. Finally, the investigation report must also identify any current support or known applications or proposals for support that the respondent has pending with any federal agency.

Records of the investigation will be maintained in sufficient detail to permit subsequent assessment of that determination. Such records will be kept in accordance with the university's records retention schedule and shall, where appropriate, be provided to appropriate federal agencies.

#### 4-5. Decision

The Deciding Official is responsible for making a final determination of research misconduct findings. This determination must be made in writing and must include: (a) whether the university found research misconduct and, if so, who committed the misconduct; and (b) a description of relevant university actions taken or to be taken.

The Deciding Official will also determine the appropriate level of constructive/corrective or disciplinary action, along with other appropriate remediation. Descriptions of the remediation and discipline imposed shall be forwarded to the appropriate state, federal, and outside funding agencies.

In accordance with 42 CFR § 93.316, EWU will transmit to the applicable federal agency the complete institutional record of the research misconduct proceeding. This includes the final investigation report, all supporting documentation, transcripts, evidence reviewed, and any appeal records. The institutional record will be transmitted in a manner that ensures completeness, confidentiality, and compliance with federal requirements. EWU will also provide any additional documentation requested by the federal agency to support its oversight responsibilities.

If the respondent files a grievance and/or appeal of the Deciding Official's decision in accordance with any applicable collective bargaining agreement, the appropriate funding agency and/or ORI must be promptly notified of the grievance. If the record has not been transmitted to the agency, EWU shall wait until the grievance is concluded to send such records. The funding agency and/or ORI must be notified once the grievance is completed.

At the conclusion of the process and upon request, to the extent appropriate, the Research Integrity Officer or designee and other university officials must make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in research misconduct, but against whom no finding of research misconduct is made.

#### 4-6. Admissions of Responsibility

If a respondent admits to engaging in research misconduct, the admission must be made in writing and signed by the respondent. The admission must specify the falsification, fabrication, and/or plagiarism that occurred and which research records were affected. The admission statement must meet all elements required for a research misconduct finding and must be provided to the applicable funding agency and/or ORI before the university can close its research misconduct proceeding. EWU must also provide a statement to the funding agency and/or ORI describing how it determined that the scope of the misconduct was fully addressed by the admission and confirmed the respondent's culpability.