10.3 RESEARCH INTEGRITY POLICY AND COMPLAINT PROCEDURE

I. 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. (1999) to set forth a policy to assure integrity in research and the proper reporting and resolution of complaints alleging research misconduct at CSM. This policy shall supersede any previously promulgated CSM policy that is in conflict herewith.

II. PREFACE

Misconduct in research is a matter of serious concern to research universities, research sponsors, and the public. Tolerance of such behavior tarnishes the reputations of honest researchers and universities as well as diminishes public confidence in research results. The highest standards of honesty, integrity, and ethical behavior are expected of all personnel involved in research and scholarly activity at institutions of higher education. Maintenance of public trust in these standards is the responsibility of all members of the university community, including faculty, administrators, staff members, and students.

III. POLICY STATEMENT

It is the policy of CSM to promote the highest ethical standards in research. In order to achieve this goal, CSM must rely primarily on acceptance of responsibility by each member of the CSM community to adhere to professional standards of conduct in all research activity. This policy shall apply to all CSM employees and students who are involved in the performance of research, including, but not limited to, faculty members, students, technicians, post-doctoral fellows, administrators, and staff members. In cases where charges of research misconduct are raised, CSM shall inquire into and, if necessary, investigate and resolve all instances of alleged misconduct. This process shall include expeditious fact-finding and objective peer review in a setting of appropriate due process characterized, at a minimum, by prompt notification of the individuals whose behavior is the subject of a complaint, protection of the rights of all participants, and the imposition of appropriate sanctions upon violators of this policy, which may consist of one or more of the following: reprimand, removal from project, special monitoring of future work, probation, suspension, salary or rank reduction, termination, 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. CSM shall comply within a time frame consistent with applicable agency requirements for reporting cases of possible misconduct when sponsored project funds are involved.

IV. DEFINITIONS

For the purposes of this policy, the following definitions shall apply:

A. Research Misconduct

Fabrication, falsification, fraud, plagiarism or other practices seriously deviating from those commonly accepted within the scientific community for proposing, conducting or reporting on research. Inadvertent error or honest differences of opinion in interpreting or judging data shall not constitute research misconduct. Specific categories of research misconduct shall include the following:

1. Falsification or Misrepresentation of Data

This category includes (a) reporting experiments, measurements, or statistical analyses never performed; (b) manipulating or altering data or other manifestations of research to achieve a desired
result; and (c) selective reporting, including the deliberate suppression of conflicting or unwanted data, with the intent to falsify or misrepresent results.

2. Plagiarism

This category includes the representation of another's work as one's own or the failure to acknowledge another's contribution to one's work.

3. Abuse of Confidentiality

This category includes the unauthorized use of ideas or preliminary data gained from editorial review of manuscripts submitted to journals, peer review of proposals being considered for funding, private correspondence or conversations, or by other means.

4. Misappropriation

This category includes the misappropriation of research funds or resources belonging to CSM or a research sponsor for personal gain.

5. Falsification of Credentials

This category includes falsifying or misrepresenting background information, including biographical data, degrees earned, citations of publications, or the status of manuscripts, to influence the awarding of research funding or the outcome of research endeavors.

V. RESPONSIBILITIES OF SPECIFIC CSM GROUPS

A. Research Personnel

Researchers are responsible for maintaining the highest ethical standards in their research. Principal investigators are specifically responsible for: (a) assuring that these standards are communicated to and maintained 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 without their research groups. Co-authorship shall reflect actual scientific involvement in and responsibility for work reported.

B. Administrative Personnel

The Vice President for Research and Technology Transfer, hereinafter the "VPRTT," shall be responsible for widespread dissemination and implementation of this policy. The VPRTT shall ensure that: (a) appropriate review procedures are promptly implemented when allegations of research misconduct are reported; (b) accurate records of research misconduct complaints and resolutions are maintained; and (c) proper and timely reporting of research misconduct complaints and investigations is made to appropriate funding agencies when required. The Provost, hereinafter the "Provost," shall represent CSM when it is determined that present or former CSM research personnel are the subject of complaints or investigations involving outside institutions. In the event of a final determination of research misconduct hereunder, appropriate sanctions may be invoked against violators of this policy by the President or the vice president charged with supervision of such person's activities at CSM.

C. Members of the CSM Community

All members of the CSM community are responsible for reporting behavior which is believed in good faith to constitute research misconduct by CSM personnel in accordance with the procedures established by this policy.
VI. COMPLAINT REVIEW PROCEDURES

A. General Considerations

1. Confidentiality

To the maximum extent possible consistent with the need to fully and fairly investigate complaints, inquiries and investigations shall be conducted in a confidential manner so as to protect the reputations of all affected parties.

2. Conflicts of Interest

All perception of conflict of interest must be rigorously avoided at all stages of the complaint review process. Although participants in the conduct of an inquiry or investigation must be qualified to evaluate the situation, no such individual may have a direct personal interest in the matter under review or its outcome. Any participant in the process who has a real or apparent conflict of interest in the subject matter of an inquiry or investigation shall be replaced by another qualified individual.

3. Access to Legal Advice

Upon request, an attorney from the Office of Legal Services shall provide legal advice to the VPRTT and the Provost as well as procedural advice to the inquiry committee and the investigatory committee throughout the process. If a conflict of interest would be created by this arrangement, a legal representative from the Colorado Attorney General's Office shall be requested to fill all or part of this advice-giving role.

4. Resignation of Complainant or Subject of Complaint

Once the review process has begun, it shall continue until a final determination has been made regarding the alleged misconduct, even if the complainant and/or the subject of the complaint are no longer employed by or associated with CSM.

5. Sanctions for Malicious or Frivolous Complaints

Appropriate sanctions may be imposed by CSM against a complainant if it is found at any stage of the complaint review process that the allegations were made in bad faith, with malicious intent, or in a frivolous and vexatious manner.

B. Preliminary Complaint Review

1. Complaint Requirements

All research misconduct complaints against CSM students or employees shall be in writing, signed by the complainant, and filed with the Office of the VPRTT. Such complaints may be filed by any individual or group of individuals, whether or not such individuals are associated with CSM, having personal knowledge of a possible violation of this policy. The complaint shall state the evidence upon which the complaint is based and a list of persons who can corroborate the allegations contained in the complaint.

2. Informal Evaluation of Complaint

A preliminary and informal evaluation of the complaint shall be made by the VPRTT, who may consult in confidence with others about the allegations contained in the complaint.

3. Summary Dismissal of Complaint
If the VPRTT finds that the allegations are without reasonable grounds, the complaint shall be dismissed without informing the subject of the complaint. A written report stating the reasons for the dismissal shall be prepared and maintained in a file with the complaint. A notice of summary dismissal of the complaint along with a copy of the VPRTT’s report shall be provided to the complainant, who may appeal summary dismissal of the complaint to the Provost.

C. Inquiry

1. Purpose

The purpose of an inquiry is to determine whether an allegation or apparent instance of misconduct warrants a full investigation or requires that special action be taken pending a final resolution of the matter. The inquiry shall determine whether the allegation of misconduct appears to be well-founded, the seriousness of the alleged misconduct, the scope of the alleged incident, and the relevance of other available information.

2. Initiation of Inquiry

If, after an informal evaluation, the VPRTT believes a complaint warrants further review, the VPRTT shall initiate an inquiry. Once an inquiry is initiated, the subject of the complaint shall be notified of the complaint in writing, provided with copies of the complaint and this policy, and afforded the right to comment on the allegations set forth in the complaint. At this time, affected department heads shall also be notified of the complaint. If there are reasonable indications that research misconduct has occurred at CSM, the VPRTT shall pursue the matter as set forth herein, even in the absence of a formal complaint.

3. Interim Administrative Actions

If an agency of the federal government has funded all or part of the research which is the subject of the complaint, the VPRTT shall take whatever interim administrative steps are reasonably believed to be necessary during the pendency of the inquiry to protect the federal funds and ensure that the purposes of the federal financial assistance are being carried out.

4. Notification of OSI

If the Public Health Service, hereinafter the "PHS," or the National Institute of Health, hereinafter the "NIH," has funded any part of the research which is the subject of the complaint, the VPRTT shall notify the Office of Scientific Integrity, hereinafter the "OSI," within a reasonable time if any of the following conditions exist at any stage of the inquiry: an immediate health hazard; an immediate need to protect federal funds or equipment; an immediate need to protect the interests of the complainant or the subject of the complaint; a probability that the alleged incident will be reported publicly; or a reasonable indication of a possible criminal violation, in which case the notification shall take place within twenty-four hours after the VPRTT obtains this information.

5. Time Limitations

An inquiry shall be completed within sixty days from the date upon which the complaint was filed unless extenuating circumstances exist which render an extension of time reasonable, in which case the record of the inquiry shall include documentation of the reasons for extending the sixty-day period.

6. Inquiry Committee

The inquiry shall be handled by an ad hoc committee consisting of three full-time, tenured faculty members, at least two of whom shall possess some familiarity with the area of research being
conducted by the subject of the complaint. Not more than one committee member shall have a locus of appointment in the same department/division as the subject of the complaint. Inquiry committee members shall be appointed by the VPRTT in consultation with the Provost.

7. Role of Inquiry Committee

The committee shall review the allegations and underlying facts and submit a recommended course of action to the VPRTT, including an opinion on the issue of whether or not a full investigation is warranted. The committee shall assess the matter in sufficient detail to permit the formation of a reasonable opinion as to whether the complaint should be pursued further by CSM, but it should not attempt to reach a decision on the merits of the complaint. The inquiry is completed when an informed judgment is made as to whether a formal investigation is warranted. An investigation is warranted if a reasonable possibility of research misconduct exists. During the course of its review, the inquiry committee shall have access to all documents relating to the alleged misconduct and may interview the complainant, the subject of the complaint, and other involved parties.

8. Inquiry Committee Report

The committee shall prepare an inquiry committee report describing the evidence reviewed, summarizing relevant interviews, and stating the conclusions of the committee. The complainant, the subject of the complaint and affected department heads shall be provided with copies of the report.

9. Premature Termination of Inquiry

It is expected that CSM shall carry its inquiry through to conclusion and diligently pursue all significant issues. However, if CSM decides to terminate an inquiry prior to its conclusion for any legitimate reason, a report of such planned termination, including a description of the reasons therefore, shall be made to the Director of the OSI, if PHS or NIH funding is involved.

10. Determination of VPRTT

After receiving the written report of the inquiry committee and any written comments submitted by the subject of the complaint, the VPRTT shall determine whether to dismiss the complaint or to proceed with an investigation. The complainant, the subject of the complaint, the affected department heads, and Dean of the college if appropriate shall be provided with copies of the VPRTT’s written decision.

11. Appeal to Provost

If the complainant disagrees with the decision of the VPRTT to dismiss the complaint, he or she may appeal the decision to the Provost, who shall then review the case and make a final determination as to the appropriate action.

12. Disposition of Inquiry Record

If a final decision not to investigate the complaint is rendered, all of the information assembled in the course of the inquiry shall be maintained in confidence to permit a later assessment by a funding agency or other reviewing body of the reasons for determining that an investigation was not warranted. If a final decision to investigate the complaint is rendered, all of the information assembled in the course of the inquiry, including any written comments made by the subject of the complaint, shall be forwarded to the investigatory committee for use in its investigation.
D. Investigation

1. Purpose

The purpose of an investigation is to thoroughly examine a research misconduct complaint and to determine whether or not the alleged misconduct has occurred.

2. Notification of Funding Agency

Once a final decision to investigate a complaint of research misconduct has been made by the VPRTT or the Provost, the VPRTT shall notify the applicable funding agency of the initiation of the investigation.

3. Interim Administrative Actions

If an agency of the federal government has funded all or part of the research which is the subject of the complaint, the VPRTT shall take whatever interim administrative steps are reasonably believed to be necessary during the pendency of the investigation to protect the federal funds and ensure that the purposes of the federal financial assistance are being carried out.

4. Notification of OSI

If the PHS or the NIH has funded any of the research which is the subject of the complaint, the VPRTT shall notify the OSI within a reasonable time if any of the following conditions exist at any stage of the investigation: an immediate health hazard; an immediate need to protect federal funds or equipment; an immediate need to protect the interests of the complainant or the subject of the complaint; a probability that the alleged incident will be reported publicly; or a reasonable indication of a possible criminal violation, in which case the notification shall take place within twenty-four hours after the VPRTT obtains this information.

5. Time Limitations

The investigation shall be commenced within thirty days and completed within one hundred and twenty days from the date of completion of the inquiry unless extenuating circumstances exist which render an extension of time reasonable, in which case the record of the investigation shall include documentation of the reasons for extending the one hundred and twenty-day period. If PHS or NIH funding is involved, CSM shall submit to the Director of the OSI a written request for an extension with an explanation for the delay, including an interim report on the progress of the investigation to date and an estimated date of completion.

6. Investigatory Committee

If the VPRTT or Provost determines that an investigation of the complaint should be undertaken, the VPRTT, in consultation with the Provost, shall appoint an ad hoc investigatory committee consisting of five full-time, tenured faculty members, at least three of whom shall possess expertise in the area of research being conducted by the subject of the complaint. Not more than two committee members shall have a locus of appointment in the same department/division as the subject of the complaint. When appropriate, the VPRTT may appoint experts from outside CSM to serve on the investigatory committee in the place of CSM faculty members.

7. Procedural Requirements

The complainant and the subject of the complaint shall be provided with copies of the charge to the investigatory committee. The subject of the complaint shall be given the opportunity to respond to the complaint, both orally and in writing, and to submit information and documents for consideration.
by the committee. Additionally, any procedural requirements imposed upon the process by the
regulations of an external funding agency shall be followed.

8. Scope of Committee Review

The investigation shall include, but not be limited to, review of grant or contract files; review of
reports, scholarly publications, manuscripts, and other relevant documents; inspection of laboratory
facilities and materials; interviews of individuals with an involvement in or knowledge of the matter;
consultations with outside experts, if desired; and submission of a formal report of committee
findings to the VPRTT. The investigatory committee shall primarily focus on matters specified in the
charge given to it by the VPRTT, but may review previous research efforts of the affected parties, or
records of previous research misconduct complaints, if germane to the investigation.

9. Legal Representation of Parties

Neither the complainant nor the subject of the complaint shall have legal counsel present at
committee meetings or deliberations, except at the express invitation of the committee. When
invited, legal counsel may observe, but shall not actively participate in the proceedings. With the
prior approval of the investigatory committee, the subject of the complaint may be accompanied by a
non-attorney peer representative.

10. Investigatory Committee Report

The investigatory committee shall prepare a draft investigatory committee report and provide a copy
of such report to the complainant and the subject of the complaint, who may each review and
comment or offer corrections. Following the opportunity for review and comment, the committee
shall prepare and transmit a final investigatory committee report to the VPRTT along with any
minority viewpoint reports written by committee members and all comments on the draft report
submitted by the parties. The final report shall describe the evidence reviewed, summarize relevant
interviews, and respond directly to the charge given by the VPRTT, including an assessment of the
validity of the allegations of research misconduct contained in the complaint. Copies of the final
report shall also be delivered to the complainant, the subject of the complaint, the affected
department heads and Dean of the college if appropriate.

11. Premature Termination of Investigation

It is expected that CSM shall carry its investigation through to conclusion and diligently pursue all
significant issues. However, if CSM decides to terminate an investigation prior to its conclusion for
any legitimate reason, a report of such planned termination, including a description of the reasons
therefore, shall be made to the Director of the OSI, if PHS or NIH funding is involved.

12. Disposition by Provost

The final committee report and the recommendation of the VPRTT shall be forwarded to the Provost
for review and disposition. After a tentative decision is made by the Provost, but before such
decision is officially distributed, the complainant and the subject of the complaint shall each have the
right to request a separate meeting with the Provost to discuss the matter accompanied by a
representative of that party's choosing. Once the Provost has made a final decision, both parties, the
VPRTT and affected department heads shall be provided with copies thereof. If the Provost finds
that the subject of the complaint has not engaged in research misconduct, the Provost shall write a
letter to that effect to both parties and dismiss the complaint. If the Provost finds that the subject of
the complaint has engaged in research misconduct, the Provost shall write a letter to that effect to
both parties and may also impose appropriate sanctions upon violators of this policy.

13. Presidential Appeal
Within ten days after receipt of the decision of the Provost, either the complainant or the subject of
the complaint may appeal to the President in writing for a review of the decision of the Provost. Such an appeal shall be accepted at the sole discretion of the President and be limited to review of
three issues: (a) failure to follow appropriate procedures; (b) arbitrary and capricious decision
making, i.e., the decision has no supporting factual basis; or (c) the imposition of inappropriate
sanctions. If the appeal is accepted, the President shall review the entire file compiled in the matter and issue a written decision within a reasonable time after acceptance of the appeal. Copies of the
decision of the President shall be delivered to the complainant, the subject of the complaint, the
Provost, the VPRTT and affected department heads.

14. Final Decision of CSM

A decision of the Provost which has not been appealed by either party within the permitted time
frame or a decision of the President shall stand as the final decision of CSM regarding the complaint
of research misconduct.

E. Post-Review Responsibilities

1. Cooperation with Funding Agencies

In the case of sponsored research projects, the VPRTT shall be responsible for notifying the funding
agency of the facts of the case, the conclusions rendered and the disposition of the matter by CSM. The VPRTT shall also be responsible for determining and complying with other applicable agency
reporting requirements, representing CSM in all negotiations with the sponsor and implementing all
administrative actions that may be directed by the sponsor and accepted by CSM.

2. Correction of Public Record

In cases where research misconduct has been found to have occurred, the VPRTT and the Provost
shall do everything feasible to clarify or correct the public record. This action may take the form of
public announcements, published retractions, and disassociation with published papers or abstracts. Outside parties may also be notified, as appropriate, including: co-authors, co-investigators and
collaborators; editors of journals which may have published fraudulent results; professional licensing
boards and professional societies; and criminal authorities.

3. Restoration of Reputation of Blameless Parties

In cases where the alleged misconduct has not been substantiated and upon receipt of a request for
assistance, the VPRTT and the Provost shall make reasonable efforts to assist an individual who has
been wrongfully accused of research misconduct restore his or her professional reputation. Such
assistance may take the form of writing letters on behalf of the affected individual, making public
announcements, directing that articles exonerating the individual be published in CSM publications, or
any other reasonable step calculated to help restore the reputation of the wrongfully accused
individual.

4. Permanent Record of Proceedings

A permanent record consisting of all committee reports, exhibits and other materials shall be kept by
the VPRTT for a period of not less than five years from the conclusion of the complaint review
process. To the maximum extent permitted by law, the VPRTT shall protect these records from
release if the VPRTT determines that release would compromise the conduct of an ongoing
investigation or constitute an unwarranted invasion of privacy.

Promulgated by the CSM Board of Trustees on June 13, 1996.
Amended by the CSM Board of Trustees on June 22, 2000.