Section XII - Ethics in Sponsored Programs

Colorado State University is committed to the highest standards of professional conduct. Academic faculty members and administrative professionals at Colorado State University should be aware that their personal conduct reflects on the integrity of the University and should take care that their actions have no detrimental effect on the institution. The University’s policy on ethical conduct is contained in the Academic Faculty and Administrative Professional Staff Manual, D.9. Code of Ethical Behavior. The following Code provisions have particular relevance to the research and other scholarly activities covered by this section of the manual:

1. Maintain a high level of discretion and respect in personal and professional relations with students, faculty, staff, and the public.

2. Recognize fairly and accurately the extent of the contribution of others to one’s professional work.

3. Avoid non-University activities that could significantly interfere with carrying out assigned University responsibilities.

4. Abide by University policies pertaining to patents, publication, copyrights, consulting, off-campus employment, and conflict of interest as detailed in the Academic Faculty and Administrative Professional Manual.

5. Eschew academic misconduct such as fabrication, falsification, and plagiarism, in proposing, conducting, and reporting research or in scholarly or creative endeavors, or in identifying one’s professional qualifications.

MISCONDUCT IN SCIENCE

The Regulatory Compliance Office (RCO) is the coordinating office for faculty committees overseeing the federally mandated areas of responsible conduct of research. The RCO Director serves as the Research Standards Officer for concerns about Misconduct in Science (plagiarism, fabrication, falsification, or other non-standard practices in research proposing, conducting, or reporting). The RCO web pages include additional information about this topic.

MISCONDUCT IN SCIENCE
ADMINISTRATIVE PROCEDURES: INTERIM POLICY

Approved by Faculty Council Committee on Research May 3, 1995
I. Introduction

*MISCONDUCT IN SCIENCE:* Misconduct in science means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research or retaliation of any kind against a person who reported or provided information about suspected or alleged misconduct and who has acted in good faith. Misconduct does not include honest error or honest differences in interpretations or judgments of data.

Misconduct in science is a sensitive issue. Although virtually no one —scholar, administration, or sponsor— condones it, substantial disagreement exists about how it should be defined. The term refers to "in science," although the concern for ethical behavior encompasses virtually every discipline. Universities receiving federal funds must comply with requirements promulgated by the federal agencies; but those regulations are ambiguous, subject to change, and inconsistent. Add to this the perceived reputational consequences of merely having one's name mentioned in connection with any allegation of misconduct in science, and it becomes apparent why misconduct in science is such a sensitive issue.

In spite of regulatory confusion, the underlying fact remains that ethics are, and must be, important to the university community. The accuracy of new knowledge builds upon the soundness of concepts developed and tested before. Public trust is generated on the faith that conclusions are accurate "to the best of our knowledge and ability." Academic honesty is critical to the reliability of the knowledge yet to be discovered. In a more self-serving sense, in order to maintain a right of self-regulation, the academy must not abdicate that responsibility, thereby encouraging other parties to impose regulation. Integrity, as something to be fostered and whose antithesis is to be condemned, is vital both to the fruits of the academy and to the well-being of the academy itself.

Members at all levels of the academic community (students, postdoctoral trainees, faculty, and staff) have a responsibility to report instances of what they, in good faith, believe to be lack of integrity in scholarship. Examination of such a concern is then a continuation of the search for intellectual truth, not a breach of collegiality. In many examined cases, misunderstandings, ignorance, lack of scientific stringency, or carelessness may lie at the root of the problem. While perhaps deserving of commensurate sanctions, these types of situations are correctable. The University seeks to emphasize education about ethical issues, to achieve consensus regarding good ethics, and to promote good practices. It does not condone verified instances of misconduct in science and will pursue allegations vigorously.
The following are administrative procedures for dealing with situations that might constitute misconduct in science. The procedures apply to all members of the Colorado State University academic community, including academic faculty, administrative-professionals, state classified personnel, and postdoctoral trainees, both with respect to reporting situations and to being named a respondent in a situation. Situations involving graduate and undergraduate students as respondents would by covered by this policy only to the extent that federal funds are involved and the sponsor of those funds requires procedures which the Vice President for Research and Information Technology does not deem to be met by existing campus procedures for dealing with student misconduct.

These procedures will normally be followed when an appropriate University official receives an allegation of possible misconduct in science. Particular circumstances in an individual case may, however, dictate variation from normal procedures to the extent that such variations are in the best interests of the University and fair to the subject of an allegation. Any significant variation should be approved in advance by the University’s Vice President for Research and Information Technology.

Allegations which do not appear to constitute misconduct in science, or which are determined not to be misconduct in science, may nonetheless be at variance with University policy and nothing in these procedures shall preclude appropriate action in other fora.

II. Definitions

ALLEGATION: notice to the institution or a responsible official of the institution either in writing or orally that wrongdoing is suspected or known to have occurred. An allegation should be brought forth with the greatest degree of specificity possible under the circumstances.

APPEAL: an opportunity for review of the final determination. The only basis for appeal is that the procedure was substantially flawed.

COMPLAINANT: the individual who raises questions about research practices or makes the allegation of misconduct.

CONCERN: a situation brought to the attention of the institution or a responsible officer, prior to substantiation as an allegation.

CONFIDENTIALITY: communications about allegations are intended to be treated, to the extent possible, in a confidential manner and shared with those parties formally involved in the situation and others on a "need-to-know" basis authorized by the Vice President for Research and Information Technology.
CONFLICT OF INTEREST: a bias, resulting from a familial or close collegial or other relationship now or in the past, which would prevent one from being objective if serving on an Inquiry Panel or Investigation Committee, or if otherwise involved in an official capacity on behalf of the university.

DETERMINATION: the finding(s) of an Inquiry Panel or Investigation Committee regarding an allegation of misconduct in science.

FRAUD: a complex term involving in part an intentionally false representation of fact or suppression of truth by someone who knew or should have known it was not truthful, upon which someone relies, and which results in damage. Fraud is not necessary to determine misconduct in science.

INQUIRY: the initial 60-day information-gathering and evaluation of an allegation or concern to determine whether there is a reasonable basis to believe misconduct in science may have occurred such that a full-scale Investigation is warranted. It is intended to allow a discrete examination of the situation.

INVESTIGATION: the formal review of an allegation of misconduct that occurs when the Inquiry discloses a reasonable basis for believing that misconduct in science may have occurred. The purpose of the Investigation is to gather and examine relevant facts, determine whether the evidence supports a finding that misconduct in science occurred, recommend sanctions if necessary, and report the findings to the Vice President for Research and Information Technology.

MISCONDUCT IN SCIENCE: The Colorado State University definition shall be: Misconduct in science means 1) fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted with the scientific community for proposing, conducting, or reporting research; or 2) retaliation of any kind against a person who has reported or provided information about suspected or alleged misconduct and who has acted in good faith. Misconduct does not include honest error or honest differences in interpretations or judgments of data.

MISDEED: questionable or unacceptable practice that does not rise to severity of misconduct in science but deserves corrective action or sanctions.

PRE-INQUIRY REVIEW: an informal and preliminary consultation by the Dean with the Research Standards Officer and other knowledgeable individuals regarding a situation prior to the decision to initiate the formal misconduct in science proceedings.

PREPONDERANCE OF EVIDENCE: the standard for weighing evidence that requires showing it is more probable than not that allegations are founded. This is a customary standard in civil cases.
RECOMMENDATION: a suggestion made by an Inquiry Panel or an Investigation Committee regarding referrals, remedial actions, sanctions, or matters the Panel or Committee was asked to consider or thinks advisable, resulting from the determination but distinct from the determination.

RESPONDENT: the individual against whom the allegation of misconduct in science has been brought.

RETRALIATION: response by the university or an employee of the university adversely affecting the employment or other status of a complainant who, in good faith, has made an allegation of misconduct in science, or an allegation of inadequate institutional response thereto, or of another individual who has cooperated in good faith with the process of examining such an allegation. The Research Standards Officer shall monitor situations for retaliation; the Vice President for Research and Information Technology is responsible for reviewing such situations.

SANCTIONS: discipline imposed on the culpable individual(s); also referred to as remedial actions.

SPONSOR: the governmental agency or private organization which has funded a project at Colorado State University.

WHISTLEBLOWER: an employee who, in good faith, reports wrongful activities of his employer or fellow employees and may be protected under federal or state statutes prohibiting retaliation.

III. Roles and Responsibilities

COMPLAINANT: The complainant brings questionable practices to the attention of the University. If those practices are found to require formal review, the complainant is expected to cooperate by providing information and/or evidence to the degree possible. The complainant will normally be offered the opportunity to testify or present evidence to the Inquiry Panel and/or Investigation Committee, have access to portions of the Panel and/or Committee reports pertinent to his or her testimony, reasonable opportunity to respond in writing to his or her sections of reports, and be informed of the results of the process. Any such responses are to be included as a part of the official case record. The complainant is responsible for acting in good faith and is expected to maintain confidentiality. The University acknowledges that certain state and federal whistleblower protective statutes may be applicable to good-faith declarations.

RESPONDENT: The respondent shall not be considered culpable until or unless it is shown that it is more probable than not that the allegations are founded. The respondent has two primary responsibilities: 1) to maintain confidentiality (but this does not preclude discussions with colleagues to the extent necessary to gather
evidence); and 2) to cooperate fully with the process. The respondent is entitled to: 1) formal notification of the allegation at the point an Inquiry is initiated; 2) an opportunity to testify or present evidence to the Inquiry Panel or Investigative Committee; 3) receive complete copies of the Inquiry and Investigation reports; 4) access to information presented as evidence; 5) an opportunity to respond in writing to the Inquiry and Investigation reports. Any such responses are to be included as a part of the official case record.

DEAN OF THE COLLEGE: The Dean of the respondent's college, or the Dean's designee, such as the Associate Dean for Research, represents the college, normally handles preliminary concerns regarding misconduct in science for the college, consults and is consulted by the Vice President for Research and Information Technology (VPRIT) and Research Standards Officer (RSO) as necessary, and is to be kept informed of inquiry or investigation proceedings by the RSO. The Dean oversees the imposition of any sanctions. In cases in which the Dean or his or her designee must recuse himself or herself, the Provost/Academic Vice President or his or her designee shall replace the Dean.

DEPARTMENT HEAD: The Department Head of the respondent's department is often the person to whom concerns are first expressed and has a key role in conveying that information to the Dean as soon as possible. If the determination is made that notifications of journals, professional societies, or collaborators are necessary, these will be the responsibility of the Department Head. The Research Standards Officer shall keep the Department Head informed of the inquiry and investigation proceedings simultaneously with the Dean. In cases in which the Department Head must recuse himself or herself, the Dean shall designate a substitute for the particular case.

FACULTY COUNCIL COMMITTEE ON RESEARCH: The standing committee of the Faculty Council that conducts inquiries and investigations for misconduct in science matters according to University procedures, is responsible for developing a pool of general faculty members able to contribute expertise for such procedures, and coordinates with and reports its findings to the VPRIT.

INQUIRY PANEL: A panel composed typically of general faculty members, although other members may be added, who gather facts and engage in objective evaluation of an allegation or concern to determine whether there is reasonable basis to believe misconduct in science may have occurred, such that an Investigation is warranted.

INVESTIGATION COMMITTEE: A committee composed typically of general faculty members, although other members may be added, who gather and examine facts to determine whether misconduct in science did occur and recommend remedial actions if misconduct in science occurred.

LEGAL COUNSEL: University legal counsel advises the University, as
represented by the President, Vice President for Research and Information Technology, Research Standards Officer, Inquiry Panel, and Investigation Committee. The complainant and respondent may wish to obtain separate private legal counsel at their own expense.

RESEARCH STANDARDS OFFICER (RSO): The University administrator appointed by the VPRIT as responsible for ensuring that institutional procedural responsibilities are met concerning misconduct in science issues. The RSO reports to the VPRIT and fosters standardized processing of allegations and institutional consistency. The RSO assists all institutional representatives in implementing these procedures and meeting standards and requirements imposed by external entities. The RSO is responsible for maintenance of all files and evidence. Should the RSO need to recuse himself or herself, the Vice President for Research and Information Technology shall designate a substitute RSO for that case.

VICE PRESIDENT FOR RESEARCH AND INFORMATION TECHNOLOGY (VPRIT): The University administrator with administrative jurisdiction for all aspects of matters involving misconduct in science. The Faculty Council Committee on Research (FCCR) conducts misconduct in science inquiries and investigations according to established University procedures, coordinating with the VPRIT. The Inquiry Panels and Investigation Committees report their findings to the VPRIT. Should the VPRIT recuse himself or herself, the case will be referred to the Provost/Academic Vice President, who will act in place of the VPRIT.

IV. General Matters

A. Reporting Concerns. The traditional and desired route for expressing concern about misconduct in science issues is through confidential discussions with one's laboratory director or department head. However, the following additional avenues are available for those instances in which an individual does not feel comfortable seeking confidential advice at that level or when an individual is dissatisfied with the disposition of a concern at that level:

- another faculty member in whom one has confidence
- one's college Dean or Associate Dean for Research
- the University Ombudsman's Office
- any student advocacy office, such as the Non-traditional Students Organization, or the Office of Women's Programs and Studies
- the Dean or Associate Dean of the Graduate School
- the Research Standards Officer, within the Office of the VPRIT
- any Vice President of the University

Concerns from entities outside the University should be routed to the VPRIT.
Individuals receiving an expression of concern shall promptly bring the matter to the attention of the Dean of the respondent’s College, informing the complainant that this is a required procedure and does not constitute a breach of confidentiality. If the Dean’s involvement in a particular situation creates a conflict of interest, the matter should be reported to either the VPRIT or the RSO. Channeling the concern to an individual familiar with misconduct in science matters is an important step, because many concerns can best be addressed early, with explanation and discussion. The Dean shall notify the RSO of the matter, then meet with the complainant confidentially to:

1. Obtain and document contact information and details of the situation with the greatest degree of specificity possible under the circumstances. However, it is not the complainant’s responsibility to prove his or her allegation.

2. If the situation is not misconduct in science, explain why and handle or refer the issue appropriately.

3. If the matter appears related to misconduct in science, apprise the complainant of the process, responsibilities, and timing associated with misconduct in science procedures, through verbal explanation and providing a written copy of this policy; refer the complainant to the RSO.

4. Ascertain if the complainant intends at this point to proceed with a formal allegation, or assist in establishing a time by when that decision will be made. The Dean, VPRIT, or RSO may exercise the University’s responsibility and recommend formal proceedings even without a formal allegation from a complainant.

5. If the complainant proceeds to make a formal allegation, arrange for the complainant or an appropriate administrator to formalize the allegation in writing.

The Dean shall keep a brief confidential record of the number and types of situations addressed and provide this record to the RSO at the conclusion of each fiscal year.

B. Confidentiality. All aspects of the misconduct in science procedures are intended to be kept confidential by all parties, including the complainant, respondent, staff, Panel and Committee members, and witnesses, to the extent possible and consistent with fair treatment of such persons, protection of the public health and safety, the need to carry out the Inquiry or Investigation, and legal requirements. The VPRIT has sole responsibility for coordinating the release of any information regarding misconduct in science cases. A breach of confidentiality is a violation of University policy and may be grounds for disciplinary action.

C. Conflicts of Interest. All persons involved in a misconduct in science
proceeding in an official capacity on behalf of the University, including the Department Head, Dean, members of the Faculty Council Committee on Research, Inquiry Panel, Investigation Committee, Legal Counsel, RSO, and VPRIT shall recuse themselves from participation in instances where conflict of interest would impede their ability to function in an impartial manner.

**D. Notifications.**

Reporting. The VPRIT oversees all annual and case-specific reporting to sponsors that may be necessary, recognizing that sponsor requirements vary. Unless otherwise required by specific regulations, sponsors will be notified if an investigation determines misconduct in science occurred. Notification shall be accomplished within time periods required and may consist of a summary of the investigation report, and such other information as regulations may require. The University will retain supporting evidence.

The VPRIT shall be responsible for all case-specific contact with external entities such as collaborators, other institutions, professional societies, journals, or media. The VPRIT may delegate responsibilities as he or she deems necessary or appropriate; contact with professional entities may be delegated to the appropriate Department Head(s).

**Sponsor notification.** On or before an Investigation begins, the VPRIT shall notify the sponsor of the Investigation's initiation if the sponsor's regulations require it (otherwise sponsors are notified only if the Investigation concludes misconduct did occur or if necessary to protect the public interest).

Notification shall include the name of the respondent, the general nature of the allegation, and the application, grant, or contract number of involved projects funded by that sponsor.

**Circumstances requiring immediate agency notification.** For projects involving sponsors requiring notification, the VPRIT will notify the affected agency within twenty-four (24) hours of obtaining information during the inquiry or investigation if it is ascertained that any of the conditions enumerated below exist. The RSO, Dean, the Inquiry Panel, and the Investigation Committee are charged to be alert to the following conditions and immediately notify the VPRIT if they exist:

1. immediate health hazard involved;
2. immediate need to protect sponsor funds or equipment;
3. immediate need to protect the interests of the complainant(s) or respondent(s) or the respondent's co-investigators or associates, if any;
4. reasonable basis to believe that the alleged incident is going to be reported publicly; or
5. reasonable indication of possible criminal violation.

**Notifications to complainant and respondent.** The Dean will provide written
communication to the complainant and respondent regarding the outcome of the Pre-inquiry Review no more than fourteen (14) days after the VPRIT’s concurrence with the Pre-inquiry Review determination. The complainant and the respondent shall receive the Notification of Inquiry or Notification of Investigation from the RSO at the beginning of the Inquiry and Investigation stages notifying them that the case has proceeded to the next phase. At the conclusion of each stage, the RSO shall provide the complainant with a written summary of the determination within ten (10) calendar days of that determination. The RSO shall provide the respondent with the full report of the Inquiry Panel or Investigation Committee within ten (10) days of the panel's or committee's determination. The respondent has ten (10) calendar days in which to respond in writing.

**E. Interim Action.** The University may take interim administrative action as a precautionary measure to the extent necessitated by circumstances. Such steps may be taken to protect involved parties, to protect data, or to protect federal or state funds, and may range from minor restrictions of access to data or records to suspensions of grant activity or appointments. Such administrative action does not constitute a finding. Such administrative action may be released at the end of any phase of the process (Pre-inquiry Review, Inquiry, Investigation) with the concurrence of the VPRIT, and in no case may last longer than the duration of the entire process. Sequestration of data may need to take place as soon as a concern is brought to light to preserve the integrity of evidence and protect the parties (including the complainant and respondent) from allegations of tampering or other improper actions. Data resulting from University employment are the property of the University.

**F. Termination of the Process.** Incapacity or departure of the respondent from the University, whether voluntary or involuntary, does not negate the institutional responsibility to pursue the allegation to the fullest procedural extent, just as if the respondent were still present; nor shall such conditions preclude the University from taking remedial actions determined by it to be appropriate under the circumstances. The University will not accept an admission of misconduct in science without sponsor approval, if sponsor approval is required.

**G. Additional Allegations or Respondents.** During the process, if additional information becomes available that substantially changes the subject matter being examined or would suggest additional allegations or respondents, the Dean, Panel, or Committee shall notify the RSO who shall determine whether it is necessary to notify the respondent of the new subject matter or to notify the additional respondents. Separate procedures may be, but are not required to be, initiated if an original allegation should become convoluted with additional matters or respondents.

**H. Legal Counsel or Advisor.** If the complainant and respondent wish to retain private legal counsel or other advisor, they may do so at their own expense. Such legal counsel or advisor may be present with the complainant or
respondent at meetings, provided, however, that the complainant or respondent shall give the Inquiry Panel or Investigation Committee chairperson at least twenty-four (24) hours notice of the intent to have legal counsel or an advisor present. Legal counsel or the advisor may consult with the individual(s) he or she represents, but may not present before the Inquiry Panel or Investigation Committee, or otherwise participate in the discussions or proceedings unless requested by the chairperson of the panel or committee. The University Legal Counsel may also attend such meetings, subject to the same restrictions, requiring a request from the chairperson to participate in discussions or proceedings of the panel or committee.

V. Procedures

A. General Outline of Procedures. The misconduct in science procedures consist of a preliminary stage (Pre-inquiry Review), followed by two formal stages, the Inquiry and Investigation, as follows:

Pre-inquiry Review: The Pre-inquiry Review is an informal and preliminary examination conducted by the Dean, in consultation with the RSO, to determine whether a concern or allegation may constitute misconduct in science. In the process of the Pre-inquiry Review, the Dean shall consult with the VPRIT (or the RSO, if so requested by the VPRIT) in making this determination. A Pre-inquiry Review is discretionary, and may be dispensed with if the VPRIT, after consultation with the Dean and the RSO, determines that there is sufficient reason to proceed directly to Inquiry.

Inquiry: The Inquiry stage is a formal process in which an Inquiry Panel evaluates the allegations, concerns, and information presented to decide whether a reasonable basis exists for concluding that an allegation or concern may constitute misconduct in science and warrants continuing to the Investigation stage. The Inquiry stage may include such preliminary and limited collection of facts and information to the extent reasonably necessary to the determination of whether an Investigation is warranted. The Inquiry stage concludes with a factual determination of whether an allegation or concern may constitute misconduct in science and warrants continuing to the Investigation stage, which is reported to the VPRIT for action. The purpose of an Inquiry is not to reach a conclusion whether misconduct in science occurred.

Investigation: The Investigation stage is the formal process by which an Investigation Committee collects and examines facts in detail to determine whether the situation constitutes misconduct in science. The Investigation process concludes with a factual finding of whether the misconduct in science occurred, which is reported to the VPR for action. The Investigation Committee may also make recommendations as to appropriate remedial actions to the VPRIT for consideration; however, such recommendations are not binding upon the VPRIT or the University.
B. Pre-inquiry Review. In the Pre-inquiry Review the Dean assesses the circumstances of the concern initially to evaluate, as a preliminary matter based on the facts available, whether there is a reasonable basis to believe misconduct may have occurred such that an Inquiry should be conducted. This is an informal, preliminary step to determine if a concern or allegation is entirely frivolous and devoid of reason to pursue, or if it should be referred for further evaluation. The Dean shall consult with the VPRIT prior to making the determination. The RSO is available for consultation at any point, for interpretation or furnishing of regulations, information on how similar cases were handled, interactions with other offices, or other matters. The Dean may consult on a discrete and confidential basis with involved Department Heads or other individuals and experts as necessary. This constitutes a Pre-inquiry Review. Special circumstances may need to be considered, such as imminent departures from campus, additional involvement with advocacy offices for related aspects, or accommodations for disabilities.

Pre-inquiry Review determinations. The Dean's Pre-inquiry Review may have one of the following outcomes:

1. Pursue: reasonable basis to go forward with obtaining and examining further evidence.

2. Do not pursue because if the allegation or concern were true it is more probable than not that:
   a) the matter is not misconduct in science but could be a violation of another policy or procedure (for example, sexual harassment, Animal Care and Use, Human Subjects); or
   b) the matter is a misunderstanding that lends itself to mediation/education; or
   c) it would be unacceptable but would not rise to the level of misconduct in science (other misdeed).

3. Do not pursue because it is more probable than not that the allegation or concern is groundless or frivolous.

The Dean's Pre-inquiry Review recommendation shall be conveyed as a memo to the VPRIT within ten (10) calendar days of the determination, regardless of whether it is to be pursued or not. The VPRIT shall confirm or, after discussing the matter with the Dean, vacate the recommendation and notify the Dean of the same by memo within ten (10) calendar days. If the matter is not pursued with an Inquiry but still involves undesirable circumstances, the Dean is responsible for remediating or referring the situation in a manner consistent with University
policy.

Any expression of concern can, at any point, be moved from Pre-inquiry Review into the formal process of Inquiry and possible Investigation if the VPRIT, Dean, or the RSO deems it necessary or desirable. It should be noted that in some cases, the detailed examination that such procedures afford is the only way a respondent can be fully exonerated.

Within ten (10) calendar days after receipt of the VPRIT’s decision, the Dean shall notify the complainant in writing of the Pre-inquiry Review determination. If the determination is to continue with an Inquiry, the RSO assumes responsibility for notifying the complainant and respondent of procedural progress for subsequent stages.

C. Inquiry. The Inquiry is an objective gathering of the facts about and evaluation of the allegation or concern undertaken by an impartial, specially appointed panel to determine whether misconduct may have occurred, such that an Investigation is warranted.

Initiating the Inquiry. The VPRIT will notify the chairperson of the Faculty Council Committee on Research (FCCR) that an Inquiry is necessary, including the general circumstances of the situation. The chairperson, in consultation with the VPRIT, will appoint an Inquiry Panel consisting of:

- the chairperson of the FCCR;
- one required general faculty member knowledgeable in the discipline at hand, who may be from within the college or department;
- one required general faculty member, who must be from outside the department;
- one optional individual with relevant expertise, who may be from inside or outside the University, preferably not from within the department;
- two required members from the current FCCR.

The Chair of the FCCR shall serve as chairperson of the Panel. Each member, upon being requested to serve, will be asked to disclose any, or confirm that he or she has no, conflict of interest in the situation which would disqualify him or her from serving. The VPRIT shall charge the panel in writing of its assignment. The RSO shall convene the first meeting and provide orientation materials and case-specific information to the Inquiry Panel at that time. The RSO serves ex officio, non-voting, on the panel and arranges for staffing for it. The RSO serves as liaison with both complainant and respondent to keep them apprised of the progress of the Inquiry, both for required notifications and ad hoc questions they may have.

Activities of the Inquiry Panel. The Inquiry Panel shall sequester necessary data and evidence if not previously sequestered, to the extent the Panel deems
appropriate, following standard procedures and in a timely way. In addition, to
determine whether an Investigation is warranted, the Inquiry Panel may wish to
take the following steps:

- Provide the complainant with reasonable opportunity to provide testimony
to the panel, either written or orally.
- Provide the respondent with reasonable opportunity to provide testimony
to the panel, either written or orally.
- Provide other individuals, including experts, with reasonable opportunity to
  provide relevant information, either written or orally.

Inquiry determinations. Based on a preponderance of evidence, the Inquiry Panel
may determine, by majority vote, one of the following regarding the allegation:

1. The allegation merits an Investigation.

2. The allegation does not merit an Investigation for one of the following
   reasons:

   a) there is no reasonable basis for concluding the respondent is culpable;

   b) the matter is not misconduct in science but could be a violation of another
      policy or procedure (for example, sexual harassment, Animal Care and Use,
      Human Subjects);

   c) if the matter were true, it would be unacceptable but would not rise to the
      level of misconduct in science (other misdeed); or

   d) sufficient credible evidence is lacking to make a determination that
      misconduct in science may have occurred and that an Investigation is warranted,
      in which case the respondent is considered not culpable.

Inquiry Panel reports. Upon making a determination, the Inquiry Panel shall
prepare and deliver its written report to the VPRIT. This must be done within fifty
(50) calendar days of the panel's first meeting and constitutes disbandment of the
Inquiry Panel. Should the Inquiry Panel require more than fifty (50) calendar
days, the chairperson of the Panel shall notify the VPRIT in writing of the
necessity of and justification for requesting an extension.

The report must include the following information:

1. names, academic titles, *curriculum vitae*, and institutional affiliations of
   Investigation Committee members

2. name of respondent
3. all relevant sponsored research projects by pertinent identifiers, such as title Colorado State University account number, sponsor contract number, sponsor, principal investigator, and any other pertinent details

4. the specific allegations reviewed

5. the specific charge to the Investigation Committee

6. description of evidence examined and procedures, as well as measures taken to assure the security of the evidence during the Investigation

7. list of persons interviewed and a summary of each interview

8. copies of pertinent documents upon which determinations were based

9. documentation of reasons for exceeding 90-day period, if necessary

10. determination and basis of determination

11. suggestions to the VPRIT on remedial actions

12. additional information as requested by the VPRIT or as felt necessary by the committee, such as mitigating factors or indications of related allegations which would require attention.

The RSO shall provide a copy of the report to the respondent within ten (10) calendar days after VPRIT receives the report. Included shall be notice that the respondent has ten (10) calendar days following receipt of the report in which to respond, and that the response becomes part of the permanent record.

**Conclusion of Investigation.** The VPRIT shall review the Investigation Committee's report and any comments from the respondent. If the Committee's determination is that misconduct in science has occurred, the VPRIT may confirm or, after discussion with the Chair of the FCCR, vacate the determination. If the Committee's determination is that the matter was not misconduct in science, the VPRIT may confirm the determination or reconvene the Committee and request it reconsider the determination. The VPRIT may confirm or vacate any recommendations separately from the determination. Within ten (10) calendar days of the conclusion of the respondent's comment period the Vice President shall have rendered his or her decision and within ten (10) calendar days of the decision notified the following individuals or offices of the final decision:

- chair of the Faculty Council Committee on Research
- respondent, including instructions on how to actuate the appeal process
• complainant
• Department Heads and Deans of involved departments and colleges
• Sponsor(s) if the decision is misconduct in science
• any external entities requiring notification because of the determination

For good cause, any deadlines may be extended by the VPRIT, but only for extreme cause may the Investigation exceed 150 days. If the Investigation will exceed 120 days, the VPRIT shall fulfill any sponsor requirements regarding applying for sponsor approval of an extension.

F. Remedial Actions. The University places great importance on prevention and corrective action in preference to imposing sanctions. The Inquiry Panel or Investigation Committee may make suggestions for appropriate remedial actions that may include, but need not be limited to:

• letters of reprimand to the departmental personnel files of individuals determined to have committed misconduct in science or misdeeds;
• supervised activity (e.g., publications or proposals must be reviewed before submission);
• attendance at professional development training on one or more topics;
• mentoring;
• letters of clarification, correction, or apology to outside involved entities, such as journals, professional societies, or sponsors;
• permanent or temporary debarment from the privilege of submitting proposals on behalf of the University or publications using the University’s name;
• referral to the appropriate body for consideration of revocation of tenure; and/or
• termination of employment, to be dealt with through required University procedures.

The VPRIT, in consultation with the chairperson of the FCCR and others as appropriate, shall make the final determination of University-imposed remedial actions. Implementation of those remedial actions shall be overseen by the college Dean. Remedial actions arising from a misconduct in science determination may not be imposed before the conclusion of any relevant appeal, although a department or college may exercise its normal review privileges for publications and proposals and interim actions may remain in effect until the end of the appeal process.

G. Appeals. Appeal of the outcome of the investigative process shall be based solely on a showing that the procedures were substantively flawed. The outcome of an Inquiry or any other part of the misconduct in science procedure shall not be subject to appeal prior to the conclusion of the Investigation. Only the respondent may file an appeal.
Filing an appeal. The outcome of an Investigation may be appealed to the Provost/Academic Vice President of Colorado State University, unless the Provost must recuse himself or herself, in which case appeal is to the Associate Provost/Vice President for Academic Affairs. The appeal must:

- be in writing;
- be addressed to the Provost;
- specify the basis and facts on which the respondent alleges that the Investigation procedure was substantially flawed; and
- be received by the Provost within thirty (30) calendar days following the date of notice to the respondent setting forth conclusions of the Investigation.

Response to an appeal. Within thirty (30) calendar days of receipt of the appeal the Provost will render a written decision, either confirming or vacating the VPRIT's decision, in whole or in part. The Provost will notify all involved campus parties in writing; the VPRIT will in turn notify the sponsor in writing.

VI. Other Issues

A. Records. All records pertaining to the proceedings are property of the University and shall be considered a part of the respondent's personnel file. All records shall be under the control of the RSO. Other individuals may not retain any copies of such records, other than the complainant's and respondent's personal copies. After termination of a case and all ensuing actions, the RSO will prepare a complete record of the case, including all determination reports, copies of evidence, and copies of any other documentation provided a panel, committee, or the RSO. The RSO will seal the file, record it on a master retention log, and retain it for three years. Access to the file will be only by written authorization from the VPRIT for good cause or as may be required or permitted by law. Original documents and records used as evidence will be returned to the individuals providing them.

The RSO will destroy the file three years from the date of the final decision unless the RSO or VPRIT determine in writing that there is good reason to retain the records. Such a determination will state the reason for retention and the length of time for which the records will be retained.

If a case is determined to be totally groundless for either misconduct in science or misdeed, the University shall exert reasonable efforts to restore the respondent's public reputation.

B. Revising Misconduct in Science Procedures. Misconduct in science administrative procedures shall appear in the Sponsored Programs Manual as an administrative procedure in support of academic policy. Federal sponsor requirements or institutional needs may necessitate modifications to the
procedures. Such modification is the responsibility of the VPRIT, in consultation with campus groups, including but not limited to the Faculty Council, the Administrative-Professional Council, the State Classified Personnel Council, and the Graduate Student Council.

C. Training on Misconduct in Science Topics. The Research Standards Officer shall be responsible for facilitating training efforts and dissemination of information on misconduct in science issues for the faculty, staff, and students of Colorado State University. If personally identifiable information is not used, actual closed cases may form the basis for case studies and instructional materials. This is in keeping with Colorado State University’s emphasis on educating its faculty, staff, and students to exemplify laudable and ethical scholarship.

Procedures

This chart presents all steps of misconduct in science procedures. However, a case might conclude before the Investigation stage is begun if the determination at either the Pre-inquiry Review or Inquiry stage is to not pursue. A case which continues through the Investigation stage might not include an appeal step.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Document</th>
<th>Timing^1</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRE-INQUIRY REVIEW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dean receives concern</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If any “immediate conditions” for PHS or NSF Dean notifies VPR</td>
<td>Letter</td>
<td>Immediately</td>
</tr>
<tr>
<td>VRP notifies sponsor</td>
<td></td>
<td>nte^2 24 hours &gt; Dean’s notification</td>
</tr>
<tr>
<td>Dean makes Pre-inquiry Review determination</td>
<td>Memo to VRP Include on Dean’s annual MIS report</td>
<td>nte 10 days &gt; decision</td>
</tr>
<tr>
<td>VPR confirms/vacates Pre-inquiry Review determination</td>
<td>Memo to Dean</td>
<td>nte 10 days &gt; receipt of Dean’s determination</td>
</tr>
<tr>
<td>Dean notifies respondent</td>
<td>Letter</td>
<td>nte 10 days &gt; receipt of VPR determination</td>
</tr>
</tbody>
</table>

INQUIRY

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>FCCR chairperson appoints Inquiry Panel</td>
<td>Case-specific charge letter to panel</td>
</tr>
<tr>
<td>RSO informs respondent of Inquiry</td>
<td>Notice of Inquiry</td>
</tr>
<tr>
<td>MIS Procedures</td>
<td>Notice of Inquiry</td>
</tr>
<tr>
<td>----------------</td>
<td>------------------</td>
</tr>
<tr>
<td>RSO informs complainant of Inquiry</td>
<td>Notice of Inquiry</td>
</tr>
<tr>
<td>RSO convenes Inquiry Panel</td>
<td>&quot;clock starts&quot;</td>
</tr>
<tr>
<td>Panel makes Inquiry determination</td>
<td>Inquiry report to VPR</td>
</tr>
<tr>
<td>VPR renders final Inquiry determination</td>
<td>nte 50 days &gt; clock start</td>
</tr>
<tr>
<td>Respondent notified (include option to respond)</td>
<td>Letter, Inquiry report</td>
</tr>
<tr>
<td>Complainant notified</td>
<td>Letter</td>
</tr>
<tr>
<td>Others” involved in the Inquiry notified as necessary</td>
<td>Letter</td>
</tr>
<tr>
<td>If Investigation opened</td>
<td>Letter</td>
</tr>
<tr>
<td>VPR notifies agency of initiation of Investigation</td>
<td>On or before Investigation begins</td>
</tr>
<tr>
<td>Respondent provides comment for record</td>
<td>nte 10 days &gt; decision</td>
</tr>
<tr>
<td>Records closed (see &quot;close out&quot; below)</td>
<td>Letter</td>
</tr>
</tbody>
</table>

### INVESTIGATION

<table>
<thead>
<tr>
<th>FCCR chairperson appoints Investigation Committee</th>
<th>Case-specific charge letter to committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSO informs respondent of Investigation</td>
<td>Notice of Investigation</td>
</tr>
<tr>
<td>RSO informs complainant of Investigation</td>
<td>Notice of Investigation</td>
</tr>
<tr>
<td>RSO convenes Investigation Committee</td>
<td></td>
</tr>
<tr>
<td>Committee makes Investigation determination</td>
<td>Investigation report to VPR</td>
</tr>
<tr>
<td>RSO notifies respondent (include option to comment and appeal report)</td>
<td>Letter, Investigation report</td>
</tr>
<tr>
<td>Respondent provides comment for record</td>
<td>nte 10 days &gt; VPR receives Investigation</td>
</tr>
<tr>
<td>VPR renders final Investigation determination</td>
<td>nte 10 days &gt; receipt of Investigation report</td>
</tr>
</tbody>
</table>

nte 90 days from clock re-start
nte 10 days > VPR receives Investigation
nte 10 days > receipt of Investigation report
nte 10 days > end of comment period AND nte 120 days > clock re-start
<table>
<thead>
<tr>
<th><strong>Complainant notified</strong></th>
<th>Letter</th>
<th>nte 10 days &gt; decision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Others involved in the Investigation notified as necessary</strong></td>
<td>Letter</td>
<td></td>
</tr>
<tr>
<td><strong>VPR notifies agency of investigation outcome</strong></td>
<td>Letter</td>
<td>nte 120 days from clock restart</td>
</tr>
</tbody>
</table>

### APPEAL

| Provost receives respondent's appeal | nte 30 days > notification of decision |
| Provost makes determination | |
| Respondent notified | Letter | nte 30 days > receipt of appeal |
| Complainant notified | Letter | |
| Others involved in the investigation notified as necessary | Letter | |

### CLOSE-OUT

| VPR determines remedial actions, based on committee's recommendations | |
| Dean implements remedial actions | |
| Professional external contacts notified, such as journals | Letter |
| RSO collects documents, seals file | End of Inquiry, Investigation or Appeal, whichever is latest |
| RSO maintains file | For 3 years |
| RSO destroys file | 3 years from Inquiry or Investigation decision |

1 All references to days are calendar days.
2 Not to exceed.
3 “Others” for Inquiry of Investigation may be witnesses, Department Heads, Deans within the University.

### CONFLICT OF INTEREST ON SPONSORED PROGRAMS

The private consulting activities and other business interests of principal investigators can have a major impact on contracts and grants awarded to the University. This condition may constitute a "conflict of interest" and should be reviewed carefully. Colorado State University’s conflict of interest policy may be
Conflict of interest does not necessarily indicate a situation that cannot be resolved to the mutual benefit of all parties involved; it is the failure to disclose potential conflicts of interest which can create major problems.

Some sponsors require that any disclosure of a conflict of interest related to an activity they fund be reported to them; they may also assert the right to review the management plan the University has approved.

Disclosure requirement

If a potential conflict of interest exists, as defined in the University's policy, on any sponsored project—proposed or awarded; federal or nonfederal—and confers anything of monetary value, including equity interests (e.g., stocks, stock options, or other ownership interests), which

1. Exceed $10,000 in value per year, exclusive of reimbursed expenses; or
2. Represent more than 5% ownership interest in a single entity, regardless of value,

a full disclosure must be made on the Sponsored Programs Conflict of Interest Disclosure Form, SP-10, with detailed information about the conflict attached, and forwarded to Sponsored Programs.

This requirement applies to financial interests of the principal investigator(s), members of their immediate family, or other project participants. As soon as an investigator identifies a potential conflict, a discussion with the department head should be initiated about the conflict and options for managing, reducing, or eliminating the conflict on the sponsored activity.

NOTE: The SP-10 is a separate form and separate filing, limited just to Sponsored Programs, and required on a per proposal/project basis. The filing of the SP-10 does not substitute for the University disclosure required under Section D.7.7, and the University disclosure required under D.7.7 does not substitute for the SP-10 for sponsored projects.

Management requirement

If a conflict on a proposal or award has been disclosed, a statement on the resolution of that conflict, i.e., to either reduce or eliminate it, or a plan for managing that conflict, signed by the PI, department head, and dean must be submitted to Sponsored Programs prior to the expenditure of any award funding. This statement or plan will be reviewed by the Vice President for Research and Information Technology (VPRIT), or designee.

1. If the plan is determined to be acceptable by the reviewer, it will be returned
to the Sponsored Programs project file, with notification to the sponsor when required, and the project will be authorized to begin; or

2. If the plan is not deemed adequate, the VPRIT, or designee, will discuss concerns and suggestions for modifications with the submitting unit.

CONFLICT OF INTEREST ON OUTSIDE ACTIVITIES

The Office of Federal Procurement Policy has a policy on consultants who provide advisory services to the Federal government, such as advising on how to prepare an RFP or serving on an advisory panel, etc. While Universities and their basic research activities are not included in this coverage, individual faculty members may find that some of their interactions with Federal agencies are categorized as "consulting" services and will be scrutinized for potential conflicts of interest by Government personnel during the procurement process.