

10.3 Policy for Research Integrity and Procedures for Addressing Research Misconduct

Policy for Research Integrity

10.3.1 Statement of Authority and Purpose

This policy is promulgated by the Board of Trustees pursuant to the authority conferred upon it by §23-41-104(1), C.R.S., to set forth a policy to assure integrity in research and the proper reporting and resolution of complaints alleging research misconduct at Mines. This policy reflects Mines' intent and commitment to foster a research environment that promotes the responsible conduct of research, and requires adherence to the highest standards of integrity in the proposing, conducting and reporting of research. As a recipient of federal research funds, Mines must have institutional policies and procedure in place to handle allegations of research misconduct. The following policy and associated procedure conform to pertinent federal regulations, including the Public Health Service (PHS) regulations at 42 Code of Federal Regulations, Part 93. While 42 CFR 93 applies to all individuals who may be involved with a project supported by or who have submitted a grant application to the PHS, this policy applies to all members of Mines' community engaged in research, regardless of the funding source.

10.3.2 Policy

A. General Policy Statement

The highest standards of honesty, integrity, and ethical behavior are expected of all Mines personnel and students involved in research and scholarly activity. Maintenance of public trust in these standards is the responsibility of all members of the university community, including faculty, administrators, staff members, and students. Mines maintains an environment that fosters adherence to the ethical standards set forth in this policy, and provides effective means for addressing deviations from these standards.

Mines endorses the following core values of research identified in *Fostering Integrity in Research*, from the National Academies Press, 2017:

- Objectivity
- Honesty
- Openness
- Accountability
- Fairness
- Stewardship

The integrity of Mines' research enterprise is upheld in various ways, including through training and education, and by investigating and resolving allegations of research misconduct. Mines provides research integrity training to all researchers, regardless of the source of funding. Members of the Mines community are required to complete research integrity education, but may opt for the manner in which they do so, including but not limited to, substantive workshops or through credit-bearing research ethics courses.

Misconduct in research represents a breach of the policies of Mines, the standards expected by research sponsors and entrusted to Mines by the public, and the expectations of scholarly communities for accuracy, validity, and integrity in research. Such misconduct tarnishes the reputations of honest researchers and universities, and diminishes public confidence in research results. Any allegation of research misconduct is, therefore, a matter of serious concern to Mines.

All Mines personnel and students involved in research and scholarly activity are subject to this policy, and expected to be aware of and to comply with all of Mines' applicable policies and procedures, as well as the requirements and regulations of outside funding agencies. This policy will specifically address research misconduct, which is defined as fabrication, falsification, plagiarism, or other significant departures from commonly accepted practices within the relevant research community in proposing, performing or reviewing research, or in reporting research results. Mines will properly assess, inquire into and, as necessary, investigate and resolve promptly and fairly all allegations of research misconduct. Throughout this process, Mines will comply with research sponsor requirements for reporting allegations and investigations into possible research misconduct.

All members of the Mines community have an ethical responsibility to act if they suspect research misconduct has occurred. Appropriate actions may include discussing concerns with or reporting allegations to one's Department Head or Dean, Mines' Research Integrity Officer ("RIO"), the Vice President for Research and Technology Transfer ("VPRTT") or the Provost. Further, members of the Mines community are obligated to cooperate with and provide evidence relevant to an allegation of research misconduct to appropriate university officials and employees who are directed to conduct an inquiry or investigate such allegations.

Mines' inquiry and investigative process shall include expeditious fact-finding and objective peer review in a setting of appropriate due process that is characterized, at a minimum, by prompt notification to the individuals whose behavior is the subject of a complaint, protection of the rights of all participants, and the imposition of appropriate sanctions for policy violations. In the event it is determined that research misconduct has occurred, appropriate sanctions may include, but are not limited to one or more of the following: oral or written reprimand; removal from the subject project; monitoring of future work; probation; suspension; salary or rank reduction; termination of employment or appointment; or expulsion. Since a charge of misconduct, even if unsubstantiated, may damage an individual's career, any such charge must be resolved in a prudent and circumspect manner, consistent with the duty to thoroughly and fairly resolve each complaint. Retaliation in any form shall not be permitted against an individual who has filed a complaint in good faith or cooperated in the investigation of a complaint hereunder.

B. Scope

The policy and related procedure are intended to satisfy Mines' responsibilities under the Federal Research Misconduct Policy and related regulations, codified at 42 CFR Part 93. This policy applies to all individuals engaged in university research and scholarship at Mines, regardless of the funding source, and applies to research misconduct that is alleged to have occurred within six (6) years of the

date Mines or the funding agency receives an allegation. This time limitation is subject to the exceptions in 42 CFR § 93.105(b).

assuring adherence to this policy and any Mines procedure adopted to implement this policy.

10.3.3. Definitions

For the purpose of this policy, the following definitions apply, and terms used have the same meaning as given them in the PHS Policies on Research Misconduct and pertinent federal regulations, codified at 42 CFR Part 93.

A. Research Personnel

Any persons who are employed by, are agents of, or are affiliated by contract, agreement or, in the case of students, enrollment status with Mines, and who are engaged in or have a role in conducting, executing or documenting research and research training activities, regardless of whether the source of support is provided through a grant, contract, cooperative agreement, or internally.

B. Research Misconduct

Research misconduct means fabrication, falsification, plagiarism or other serious deviation from commonly accepted practices within the relevant academic community for proposing, performing or reviewing research, or in reporting research results. To find research misconduct, a preponderance of the evidence must show that there was a significant departure from accepted practices of the relevant research community and that it was committed intentionally, knowingly or recklessly. Research misconduct does not include honest error or differences in opinion.

C. Fabrication

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

D. Falsification

Falsification means manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

E. Plagiarism

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

F. Significant Departure from Accepted Practices

Significant departure from accepted practices of the relevant research community includes, but is not limited to:

1. Abusing confidentiality, including the use of ideas and preliminary data gained from access to privileged information through the opportunity for editorial review of manuscripts submitted to journals, and peer review of proposals being considered for funding by agency panels or internal committees;
2. Stealing, destroying or damaging the research property of others with the intent to alter the research record; and
3. Directing, encouraging or knowingly allowing others to engage in fabrication, falsification or plagiarism.

G. Complainant

Refers to an individual who submits a written or oral allegation of research misconduct.

H. Respondent

Refers to the individual against whom an allegation of research misconduct is directed or the individual whose actions are the subject of an inquiry or investigation.

I. Research Integrity Officer (RIO)

Refers to the institutional official appointed by the Vice President for Research and Technology Transfer who has primary responsibility for

Procedures for Addressing Research Misconduct

This procedure implements the Policy for Research Integrity

10.3.4 Roles and Responsibilities

A. Vice President for Research and Technology Transfer (VPRTT)

The VPRTT is responsible for the dissemination of the policy and procedure to the members of the community in research on behalf of Mines, and for promoting the responsible conduct of research, consistent with the standards set forth in this policy. The VPRTT ensures the ultimate implementation of this procedure through the Research Integrity Officer (RIO). As appropriate, the VPRTT consults with the Provost, the relevant Deans and Department Heads, and the RIO when receiving and assessing allegations of research misconduct. The VPRTT ensures that an appropriate review procedure is promptly implemented by the RIO when allegations of research misconduct are reported. The VPRTT receives the final reports of the inquiry and investigation committees, and any written comments provided by the respondent. The VPRTT provides recommendations to the Provost relative to the results of research misconduct investigations. Working with the RIO, the VPRTT shall ensure that the final investigation report, the decision of the Provost, and a description of any pending or completed administrative actions are provided to applicable federal oversight and funding agencies, including the federal Office of Research Integrity (ORI), as required by 42 CFR § 93.315.

B. Research Integrity Officer (RIO)

The VPRTT will appoint the RIO, who has primary responsibility for assuring compliance with the Policy for Research Integrity and this procedure adopted for its implementation. To promote research integrity, the RIO develops, implements, and manages a training program for Responsible Conduct of Research (RCR). With regard to research misconduct proceedings, the RIO's responsibilities generally include the following:

1. Consults confidentially with persons uncertain about whether to submit an allegation of research misconduct;
2. Receives allegations of research misconduct, and assesses each allegation in accordance with the policy and procedure to determine whether it falls within the definition of research misconduct and warrants an inquiry;
3. Sequesters research data and evidence pertinent to the allegation of research misconduct and maintains it securely in accordance with Mines policy, this procedure, applicable law, and regulation;
4. Provides confidentiality to those involved in the research misconduct proceeding as required by institutional policy, 42 CFR § 93.108, and other applicable law, ;
5. Supports and facilitates the inquiry and investigation processes outlined in this policy;
6. Educates respondents, complainants, witnesses and committee members about Mines' process for research misconduct proceedings;
7. Facilitates appointment of the members of inquiry and investigation committees, ensuring that those committees are properly staffed and that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence;

8. Keeps the VPRTT and others with a need to know apprised of the progress of the review of the allegation of research misconduct;
9. Notifies and makes reports to federal oversight and funding agencies, including the ORI as appropriate and as required by 42 CFR Part 93; and
10. Ensures that administrative actions taken by the institution and the ORI are enforced.

C. Complainant

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation. Allegations may be reported orally or in writing. The complainant will have the opportunity to submit evidence to the inquiry and investigation committees. If the RIO or a committee determines that the complainant may be able to provide pertinent information or clarification to any portion of the committees' draft reports, these portions may be shared with the complainant for comment. The complainant will be informed of the results of the inquiry and investigation.

D. Respondent

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry and investigation. The respondent is entitled to:

1. Timely, written notification of a decision to convene an inquiry and of the research misconduct allegation;
2. An opportunity to comment on the inquiry report and have their comments attached to the report;
3. Be notified of the outcome of the inquiry, and receive a copy of the inquiry report;
4. Timely, written notification of the decision to proceed with an investigation, and the allegations to be investigated,;
5. Be interviewed during the investigation, have the opportunity to correct the recording or transcript of the interview, and have the corrected recording or transcript included in the record of the investigation;
6. Have interviewed during the investigation any witness who has been reasonably identified by the respondent as having information relevant to the investigation; and
7. Have the opportunity to review and comment on the draft investigation report, and have their comments attached to the report.
8. If not found to have committed research misconduct, the opportunity to request reasonable and practical assistance from Mines in restoring his or her reputation.
9. The respondent may admit that research misconduct occurred and that they committed the research misconduct. In this event, and upon consultation with the RIO and/or other institutional officials, as appropriate, the VPRTT may terminate the institution's review of an allegation. The institution's acceptance of the admission and any proposed settlement or resolution may be subject to and conditioned upon the approval of federal oversight and funding agencies, as appropriate and required by federal law or policy.

E. Provost

The Provost issues a written decision following receipt of a final investigatory committee report and the VPRTT's recommendation. As appropriate, the Provost may be involved in consultations with the VPRTT, RIO, and the relevant Deans and Department Heads in receiving and assessing allegations of research misconduct. In the event of a final determination of research misconduct, the Provost

may impose appropriate sanctions. The Provost's decision stands as the institution's final decision regarding the research misconduct complaint.

F. Deans and Department Heads

The Deans and Department Heads ensure implementation of this policy and procedure in their respective departments. The Deans and Department Heads will report knowledge of allegations of research misconduct to the Provost, VPRTT, or RIO. The Deans and Department Heads help ensure the cooperation of respondents and other individuals in their respective units regarding inquiries and investigations related to allegations of research misconduct, including, but not limited to the sequestration and protection of research records and/or other information and evidence relevant to the allegations.

G. Researchers

Researchers are responsible for maintaining the highest ethical standards in proposing, performing, and reviewing research, and in reporting research results. Principal investigators are specifically responsible for: (a) assuring that these standards and the requirements of this policy and procedure are communicated to and understood by all who work under their supervision, directly or indirectly; (b) assuring the validity of all information communicated by their research groups; and (c) assuring appropriate citation of contributions from all deserving individuals both within and outside their research groups. Co-authorship shall reflect actual scientific involvement in and responsibility for work reported.

10.3.5 Training in Responsible Conduct of Research

A. Training Requirement

Training and awareness are critical to ensuring research integrity and avoiding research misconduct. Intentional misconduct is rare; missteps in research due to ignorance, inexperience, or honest error are more common. Mines provides training in Responsible Conduct of Research (RCR) to all active researchers, regardless of funding source. Annually and aligned with the academic cycle, Mines identifies students and employees who are active in research, and communicates the requirement for RCR training. Research-active students must complete training as early as possible during their education; academic faculty and research employees must complete training every five years.

B. Training and Educational Alternatives

Mines adopts an RCR training program that serves as the standard for all active researchers. Alternatives to this training include credit-bearing courses, non-credit workshops, and certain training and educational activities completed at a previous institution. In each case, alternative means of completing the requirement for RCR training must receive the approval of EAC and RIO. In addition, EAC and RIO review any approved alternative training and education approaches every five years.

C. More Stringent Training Requirement for Research Funded by NIH and NSF

Mines requires researchers engaged in work funded by the National Institutes of Health and the National Science Foundation to complete RCR training or education including face-to-face discussion. For these agencies, Mines does not consider online training alone to satisfy the requirement. Students may enroll in SYGN 502 or an equivalent course. Faculty members, other employees, or students may participate in a research ethics workshop.

10.3.6 Responding to Allegations of Research Misconduct

A. General Provisions

1. Responsibility to Report Misconduct

All members of Mines' community must report observed, suspected, or apparent research misconduct to their Department Head, Dean, the RIO, VPRTT or Provost. If any individual is unsure whether a suspected incident falls within the definition of research misconduct, they may meet with or contact the RIO to discuss the suspected research misconduct informally and confidentially. If the circumstances described by the individual do not meet the definition of research misconduct, the RIO may refer the individual or allegation to other offices or officials with responsibility for resolving the problem, as necessary and appropriate. Mines will protect those individuals who provide information in good faith about questionable conduct against reprisals and retaliation.

2. Cooperation with Research Misconduct Proceedings

Mines employees and students must cooperate with the RIO and other institutional officials in the review of allegations and conduct of inquiries and investigations, by providing evidence and responding to questions.

3. Confidentiality and Protection of the Respondent, Complainant, Witnesses and Committee Members

Throughout the process of responding to an allegation of research misconduct, all persons involved, including the RIO, committee members, complainant, respondent, and witnesses shall exercise great care to preserve the confidentiality of the proceedings to the extent consistent with a thorough, competent, objective, and fair research misconduct proceeding, and as allowed by law. Applicable laws and regulations may require Mines to disclose the identity of respondents and complainants to federal oversight and funding agencies. Consistent with federal regulations and Mines business practices, Mines will make reasonable and practical efforts to protect the positions and reputations of those individuals who make allegations in good faith. Mines does not permit retaliation in employment or other status at the institution. Individuals should immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the RIO, who shall review the matter and immediately make reasonable and practical efforts, as appropriate, to address any potential or actual retaliation, and to protect and restore the position and institutional reputation of the person against whom the retaliation is directed.

4. Legal Counsel

Upon request, attorneys from the Mines Office of Legal Services and/or the Colorado Attorney General's Office shall provide legal advice to the RIO, VPRTT and Provost, as well as procedural advice to the inquiry committee and investigation committee. Neither the university nor the respondent may have legal counsel present at meetings or interviews conducted by the inquiry and investigation committees, except at the express invitation of the committees. Should legal counsel be invited, the invitation will be extended to both the respondent and complainant. When invited, legal counsel may observe, but shall not participate in the proceedings. With the prior approval of the committees, the respondent may be accompanied by a non-attorney colleague at meetings of the committees. When invited, the non-attorney colleague may observe but shall not participate in the proceedings.

5. Requirements for Research Misconduct Findings

A finding of research misconduct requires:

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

6. Interim Administrative Actions and Notifying ORI of Special Circumstances

Throughout the research misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to public health, federal funds and equipment, or the integrity of the sponsored research process. In the event of such a threat, the RIO will, in consultation with other institutional officials and the ORI, as appropriate, take interim action to protect against any such threat. Interim action may include, but is not limited to any of the following: additional monitoring of the research process and the handling of federal funds and equipment; reassignment of personnel or of the responsibility for the handling of federal funds and equipment; additional review of research data and results; and delaying publication. The RIO shall, at any time during a research misconduct proceeding, notify ORI immediately if there is reason to believe that any of the following conditions exist:

- Public health or safety is at risk;
- Federal agency resources or interests are threatened;
- Research activities should be suspended;
- There is a reasonable indication of possible violations of civil or criminal law;
- Federal action is required to safeguard evidence or protect the interests of those involved in the research misconduct proceeding; or
- The research community or public should be informed.

7. Impact of Termination of Employment

Once the review of a research misconduct allegation has begun, the termination of the respondent's university enrollment, employment or appointment, by resignation or otherwise, will not terminate Mines' research misconduct proceeding. Assessment, inquiry and investigation of the alleged misconduct will continue until a final determination is made, consistent with the procedure herein.

8. Malicious or Bad Faith Complaints

Making unfounded allegations of research misconduct that are motivated by malicious intent or bad faith violates the principles of integrity and ethical behavior that are the foundation of this policy and procedure. Mines may impose appropriate sanctions, including, but not limited to disciplinary action, against a complainant whose allegations are found to have been made in bad faith or with malicious intent, and without reasonable basis in fact and honest belief for making the charges.

B. Preliminary Assessment of Research Misconduct Allegations

1. Purpose of a Preliminary Assessment

Research misconduct allegations should be promptly reported to the RIO, regardless of which university personnel initially receive the allegations. Allegations may be communicated orally or in writing. Upon receiving a report of such an allegation, the RIO will consult in confidence with the VPRTT, Provost, and Deans and Department Heads or other university personnel, as appropriate and applicable, to determine whether the allegation

meets Mines' definition of research misconduct, consistent with 42 CFR § 93.103. As part of the preliminary assessment, the RIO is not required to 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 and meets the definition of research misconduct. This preliminary assessment should be completed within 10 days of the RIO's receipt of the allegations, except in circumstances out of the ordinary.

2. Determination to Conduct an Inquiry

If, after assessing the allegation, the RIO in consultation with the VPRTT determines that the allegation warrants further action and meets the definition of research misconduct as defined in the policy and procedure, the RIO will initiate the inquiry process outlined below.

3. Determination to Dismiss an Allegation

If, after assessing the allegation, the RIO in consultation with the VPRTT determines that the allegation does not warrant further action and/or does not meet the definition of research misconduct as defined in the policy and procedure, the RIO, , will formally dismiss the allegation. In this circumstance, if for any reason the respondent was not notified of the allegation, then the RIO need not notify the respondent of such allegation or the disposition of same. However, the RIO must notify the complainant in writing that the allegation will not be pursued under Mines' Policy for Research Integrity and related procedure.

C. Conducting an Inquiry

1. Purpose of an Inquiry

If, based on the preliminary assessment, the RIO determines that an inquiry is appropriate, they will immediately initiate the inquiry process. The purpose of the inquiry is to review of the available evidence and determine whether an investigation is warranted. An inquiry does not require a full review of all of the evidence related to the allegation. An inquiry committee should be convened within 30 days of any determination of preliminary assessment that an inquiry is appropriate. The inquiry process, including the final report and decision regarding whether an investigation is warranted, should be completed within 60 days of convening the inquiry committee, except in circumstances out of the ordinary.

2. Sequestration of Research Records and Evidence

Once the determination is made to convene an inquiry, the RIO must take all reasonable and practical steps to obtain custody of all research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence, and sequester them in a secure manner. Where the research 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. Research records and evidence will be sequestered in a manner that causes minimal disruption to unrelated research activities.

3. Notification of the Respondent

Within 10 days of the determination to convene an inquiry, the RIO will notify the respondent of the allegation in writing. The notification to the respondent will include: the specific allegation(s); the rights and responsibilities of the respondent; the role of the inquiry committee; a description of the inquiry

process; and a copy of Mines' Policy for Research Integrity and this procedure.

4. Appointment of Inquiry Committee

The RIO, in consultation with other institutional officials as appropriate, will appoint an inquiry committee as soon after the initiation of the inquiry as is practical. The committee will consist of three full-time, tenured faculty members who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry. At least two of the members must have the appropriate academic expertise to evaluate the evidence and issues related to the allegation.

5. Responsibilities of Inquiry Committee

The inquiry committee is responsible for determining whether the allegation of research misconduct warrants an investigation based on an initial review of the available evidence. The inquiry committee may also identify issues that would justify broadening the scope of the misconduct proceeding beyond the specifics of the initial allegation. The inquiry committee is not responsible for making a final determination based on the merits of the allegation. The inquiry committee has access to any and all evidence relevant to the allegation of research misconduct, and may interview the complainant, respondent, and/or others, if necessary and appropriate. The committee will determine whether an investigation is warranted based on its initial review of the available evidence, and summarize its findings and recommendations in a written report to the VPRTT.

6. Charge to Inquiry Committee

The RIO will provide the charge to the inquiry committee, which includes:

- a. The Mines Policy for Research Integrity and this procedure;
- b. Purpose of the inquiry;
- c. Definition of research misconduct;
- d. Specific timeframe for completion of the inquiry;
- e. Description of the allegations and any related issues identified during the allegation assessment;
- f. Identification of the respondent; and
- g. Responsibilities of the inquiry committee, including:
 1. Election of committee chair;
 2. Initial review of evidence;
 3. Interviews of complainant, respondent and others, if deemed necessary and appropriate, and the requirement to transcribe any interviews;
 4. Determination that an investigation is warranted if the committee finds: (1) there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct; and (2) the allegation may have substance, based on the committee's review during the inquiry; and
 5. Preparation of a final, written report.

7. Inquiry Process

The inquiry committee will examine relevant research records and materials, and may interview the complainant, respondent, and key witnesses. Any interviews will be recorded or transcribed and provided to the interviewee for correction. The committee will then evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members will decide whether an investigation is warranted based on the criteria in this policy and 42 CFR § 93.307(d). The scope of the inquiry is not required to and does not normally include a

final determination as to whether research misconduct occurred. However, if a legally sufficient admission of research misconduct is made by the respondent, misconduct may be determined at the inquiry stage if all relevant issues are resolved. In that case, the institution shall promptly determine the next steps that should be taken, consulting with external oversight agencies as needed and appropriate.

8. Inquiry Report

At the conclusion of the inquiry, the inquiry committee will prepare a written report of its findings and recommendations. The required elements of this report are:

- a. Names of committee members;
- b. Name and title/position of respondent;
- c. Description of the allegations of research misconduct;
- d. A summary of the inquiry process utilized;
- e. Inventory of evidence reviewed;
- f. If federal funds are involved, identification of grant numbers, applications, contracts and publications that list PHS or other federal support;
- g. Basis for the committee's recommendations for each allegation;
- h. Any comments on the draft report by the respondent; and
- i. The Policy for Research Integrity and Procedures for Addressing Research Misconduct.

9. Respondent's Opportunity to Comment

The RIO shall notify the respondent as to whether the inquiry found an investigation to be warranted, and include a copy of the draft inquiry report. The respondent has the opportunity to review and provide comment on the draft committee report. Any comments must be provided within 10 days of receipt of the draft report for consideration. The inquiry committee will consider the comments of the respondent and may revise the draft report as appropriate. Any written comments provided by the respondent must be attached to the final inquiry committee report. The final inquiry committee report with all attachments must be submitted by the inquiry committee to the VPRTT and RIO.

10. Institutional Decision

Upon review of the inquiry committee's report and any attachments, the VPRTT will make a written determination as to whether the allegation should be dismissed or an investigation of the allegation is warranted. The VPRTT's decision is final and is not subject to appeal. If the decision is to proceed with an investigation, the VPRTT will direct the RIO to initiate the investigation process.

11. Notification of Institutional Decision

The VPRTT will notify the respondent in writing regarding the decision of whether to proceed with an investigation, and will include a copy of the final inquiry committee report with all attachments. The RIO will provide written notification to the Provost, affected Deans and Department Heads, and complainant regarding the results of the inquiry and the decision of whether to proceed with an investigation.

12. Disposition of Inquiry Record

If the VPRTT determines that an investigation is not warranted, the RIO shall secure and maintain for seven (7) years after the termination of the inquiry sufficiently detailed documentation of the inquiry to permit a subsequent assessment by an external oversight agency or other reviewing body of the reasons why an investigation was not conducted. If the VPRTT determines that an

investigation is warranted, the RIO will forward the inquiry report and any additional information assembled in the course of the inquiry to the investigatory committee for use in its investigation.

D. Conducting an Investigation

1. Purpose of an Investigation

Once the VPRTT determines that an investigation is warranted, they will direct the RIO to initiate an investigation. The purpose of the investigation is to determine, based on a preponderance of evidence, whether research misconduct has occurred and, if so, to determine the responsible person(s) and the nature and seriousness of the misconduct. The investigation committee should be convened within 30 days of the determination to initiate an investigation. The investigation process, including the final report and findings for each allegation, should be completed within 120 days of convening the investigation committee, except in circumstances out of the ordinary.

2. Sequestration of Research Records

The RIO will take all reasonable and practical steps to obtain custody of and sequester in a secure manner all research records and evidence needed to conduct the research misconduct investigation not previously sequestered during the inquiry process.

3. Notifications

Within 10 days of the determination to convene an investigation, the RIO will formally notify the respondent in writing of the institution's decision to convene an investigation, including the following:

- a. The specific allegation(s);
- b. The rights and responsibilities of the respondent;
- c. The role of the investigation committee;
- d. The investigation process timeline; and
- e. A copy of Mines' Policy for Research Integrity and this procedure.
- f. If required in any research award documentation or pursuant to federal regulation, the RIO will also notify appropriate federal funding and oversight agencies in writing of the decision to proceed with an investigation within 30 days of the determination that an investigation is warranted. This notification will include a copy of the inquiry committee report and other information and references as required by relevant federal regulation or oversight agencies.

4. Appointment of Investigation Committee

The RIO, in consultation with other institutional officials as appropriate, will appoint an investigation committee as soon after the initiation of the investigation as is practical. The investigation committee will consist of three full-time, tenured faculty members who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation. At least two of the committee members must have the appropriate academic expertise to evaluate the evidence and issues related to the allegation. When necessary to secure the necessary expertise or to avoid conflicts of interest, the RIO may select committee members from outside the institution.

5. Responsibilities of Investigation Committee

The investigation committee is responsible for conducting a thorough review of all facts and evidence relevant to the investigation to determine, based on a preponderance of evidence, whether research misconduct has occurred and, if so, to determine the responsible person(s) and the nature and seriousness of the misconduct. The investigation committee may

also identify, in the course of its duties, issues that would justify broadening the scope of the misconduct investigation beyond the initial allegation. The investigation committee must interview the complainant, respondent, and any other available persons who have been reasonably identified as having information relevant to the investigation. Interviews will be recorded or transcribed and provided to the interviewee for correction.

6. Charge to Investigation Committee

The RIO will provide the charge to the investigation committee, which includes:

- a. The Mines Policy for Research Integrity and this Procedure;
- b. Purpose of the investigation;
- c. Definition of research misconduct and requirements for findings of misconduct;
- d. Timeframe for completion of the investigation;
- e. Description of the specific allegation(s) to be investigated and related issues identified during the inquiry process;
- f. Identification of the respondent(s); and
- g. Responsibilities of the investigation committee, including:
 1. Election of a committee chair;
 2. Examination of evidence;
 3. Interviews of complainant and respondent;
 4. Interviews of other persons as necessary and appropriate, and transcriptions of all interviews;
 5. Preserving the confidentiality of all persons involved;
 6. A finding for each allegation, a recommendation of whether research misconduct occurred, and if so, identify the responsible person and determine the nature and seriousness of the research misconduct;
 7. Preparation of a final, written investigation report.

7. Investigation Process

The investigation committee must ensure that the investigation is thorough and sufficiently documented, and includes an examination of all research records and evidence relevant to reaching a decision on the merits of each allegation. The committee will 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. All interviews will be recorded or transcribed, and the interviewees will be provided the recording or transcript of the interview for correction.

8. Investigation Report

At the conclusion of the investigation, the investigation committee shall summarize its findings and recommendations in a written report to the RIO and the VPRTT. The investigation, including the final report and findings for each allegation, should be completed within 90 days of convening the investigation committee, except in circumstances out of the ordinary. The require elements of this report are:

- a. Names of the committee members;
- b. Name and title/position of the respondent;
- c. Description of the allegation of research misconduct investigated;
- d. Description of the investigation process utilized;
- e. Inventory of the evidence reviewed, including documents and evidence examined and witnesses interviewed;

- f. A finding as to whether research misconduct occurred for each separate allegation identified during the investigation, and whether it was committed intentionally, knowingly, or recklessly;
- g. Identification of each finding of research misconduct as plagiarism, falsification, fabrication, or other serious deviations from accepted practices;
- h. Identification of the individual responsible for each instance of research misconduct;
- i. Summary of the facts and analysis supporting the conclusion;
- j. If federal funds are involved, identification of grant numbers, applications, contracts and publications that list PHS or other federal support;
- k. Identification of any publications that require correction or retraction; and
- l. Any comments on the draft investigation committee report by the respondent.
- m. The inquiry report, and any additional information from the inquiry.

9. Respondent's Opportunity for Review and Comment

The RIO will provide the respondent a copy of the draft investigation report for comment and, concurrently, a copy of, or supervised access to the evidence on which the report is based. The respondent will be allowed 30 days from the date they receive the draft report to submit written comments to the RIO. Any comments will be provided to the investigation committee for consideration. The committee may revise the draft investigation report, as appropriate, and will prepare a final report. Any written comments provided by the respondent must be attached to the final investigation committee report. The investigation committee report with all attachments must be submitted to the VPRTT and RIO.

10. Institutional Decision

Upon review of the investigation committee's final report and attachments, the VPRTT will prepare a written recommendation and forward both the investigation committee report and their recommendation to the Provost for review and disposition. The Provost will issue a final, written decision. If the Provost's decision varies from the findings of the investigation committee and/or the VPRTT's recommendation, the Provost will, as part of his or her written determination, explain in detail the basis for the decision. If it is determined that research misconduct has occurred, the Provost will determine the appropriate course of disciplinary action in accordance with relevant Mines policies and procedures, and will confer with the VPRTT and RIO to determine other, appropriate institutional actions in response to the research misconduct. If it is determined that research misconduct has not occurred, the matter is closed with the Provost's decision. The Provost's decision serves as the final decision of the institution. If requested, the institution will make all practical, reasonable and appropriate efforts to restore the reputation of any individual alleged to have engaged in research misconduct, but against whom no findings of research misconduct were found.

11. Notifications

The Provost will notify the respondent in writing of the results of the investigation, including a copy of the final investigation committee report with all attachments. The notification will outline plans for any pending disciplinary action against the respondent. By separate, written communication, the Provost will also notify the complainant of the results of the investigation.

The RIO will notify the affected Deans and Department Heads of the results of the investigation. As required, the RIO will also notify any applicable federal oversight and funding agencies in writing of: the investigation committee's findings; whether the institution accepts the investigation committee's findings; whether the institution found misconduct and, if so, who committed the misconduct; and any pending or completed institutional actions or sanctions. This notification will include a copy of the investigation committee's report with all attachments.

12. Appeals

If expressly granted a right to do so in an existing University policy, the Respondent or Complainant may appeal the application of a disciplinary or personnel action resulting from the research misconduct determination, but the research misconduct determination is otherwise final and may not be appealed. The procedure to be followed and the roles and responsibilities in conducting an appeal are those outlined in the applicable University policy that provides for a right of appeal.

13. Record Retention

All documentation and records related to allegations of research misconduct, regardless of whether they resulted in an inquiry or investigation, will be retained and secured by the RIO for a period of seven (7) years from the date of the receipt of the allegation. All documentation and records related to research misconduct inquiries and investigations will be retained and secured for a period of seven (7) years from the date of the completion of the research misconduct proceedings.

Promulgated by the Mines Board of Trustees on June 13, 1996.
Amended by the Mines Board of Trustees on June 22, 2000, May 19, 2014, May 28, 2021, June 15, 2022.