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1. Introduction and Applicability

The reputation of the University of New England (UNE or University) and its scholarly and academic endeavors require that all members of its community maintain the highest ethical standards in their professional activities. In recognition of this need, UNE has adopted the following policy to respond to allegations of Research Misconduct and to inform members of the community of the appropriate channels for bringing such matters to the attention of the University¹. This policy applies to any person who, at the time of the alleged Research Misconduct, was employed by, was agent of, or was affiliated by agreement with UNE, including faculty, staff and students.

This statement of policy and procedures does not apply to authorship or collaboration disputes and applies only to allegations of research misconduct that occurred within six years of the date the institution or HHS received the allegation, subject to the subsequent use, health or safety of the public, and grandfather exceptions in 42 CFR § 93.105(b).

22 Definitions²

- a. Complainant. The individual, department or entity who in good faith makes an allegation of Research Misconduct.
- b. *Inquiry* means preliminary information-gathering and preliminary fact-finding consistent with Section 3 of this policy and applicable provisions of 42 CFR §§ 93.307-309.
- c. Investigation means the formal development of a factual record and the examination of

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committee by the RIO or deputy RIO, the Committee shall elect its own chair who shall be responsible for determining the manner in which witness interviews are handled by the Committee. The Committee shall have one hundred twenty (120) days from the date of beginning the formal investigation to complete it.

- e. The Committee will be provided with the Inquiry report, Research Record, and all other necessary information about the allegation and empowered to review relevant documents and interview witnesses. The Committee shall review all relevant Research Records and documentation and interview respondent and complainant and any other available persons who have been identified as having relevant and material information regarding the Investigation. Respondent shall receive written notice, in advance, of all the planned fact-finding activities of the Committee. The Committee may seek assistance from UNE Counsel in conducting its Investigation and from the UNE or Federal ORI, if needed.
- f. The Committee will be expected to pursue all significant issues and leads developed during the Investigation, including evidence of additional instances of possible Research Misconduct. The Committee will give Respondent written notice of any new instances or allegations of Research Misconduct not addressed during the Inquiry or in the initial notice of Investigation within a reasonable amount of time of deciding to pursue such allegations.
- g. The Committee shall keep records of all its fact-finding proceedings and, pursuant to 42 CFR 93.310(g), shall arrange for a recording or transcript of each interview consistent with Section 3(c) above.
- Respondent may exercise the following rights during the Investigation of the Committee:

Respondent may choose to be represented by legal counsel that they secure. Respondents may consult with legal counsel or a non-lawyer personal adviser (who is not a principal or witness in the case) to seek advice. Respondent may bring an attorney adviser or non-lawyer personal advisor. Such an adviser may act as an observer only, and may not comment on the proceedings, propound questions, cross-examine interviewees, or raise objections of any sort. Respondent will be responsible for all costs associated with such advice or representation.

Respondent shall have the opportunity to present a defense to the Committee, to present witnesses for interview by the Committee, and to respond to all allegations of Research Misconduct. The Federal/State Court Rules of Evidence will not formally apply to this proceeding.

UNE will take reasonable steps to ensure an impartial and unbiased Investigation to the maximum extent practicable, including participation of persons with appropriate



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Includes a statement of findings for each allegation of research misconduct identified

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- I. If the RIO or deputy RIO concludes that Respondent has committed Research Misconduct, the RIO or deputy RIO, in consultation with the APRS, AVP of Human Resources, and the relevant dean, department head or program director, shall also determine the appropriate disciplinary action, up to and including termination. The RIO or deputy RIO shall promptly notify Respondent of this decision, which shall be final, subject to a limited right of appeal to the President, as described below.
- m. Should the procedure followed under this policy find no Research Misconduct by the Respondent, the party or parties who conducted the Inquiry or Investigation shall, as appropriate, undertake a good faith effort to protect or restore the reputation of the Respondent. Reasonable efforts will also be taken to protect the standing of the Complainant who raised the issue of possible Research Misconduct, unless the Inquiry or Investigation reveals that such Complainant acted in bad faith, in which case appropriate disciplinary actions may be taken.
- 5. Review of Disciplinary Actions by the



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7. Reporting and Records

a.

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