University of Central Florida (UCF) **Research Misconduct** **Assurance of Compliance**	
ORC RM Assurance of Compliance No: 01-2013	**Date of Issuance:** Nov 2013
Subject	**Procedures for Handling Research Misconduct Allegations**
Authority	**A) UCF Policy on Research Misconduct 4- 211** **B) National Science Foundation(NSF) regulations on Research Misconduct at 45 CFR Part 689** **http://www.nsf.gov/oig/resmisreg.pdf** **C) US Department of Health & Human Services, Public Health Service Policies on Research Misconduct at 42 CFR Parts 50 & 93** **http://ori.dhhs.gov/documents/42_cfr_parts_50_and_93_2005.pdf**
Applicability **Institutional Official**	**Allegations of Research Misconduct, regardless of the funding source** **Director, Office of Compliance** **Office of Research & Commercialization**

1. Introduction

The mission of the University of Central Florida ("UCF") is to offer high-quality undergraduate and graduate education, student development, and continuing education; to conduct research and creative activities; and to provide services that:

(1) enhance the intellectual, cultural, environmental, and economic development of the metropolitan region,
(2) address national and international issues in key areas, and
(3) establish UCF as a major presence in and contributor to the global community.

Research, encompassing all areas of academic inquiry and creativity at the University, is vital to UCF's mission as it makes possible the expansion and advancement of knowledge. As part of UCF's research university mission, UCF encourages its Employees and affiliated persons (including but not limited to students, fellows, affiliates, guest researchers, or other collaborators as defined in Section 4 below) to participate in sponsored research and activities that may benefit the participants, UCF and the public. In doing so, UCF Employees and affiliated persons are mandated to demonstrate high ethical values and integrity in the performance of their research efforts.

2. General Principle

UCF expects its Employees and affiliated persons engaged in research activities to maintain high ethical standards in the proposing, performing and reviewing of research and reporting of research activities and results. Federal regulations require that institutions applying for or receiving federal funding in support of research efforts must have an established operational process for the assessment, inquiry, investigation and the reporting of allegations relating to Research Misconduct. When situations arise that generate allegations of Research Misconduct, UCF will ensure that appropriate action is taken in accordance with this Assurance to address each specific allegation through a fair, accurate, timely, and fact-and document-based process. UCF will also report promptly its findings to the affected parties in accordance with this Assurance.

3. Purpose and Scope

a. Purpose of this Assurance:

(1) to comply with the responsibilities assigned to recipients of federal funding under the Public Health Service ("PHS") Policies on Research Misconduct (42 CFR Part 93) and the procedures of the PHS Office of Research Integrity ("ORI"), the National Science Foundation ("NSF") rules on Research Misconduct at 45 CFR Part 689, as well as the policies of any other Agency providing Research funding or other support to UCF.

(2) to define UCF's procedures for the review, investigation and evaluation of any allegation of Research Misconduct in all areas of Research, regardless of the funding source, in accordance with applicable laws and regulations, and

(3) to protect the rights and integrity of:

a) the person who initiates an Allegation of Research Misconduct in Good Faith (Complainant);

b) the person against whom an Allegation of Research Misconduct is made (Respondent), and

c) any other person being interviewed or involved in any capacity in the Research Misconduct Assessment, Inquiry, or Investigation process initiated or determinations made in response to an Allegation of Research Misconduct.

b. Scope:

(1) This Assurance applies to all Allegations of Research Misconduct involving:

a) A person who, at the time of the alleged Research Misconduct, was employed by, was an agent of, was under the control of, or was affiliated by contract or agreement with UCF, as defined by Section 4 below, "Employee";

b) Research submitted to, proposed to or funded by the National Science Foundation (NSF) as described in (2) below, or supported by any units of the Public Health Service (PHS) as described in (3) below, as well as Research activity proposed to or funded by any other sponsoring Agency.

c) Un-sponsored research.

(2) NSF support includes proposals submitted to NSF in all fields of science, engineering, mathematics, and education, and the results from such proposals.

(3) PHS support includes
(a) biomedical or behavioral Research, Research training, or activities related to that Research or Research training, such as the operation of tissue and data banks and the dissemination of Research information;
(b) applications or proposals for PHS support for biomedical or behavioral Research, Research training or activities related to that Research or Research training; or
(c) plagiarism of Research records produced in the course of PHS supported Research, Research training or activities related to that Research or Research training. This includes any Research proposed, performed, reviewed, or reported, or any Research record generated from that Research, regardless of whether an application or proposal for PHS funds resulted in a grant, contract, cooperative agreement, or other form of PHS support.

4. Definitions

Agency: a public or private entity sponsoring Research activities by providing Research funding or other Research support to UCF. For research funded or supported by UCF, UCF is considered an Agency for purposes of this Assurance.

Allegation: a disclosure of possible Research Misconduct. The disclosure may be made by either a written or verbal statement or other communication (1) made directly to the UCF Research Integrity Officer (RIO), or (2) forwarded by a UCF official, and/or by a sponsoring Agency representative. If disclosure is made verbally, it must provide sufficient information to allow the RIO to determine

whether an Inquiry is warranted. If the allegation involves human subjects or animal welfare issues, the RIO will coordinate with the UCF Institutional Review Board (IRB) Chair, and the UCF Institutional Animal Care and Use Committee (IACUC) Office, as applicable, and will keep them informed of progress of any related Research Misconduct proceedings.

Assessment: a preliminary review of an allegation of Research Misconduct, using the criteria at Section 8.a of this Assurance, to determine whether an Inquiry is warranted.

Complainant: the individual who initiates or files a written or verbal complaint to the UCF RIO and/or a sponsoring Agency's representative charging an Employee (as defined below) with an allegation of Research Misconduct.

Deciding Official: the person who makes final determinations on allegations of Research Misconduct and any related UCF administrative actions, as defined under Section 6 (a) of this Assurance. The Vice President for Research & Commercialization is the Deciding Official for UCF.

Employee: any person who works for salary, wages, or other remuneration at UCF or is an agent of, under the control of, or affiliated with UCF by contract or agreement. For purposes of this Assurance the term "Employee" includes individuals holding any of the following classifications:

- Faculty members, tenured or untenured
- Administrative & Professional (A&P) staff
- University Support Personnel System (USPS) staff
- Other Personnel Services (OPS) staff
- Courtesy and Volunteer appointments (non-compensated)
- Visiting Scientists, Post-Doctoral and other Associates, Residents, & Affiliated faculty members
- Affiliated persons, including individuals serving as Principal Investigator, Co-Principal Investigator (also referred to as "Investigators" under this Assurance), Research team members and staff, subcontractors/subawardees and their employees, and other collaborators or persons who at the time of the alleged Research Misconduct were agents or otherwise affiliated by contract or agreement with UCF.
- Enrolled Students (graduate and undergraduate*)* assigned to or affiliated with sponsored projects, including students at the College of Medicine.

Evidence: any document, tangible item, or testimon*y* offered or obtained during a Research Misconduct proceeding that tends to prove or disprove the existence of an alleged fact**.**

Fabrication: making up data or results and recording or reporting them.

Falsification: 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.

Good Faith: having a belief in the truth of one's Allegation or testimony that a reasonable person in the person's position could have based on the information known to that person at the time. An allegation made or cooperation with a Research Misconduct proceeding is not in Good Faith if it is made with knowing or reckless disregard for information that would negate the Allegation or testimony. Good Faith as applied to a Research Misconduct Committee member (either at the Inquiry or

Investigation stage) means cooperating in the Research Misconduct proceeding with the purpose of helping UCF meet its responsibilities under this Assurance. A Committee member does not act in Good Faith if his/her acts or omissions on the Committee are dishonest or influenced by personal, professional, or financial interests that conflict with unbiased service in the Research Misconduct proceeding.

Inquiry: an initial review of available Evidence, including preliminary information-gathering and preliminary fact-finding as set forth under Section 8.b of this Assurance to determine whether to conduct an Investigation.

Investigation: the formal development of a factual record and the examination of that record, using the process described in Section 9 of this Assurance, to determine whether (1) not to make a finding of Research Misconduct or (2) to make a recommendation for a finding of Research Misconduct, which may include a recommendation for other appropriate actions, including administrative actions.

Office of Research Integrity (ORI): an office within the Public Health Service (PHS), U.S. Department of Health & Human Services, which promotes integrity in biomedical and behavioral research supported by PHS. ORI oversees Research Misconduct issues and directs PHS Research integrity activities.

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

Preponderance of the Evidence: proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

Research: a systematic experiment, study, evaluation, demonstration, or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research in all fields) by establishing, discovering, developing, elucidating or confirming information related to the matter being studied. This includes but is not limited to research in science, medicine, education, mathematics, humanities, and research involving human subjects or animals.

Research Integrity Officer (RIO): the UCF official responsible for: (1) assessing allegations of Research Misconduct to determine if they fall within the definition for Research Misconduct, and warrant an Inquiry; (2) overseeing the Assessment, Inquiry, and Investigation process; and (3) the other responsibilities described in this Assurance. The RIO is authorized by the Deciding Official to receive allegations of Research Misconduct and initiate any action, as delineated under Section 6.a. (2) of this Policy. The Director of Compliance, UCF Office of Research & Commercialization, is the UCF Research Integrity Officer (RIO) under this Assurance. If an Employee makes an allegation to his/her supervisor or other institutional official, the person receiving the allegation shall forward it to the RIO immediately.

Research Misconduct: 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. A finding of Research Misconduct requires that there be a significant departure from accepted practices of the relevant Research community; that the misconduct be committed intentionally, knowingly, or recklessly; and that the allegation be proven by a preponderance of Evidence.

Research Misconduct Inquiry Committee: a committee appointed by the RIO to conduct the Inquiry process delineated in this Assurance.

Research Misconduct Investigation Committee: a committee appointed by the RIO to conduct the Investigation process delineated in this Assurance.

Research Misconduct Investigation Committee Chair: the person appointed by the RIO to lead the Research Misconduct Investigation Committee proceedings and to provide guidance to that Committee as needed.

Research Record: the record of data or results that embodies the facts resulting from scientific inquiry, including but not limited to primary Research material, Research proposals, laboratory records (physical and electronic), Research animals, images, machines and equipment, progress reports, abstracts, theses, oral presentations, internal Research reports, journal articles, correspondence, and any documents and materials provided by the Respondent in the course of a Research Misconduct investigation.

Respondent: the person against whom an Allegation of Research Misconduct is directed or who is the subject of a Research Misconduct proceeding. Under this Assurance such person must be an Employee as defined above at the time of the alleged Research Misconduct.

Retaliation: an adverse action taken against a Complainant, witness, or committee member by UCF or one of its Employees in response to (1) a Good Faith Allegation of Research Misconduct or, (2) Good Faith cooperation with a Research Misconduct proceeding.

Student: Any person enrolled in one or more classes at the University, either full time or part time, including study abroad, pursuing undergraduate, graduate or professional studies.

5. Authority and other related regulatory policies

a. Authority:

(1) UCF Research Misconduct Policy 4-211
(2) National Science Foundation Research Misconduct Regulation (45 CFR 689))
(3) Public Health Service (PHS) Policies on Research Misconduct (42 CFR Parts 50 and 93)
(4) UCF Office of Research & Commercialization-Research Misconduct Policy-ORC-11
(5) UCF Regulations- Office of Student Conduct, Chapter 5, Sections 5.007, 5.008 and 5.009.
(6) Florida Board of Governors Regulation 6.0105 Student Conduct and Discipline **http://www.flbog.org/documents_regulations/6.0105_Student_Conduct.pdf**

b. Other related regulatory policies:

(1) Federal Whistleblower Protection Act of 1989 - 5 U.S.C. § 1201
(2) Freedom of Information Act Regulations - 45 CFR Part 5
(3) HHS Debarment Regulations - 45 CFR Part 76

(4) Other Research Misconduct policies by Federal Agencies, including among others, the Department of Energy , Department of Labor, Department of Transportation, Department of Veteran Affairs, Environmental Protection Agency, National Aeronautics Space Administration, the National Endowment for the Arts and the National Endowment for the Humanities
(5) Privacy Act of 1974, 5 U.S.C. § 552a, as amended
(6) Florida Statutes- Title X, Chapter 112, Sections 112.3187-112.31895– The Florida Whistleblower's Act
(7) Florida Statutes- Title XLVIII, Chapter 1012.91 Personnel records.
(8) UCF United Faculty of Florida Collective Bargaining Agreement **http://www.collectivebargaining.ucf.edu/index.htm**

6. Roles and responsibilities

a. Institution

(1) **Deciding Official: Vice President for Research & Commercialization (or his/her authorized representative):**

a) Serves as the UCF Deciding Official who makes final determinations on allegations of Research Misconduct and any related UCF administrative actions and ensures that final UCF determinations and actions are provided to sponsoring Agencies as appropriate.

b) Has no direct prior involvement in UCF's Allegation, Inquiry, or Investigation assessment, but shall be responsible for appointing an individual to assess allegations of Research Misconduct (Research Integrity Officer).

(2) **Research Integrity Officer (RIO): Director of Compliance, Office of Research & Commercialization (or his/her authorized representative)**:

a) Ensures that UCF has written policies and procedures (Assurance) for responding to Allegations of Research Misconduct.
b) Ensures that UCF has operational Research Misconduct Committees, including appointing members of the UCF Research Misconduct Inquiry and Investigation Committees (as applicable).
c) Promotes an environment of compliance with federal, state and UCF-wide requirements established for the review, investigation and record keeping of all Research Misconduct proceedings initiated by UCF and/or by sponsoring Agencies.
d) Assesses Allegations of Research Misconduct to determine if they fall within the definition of Research Misconduct and warrant an Inquiry on the basis that the substance of the Allegation is sufficiently credible and specific so that potential Evidence of Research Misconduct may be identified.
e) Oversees the administration of Inquiries and Investigations undertaken by the Research Misconduct Inquiry Committee and the

Research Misconduct Investigation Committee resulting from allegations of Research Misconduct.

f) Promptly takes all reasonable and practical steps to obtain custody of and sequester in a secure manner all known Research Records and Evidence relevant to each specific allegation of Research Misconduct.

g) Keeps an inventory of all Research Records and Evidence pertaining to each Research Misconduct allegation before distributing it on a confidential basis for review by the Research Misconduct Committees or others who need to know in order to carry out the Research Misconduct proceeding.

h) Unless custody has been transferred to the Agency, or the Agency has advised UCF that it no longer needs to retain the records, maintains all relevant records of the Research Misconduct proceeding in custody in a secure manner for at least 7 years after the completion of a UCF Research Misconduct proceeding, or after the completion of any related PHS, NSF, or other Agency proceeding, whichever is later. Upon request, provides such records to the PHS Office of Research Integrity or other authorized Agency, as applicable. Keeps Complainant and Respondent informed of the progress of any Inquiry, Investigation, or resolution resulting from the Research Misconduct Allegation.

i) Ensures confidentiality to those involved in the Research Misconduct proceedings through (1) the use of confidential disclosure agreements approved by UCF Office of General Counsel; and (2) by not disclosing any information that may identify those persons who may be involved in the Research Misconduct proceeding, except to those who need to know in order to carry out the proceeding or as otherwise required by applicable law.

j) Where appropriate, gives the Respondent copies of or reasonable supervised access to the Research Record being kept in custody at the Office of Compliance, Office of Research & Commercialization.

k) Informs the Vice President for Research & Commercialization and any other appropriate UCF official of the results of each Research Misconduct Inquiry and Investigation.

l) Informs the sponsoring Agency as required by that Agency's policy of the results of any Research Misconduct Allegation related to that Agency's specific sponsored program. Cooperates with the federal or state funding agency that notifies UCF of an Allegation of Research Misconduct.

m) Establishes Inquiry and Investigation Committees as appropriate under this Assurance.

n) Takes appropriate interim action during a Research Misconduct proceeding to protect public health, government or sponsor funds and equipment, and the integrity of the Research process (as defined under Section 11 of this Assurance).

o) Ensures that administrative actions taken by UCF or sponsoring Agencies are enforced, including notifying sponsors, law enforcement Agencies, professional societies, and licensing boards as appropriate.

p) For PHS-supported Research activities and training, Files an Assurance and Annual Report with the Public Health Service Office of Research Integrity (ORI), in accordance with 42 C.F.R 93.301,302.

b. Employees

1. **Complainant:** Any person can submit an Allegation of Research Misconduct. Such person shall cooperate in Good Faith with any Research Misconduct Inquiry and Investigation resulting from the Allegation, including maintaining confidentiality. Any Allegation of Research Misconduct found by the RIO to have been made in bad faith and/or without substance, or any Research Misconduct Inquiry or Investigation which is intentionally jeopardized by any University Employee (as defined under Section 4 and including the Respondent or the Complainant) shall cause that person to be subject as applicable to disciplinary action as defined under the UCF United Faculty of Florida Collective Bargaining Agreement, or under UCF procedures relating to student conduct and student affairs, or by other applicable administrative action as outlined in UCF policies and as determined by the RIO, in consultation with other UCF officials as needed.

2. **Respondent**: The person alleged of Research Misconduct shall cooperate in Good Faith with the Research Misconduct Inquiry and Investigation resulting from that Allegation. All Employees, including Respondents, have an obligation to provide Evidence relevant to Research Misconduct Allegations to the RIO or other UCF official.

3. **Other Employees**: All Employees shall cooperate with the RIO and other UCF officials in the review of Allegations and the conduct of Inquiries and Investigations. All Employees, including Respondents, have an obligation to provide Evidence relevant to Research Misconduct Allegations to the RIO and other UCF officials and to cooperate with the relevant sponsoring Agency, as requested by that Agency.

c. Inquiry Committee and Investigation Committee: These Committees are responsible for conducting a fair, accurate, timely, fact and document-based review process of all allegations of Research Misconduct. The Committees shall proceed in accordance with the procedures outlines in Sections 8 and 9 of this Assurance. To the extent possible, Committee members shall ensure confidentiality for Complainants and Respondents, as well as any other person participating in an Inquiry or Investigation proceeding, throughout the Inquiry or the Investigation process, in accordance with the State of Florida and federal laws.

1. The Inquiry Committee, in accordance with Section 8 (b) of this Policy, shall conduct an initial review of the Evidence to determine whether to conduct an Investigation.

2. The Investigation Committee, in accordance with Section 9 of this Policy, shall conduct a thorough review and is responsible for determining whether or not to

recommend a finding to the Deciding Official that Research Misconduct as defined in this Assurance has occurred.

7. Requirements for Findings of Research Misconduct

a. A finding of Research Misconduct must be based on at least one of the following elements defined in Section 4 of this Assurance:

- **Fabrication**
- **Falsification**
- **Plagiarism**

b. A finding of Research Misconduct requires the presence of the following factors:

(1) The Respondent's actions represent a significant departure from accepted practices of the scientific community.

(2) The Research Misconduct was committed intentionally, or knowingly, or in reckless disregard of accepted practices in the relevant Research community, and

(3) The allegation was proven by a Preponderance of the Evidence as defined in this Assurance.

c. Research Misconduct does not include honest error or differences of opinion.

d. The requirements under this Assurance for PHS-supported Research apply only to Research Misconduct that occurred within six years prior to the date UCF or PHS received the Allegation, subject to the subsequent use, health or safety of the public, and grandfather exceptions listed under 42 CFR Section 93.105(b).

e. For Research sponsored by other Agencies, UCF will apply the time limitations appropriate to that Agency. If none is stated, UCF will apply the time limitations for PHS-supported research.

8. Preliminary steps: Assessment and Inquiry Process

a. Assessment

(1) The RIO will conduct an assessment of each allegation of Research Misconduct received at UCF. The purpose of the assessment is to decide if an allegation against an Employee meets the following **criteria:**

a) falls within the definition of Research Misconduct, and

b) is sufficiently credible and specific to identify potential Evidence of Research Misconduct warranting a formal Inquiry.

(2) When appropriate, the RIO will also determine whether the alleged Research Misconduct falls within the specific jurisdictional criteria applicable to PHS, NSF, or other funding agency.

(3) The RIO need not interview the Complainant, Respondent, or other witnesses, or gather data beyond any that may have been submitted with the Allegation, except as necessary to determine whether the Allegation is sufficiently credible and specific so that potential Evidence of Research Misconduct may be identified. The presence of Evidence that the Allegation meets the definition of Research Misconduct will warrant an Inquiry action which will be either initiated by UCF or initiated by a sponsoring Agency, as appropriate under applicable Agency regulations.

(4) If as a result of the Assessment Process a determination is made that an Inquiry is warranted, but the Employee's affiliation with UCF ended before or after the Allegation was reported, UCF will proceed with the Inquiry. If the Respondent, without admitting to the Research Misconduct, elects to resign at any time during the Research Misconduct proceedings, the process will proceed under the requirements of this Assurance. If the Respondent refuses to participate in the process after termination of affiliation with UCF, the RIO will use best efforts in accordance with this Assurance to reach a conclusion concerning the Allegation, noting in the final report the Respondent's failure to cooperate and its effect on the Assessment. The RIO will, as appropriate, contact the sponsoring Agency for additional guidance.

b. Inquiry

(1) Upon completion of the Assessment process and upon a determination by the RIO that the criteria listed under Section 8.a. for proceeding with an Inquiry are met, UCF shall immediately conduct a preliminary review of available Evidence to determine whether to conduct an Investigation.

(2) The Research Integrity Officer (RIO) or his/her designee shall:

a) Take all reasonable and practical steps to obtain custody of, inventory, and sequester in a secure manner all the Research Records and Evidence needed to conduct the Research Misconduct proceeding on or before the date the Inquiry begins or on or before the date on which the Respondent is notified of the allegation, whichever is earlier. Where the Research Records or Evidence involves scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments.

b) Make a good faith effort to notify the Respondent in writing at the time of or before beginning an Inquiry that an Allegation of Research Misconduct has either: (1) been received by a sponsoring Agency, which will require immediate engagement and collaboration by UCF, or (2) has been received at the UCF

Office of Research & Commercialization, Office of Compliance, via an internal UCF channel.

c) Appoint an Inquiry Committee, in consultation with other UCF officials as appropriate, as soon after the initiation of the Inquiry as practical. The Inquiry Committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the Inquiry and should include individuals with the appropriate scientific expertise to evaluate the Evidence and issues related to the Allegation, to interview the principals and key witnesses, and to conduct the Inquiry. The Committee may include outside researchers and/or UCF personnel as experts but not persons directly responsible for the Research project where the Research Misconduct is alleged to have occurred. Each Committee member shall sign a confidential disclosure agreement. The RIO will notify the Respondent of the proposed Committee members. Any objection to the appointment of a Committee member based on a personal, professional or financial conflict of interest must be made by the Respondent to the RIO within ten (10) days of the Committee member's appointment.

d) Prepare a charge for the Inquiry Committee that:

   i. sets forth the time for completion of the Inquiry;
   ii. describes the Allegations and any related issues identified during the Allegation assessment;
   iii. states that the purpose of the Inquiry is to conduct an initial review of Evidence, including the testimony of the Respondent, Complainant and key witnesses, to determine whether an Investigation is warranted, not to determine whether Research Misconduct occurred or who was responsible;
   iv. states that an Investigation is warranted if the Inquiry Committee determines: (1) there is a reasonable basis for concluding that the Allegation falls within the definition of Research Misconduct (and is within the jurisdictional criteria for PHS, NSF or other Agency funded Research when applicable); and, (2) the Allegation may have substance, based on the Committee's review during the Inquiry.
   v. Informs the Inquiry Committee that they are responsible for preparing or directing the preparation of a written report of the Inquiry that meets the requirements of this Assurance, and other sponsoring Agency criteria when applicable.

e) At the Committee's first meeting, review the charge with the Committee, discuss the Allegations and related issues, discuss appropriate procedures for conducting the Inquiry, assist with organizing plans for the Inquiry, answer any questions raised by the Committee, and be present or available throughout the Inquiry to advise the Committee as needed.

f) Instruct the Committee to conduct interviews and examine relevant Research Records and materials and to decide whether an Investigation is warranted in

that there is a reasonable basis for concluding that the Allegation involves Research Misconduct under the criteria in this Assurance.

g) Inform the Inquiry Committee that they shall prepare a written report of the Inquiry that meets the requirements of this Assurance, Section 8.b (4), and shall decide whether to recommend that an Investigation is warranted. If a legally sufficient admission of Research Misconduct is made by the Respondent, Research Misconduct may be determined to have occurred at the Inquiry stage if all relevant issues are resolved.

h) After receipt of the draft Inquiry Report from the Inquiry Committee, notify the Respondent whether the Inquiry found an Investigation to be warranted, provide a copy of the draft Inquiry Report to the Respondent for comment within 10 days (under a confidential disclosure agreement), and include a copy of the PHS Policies on Research Misconduct and/or the NSF regulations on Research Misconduct or other sponsoring Agency regulations when appropriate.

i) After receipt of the draft report from the Inquiry Committee, notify the Complainant whether the Inquiry found an Investigation to be warranted and provide relevant portions of the Inquiry Report to the Complainant for comment within ten (10) days, after obtaining a confidential disclosure agreement from the Complainant.

j) Send any comments from the Respondent or Complainant to the Inquiry Committee, who may make revisions to the draft Report as appropriate and prepare it in final form for delivery to the RIO.

k) Receive the final Inquiry Report from the Inquiry Committee (with Respondent or Complainant comments attached) and transmit it to the Deciding Official for a determination in writing of whether an Investigation is warranted. If the Deciding Official disagrees with the Inquiry Report, the Deciding Official must provide objections in writing to the Committee for their consideration.

l) Complete the Inquiry process, including receiving the final written decision of the Deciding Official on whether an Investigation is warranted, within the time period stipulated by the Agency. For PHS-supported research, the time period for completion of the Inquiry process is sixty (60) calendar days from the initiation of the Inquiry. For NSF funded research, the time period is ninety (90) calendar days. If the RIO determines that circumstances clearly warrant a longer or shorter period, an extension must be granted by the appropriate Agency, and the Inquiry record must include documentation of the reasons for exceeding the Agency's time period.

m) Notify the Respondent whether the Inquiry found that an Investigation is warranted, in accordance with Section 9 below. Include a copy of the Inquiry Report and a copy of or reference to applicable Agency policies and UCF policies and procedures.

n) At the discretion of the RIO, notify the Complainant who made the allegation whether the Inquiry found that an Investigation is warranted and provide relevant portions of the Inquiry Report to the Complainant for comment.

o) Within thirty (30) calendar days of a finding by the Deciding Official that an Investigation is warranted, notify UCF officials and funding Agencies as directed in Section 9 of this Assurance.

p) If a determination is made by the Deciding Official that an Investigation is not warranted, notify the Respondent and the Complainant and take additional actions listed in Subsection (5) below as appropriate.

(3) The Inquiry Committee shall:

a) Receive and review any and all information and documentation provided by the RIO relating to the allegation of Research Misconduct against the Respondent;
b) As needed, request or seek additional information, materials, consultants or other resources to assist them with their review process;
c) When deemed appropriate, interview the Complainant, Respondent, and other individuals identified during the Assessment or Inquiry process, and record or transcribe each interview, providing the recording or transcript to the interviewee for review or correction;
d) Examine relevant Research Records and materials;
e) Evaluate Evidence, including testimony obtained during the Inquiry process;
f) After consultation with the RIO, decide whether an Investigation is warranted based on the criteria in this Assurance in that there is a reasonable basis for concluding:
   - That the Allegation falls within the definition of Research Misconduct, and
   - That the preliminary information-gathering indicates that the Allegation may have substance.
g) In coordination with the RIO, complete the Inquiry Report.
h) In the event that comments are provided from the Respondent, Complainant or the Deciding Official to the Inquiry Report, be available as needed to continue with additional Inquiry review.

(4) The Inquiry Report shall contain the following information:

a) the title of the proposal, sponsored award, technical report, journal, or other document(s) that are subject to the allegation(s) (for example grant numbers, grant listing agency support);
b) the name and position of the Respondent;
c) a description of the allegations of Research Misconduct;
d) the basis for recommending or not recommending that the alleged actions warrant a Research Misconduct Investigation;
e) any comments on the draft report by the Respondent or the Complainant.
f) when deemed appropriate, whether any other actions should be taken if a Research Misconduct Investigation is not recommended.

(5) Notifications and additional actions shall be taken under the following circumstances:

a) If an investigation **IS** warranted:

i. The RIO shall notify the Respondent and those UCF officials who need to know of the determination of the Deciding Official within a reasonable time after determining that an Investigation is warranted but before the Investigation begins. Such notification shall include a copy of the Inquiry Report, a copy of relevant Agency policy on Research Misconduct, and a copy of the UCF Policy and this Assurance on Responsible Conduct of Research.

ii. The RIO may notify the Complainant.

iii. For research proposed to or funded by PHS, within thirty (30) days of the Deciding Official's decision that an investigation is warranted, but before the Investigation begins, the RIO shall provide ORI with the Deciding Official's written decision and a copy of the Inquiry Report. In addition to the above information/documentation, for projects supported by any of the units under the U.S. Public Health Services (PHS), UCF must provide the following information to ORI upon request:

- o The UCF policies and procedures under which the Inquiry was conducted;
- o The Research Records and Evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and
- o The charges for the Investigation Committee to consider.

iv. For NSF-funded research, the RIO shall inform the NSF Office of Inspector General (OIG) immediately if an Inquiry supports a formal Investigation.

v. For research sponsored by other Agencies, the RIO shall follow that Agency's notification instructions.

b) If an investigation **IS NOT** warranted, the RIO:

i. Shall notify the Respondent, the Complainant, and those institutional officials who need to know of the determination of the Deciding Official.

ii. Shall secure and maintain for seven (7) years after the termination of the Inquiry sufficiently detailed documentation of the Inquiry to permit a later assessment of the reasons why an Investigation was not conducted. These documents must be provided to authorized sponsoring Agency personnel upon request.

iii. At the request of the Respondent, shall undertake all reasonable and practical efforts, as appropriate, to restore the reputations of persons alleged to have engaged in Research Misconduct when those

Allegations are not confirmed, in accordance with Section 11.f of this Assurance.

iv. When deemed appropriate, shall refer Allegations that are not deemed to be Research Misconduct, but may be considered to be other conduct that may be actionable under UCF internal standards or other authority, to other UCF administrative bodies for review.

9. Investigation

a. Initiating the Investigation process:

(1) A formal Investigation is warranted if as a result of the Assessment and Inquiry process it is determined that the Allegation of Research Misconduct meets the criteria stated in Section 8 above.

(2) An Investigation consists of the formal development of a factual record and the examination of that record, leading to a decision either not to make a finding of Research Misconduct or to a recommendation for a finding of Research Misconduct. The Investigation will also determine whether there are additional instances of possible Research Misconduct that would justify broadening the scope beyond the initial Allegations.

(3) The following actions will be completed under the direction of the RIO as part of the Investigation process:

a) Begin the investigation within thirty (30) calendar days after the Deciding Official determines that an Investigation is warranted.

b) Give the Respondent written notice of any new Allegations of Research Misconduct within a reasonable amount of time of deciding to pursue Allegations not addressed during the Inquiry or in the initial notice of Investigation.

c) Prior to notifying the Respondent of the Investigation, take all reasonable and practical steps to obtain custody of, inventory, and sequester in a secure manner all Research Records and Evidence needed to conduct the Research Misconduct Investigation, to the extent that UCF has not already done so at the Assessment or Inquiry stages. The procedures to be followed for sequestration during the Investigation are the same procedures that apply during the Inquiry. When the records or Evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments.

d) Take all reasonable and practical steps to take custody of additional research items and evidence as they become known or relevant to the Investigation.

e) Use diligent efforts to ensure that the Investigation is thorough and sufficiently documented and includes examination of all Research Records and Evidence relevant to reaching a decision on the merits of the Allegations.

f) Take reasonable steps to ensure an impartial and unbiased Investigation to the maximum extent practicable, including participation of persons with appropriate scientific experience who do not have unresolved personal, professional, or financial conflicts of interest with the Respondent, Complainant or other persons involved with the Inquiry or Investigation process.

g) Record or transcribe each interview for review and correction by the appropriate interviewee. A copy of the transcription or recording shall be made a part of the record of the Investigation.

h) Pursue diligently all significant issues and leads discovered that are determined relevant to the Investigation, including any evidence of additional instances of possible Research Misconduct, and continue the Investigation to completion.

i) For research supported by PHS, complete all aspects of an Investigation within one hundred and twenty (120) days of beginning it, including conducting the Investigation, preparing the report of findings as described in 42 CFR 93.313, providing the draft report for comment, and sending the final report to ORI. If the RIO determines that the Investigation will not be completed within this 120-day period, he/she will submit to ORI a written request for an extension, setting forth the reasons for the delay. The RIO will ensure that periodic progress reports are filed with ORI, if ORI grants the request for an extension and directs the filing of such reports.

j) For NSF funded research, complete the Investigation and reach a disposition within one hundred and eighty (180) days, in accordance with 42 CFR 689.4(b)(4). UCF will notify NSF if completion of an Investigation is delayed for any reason, and will submit periodic status reports if requested by NSF.

k) For allegations involving other sponsoring Agencies, unless otherwise directed by the sponsoring Agency, complete the Investigation and reach a disposition within one hundred eighty (180) days, unless an extension is granted from a sponsoring Agency in response to a written request from the RIO.

b. Establishing the Research Misconduct Investigation Committee

1. The Research Integrity Officer (RIO) or his/her designee shall:

a) In consultation with other UCF officials as appropriate, appoint an Investigation Committee and Committee Chair as soon after the beginning of the Investigation as is practical.

(1) This Committee shall consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the Investigation and should include individuals with the appropriate scientific expertise to evaluate the evidence and issues related to the allegation, interview the Respondent, Complainant and witnesses, and conduct the Investigation.

(2) The Committee is appointed for the term of a particular Investigation. Individuals appointed to the Investigation Committee may also have served on the Inquiry Committee.

(3) When necessary to secure the necessary expertise or to avoid conflicts of interest, the RIO may select a Committee member from outside UCF.

b) Notify the Respondent of the proposed Committee membership to give the Respondent an opportunity to object to a proposed member based upon a personal, professional, or financial conflict of interest. The Respondent must make such objections to the RIO within ten (10) calendar days of receiving the proposed Committee membership information. The RIO will make the final determination of whether a conflict exists.

c) Prepare a written charge for the Investigation Committee which:

(1) Describes the Allegations and related issues identified during the Inquiry;
(2) Identifies the Respondent, and also identifies the Complainant when deemed necessary by the RIO;
(3) Informs the Committee that it must conduct the Investigation as prescribed in this Assurance;
(4) Defines Research Misconduct;
(5) Informs the Committee that it must evaluate the Evidence and testimony to recommend to the Deciding Official a finding on whether, based on a Preponderance of the Evidence, Research Misconduct occurred, and if so, the type and extent of it and who was responsible. Respondent has the burden of proving by a Preponderance of the Evidence any affirmative defenses raised, including honest error or a difference of opinion;
(6) Informs the Committee that in order to determine that the Respondent committed Research Misconduct it must find that a Preponderance of the Evidence establishes that:

i. Research Misconduct, as defined in this Assurance, occurred;

ii. The Research Misconduct is a significant departure from accepted practices of the relevant research community
iii. Respondent committed the Research Misconduct intentionally, knowingly, or recklessly.

(7) Informs the Committee that it must prepare or direct the preparation of a written Investigation Report that meets the requirements of this Assurance and the requirements of 42 CFR Part 93 for Research supported by PHS**.**

c. Conducting the Investigation

1. The Research Integrity Officer (RIO) or his/her designee shall:

a) Convene the first meeting of the Investigation Committee, and will review the charge, the Inquiry Report, and the procedures and standards for the conduct of the Investigation, including the necessity for confidentiality and for developing a specific investigation plan.
b) Be present or available throughout the Investigation to advise the Investigation Committee as needed.

2. The Committee shall commence the Investigation as expeditiously as possible. The Investigation Committee shall reach a decision as to whether Research Misconduct did occur and shall report its findings in accordance with Section 9.a (3) i), j) and k) of this Assurance, unless a longer period is clearly warranted and has been approved by the appropriate sponsoring Agency.

3. The Investigation Committee shall:

a) Use diligent efforts to ensure that the Investigation is thorough and sufficiently documented and includes examination of all Research Records and Evidence relevant to reaching a decision on the merits of each Allegation;
b) Take reasonable steps to ensure an impartial and unbiased Investigation to the maximum extent practical;
c) Interview each Respondent, Complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the Investigation, including witnesses identified by the Respondent,
d) In coordination with the RIO, record or transcribe each interview, provide the recording or transcript to the interviewee for review or correction, and include the recording or transcript in the record of the Investigation;
e) In coordination with the RIO, pursue diligently all significant issues and leads discovered that are determined to be relevant to the Investigation, including any evidence of any additional instances of possible Research Misconduct, and continue the Investigation to completion.
f) After consultation with the RIO, decide whether a finding of Research Misconduct is warranted based on the criteria in this Assurance.
g) In coordination with the RIO, complete the Investigation Report.

h) In the event that comments are provided from the Respondent or the Complainant to the Investigation Report, be available as needed to continue with additional review.

d. Draft Investigation Report

1. The Investigation Committee and the RIO are responsible for preparing a written draft report of the Investigation that:

    a) Describes the nature of the Allegation(s) of Research Misconduct, including identification of the Respondent;
    b) Describes and documents the support and funding from any source, including, for example, the numbers of any grants that are involved, grant applications, contracts, and publications listing PHS, NSF, or other Agency support;
    c) Describes the specific Allegations of Research Misconduct considered in the Investigation;
    d) Includes the UCF policies and procedures under which the Investigation was conducted;
    e) Identifies and summarizes the Research Records and Evidence reviewed, and identifies any Evidence taken into custody but not reviewed; and
    f) Includes a separate statement of finding or whether Research Misconduct has been found to have been committed for each Allegation of Research Misconduct identified during the Investigation. If no finding of Research Misconduct has been made, the Committee shall state that clearly in the draft Investigation Report.

2. Each statement containing a finding of Research Misconduct must:

    a) Identify whether the Research Misconduct was Falsification, Fabrication, or Plagiarism, and whether it was committed intentionally, knowingly, or recklessly;
    b) Summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the Respondent, including any effort by Respondent to establish by a Preponderance of the Evidence that he or she did not engage in Research Misconduct because of honest error or a difference of opinion;
    c) Identify the specific Agency support or funding received;
    d) Identify whether any publications need correction or retraction;
    e) Identify the person(s) responsible for the Research Misconduct; and
    f) List any current support or known applications or proposals for support that the Respondent has pending with any other sponsoring Agency.
    g) Describe the Committee's recommendations for administrative actions or sanctions resulting from the Committee's assessment of each finding of Research Misconduct.

e. Comments on the draft Investigation Report

1. The RIO shall provide the Respondent with a copy of the draft Investigation Report and, concurrently, a copy of or supervised access to the Evidence on which the Report is based. Any comments by the Respondent to the content of the draft Investigation Report

must be submitted within thirty (30) days of the date on which the Respondent received the draft Investigation Report. The Respondent's comments must be included and considered in the final Report.

2. The RIO may provide the Complainant with a copy of the draft Investigation Report or relevant portions of that report. Any comments by the Complainant to the content of the draft Investigation Report must be submitted within thirty (30) days of the date on which the Complainant received the draft Investigation Report or relevant portions of such report. The Complainant's comments must be included and considered in the final Report.

3. In distributing the draft Investigation Report to the Respondent and Complainant, the RIO will inform the recipient of the confidentiality under which the draft report is made available and will require that the recipient sign a confidential disclosure agreement.

4. Any comments submitted by either the Respondent or the Complainant will be evaluated by the RIO within fifteen (15) days of the date of their receipt, unless a longer period is approved by the RIO.

5. The RIO will forward such comments for consideration by the members of the Research Misconduct Investigation Committee, who shall provide a written response to the RIO within fifteen (15) days of receipt of forwarded comments, unless a longer period is approved by the RIO.

6. Written responses from the Investigation Committee may be provided by the RIO or his/her authorized representative to the Respondent and the Complainant, as applicable, in regard to their comments to the draft Investigation Report.

7. All comments and revisions to the draft Report must be considered and completed within the time frame referenced in Subsection a. of this Section of the Assurance.

f. The Final Investigation Report

1. The Final Investigation Report must be prepared by the Research Misconduct Investigation Committee with the assistance of the RIO upon completion of the Investigation for each alleged Research Misconduct case and within the time frames listed in this Section 9 of this Assurance.

2. The written Report shall be reviewed by the RIO and must include the information described in Subsection 9.d. of this Assurance, as well as any comments made by the Respondent and the Complainant in response to the draft Investigation Report and any consideration by Committee members or UCF authorized officials of those comments.

3. The Final Report shall describe any recommended internal UCF administrative actions to be taken as a result the Committee's assessment of the Allegations of Research Misconduct.

10. Determination by Deciding Official:

a. The Deciding Official will receive and review the Investigation Report from the RIO, and will determine in writing:

(1) Whether UCF accepts the Investigation Report, its findings, and the recommended UCF institutional actions to be taken;
(2) The appropriate UCF actions in response to the accepted findings of Research Misconduct (See Section 11 below);
(3) When applicable, the basis used by the Deciding Official, with a detailed explanation, for rendering a decision different than the findings of the Research Misconduct Investigation Committee;
(4) When applicable, the reason(s) for returning the report to the Research Misconduct Investigation Committee with a request for further fact-finding or analysis.

b. When a final decision on a case is reached by the Deciding Official and delivered to the RIO, the RIO will notify the Respondent and Complainant in writing within fifteen (15) days of receipt of the final decision.

c. With consultation as deemed appropriate from the Deciding Official or other UCF personnel, the RIO shall determine whether law enforcement agencies, professional societies, professional licensing boards, editors of involved journals, collaborators of the Respondent, or other relevant parties should be notified of the outcome of the Research Misconduct proceedings.

d. The RIO shall notify all funding or sponsoring Agencies of the final decision in accordance with their requirements. For PHS-supported research, ORI shall be given the following within the specified period for completing the Investigation:

(1) Investigation Report
(2) Final UCF action, stating whether UCF found Research Misconduct, and if so, who committed the Research Misconduct;
(3) Findings, stating whether UCF accepts the findings of the Investigation Report;
(4) Institutional administrative actions, describing any pending or completed administrative actions against the Respondent based on any Research Misconduct finding.

11. Other Corrective Actions and Special Circumstances

a. Throughout the Research Misconduct proceeding, the RIO will review the process to determine whether there is any threat of harm to public health, funds and equipment, or the integrity of the Research process. In the event of such a threat, the RIO will, in consultation with other UCF officials and sponsoring Agencies as appropriate, take appropriate interim actions.

b. Specifically, for Research proposed to or supported by PHS, NSF, or by another Agency, the RIO shall notify that sponsor immediately if he/she has reason to believe that any of the following conditions exist:

(1) Health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
(2) Federal resources or interests are threatened;
(3) Research activities should be suspended;
(4) There is reasonable indication of possible violations of civil or criminal law;
(5) Federal action is required to protect the interests of those involved in the Research Misconduct proceeding;
(6) The Research Misconduct proceeding may be made public prematurely and Agency action may be necessary to safeguard evidence and protect the rights of those involved;
(7) The Research community or public should be informed.

c. Upon a finding of Research Misconduct, UCF may propose the implementation of corrective actions or sanctions, including but not limited to those listed below (more than one action could be recommended).

(1) Imposition of training on responsible conduct of Research.
(2) Issuing of a letter(s) of reprimand.
(3) Prohibition from participation (in any capacity) on sponsored Research project activities (either initiated by UCF or as subcontractor to another institution).
(4) Termination of the Employee's contract with the University.
(5) For students, a disciplinary action consistent with the UCF Rules of Conduct, as appropriate.
(6) Clarification, correction, or retraction of the Research Record, including, for example, correction or withdrawal of publications and retracting submissions to national databases.

d. Internal corrective actions shall follow UCF policy, to include the procedures of Article 16 of the United Faculty of Florida Collective Bargaining Agreement, as appropriate.

e. For PHS-supported research, UCF must notify ORI in advance if UCF plans to close a case at the Inquiry or Investigation stage on the basis that (1) the Respondent has admitted guilt, (2) a settlement with the Respondent has been reached, or (3) for any other reason, except when an Inquiry is closed based on insufficient evidence to warrant an Investigation

f. Following a final finding of no Research Misconduct, including concurrence of the sponsoring Agency where required, at the request of the Respondent, the RIO, with the approval of the Deciding Official and in coordination with the UCF Office of Provost as appropriate, shall undertake all reasonable and practical efforts to restore the Respondent's reputation with regard to the Research Misconduct allegation. This may include, for example, notifying those individuals aware of or involved in the proceedings of the final outcome, publicizing the final outcome in any forum in which the Research Misconduct allegation was previously publicized, if known by the university, and directing the

expungement of all references to the Research Misconduct allegation from the Respondent's personal file.

g. During the Research Misconduct proceeding and upon its completion, regardless of whether UCF or an Agency determines that Research Misconduct occurred, the RIO with the approval of the Deciding Official must undertake all reasonable and practical steps to protect the position and reputation of, or to counter potential or actual Retaliation against, any Complainant who made allegations in Good Faith and any witness or Committee member who cooperated in Good Faith during the proceedings. If the Deciding Official determines the Complainant's action was not in Good Faith, the Deciding Official will take appropriate administrative action against the Complainant in consultation with the Academic Affairs Office.

12. Disclosure of Information

Although it is not the UCF policy to publicly disclose information relating to findings of Research Misconduct incurred by its Employees, Employees must be aware of the fact that ORI may disclose information to other persons for the purpose of providing or obtaining information about Research Misconduct as permitted under the Privacy Act, 5 U.S.C. 552a.

In addition, for project proposed or funded by units of the PHS, ORI may publish a notice of final agency findings of Research Misconduct, settlements, and HHS administrative actions and release and withhold information as permitted by the Privacy Act and the Freedom of Information Act, 5 U.S.C. 552. NSF will process disclosure of information relating to Research Misconduct cases following procedures established by the NSF's Office of the Inspector General.

13. Records of Research Misconduct proceedings

(1) **Records of Research Misconduct proceedings include**:

(a) any record secured for the Research Misconduct proceeding pursuant to this Assurance, except to the extent the RIO determines and documents that those records are not relevant to the proceeding or that the records duplicate other records that have been retained; the documentation of the determination of irrelevant or duplicate records;

(b) the Inquiry Report and final documents (excluding drafts) produced in the course of preparing that Report, including the documentation of any decision not to investigate;

(c) the Investigation Report and all records (excluding drafts of the Report) in support of the Report, including recordings or transcripts of each interview conducted;

(2) **Retention of Records**:

a) Unless custody has been transferred to the Agency supporting the research or that agency has advised in writing that the records no longer need to be

retained, the RIO shall maintain these records in a secure manner for seven (7) years after completion of the proceeding or the completion of any sponsoring Agency's proceeding involving the Research Misconduct Allegation, whichever is later.

b) The RIO shall have available for review or access by sponsoring agencies all records of every Research Misconduct Proceeding, including results of all interviews and the transcripts or records of such interviews (if applicable).

c) For PHS-supported research, the RIO must provide any information, documentation, research records, evidence or clarification requested by ORI to carry out its review of an allegation of Research Misconduct or of UCF's handling of such an allegation.

14. Other considerations

a. The Research Misconduct proceedings contained on this Assurance (Assessment, Inquiry and Investigation) are intended to be conducted within prescribed time frames. However, failure to complete an Inquiry, Investigation, or other process within these time frames shall not be grounds for dismissal of internal UCF proceedings regarding an allegation of Research Misconduct**.**

b. UCF may find conduct to be actionable under its internal standards, even if the action does not meet the definition of Research Misconduct as defined in this Assurance. Any Agency finding or settlement does not affect UCF findings or administrative actions based on UCF's internal standards of conduct.