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Research Misconduct Norman Campus Policy

Introduction:

1. This policy establishes procedures for identifying, investigating and reporting instances of alleged or apparent Research Misconduct and Other Scholarly Misconduct. It applies to all allegations of Research Misconduct involving sponsored research and allegations of Other Scholarly Misconduct when related to a Research Misconduct allegation involving sponsored research. Allegations of Research Misconduct and/or Other Scholarly Misconduct that do not involve third party sponsorships, grants, contracts, or awards shall be investigated using the procedures set forth in [Ethics in Research Norman Campus Policy](#).
2. Research and other scholarly activity at the University must be above reproach. Each member of the University community has the responsibility to ensure the integrity of and ethical standards in any activity with which he or she is directly associated or any activity of which he or she has sufficient knowledge to determine the appropriateness of the activity. Research and Other Scholarly Misconduct undermine the scholarly enterprise and erode public trust in the University community to conduct unbiased and reliable research.

Definitions:

1. **Allegation** is a disclosure of possible research misconduct through any means of communication and brought directly to the attention of an institutional official.
2. **Assessment** means a consideration of whether an allegation of research misconduct appears to fall within the definition of research misconduct; appears to involve Public Health Service-supported biomedical or behavioral research, biomedical or behavioral research training, or activities related to that research or research training; and is sufficiently credible and specific so that potential evidence of research misconduct may be identified. The assessment only involves the review of readily accessible information relevant to the allegation.

3. **Complainant** means an individual who in good faith makes an allegation of research misconduct.
4. **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.
5. **Fabrication** means making up data or results and recording or reporting them.
6. **Falsification** means manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
7. **Good faith:**
 - a. Good faith as applied to a complainant or witness means having a reasonable belief in the truth of one's allegation or testimony, based on the information known to the complainant or witness at the time. An allegation or cooperation with a research misconduct proceeding is not in good faith if made with knowledge of or reckless disregard for information that would negate the allegation or testimony.
 - b. Good faith as applied to an institutional official or committee member means cooperating with the research misconduct proceeding by impartially carrying out the duties assigned for the purpose of helping an institution meet its responsibilities. An institutional or committee member does not act in good faith if their acts or omissions during the research misconduct proceedings are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the research misconduct proceeding.
8. **Inquiry** means preliminary information-gathering and preliminary fact-finding that meets the criteria and follows the procedures set forth herein.
9. **Institutional Certifying Official** means the University official responsible for assuring research sponsors and regulatory authorities, on behalf of the University, that the institution has written policies and procedures for addressing allegations of research misconduct, in compliance with applicable law; and complies with its own policies and procedures consistent with applicable law. The Institutional Certifying Official is responsible for certifying the content of the University's annual report to the Office of Research Integrity and other sponsors where applicable, and submitting the same to the Office of Research Integrity and others, as required.
10. **Institutional Deciding Official** means the institutional official who makes final determinations on allegations of research misconduct and any institutional actions. The Senior Vice President and Provost is the Institutional Deciding Official for the University of Oklahoma Norman Campus.
11. **Institutional record:**
 - a. The institutional record comprises:
 - i. The records that the institution compiled or generated during the research misconduct proceeding, except records the institution did not consider or rely on. These records include but are not limited to:
 1. documentation of the assessment
 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 institution, and the documentation of any decision not to investigate)
3. if an investigation is conducted, the investigation report and all records (other than drafts of the report) considered or relied on during the investigation, including, but not limited to, research records, the transcripts of each interview conducted, and information the respondent provided to the institution
 4. decision(s) by the Institutional Deciding Official, such as the written decision from the Institutional Deciding Official
 5. the complete record of any appeal
 - ii. a single index listing all the research records and evidence that the institution compiled during the research misconduct proceeding, except records the institution did not consider or rely on; and
 - iii. a general description of the records that were sequestered but not considered or relied on.
12. **Intentionally** means to act with the aim of carrying out the act.
 13. **Investigation** means the formal development of a factual record and the examination of that record that meets the criteria and follows the procedures set forth herein.
 14. **Knowingly** means to act with awareness of the act.
 15. **ORI** means the Office of Research Integrity as a part of the U.S. Department of Health and Human Services. ORI is responsible for overseeing compliance with federal research misconduct regulations in all Public Health Service-funded biomedical and behavioral research.
 16. **Other Scholarly Misconduct** means improper use of information gained by privileged access, such as through service on peer review panels, editorial boards, or policy boards of research funding organizations. It also includes serious deviation from the accepted scientific method in proposing or carrying out research; e.g., deliberate manipulation or improper reporting of results, and material failure to comply with federal, state, or University rules governing research including, but not limited to, serious or substantial violations involving the use of funds; care of animals; protection of human subjects; or use of investigational drugs, recombinant products, new devices, or radioactive, biological, and/or chemical materials.
 - a. Finally, Other Scholarly Misconduct also includes inappropriate behavior associated with Research Misconduct including, but not limited to, making inappropriate accusations of Research Misconduct; failing to report conduct known or reasonably believed to be in violation of this Research Misconduct Policy; withholding or destroying records, evidence, or other information relevant to allegations of Research Misconduct; allowing one's participation on a committee to be influenced by personal, professional or financial conflicts of interest with those involved in the proceedings; and retaliating against persons involved in the allegation or investigation of Research Misconduct.

17. **Plagiarism** means the appropriation of another person's ideas, processes, results, or words, without giving appropriate credit. 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. For the purposes of this policy, Plagiarism does not include self-plagiarism or authorship or credit disputes, including disputes among former collaborators who participated jointly in the development or conduct of a research project.
 - A. Accordingly, for the purposes of this policy, self-plagiarism and authorship disputes do not meet the definition of research misconduct. However, self-plagiarism and misrepresentation of one's scholarly contributions among collaborators are both violations of the University's Ethics in Research policy; allegations arising under that policy shall be investigated under its policy and procedures.
18. **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.
19. **PHS support** means Public Health Service funding, or applications or proposals for PHS funding, for biomedical or behavioral research, biomedical or behavioral research training, or activities related to that research or training, that may be provided through funding for PHS intramural research; PHS grants, cooperative agreements, or contracts; subawards, contracts, or subcontracts under those PHS funding instruments; or salary or other payments under PHS grants, cooperative agreements, or contracts.
20. **Recklessly** means to propose, perform, or review research, or report research results, with indifference to a known risk of fabrication, falsification, or plagiarism.
21. **Research Integrity Officer (RIO)** is the institutional official responsible for administering this policy in compliance with all applicable laws.
22. **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.
23. **Research Misconduct Proceeding** means any actions related to alleged research misconduct within the scope of this policy, including allegation assessments, inquiries, investigations, ORI oversight reviews, and appeals.
24. **Research Record** means the record of data or results that embody the facts resulting from scientific inquiry. Data or results may be in physical or electronic form.
 - a. Examples of items, materials, or information that may be considered part of the research record include, but are not limited to, research proposals, raw data, processed data, clinical research records, laboratory records, study records, laboratory notebooks, progress reports, manuscripts, abstracts, theses, records of oral presentations, online content, lab meeting reports, and journal articles.
25. **Respondent** means the individual against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.
26. **Retaliation** means an adverse action taken against a complainant, witness, or committee member in response to

- a. a good faith allegation of research misconduct or
- b. good faith cooperation with a research misconduct proceeding.

Policy:

1. Initiation and Assessment

- a. Allegations of Research Misconduct. Initial allegations or evidence of Research Misconduct shall be reported to the Senior Vice President and Provost or RIO of the campus where Research Misconduct is alleged to have occurred.
- b. Assessment. The RIO shall have responsibility for conducting an Informal Assessment. The Informal Assessment shall determine whether
 - i. the alleged misconduct, if true, would constitute Research Misconduct as defined in this policy; and
 - 1. whether the alleged misconduct appears to involve PHS-supported biomedical or behavioral research, biomedical or behavioral research training, or activities related to that research or research training; and is sufficiently credible and specific so that potential evidence of research misconduct may be identified; or
 - 2. whether the alleged misconduct appears to involve research sponsored by a third party, including grants, contracts, awards, and subawards.
- c. Determination and Referral. Upon determining that the allegation falls within the definition of Research Misconduct and meets one or both of the funding criteria set forth herein, and is sufficiently credible and specific that potential evidence of Research Misconduct may be identified, the RIO shall document the assessment and promptly initiate a sequestration of records, and Inquiry. If these criteria are not met, the RIO shall document the assessment and close the matter. Provided, if the allegations could reasonably be construed as a violation of University's Scholarly Misconduct policy, compliance policies, or any other student or employee conduct violation, the RIO shall refer the allegations to the administrator with responsibility over the area for appropriate follow up.
- d. Interim Administrative Action. Because the University is responsible for acting in the public interest to protect the health and safety of research subjects, patients, students, and employees; protection of the research community; and for lawful and appropriate use of private and public funds, the Senior Vice President and Provost may take interim administrative action as he or she deems appropriate or as required by law. Such action may include but is not limited to restriction of some activities or full suspension of the Respondent, notifying external sponsors, and implementing procedures to ensure the purposes of any federal or other funds are carried out during the internal examination of the alleged Research Misconduct.

2. Time Limitations

- a. This policy and procedures apply only to Research Misconduct occurring within six

years of the date an allegation of Research Misconduct is received, subject to the following exceptions:

- i. The six-year time limitation does not apply if the Respondent continues or renews any incident of alleged research misconduct that occurred before the six-year period through the use of, republication of, or citation to the portion(s) of the research record alleged to have been fabricated, falsified, or plagiarized, for the potential benefit of the respondent; or
- ii. The Senior Vice President and Provost determines that the alleged research misconduct would possibly have a substantial adverse effect on the health or safety of the public.

3. Sequestration

- a. The RIO shall 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 RIO 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, the RIO must obtain the research records or other evidence before or at the time the respondent is notified of the allegation(s). Whenever additional items become known or relevant to the inquiry or investigation the RIO shall take all reasonable and practical steps to identify and obtain such records and other evidence. Where appropriate, the RIO shall provide the respondent copies of, or reasonable supervised access to, the research records that are sequestered pursuant to this section.

4. Inquiry Phase

- a. Purpose. An Inquiry's purpose is to conduct an initial review of the evidence to determine whether an allegation warrants an Investigation and to document the RIO's determination regarding the same. An Inquiry does not require a full review of the evidence related to the allegation(s).
- b. Conduct of Inquiry. The RIO may conduct the Inquiry or may, in cases where additional expertise may be necessary to conduct the Inquiry, enlist the assistance of experts and/or appoint an Inquiry Committee.
 - i. Confidentiality. The RIO and the Inquiry Committee, if applicable, shall be bound by the principles of confidentiality in conducting an Inquiry. Such obligation shall not be construed to prevent disclosure of Respondent's identity or information that is likely to implicate Respondent's identity when reasonably necessary for the purposes of conducting the Inquiry.
 - ii. Anonymity. While anonymity cannot be assured, where the Complainant wishes to remain anonymous, the RIO shall inform the Complainant that his or her identity may need to be disclosed in order to complete the Inquiry when his or her testimony is important to substantiate the allegations. The RIO and/or Inquiry Committee shall endeavor to maintain

that anonymity to the degree compatible with accomplishing the fact-finding purpose of the Inquiry and consistent with applicable law.

- iii. Review of Evidence. The RIO and/or Inquiry Committee shall review evidence gathered during the Assessment phase and may request any additional evidence and interview any individuals possessing relevant information it deems reasonably necessary to determine whether an allegation of Research Misconduct warrants formal investigation.
 - iv. Duty to cooperate. University employees shall cooperate with the RIO and/or Inquiry Committee by testifying if asked and supplying evidence promptly upon request. If any University employee fails to cooperate with the RIO and/or Inquiry, disciplinary action may be taken in accordance with University policy.
 - v. Assistance of Counsel. The Complainant, Respondent, and all other material witnesses may have the assistance and advice of personal legal counsel, at their own expense; however, all parties and witnesses are expected to speak for themselves in this process, including all communications and in interviews. Personal legal counsel may not actively participate in the Inquiry and Investigation phases, except to advise their clients. The RIO and/or Inquiry Committee may receive the assistance of the Office of Legal Counsel at any point in the Research Misconduct Proceeding.
- c. Notice of Inquiry. When the allegation is assessed to warrant initiation of an Inquiry, the RIO will provide written notice of the alleged misconduct and initiation of the Inquiry to the Respondent (and, in the case of sponsored research, the Principal Investigator (PI)). If additional allegations are raised as to one or more respondents, each respondent(s) shall be notified in writing of the allegations specific to said Respondent's conduct. The RIO shall notify the Respondent(s), in writing, of the membership of the Inquiry Committee, if applicable.
- i. Conflicts of Interest. The Respondent may challenge Committee members (or RIO) for bias or conflict of interest by submitting a written statement to the Senior Vice President and Provost, describing the bias or conflict of interest. The Senior Vice President and Provost shall promptly determine whether a Committee member (or RIO) is to be disqualified and replaced.
- d. The Inquiry Report. The RIO and/or Inquiry Committee shall prepare a written report (the "Inquiry Report") within sixty (60) days of written notice to the Respondent as to whether an Inquiry is warranted. The Inquiry Report, which shall be provided to the Respondent and the Senior Vice President and Provost, shall include the following information:
- i. The names, professional aliases, and positions of the respondent and complainant;
 - ii. A description of the allegation(s) of research misconduct;
 - iii. Information detailing Respondent's funded research and support, including PHS Support;

- iv. The composition of the Inquiry Committee, if used, including name(s), position(s), and subject matter expertise;
 - v. Inventory of sequestered research records and other evidence and description of how sequestration was conducted;
 - vi. Transcripts of any transcribed interviews;
 - vii. Timeline and procedural history;
 - viii. Any scientific or forensic analyses conducted;
 - ix. The basis for recommending that the allegation(s) warrant an investigation, or the basis on which any allegation(s) do not merit an investigation; and
 - x. If there is potential evidence of honest error or difference of opinion, a note describing the same.
- e. Respondent Review and Comment. The Respondent shall have ten (10) days to submit written comments on the Inquiry Report, which comments shall be provided to the Senior Vice President and Provost and the RIO and/or Inquiry Committee. The Respondent's comments shall be attached to and be made a part of the Inquiry Report.
- f. Inquiry Results. The RIO shall review the Inquiry Report, Respondent's comments, and any Inquiry Committee recommendations, if applicable, and determine whether a formal investigation is warranted. A formal investigation is warranted if there is a reasonable basis for concluding that the allegation falls within the definition of Research Misconduct and the preliminary information-gathering and fact-finding from the Inquiry indicate the allegation may have substance. Findings of Research Misconduct, including whether the alleged misconduct is intentional, are not made at the Inquiry stage.
- i. Notice of the results. The RIO shall provide notice of the results to the Respondent. The notice of the results shall include a copy of the Inquiry report and a copy of (or reference to) University's policies and procedures adopted under its research integrity assurance and, if applicable, reference to Public Health Service policies on research misconduct. Notice of the results may be provided to a Complainant, in the RIO's discretion. When notice is provided to a Complainant, it may be made in whole or in part. To the extent practicable, if notice of the results is made available to one Complainant, notice of the results shall be made to all Complainants reporting allegations.
 - ii. Determination Timeline and Extension. The determination as to whether a formal investigation is warranted shall normally be made within twenty (20) days of receipt of Respondent's comments, but in any case not more than ninety (90) days of the date the Inquiry was initiated. If unusual circumstances warrant an extension of the ninety (90) day completion period for the Inquiry, the RIO shall document the rationale therefore in the Inquiry Report.
- g. Referral and Notification. If the RIO determines there is a need for a formal

investigation, a copy of the Inquiry Report, together with Respondent's comments and the notice of the results, shall be provided to the Office of Research Integrity (ORI) or other funding agency or sponsor within thirty (30) days or before the investigation begins, whichever is earlier.

- h. Recordkeeping. After completion of the Inquiry Phase, all Materials and Inquiry proceeding records shall be maintained by the RIO in a secure manner for seven (7) years or longer where required by applicable law. A copy of the Materials will be provided, upon specific request, as required by applicable law.

5. Investigation Phase

- a. Purpose. The purpose of the Investigating Committee is to further explore the allegations; to prepare an Investigation Report and to make findings and recommendations to the Senior Vice President and Provost, who is the Deciding Official for the University. In doing so, the Investigating Committee shall exercise diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and other relevant evidence. Above all, the Investigating Committee shall apply common sense principles of fairness in discharging its duties.
- b. Standard of Review. A finding of Research Misconduct requires proof, by a preponderance of the evidence, that Research Misconduct was committed intentionally, knowingly or recklessly and was a significant departure from accepted practices of the relevant research community. The University has the burden of proving Research Misconduct; i.e., it is more likely true than not that the Respondent committed Research Misconduct.
- c. Timeline. The Investigation should normally be completed within one hundred eighty (180) days. If, during the course of the Investigation, the Investigation Committee or RIO determines the Investigation cannot be completed in that time, RIO shall submit a written request for extension to the research sponsor (if required) or ORI, as applicable. If the sponsor or ORI grants an extension, periodic progress reports or similar reporting may be required. The RIO shall be responsible for submitting responsive reports; however, all parties to the Investigation are expected to assist and cooperate with the RIO to comply with sponsor or ORI progress report directives.

d. Committee

- i. Composition and Selection. The Senior Vice President and Provost shall appoint an Investigating Committee of no fewer than three members, two of whom must be tenured University of Oklahoma faculty and the third member shall be a senior faculty member elsewhere if practical under the circumstances. In all cases, Investigating Committee members can have no real or apparent conflict of interest in the matter, hold no appointment in the departments of either the Complainant or the Respondent, and have appropriate expertise for evaluating the information relevant to the case. A list of tenured faculty eligible to serve on an Investigating Committee shall be maintained by the Senior Vice President and Provost. In most cases, the Investigating Committee shall be appointed from the list; however, if necessary to avoid a conflict of interest or to ensure appropriate expertise,

the Senior Vice President and Provost may appoint any member of the regular faculty to the Investigating Committee.

- ii. Conflicts of Interest. Before the Investigation begins, the RIO shall provide each proposed Investigation Committee Member with the Respondent's name, the Complainant's name, if known, a statement of the allegations, and the names of any persons reasonably anticipated to serve as materials witnesses. Each proposed Investigation Committee member shall disclose any real or apparent bias, personal, professional, or financial conflicts of interest relevant to the investigation. Faculty members with unresolved personal, professional, or financial conflicts of interest relevant to the investigation, including with the Complainant, Respondent, or persons reasonably anticipated to serve as material witnesses, shall be ineligible to serve on the Investigating Committee. The Senior Vice President and Provost shall determine whether a member is to be disqualified or replaced.
 - iii. Confidentiality. Before the investigation begins, the RIO shall obtain from each proposed Investigating Committee Member, an acknowledgment that the proposed Investigating Committee Member will not disclose information about the Investigation except as may be reasonably required to conduct the investigation, or to comply with any applicable law.
- e. Initiation of Investigation. Before the investigation begins, the RIO shall notify the Respondent in writing of:
- i. the allegations of Research Misconduct, including any allegations not addressed during the Inquiry,
 - ii. the procedures to be used during the investigation, and
 - iii. the membership of the proposed Investigating Committee.
 - 1. The Respondent may challenge Committee members for bias or conflict of interest by submitting a written statement to the Senior Vice President and Provost, describing the bias or conflict of interest. The Senior Vice President and Provost shall determine whether a member is to be disqualified and replaced.
- f. Investigation Procedures. Once initiated and the Committee membership established, the Investigation shall generally follow the process outlined below:
- i. Review of Materials. The RIO shall provide the Investigating Committee with the Inquiry Committee record and materials assembled to this point. The Investigating Committee will examine such information together with any additional materials the Investigating Committee considers relevant.
 - ii. Interviews. The Investigating Committee shall interview the Complainant, Respondent, and all other individuals who have been reasonably identified as possessing information regarding any relevant aspects of the investigation, including witnesses identified by the Respondent. The Investigating Committee shall record and transcribe all interviews. Any exhibits shown to the interviewee during the interview must be numbered

and referred to by that number in the interview. Following the interview, the Investigating Committee shall provide a transcript of each interview to the interviewed individual for correction. The transcript, exhibits, and corrections shall be included in the Investigation record.

- iii. Respondent's Review and Comments. The Respondent shall be given the opportunity to address the allegations and evidence, assert any defenses, and raise relevant mitigating factors at Respondent's interview. The Respondent has the burden of going forward with and proving, by a preponderance of the evidence, any affirmative defenses or, as relevant to the imposition of sanctions, mitigating factors. The Investigating Committee shall give due consideration to admissible and credible evidence of honest error or recognized difference of opinion presented by Respondent.
- iv. Expert Analysis. The Investigating Committee may engage outside experts if necessary to evaluate the allegations. Expenses related to use of any outside experts requested by the Investigating Committee that exceed de minimis costs shall require authorization by the RIO and/or the Senior Vice President and Provost.
- v. Ongoing Review of Allegations, Scope of Investigation, and Addition of Parties. If, during the course of the Investigation, the Committee identifies one or more additional allegations against the Respondent, the Committee shall communicate the same to RIO, who shall promptly notify Respondent of the additional allegation(s) to be investigated. RIO shall take all steps reasonably necessary to sequester additional records and evidence as needed for the Committee to evaluate the additional allegations.
 1. The Investigating Committee shall consider the prospect of additional researchers being responsible for the alleged Research Misconduct. If, during the course of the Investigation, the Committee identifies one or more additional Respondents during the Investigation, the RIO may, in RIO's discretion, cause an Inquiry to be conducted as to each new Respondent, refer the matter directly to the Investigation Committee, or request that the Senior Vice President and Provost appoint a new Investigation Committee. In all cases, each Respondent shall be entitled to written notice of the allegation(s), a copy of the procedures to be used during the investigation, and an opportunity to challenge any Committee member for conflict of interest or bias.
- vi. Duty to Cooperate. University employees shall cooperate with the Investigating Committee by testifying if asked and supplying Materials promptly upon request. If any University employee fails to cooperate with the Investigation Committee, disciplinary action may be taken in accordance with University policy.
- vii. Committee Examination of Evidence. The Investigating Committee shall thoroughly examine the matter to determine:

- i. whether the allegations of Research Misconduct are more likely true than not;
 - ii. the scope of wrongdoing, if any; or,
 - iii. if its findings are inconclusive, whether further investigation will be unlikely to alter the findings.
- g. Draft Investigation Report Timeline. The Investigating Committee shall make every effort to complete the Investigation and submit the Draft Investigation Report within ninety (90) days of the date the Investigation was initiated. However, this deadline may be impossible to meet; e.g., due to the complexity of the case or absence of crucial witnesses, in which event the Investigating Committee shall submit a progress report to the Senior Vice President and Provost, identifying reasons for the delay and requesting an extension of time. The Senior Vice President and Provost shall determine whether an extension should be granted.
- h. Draft Investigation Report. Upon completion of the Investigation, the Investigating Committee shall deliberate and prepare a Draft Investigation Report, which shall be compromised of the following:
 - i. Description of the nature of the allegation(s) of Research Misconduct, including any additional allegation(s) addressed during the Research Misconduct proceeding.
 - ii. Description and documentation of sponsor or PHS support, including, for example, any grant numbers, grant applications, contracts, and publications listing sponsor or PHS support.
 - iii. Description of the specific allegation(s) of research misconduct for consideration in the investigation of the respondent.
 - iv. Composition of investigation committee, including name(s), position(s), and subject matter expertise.
 - v. Inventory of sequestered research records and other evidence, except records the institution did not consider or rely on; and a description of how any sequestration was conducted during the investigation. This inventory must include manuscripts and funding proposals that were considered or relied on during the investigation.
 - vi. Transcripts of all interviews conducted, with interviewee corrections if applicable
 - vii. Identification of the specific published papers, manuscripts submitted but not accepted for publication (including online publication), PHS funding applications, progress reports, presentations, posters, or other research records that allegedly contained the falsified, fabricated, or plagiarized material.
 - viii. Any scientific or forensic analyses conducted.
 - ix. The institutional policies and procedures under which the investigation was conducted.
 - x. A preliminary statement for each separate allegation of whether the

investigation committee recommends a finding of Research Misconduct.

xi. If, based on a preponderance of the evidence, the investigation committee recommends a finding of Research Misconduct, the Draft Investigation report must, for that allegation:

1. Identify the individual(s) who committed the Research Misconduct.
2. Indicate whether the Research Misconduct was Falsification, Fabrication, and/or Plagiarism.
3. Indicate whether the Research Misconduct was committed intentionally, knowingly, or recklessly.
4. State whether the actions appear to be a significant departure from accepted practices of the relevant research community.
5. Indicate whether, by a preponderance of the evidence, Respondent met the burden of proving any affirmative defense.
6. Summarize the facts and the analysis which support the conclusion and consider the merits of any explanation by the respondent, giving due consideration to admissible, credible evidence of honest error or difference of opinion.
7. Identify the specific sponsored or PHS support.
8. Identify whether any publications need correction or retraction.

xii. If, by a preponderance of the evidence, the investigation committee does not recommend a finding of research misconduct for an allegation, the investigation report must provide a detailed rationale.

xiii. List of any current support or known applications or proposals for support that the respondent has pending with sponsors and PHS and non-PHS Federal agencies.

- i. Respondent Review and Comment. The RIO shall forward the Draft Investigation Report to the Respondent. The Respondent shall have up to thirty (30) days to provide written comments to the RIO.
- j. Complainant Review and Comment. The RIO may also provide all or a portion of the Draft Investigation Report to the Complainant. The Complainant shall have up to thirty (30) days to provide written comments to the RIO.
- k. Final Investigation Report. The RIO shall promptly make all comments available to the Investigating Committee. The Investigating Committee will have not more than thirty (30) days to consider Respondent's comments and submit a Final Investigation Report to the Senior Vice President and Provost. In preparing the Final Investigation Report, the Investigation Committee shall consider Respondent's comments and shall make such changes to the Investigation Report as may be agreed by the Committee. In particular, the Committee shall evaluate each of its preliminary findings and recommendations of research misconduct and determine whether such findings and recommendations should remain as stated, be amended,

or changed. The Investigation Committee shall prepare a final report, and append to it the Draft Investigation Report, the Respondent's comments, the Complainant's comments (if applicable), and a statement of the Investigation Committee's consideration of those comments. The final report, together with the appendices, shall comprise the Final Investigation Report.

- i. If the Complainant's comments result in a change to the findings or recommendations set forth in the Draft Investigation Report, the Respondent shall be afforded a reasonable opportunity to review and respond to the Complainant's comments and proposed changes to the relevant findings or recommendations before the Final Investigation Report is completed.
- I. Institutional Decision. The RIO shall promptly provide the Final Investigation Report to the Respondent, the Vice President for Research and Partnerships, and the Senior Vice President and Provost. The Senior Vice President and Provost shall serve as the Institutional Deciding Official and is responsible for making a final determination of Research Misconduct Findings. The Senior Vice President and Provost shall fully consider the Final Investigation Report, giving due consideration to the Respondent's comments. If necessary, the Senior Vice President and Provost may consult the Investigating Committee for clarification. The Senior Vice President and Provost shall then inform the Respondent, the Vice President for Research and Partnerships, and the RIO in writing if there is a determination of Research Misconduct, and if so, who committed the Research Misconduct. The determination shall also include a description of the relevant institutional actions to be taken and the appeal process.

6. Resolution

- a. Allegations of Research Misconduct Not Supported. If the allegations of Research Misconduct are not supported by the evidence, the Senior Vice President and Provost shall inform, in writing, all applicable research sponsors, others initially informed of the Investigation and others, as required by law, that allegations of Research Misconduct were not supported.
 - i. Good Faith Determination. If, at the conclusion of the Inquiry or Investigation, the Investigating Committee and/or the Senior Vice President and Provost conclude the allegations or testimony of a witness(s) were not made in Good Faith, the Senior Vice President and Provost, in coordination with the Chief Human Resources Officer, where appropriate, shall initiate appropriate disciplinary action against the Complainant or witness(s). If the allegations or testimony, however incorrect, are deemed to have been made in Good Faith, the Senior Vice President and Provost shall take no disciplinary measures against the Complainant or witness (s) and shall endeavor to prevent retaliatory actions against them.
 - ii. Restoration of Reputation. At the conclusion of the process, whether at the Inquiry or Investigation phase, the Senior Vice President and Provost shall undertake all reasonable and practical efforts, if requested and as appropriate, to protect or restore the reputations of persons alleged to

have engaged in Research Misconduct but against whom no finding of Research Misconduct is made. The Senior Vice President and Provost also shall endeavor to protect the Complainant, Committee members, and witnesses from retaliation who, in Good Faith, made the allegation or cooperated in the Research Misconduct Proceedings.

- b. Allegations of Research Misconduct Supported. If the Senior Vice President and Provost determines one or more allegations of Research Misconduct are supported by the evidence, the RIO shall be notified of the determination and the RIO shall have the responsibility to inform all federal agencies, sponsors, and others, as appropriate, who were initially informed of the Investigation of the finding of Research Misconduct. The Senior Vice President and Provost, in consultation with the Office of Legal Counsel, shall take action appropriate for the seriousness of the misconduct, including but not limited to the following:
 - i. Notification of Findings. giving formal notice of the results of the Investigation to some or all of the following, among other required or appropriate entities
 1. Sponsoring agencies, funding sources
 2. Co-authors, co-investigators, collaborators
 3. Department, school, college, or other institution
 4. Editors of journals in which fraudulent or plagiarized research was published
 5. Editors of other journals or publications, other institutions, other sponsoring agencies, and funding sources with which the individual has been affiliated
 6. State professional licensing boards
 7. Professional societies
 - ii. Sanctions. Potential sanctions include, but are not limited to, the following:
 1. Removal from particular project
 2. Special monitoring of future work
 3. Letter of reprimand
 4. Probation for a specified period with conditions specified
 5. Suspension of identified rights and responsibilities for a specified period, with or without salary
 6. Salary reduction
 7. Demotion in rank
 8. Termination of employment/abrogation of tenure
- c. Transmission of the Institutional Record. At the conclusion of the University's Investigation process, the RIO shall submit the Institutional Record to the funding

agency, as appropriate. Provided, if an appeal has been initiated before the Institutional Record has been transmitted in a PHS matter, the RIO shall wait until the appeal is concluded to transmit the institutional record to ORI.

7. Appeal

- a. Procedure and Timeline. The Respondent may appeal the findings of the Investigating Committee and the Senior Vice President and Provost's determination by submitting a written statement of the grounds for the appeal to the President, the Senior Vice President and Provost, and the RIO within fifteen (15) days of written notification of the results of the Investigation and sanctions of the Senior Vice President and Provost. If the Respondent appeals the findings of the Investigating Committee and/or sanctions, the Senior Vice President and Provost will have fifteen (15) days to submit a written response to the President. Upon receipt of a timely written appeal and response from the Senior Vice President and Provost, the President will review the matter, evaluate any response and the evidence and accept, modify, or reject the Investigating Committee's findings and/or the Senior Vice President and Provost's sanction or remand the matter for further Investigation or consideration.
- b. Grounds. Grounds for appeal are limited to
 - i. new or previously unconsidered evidence that was not available earlier,
 - ii. sanctions not in keeping with the findings,
 - iii. a conflict of interest not previously known among those involved in the Research Misconduct Proceedings,
 - iv. other lapses in due process; provided that any technical departures from prescribed procedures or processes will not invalidate findings, recommendations or proceedings unless they are such as to have prevented a fair determination of the issue(s).
- c. Severe Sanctions. For cases in which the President either accepts the Senior Vice President and Provost's decision to impose severe sanctions on a faculty Respondent, the Respondent may request a hearing to challenge the sanction as provided in the Norman Campus Faculty Handbook for faculty of the same tenure and rank. However, the Respondent may not challenge the underlying finding of Research Misconduct.
- d. Staff sanctions or terminations. For cases in which the President either accepts the Senior Vice President and Provost's decision to dismiss a staff Respondent or imposes such sanction, the Respondent may appeal the termination according to applicable University policy and procedure, but may not challenge the underlying finding of Research Misconduct.

(RM, 1-29/30-26, p. 39982-39983)

Approval Authority:

Vice President and General Counsel

Former Policy Number:

N/A

Approval Signatures

| Step Description | Approver | Date |
|-----------------------|---|---------|
| Policy Office | Michelle Stephens: University Policy Director | 12/2025 |
| Responsible Executive | Andre Wright: Sr. Vice President Provost | 12/2025 |
| OLC Review | Laura Palk: Deputy General Counsel | 12/2025 |
| Stakeholders | Caroline Smolkin: Assistant General Counsel | 12/2025 |
| Stakeholders | Chris Walker: Assoc Provost Acad Affairs | 12/2025 |
| Stakeholders | Matt Hulver: VP for Rsrch & Pships | 12/2025 |
| Stakeholders | Carol Silva: Senior Assoc VP for Research | 12/2025 |
| Stakeholders | Shannon Lunt: Assistant Vice President & RIO | 12/2025 |