

OFFICE OF NAVAL RESEARCH
PROCESS FOR HANDLING SCIENTIFIC MISCONDUCT ALLEGATIONS
(INTERIM - Rev 10/03)

I. PURPOSE

This document defines the Office of Naval Research (ONR) interim process for handling scientific misconduct allegations. The process applies to all ONR sponsored or managed science and technology.

II. RESPONSIBILITY

The Chief of Naval Research has designated the ONR Management Review and Inspector General Office (ONR OOMR) to coordinate and oversee all actions related to allegations of scientific misconduct or apparent scientific misconduct including:

- providing guidance in scientific misconduct policy implementation and,
- investigation review of alleged scientific misconduct by both awardees of ONR research funds and other Federal agencies, if managed by ONR.

III. DEFINITIONS

Scientific misconduct - Fabrication, falsification, plagiarism, or other practices that seriously deviate from the scientific community's commonly accepted methods for proposing, conducting, reporting, or reviewing research. Scientific misconduct does not include honest error, interpretation, or judgment of data.

ONR sponsored - Science and technology funded by ONR.

ONR managed - Science and technology funded by another activity, but with an ONR Program Officer assigned as the technical manager.

Inquiry - Preliminary information gathering and fact-finding to determine if an allegation or apparent instance of scientific misconduct warrants an investigation.

Investigation - Formal collection and evaluation of information and facts to determine if scientific misconduct can or cannot be established or, if scientific misconduct has been confirmed, to

assess its extent and consequences and recommend appropriate action.

Adjudication - Decision that scientific misconduct has or has not occurred, and if so, the appropriate sanctions or corrective actions.

Subject - Researcher(s) against whom an allegation of scientific misconduct is made.

Institution - Parent organization of the subject. e.g. university, Federal laboratory, private or nonprofit corporation, etc.

IV. GUIDELINES

ONR will observe, and expect institutions to observe, the following guidelines when handling allegations of scientific misconduct:

a. Safeguard subjects by providing the maximum possible confidentiality, ensure a prompt and thorough inquiry and/or investigation, and afford the subject an opportunity to comment on relevant allegations, findings, and/or supporting evidence.

b. Protect good-faith informants, including protection from retaliation.

c. Protect the interests of the Federal government and the public.

d. Reach conclusions that are fair and equitable to the subject or institution under inquiry or investigation.

V. INSTITUTION INQUIRIES/INVESTIGATIONS

Applicant and awardee institutions have the primary responsibility to prevent, detect, investigate, report, and resolve alleged or apparent scientific misconduct involving those institutions.

In addition to observing the ONR guidelines, institutions are expected to take the following steps in conducting scientific misconduct inquiries and investigations of ONR sponsored or managed science and technology research:

a. Inquire promptly into allegations and complete inquiries within 90 days after receipt of the allegation.

b. Notify immediately ONR OOMR, in writing, when an inquiry results in a determination that an investigation is warranted.

c. Conduct investigations as warranted and complete within 180 days of completing the initial inquiry.

d. Employ scientific, investigative, and legal expertise as needed to resolve the factual issues presented by the allegation.

e. Conduct inquiries/investigations with fairness and the appropriate level of due process.

f. Support conclusions by a preponderance of the relevant evidence or by the standard of proof defined in the institution's scientific misconduct policy.

g. Maintain detailed documentation to support decisions that results of an inquiry did not warrant initiating an investigation. Such records shall be secured and maintained for at least three years after the termination of the inquiry and/or investigation, and shall upon request, be provided to authorized ONR personnel.

i. Report investigations with documentation that:

- (1) describes the allegation(s);
- (2) lists the investigators;
- (3) describes the methods and procedures used to gather information and evaluate the allegation(s);
- (4) summarizes the records and data compiled, states the findings, and explains the supporting reasons and evidence;
- (5) states the potential impact of any scientific misconduct;
- (6) describes and explains any institutional sanctions or corrective actions recommended and/or imposed.

j. Subject to the requirement to protect the informant as specified in Section IV.b, provide the subject with a reasonable opportunity (e.g., 30 days) to review and respond to the investigation report.

k. Forward investigative reports, documentation, and subject's response to the ONR Management Review and IG Office (ONR OOMR) within 90 days after completion of the investigation.

VI. ACTIVITY REVIEW OF INSTITUTIONAL INQUIRIES OR INVESTIGATIONS

ONR OOMR will review the investigative report and supporting documentation to determine if the institution followed usual and reasonable procedures, and to assess the accuracy, adequacy, and completeness of the report. When necessary, the institution will be asked to provide additional information.

VII. ACTIVITY INQUIRIES/INVESTIGATIONS

ONR normally defers to institutions in cases of alleged scientific misconduct. However, ONR will conduct inquiries and investigations of its own when an institution is unable or unwilling to conduct a prompt, thorough, and objective inquiry/investigation or when the institution has not adequately resolved the issues.

ONR inquiries and investigations will be conducted in accordance with the pertinent guidelines set forth in paragraph V. above, and may include:

- a. Review of award files, reports, and other documents available at ONR or in the public domain;
- b. Review of procedures or methods of research;
- c. Inspection of research materials, notebooks, specimens, records, publications or other products of research, as well as administrative records at the institution;
- d. Interview parties or witnesses;
- e. Review and evaluation of other documents or evidence from parties, witnesses, or the institution;
- f. Involvement of other Federal agencies;
- g. Providing the subject the opportunity to respond to the allegation(s);
- h. Use of outside consultants or experts as necessary.

When ONR initiates an investigation, the institution will be promptly notified, unless notice would prejudice the investigation or a contemporaneous criminal investigation is underway or being considered. An ONR investigation will afford the subject the maximum possible confidentiality and an opportunity to comment and provide other relevant information.

Upon conclusion of the investigation, the subject will be given the opportunity to provide written comments and or rebut the draft investigative report. The subject(s) written comments/rebuttal will be made part of the investigative record.

VIII. INTERIM ACTIONS

Prior to the completion of an investigation, ONR may, on the basis of facts established in the investigation, take, or cause to be taken, interim administrative/managerial actions. Interim action will be taken when deemed appropriate to protect the welfare of human and animal subjects of research, prevent inappropriate use of Federal funds, or otherwise protect the public interest and safety. Interim actions may include special certifications, assurances, debarment or suspension under the Code of Federal Regulations (CFR), or other administrative actions. If there are reasonable indications that criminal violations may have occurred, ONR shall consult with the Naval Criminal Investigative Service to determine an appropriate course of action.

IX. FINAL ACTIVITY ACTIONS

ONR has established a Science and Technology Integrity Board (STIB) as an advisory body to recommend activity action to the Technical Director (TD/03), the adjudication official designated to make the final determination on action recommended by the board. Permanent members of the STIB are the ONR Inspector General, the ONR Associate Technical Director for Discovery and Invention (ATD(D&I)/03D&I), the ONR Associate Technical Director for Transition/Naval Technology Transition Officer (ATD(T)/03NTTO), and a representative from the ONR Acquisition Department. The ONR Corporate Counsel Office (ONR 00CC) will provide legal advice.

For each complaint considered, the cognizant ONR Science and Technology Department Head and, at a minimum, one ad hoc subject matter expert from the department, will serve in an advisory capacity. To avoid the perception of a conflict of interest, the ONR Program Officer sponsoring or managing the award will not be designated the subject matter expert unless no other is available to serve in that capacity. For inquiries or investigations of ONR managed research, a representative of the sponsoring activity will be invited to serve as a member of the STIB.

ONR OOMR will convene the STIB to evaluate the investigative findings and supporting documentation of internal and external investigations, and recommend ONR action or sanctions if appropriate. OOMR will prepare and forward the board's decision memorandum along with the investigative report to the ONR DST, for concurrence or nonconcurrence and final determination of activity action.

Before issuing a disposition, the Science and Technology Board, or the Executive Director and Technical Director may initiate further investigations or hold additional meetings to resolve factual issues necessary for the disposition of the case. In the case of a proposed debarment or suspension, ONR shall follow applicable procedures/regulations in the Code of Federal Regulations.

ONR OOMR will notify the applicant or awardee institution in writing of ONR's action, sanctions to be imposed if applicable, and the appeal procedures.

X. ACTIVITY SANCTIONS OR CORRECTIVE ACTIONS

Possible final actions, excepting criminal sanctions, should consider any corrective actions or sanctions already imposed by the institution.

Activity actions may range as follows:

Minimal restrictions - such as a letter of reprimand, additional conditions on awards, requiring third-party certification of accuracy or compliance with particular policies, regulations, guidelines, or special terms and conditions;

Moderate restrictions - such as limitations on certain activities or expenditures under an active grant, special reviews of the subject's requests for funding;

More severe restrictions - such as termination of an active award, or government-wide suspension or debarment of the subject.

If an inquiry reveals the allegation to be frivolous, ONR may consider notifying the informant's institution.

XI. APPEALS

Applicable regulations prevail for scientific misconduct suspension or debarment of a subject. In all other cases, affected individuals or institutions may appeal to the Chief of Naval Research, Office of Naval Research, in writing within 30 days after receiving written notification of ONR's proposed action. After 30 days, the action decided by the ONR DST shall be the final administrative action.

The Chief of Naval Research may designate an impartial activity officer or employee to review an appeal and make recommendations. The Chief of Naval Research will normally inform the appellant of the final decision on an appeal within 60 days of receipt. This decision will be the final administrative action.

XII. COOPERATION AMONG FEDERAL AGENCIES

When ONR receives notification from an institution that an investigation has concluded with a determination of scientific misconduct, ONR will notify any other sources of research that provide support to the subject(s) that a finding of scientific misconduct has been made. The imposition of sanctions or remedial actions will be coordinated with other supporting agencies.

XIII. RECORDS

All pertinent scientific misconduct investigation and adjudication records will be maintained permanently by the ONR Management Review and IG office.