III-1.10(A) UNIVERSITY OF MARYLAND POLICY ON INTEGRITY AND RESPONSIBLE CONDUCT IN SCHOLARLY WORK

(Approved by the President August 1, 1991; Revised May 11, 2000; Revised May 13, 2008; Technical Amendment April 6, 2009; Approved on an Interim basis June 29, 2017; Amended and approved March 12, 2019; Amended and approved on an interim basis by the President pending Senate review effective January 1, 2026)

I. PURPOSE

The University of Maryland Policy on Integrity and Responsible Conduct in Scholarly Work ("Policy") sets forth and establishes expectations, requirements, and practices related to ensuring integrity and responsible conduct in Scholarly Work (*i.e.*, Research and Creative Activities) conducted, performed, or produced at or under the auspices of the University of Maryland, College Park ("UMD"). In doing so, this Policy supports UMD and Institutional Members in their efforts to foster an environment that: promotes integrity and responsible conduct in Scholarly Work; discourages Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct; and anticipates that Allegations or Evidence of these forms of misconduct are promptly addressed. Furthermore, this Policy is designed to help ensure compliance with federal and state laws and regulations, University System of Maryland ("USM") policies (*e.g.*, the University System of Maryland Policy on Misconduct in Scholarly Work, III-1.10), UMD policies, and associated requirements, as well as to protect Institutional Members and UMD from potential violations of the same.

II. RULES OF INTERPRETATION

A. Definitions

Defined terms have the meaning ascribed to them in Section I of the Appendix to this Policy and are capitalized throughout this Policy and associated Procedures. Where necessary and appropriate, definitions are aligned with the relevant federal regulations and policies.

B. Time Periods

References to Days in this Policy or associated Procedures refer to calendar days. If a deadline falls on a Saturday, Sunday, or federal holiday, the deadline will be extended to the next day that is not a Saturday, Sunday, or federal holiday.

Unless otherwise specified in this Policy and associated Procedures, a Respondent's failure to exercise any right granted hereunder within the stated time period will be deemed a waiver of that right.

C. Plural Usage

This Policy and associated Procedures are written with singular references to a party (*e.g.*, a Respondent) or an Allegation. In cases involving multiple parties or Allegations, this Policy and associated Procedures should be construed accordingly.

III. GENERAL POLICY AND PRINCIPLES

Achieving excellence in teaching and mentoring, Research and Creative Activities, and public service within a supportive, respectful and inclusive environment is central to the mission and identity of UMD.[1] As a state Institution for which public trust is essential and as a recipient of federal funding, UMD bears a particular responsibility to foster a culture of integrity and responsibility in Scholarly Work and to address concerns regarding the failure to act in accordance with those expectations. Accordingly, UMD is committed to upholding the highest standards of Rigor in Scholarly Work and fostering an environment that promotes integrity and responsible conduct in Scholarly Work; discourages Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct; and deals promptly with Allegations or Evidence of possible instances of such misconduct.

Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct are contrary to the interests of UMD, the health and safety of the public, the integrity of Scholarly Work, and the conservation of funds for Scholarly Work, including public funds. Both UMD and its Institutional Members have an affirmative duty to protect against these harms by ensuring the integrity of all Scholarly Work conducted, performed, or produced at or under the auspices of UMD.

All Institutional Members are expected to conduct their Scholarly Work with honesty, Rigor, and Transparency. Each Institutional Member is responsible for contributing to an organizational culture that establishes, maintains, and promotes integrity and responsible conduct in Scholarly Work. UMD prohibits Institutional Members from engaging in Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct.

UMD strives to reduce the risk of Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct, support all Good Faith efforts to report suspected misconduct, and promptly and thoroughly address all Allegations of Research Misconduct, Scholarly Misconduct, and/or Creative Activities Misconduct. Such Allegations, when they do arise, will be addressed under this Policy and relevant, associated Procedures.

UMD limits disclosure of information related to an Allegation and/or Proceeding that falls under this Policy and associated Procedures, to the extent possible and as allowed by law, to those who need to know, consistent with a thorough, competent, objective, and fair Proceeding. UMD does not tolerate or permit interference by any Institutional Member with a Proceeding conducted under this Policy and associated Procedures. UMD does not tolerate or permit Retaliation by and/or against any Institutional Member in connection with a Proceeding conducted under this Policy and associated Procedures. UMD will seek to rectify the Research Record and Creative

[1] University of Maryland, College Park Mission Statement, available at https://umd.edu/about/mission.

Activities Record and/or restore the reputations of individuals impacted by actions and/or practices that are a violation of this Policy, as appropriate.

UMD is responsible for ensuring that this Policy and associated Procedures for addressing Allegations of Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct meet the requirements of the relevant federal regulations, policies, directives, and laws (*e.g.*, Office of Science and Technology Policy ("OSTP") Federal Policy on Research Misconduct, 65 FR 76260; Public Health Service ("PHS") Policies on Research Misconduct, 42 C.F.R. Part 93 ("PHS Regulation"); National Science Foundation ("NSF") Research Misconduct Regulation, 45 C.F.R. Part 689; U.S. Department of Agriculture ("USDA") Research Misconduct Regulation, 2 C.F.R. Part 422; Department of Defense ("DoD") Instruction 3210.7; National Aeronautics and Space Administration ("NASA") Research Misconduct Regulation, 14 C.F.R. Part 1275; Environmental Protection Agency ("EPA") Order on Policy and Procedures for Addressing Research Misconduct, Order No. 3120.5; Department of Energy ("DOE") Policy on Research Misconduct, 10 C.F.R. Part 733; Department of Education ("ED") Research Misconduct Regulation, 70 F.R. 66371; National Endowment for the Humanities ("NEH") Research Misconduct Policy) ("federal regulations, policies, directives, and laws"). UMD will establish and maintain the Policy and Procedures, inform all Institutional Members about the Policy and Procedures, and make the Policy and Procedures publicly available. UMD is committed to following this Policy and the relevant associated Procedures when responding to Allegations of Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct.

Though comprehensive, this Policy cannot address every specific expectation, requirement, and practice related to ensuring the integrity and responsible conduct of Scholarly Work. As a recipient of federal funding, UMD is required to comply with relevant federal regulations, policies, directives, and laws. Accordingly, UMD will implement this Policy with the understanding that Scholarly Work must comply with those and all other relevant internal and external requirements, including all applicable USM and UMD policies and federal and state laws, regulations, and policies.

The Office of Integrity and Responsible Conduct ("OIRC") is the unit on campus which implements this Policy and associated Procedures. The Research Integrity Officer ("RIO") has specific responsibilities for the administration of this Policy and those Procedures.

IV. APPLICABILITY, SCOPE, AND LIMITATIONS

Institutions that apply for or receive federal funds for Research are required by federal regulation to share in the responsibility for ensuring the integrity of the Research process and related activities (*i.e.*, OSTP's Federal Policy on Research Misconduct, 65 FR 76260). UMD voluntarily adopts and applies, through this Policy and associated Procedures, the common federal standards and requirements for integrity and responsible conduct in Research to all Institutional Members engaged in and activities undertaken as part of UMD's Research and Creative Activities enterprise, regardless of funding source.

This Policy and the relevant, associated Procedures apply to Allegations of Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct involving an Institutional Member and the following:

- applications or proposals for support for Research and/or Creative Activities; Research and/or Creative Activities training; or activities related to the Research, Creative Activities, Research training, or Creative Activities training;
- Research and Creative Activities;
- Research and Creative Activities training programs;
- activities that are related to or undertaken as part of Research, Creative Activities, Research training, or Creative Activities training (*e.g.*, the operation of Data banks (databases) or the dissemination of Research information or output from Creative Activities);
- Research Records and Creative Activities Records produced during Research, Creative Activities, Research training, Creative Activities training, or activities related to the Research, Creative Activities, Research training, or Creative Activities training; and
- Research and/or Creative Activities proposed, performed, reviewed, or reported, as well as any Research Record or Creative Activities Record generated from that Research and/or Creative Activity, regardless of whether an application or proposal for funds resulted in an awarded grant, Contract, cooperative agreement, subaward, or other form of support.

This Policy and the relevant associated Procedures apply only to Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct occurring within six (6) years of the date UMD or the relevant federal regulatory agency receives the Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct, subject to the following exceptions:

- The six-year time limitation does not apply when an applicable federal or state law or regulation establishes a different standard. In such instances, UMD will follow the time limitations set forth in the applicable law or regulation.
- The six-year time limitation does not apply if the Respondent continues or renews any incident of alleged Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct that occurred before the six-year period through the use of, republication of, or citation to the portion of the Research Record and/or Creative Activities Records alleged to have been Fabricated, Falsified, or Plagiarized, for the potential benefit of the Respondent ("Subsequent Use Exception"). For alleged Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct that appears subject to this Subsequent Use Exception, but UMD determines is not subject to the exception, UMD will document its determination that the Subsequent Use Exception does not apply and will retain this documentation for seven years (7) after completion of the institutional proceeding or the completion of any associated federal proceeding, whichever is longer.
- The six-year time limitation also does not apply if the relevant federal agency or UMD, following consultation with the relevant federal agency, determines that the alleged Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public.

The Policy and the relevant associated Procedures do not supersede or establish an alternative to any existing federal regulations, policies, directives, and laws for handling Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct involving federally funded Research and Creative Activities. They do not replace any federal regulations, policies, directives, and laws, and in the case of any conflict between this document and federal regulations, policies, directives, and laws, the federal regulations, policies, directives, and laws will prevail. The Policy and the relevant associated Procedures are intended to enable UMD to comply with the requirements of federal regulations, policies, directives, and law, as well as state laws, regulations, and policies, and USM and UMD policies.

This Policy does not apply to various types of professional and/or instructional misconduct, including misconduct related to the individual's role as an instructor or administrator, or misrepresentations for personal or professional advancement. This Policy does not apply to various types of academic misconduct, including but not limited to misconduct by students in academic exercises, such as examinations and course requirements that fall outside of the definitions of Research and Creative Activities.

This Policy provides the exclusive mechanism for the review and adjudication of Allegations of Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct. Final procedural and substantive determinations made under this Policy and associated Procedures cannot be challenged or overturned under any other University policy or procedure, including, but not limited to, the University of Maryland Policies and Procedures Governing Faculty Grievances (II-4.00[A]) and the University System of Maryland Policy on Grievances for Nonexempt and Exempt Staff Employees (VII-8.00).

V. ROLES, RIGHTS, AND RESPONSIBILITIES

A. Institution

1. University of Maryland's General Roles and Responsibilities

a. Fostering an Environment that Promotes Integrity and Responsible Conduct
UMD will foster an environment for Scholarly Work that: promotes integrity in and the responsible conduct of Scholarly Work; discourages Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct; and deals promptly with Allegations or Evidence of possible Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct.

b. Policy and Procedures
UMD shall have a written Policy and Procedures for addressing Allegations of Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct that meet the requirements of relevant federal regulations, policies, directives, and laws. UMD will, to the extent possible, inform all Institutional Members about this Policy and the associated Procedures and make this Policy and the associated Procedures publicly available.

UMD will update the Policy and associated Procedures as needed to ensure they remain compliant with relevant UMD, USM, state, and federal requirements. Technical updates and updates to maintain compliance will be made and implemented with the approval of the UMD President or their designee.

c. Protecting Funds and Responding to and Reporting an Allegation of Misconduct
UMD has an affirmative duty to protect internal and external funds for Scholarly Work, including public funds, from misuse by ensuring the integrity of all work supported by these funds, and primary responsibility for responding to and reporting an Allegation of Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct, as provided for in all relevant state and federal regulations, policies, directives, and laws.

d. Compliance with Relevant Federal Regulations, Policies, Directives, and Laws
UMD, as a recipient or potential recipient of federal funds for Research and Creative Activities and Research and Creative Activities training, will comply with relevant federal regulations, policies, directives, and laws.

e. Ownership of Data and Materials; Related Authorities
UMD is the owner of Data and materials generated from Scholarly Work conducted, performed, or produced under the auspices of UMD. UMD therefore reserves the right to and will, to the extent possible and/or necessary: take steps to manage (*e.g.*, obtain, communicate about, correct, retract) Data from Scholarly Work (in all forms of publication or presentation); acknowledge instances in which they may be unreliable; and/or prevent the publication or presentation of that Data or further use of materials.

2. University of Maryland's Responsibilities During and After a Misconduct Proceeding

UMD will respond to each Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct in a thorough, competent, objective, and fair manner.

UMD will take precautions to ensure that individuals responsible for carrying out any part of the Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding do not have unresolved personal, professional, or financial Conflicts of Interest with the Complainant, Respondent, or Witness.

UMD will take all reasonable and practical steps to ensure the cooperation of the Respondent and other Institutional Members with the Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct Proceeding, including, but not limited to, their providing information, Research Records and/or Creative Activities Records, and other Evidence.

a. Confidentiality

i. Respondent, Complainant, and Witness

During a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding and after the completion of such a Proceeding in which there was no finding of misconduct, UMD will make a diligent effort to provide confidentiality to each Respondent, Complainant, and Witness involved in the Proceeding, to the extent permitted or required by this Policy, or required by law or regulation. UMD will make a diligent effort to honor the request of a Complainant that their identity be kept confidential during UMD's review of the Allegation under this Policy. UMD will limit, to the extent possible and as allowed by law, disclosure of the identity of any Respondent, Complainant, and Witness who is involved in an *ongoing* Research Misconduct, Scholarly Misconduct, and/or Creative Activities Misconduct Proceeding, or was involved in such a Proceeding in which *there was no finding of misconduct*, to those who need to know, as determined by UMD consistent with a thorough, competent, objective, and fair Research Misconduct, Scholarly Misconduct, and/or Creative Activities Misconduct Proceeding.

After the completion of a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding in which there was a finding of misconduct, UMD will make the same efforts as those identified immediately above to maintain confidentiality for and limit the disclosure of the identity of each Complainant and Witness who was involved in the Proceeding, to the extent permitted or required by this Policy, or required by law or regulation.

In all of the above instances, those who need to know include, but are not limited to, Unit Heads, other University administrators who need to be involved in carrying out activities under this Policy and its associated Procedures, institutional review boards, journals, editors, publishers, co-authors, and collaborating Institutions.

ii. Allegation and Proceeding

During a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding and *after the completion of such a Proceeding in which there was no finding of misconduct*, UMD will make a diligent effort to maintain confidentiality for any Allegation addressed and Proceeding conducted under this Policy, except as otherwise permitted or required by this Policy, or as required by law or regulation. UMD will limit, to the extent possible and as allowed by law or regulation, disclosure of information about such an Allegation and/or Proceeding to those who need to know, as determined by UMD, consistent with a thorough, competent, objective, and fair Research Misconduct, Scholarly Misconduct, and/or Creative Activities Misconduct Proceeding.

After the completion of a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding in which there was a finding of

misconduct, UMD will make the same efforts as those identified immediately above to maintain confidentiality for and limit the disclosure of information about any Allegation addressed and aspect of the Proceeding conducted under this Policy that is not related to the finding of misconduct, except as otherwise permitted or required by this Policy, or as required by law or regulation.

In all of the above instances, those who need to know include, but are not limited to, Unit Heads, other University administrators who need to be involved in carrying out activities under this Policy and its associated Procedures, institutional review boards, journals, editors, publishers, co-authors, and collaborating Institutions.

iii. Research Subjects

Except as may otherwise be prescribed by applicable law, UMD will maintain confidentiality for any record or Evidence from which Research subjects might be identified and will limit disclosure to those who need to know to carry out a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding.

iv. Breaches of Confidentiality

UMD will investigate any breach of confidentiality, related to a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding, and refer the matter to an appropriate administrator or office for further action under the relevant policies and procedures.

b. Retaliation

UMD will take all reasonable and practical steps to protect the position and reputation of a Good Faith Complainant, Witness, and Committee member and to protect these individuals from Retaliation by a Respondent and/or another Institutional Member. Allegations of Retaliation will be handled in accordance with the *University of Maryland Procedures for Addressing Allegations of Retaliation* associated with this Policy.

c. Conflict of Interest

UMD will respond to each Allegation of Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct for which UMD is responsible under this Policy in a thorough, competent, objective, and fair manner, including taking precautions to ensure that individuals responsible for carrying out any part of the respective Misconduct Proceeding do not have an unresolved Conflict of Interest with the Complainant, Respondent, or Witness.

d. Collection of Evidence

Before or at the time of notifying the Respondent of the Allegation and whenever additional items become known or relevant, UMD will promptly take all reasonable and practical steps to obtain all Research Records and/or Creative Activities Records and other Evidence and sequester them securely.

e. Committee, Consortium, or Person Acting on UMD's Behalf

UMD will ensure that a Committee/Consortium (collectively referred to as "Committee"), or Person acting on UMD's behalf conducts a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding in compliance with this Policy and associated Procedures and relevant federal regulations, policies, directives, and laws.

f. Institutional Record Related to the Proceeding

UMD will maintain the Institutional Record related to a Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct Proceeding and all sequestered Evidence in a secure manner for seven (7) years after completion of the institutional Proceeding. The seven-year period does not apply when an applicable federal or state law or regulation establishes a different standard. In such instances, UMD will follow the time limitation set forth in the applicable law or regulation.

g. Research Misconduct Proceeding Conducted under 42 C.F.R. Part 93

UMD will cooperate with the U.S. Department of Health and Human Services ("HHS") Office of Research Integrity ("ORI") during any Research Misconduct Proceeding or compliance review conducted under 42 C.F.R. Part 93. This includes addressing deficiencies in the Institutional Record if directed by ORI, addressing additional Allegations and including the appropriate record of that Proceeding in the Institutional Record if directed by ORI, and assisting with the administration and enforcement of HHS administrative actions imposed on an Institutional Member.

Institutional Record. UMD will ensure that the Institutional Record contains all required elements (*i.e.*, Research Records that were compiled and considered during the Proceeding, Assessment documentation, and Inquiry and/or Investigation reports).

Notifying ORI of special circumstances. UMD will promptly notify ORI if UMD has reason to believe that any of the following conditions exist: (1) health or safety of the public is at risk, including an immediate need to protect human or animal subjects; (2) HHS resources or interests are threatened; (3) Research activities should be suspended; (4) there is reasonable indication of possible violations of civil or criminal law; (5) federal action is required to protect the interests of those involved in the Research Misconduct Proceeding; and/or (6) HHS may need to take appropriate steps to safeguard Evidence and protect the rights of those involved.

Maintenance of Institutional Record and all sequestered Evidence. UMD will maintain the Institutional Record and all sequestered Evidence including physical objects (regardless of whether the Evidence is part of the Institutional Record) in a

secure manner for seven (7) years after completion of the institutional and/or HHS proceeding, whichever is later, unless custody has been transferred to HHS or ORI advises otherwise in writing.

Provision for HHS custody. On request, UMD will transfer custody, or provide copies, to HHS of the Institutional Record or any component of the Institutional Record and any sequestered Evidence (regardless of whether the Evidence is included in the Institutional Record).

3. University of Maryland's Responsibilities to Complainant

UMD will provide confidentiality, consistent with this Policy and associated Procedures and relevant federal regulations, policies, directives, and laws, for every Complainant in a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding.

UMD will take precautions to ensure that individuals responsible for carrying out any part of the Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding do not have unresolved potential, perceived, or actual personal, professional, or financial Conflicts of Interest with the Complainant.

UMD will take all reasonable and practical steps to protect the position and reputation of the Complainant and to protect the individual from Retaliation by a Respondent and/or another Institutional Member.

4. University of Maryland's Responsibilities to Respondent

UMD will provide confidentiality consistent with this Policy and associated Procedures and relevant federal regulations, policies, directives, and laws, to every Respondent in a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding.

UMD will take precautions to ensure that individuals responsible for carrying out any part of the Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding do not have unresolved personal, professional, or financial Conflicts of Interest with the Complainant, Respondent, or Witness.

At the time of or before beginning an Inquiry, UMD will make a Good Faith effort to notify in writing the Respondent, if any, of the Allegation being made against the Respondent. If the Inquiry subsequently identifies additional Respondents, UMD will notify those individuals.

UMD will offer the Respondent the opportunity to consult with an uninvolved, tenured faculty member ("resource person"). The role of the resource person is to provide guidance regarding the relevant institutional processes and not to serve as an advocate or Counsel.

Where appropriate, UMD will give the Respondent copies of, or reasonable supervised access to, the sequestered Research Records and/or Creative Activities Records and other Evidence.

UMD will notify the Respondent whether the Inquiry found that an Investigation is warranted, provide the Respondent with an opportunity to review and comment on the Inquiry report, and attach their comments, if any, to the Inquiry report.

If an Investigation is to be commenced, UMD will notify the Respondent and give written Notice of any additional Allegation raised against the Respondent that was not previously addressed by the Inquiry report.

UMD will not permit the Respondent to be present during Witness interviews conducted during either the Inquiry or the Investigation. UMD will provide the Respondent with a transcript of Witness interviews.

UMD will give the Respondent an opportunity to read and comment on the draft Investigation report and, concurrently, a copy of, or supervised access to, the Research Records and/or Creative Activities Records and other Evidence that the Investigation Committee considered or relied on.

UMD will give due consideration to admissible, credible Evidence of honest error or difference of opinion presented by the Respondent.

UMD will allow the Respondent to submit a written, signed admission of Research Misconduct, Scholarly Misconduct, and/or Creative Activities Misconduct for consideration at any point during the respective Misconduct Proceeding. UMD will review the admission for consistency with the requirements of this Policy and associated Procedures and relevant federal regulations, policies, directives, and laws and determine if the admission can be accepted.

UMD will bear the burden of proof, by a Preponderance of the Evidence, for making a finding of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct.

UMD will make all reasonable and practical efforts, if requested and as appropriate, to protect or restore the reputation of persons alleged to have engaged in Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct but against whom no finding of Misconduct is made.

5. University of Maryland's Responsibilities to Committee Member

UMD will address any potential, perceived, or actual personal, professional, or financial Conflict of Interest between a member of the Committee/Consortium (collectively

referred to as "Committee"), or other Person, and the Complainant, Respondent, or Witness.

UMD will take all reasonable and practical steps to protect the position and reputation of a Good-Faith Committee member and to protect the individual from Retaliation by the Respondent and/or another Institutional Member.

6. University of Maryland's Responsibilities to Witness

UMD will provide confidentiality, consistent with this Policy and associated Procedures and relevant federal regulations, policies, directives, and laws, to every Witness in a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding.

UMD will take precautions to ensure that individuals responsible for carrying out any part of the Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding do not have unresolved potential, perceived, or actual personal, professional, or financial Conflicts of Interest with a Witness.

UMD will take all reasonable and practical steps to protect the position and reputation of a Witness and to protect the individual from Retaliation by the Respondent and/or another Institutional Member.

B. Institutional Member

An Institutional Member is expected to engage in practices that align with UMD efforts to foster an environment that promotes integrity and responsible conduct in Scholarly Work and discourages Research Misconduct, Scholarly Misconduct, and/or Creative Activities Misconduct, as appropriate, consistent with the expectations set forth in this Policy. These forms of misconduct, which constitute the most egregious violations of the expectations established by this Policy, are accordingly prohibited. Additionally, practices that do not rise to the level of misconduct but are detrimental to Scholarly Work should be avoided. Those engaged in activities that are supported by internal and/or external funds also have an affirmative duty to protect those funds from misuse by ensuring the integrity of all related work.

Examples of violations from these expectations include:

- Research Misconduct, which is Fabrication, Falsification, or Plagiarism in proposing, performing, or reviewing Research, or in reporting Research results, but does not include honest error or differences of opinion.
- Creative Activities Misconduct, which is Fabrication, Falsification, or Plagiarism in proposing, performing, reviewing, reporting, or publicly releasing Creative Activities, but does not include honest error or differences of opinion.
- Scholarly Misconduct, which may include, but is not limited to:
    - improper assignment of credit that is not in accordance with accepted standards in the relevant discipline (*e.g.*, inclusion of individuals as authors who have not made a substantial contribution to the published work, exclusion of individuals as authors

who have made a substantial contribution to the published work, or submission of multi-authored publications without the concurrence of all authors);
- improper use or appropriation of information obtained from scholarly exchanges and other types of confidential access (*e.g.*, from review of grant applications or manuscripts; service on peer review panels, editorial boards, or University committees; and information obtained from publishers, foundations, and organizations that run conferences or engage in other scholarly activities);
- misrepresentation of experience or accomplishments related to Scholarly Work to advance a Research and/or Creative Activities program or to obtain external funding; and
- material failure to comply with federal, state, or UMD requirements affecting Research (*e.g.*, violations involving: the use of funds or resources; Data management; Transparency; care of animals; human subjects; investigational drugs; recombinant products; new devices; radioactive, biologic or chemical materials; or the health and safety of individuals or the environment).

An Institutional Member shall not interfere with a Proceeding conducted under this Policy or engage in Retaliation against a Complainant, Witness, or Committee member in response to a Good Faith Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct or Good Faith participation in a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding. Should an Institutional Member become aware of confidential information related to a Proceeding conducted under this Policy, they shall maintain confidentiality with respect to this information, except as otherwise permitted or required by this Policy, or as required by law or regulation. An Institutional Member shall report any Retaliation or breaches in confidentiality in connection with a Proceeding conducted under this Policy to the RIO.

An Institutional Member is expected to report a Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct Allegation directly, through any means of communication, to a UMD official (*e.g.*, the RIO by email, UMD's online reporting system ("EthicsPoint"), phone, or in person) or, relevant federal official (*e.g.*, designated officials at federal agencies that handle and/or provide oversight for the handling of these types of Allegations). An Institutional Member is expected to cooperate with a Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct Proceeding. This includes, but is not limited to, their providing information, Research Records and/or Creative Activities Records, and other Evidence.

C. Principal Investigator

A Principal Investigator is expected to engage in practices that align with UMD efforts to foster an environment that promotes integrity and responsible conduct in Scholarly Work and discourages Research Misconduct, Scholarly Misconduct, and/or Creative Activities Misconduct, as appropriate, consistent with the expectations set forth in this Policy. Accordingly, a Principal Investigator is expected to:

- implement the policies and procedures required for appropriate and necessary oversight of Research/Creative Activities awards;
- ensure the integrity of Research/Creative Activities conducted under their supervision;

- protect internal and/or external funds, as appropriate, from misuse by ensuring the integrity of all work supported by those funds;
- adhere to federal requirements for the conduct of federally funded Research and Creative Activities;
- institute internal controls and appropriate Data management practices related to work conducted under their supervision;
- manage and supervise those working under their direction in accordance with accepted practices; and
- prevent the promulgation of practices that are not rooted in integrity and responsible conduct in what is by design a teaching and training environment for future researchers and scholars.

Principal Investigators shall not interfere with a Proceeding conducted under this Policy or engage in Retaliation against a Complainant, Witness, or Committee member in response to a Good Faith Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct or Good Faith participation in Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding. Should a Principal Investigator become aware of confidential information related to a Proceeding conducted under this Policy, they shall maintain confidentiality with respect to this information, except as otherwise permitted or required by this Policy, or as required by law or regulation. A Principal Investigator shall report any Retaliation or breaches in confidentiality in connection with a Proceeding conducted under this Policy to the RIO.

A Principal Investigator is expected to cooperate with a Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct Proceeding. This includes, but is not limited to, their providing information, Research Records and/or Creative Activities Records, and other Evidence.

D. Unit Head

A Unit Head is a department chair, dean, director, or any University administrator who has a supervisory relationship to an Institutional Member.

As a general principle, a Unit Head is responsible for ensuring compliance with UMD, USM, state, and federal regulations, policies, directives, and laws. This extends to ensuring compliance with the expectations and requirements set out in this Policy by: supporting efforts to foster integrity and responsible conduct, including encouraging Institutional Members to familiarize themselves and act in accordance with the expectations and requirements; assisting OIRC staff in facilitating these Procedures and otherwise supporting Proceedings carried out in accordance with this Policy and associated Procedures; and facilitating any Institutional Actions to be taken during or as an outcome of the Proceeding.

A Unit Head shall not interfere with a Proceeding conducted under this Policy or engage in Retaliation against a Complainant, Witness, or Committee member in response to a Good Faith Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct or Good Faith participation in a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding. A Unit Head shall report any Retaliation or

breaches in confidentiality in connection with a Proceeding conducted under this Policy to the RIO.

A Unit Head may become aware of confidential information related to a Proceeding conducted under this Policy through the course of their duties. The Unit Head shall maintain confidentiality with respect to this information, except as otherwise permitted or required by this Policy, or as required by law or regulation.

E. Research Integrity Officer

The Research Integrity Officer ("RIO") shall administer UMD's written Policies and Procedures for addressing Allegations of Research Misconduct in compliance with all relevant federal regulations, policies, directives, and laws. This includes receiving an Allegation of Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct and handling Assessments, Inquiries, and Investigations as permitted and required by this Policy and associated Procedures and all relevant federal regulations, policies, directives, and laws. The role of the RIO may be fulfilled by an OIRC staff member, with the exception of the Institutional Deciding Official ("IDO").

The RIO will become aware of confidential information related to a Proceeding conducted under this Policy through the course of their duties. The RIO shall maintain confidentiality with respect to this information, except as otherwise permitted or required by this policy, or as required by law or regulation.

The RIO shall not engage in Retaliation against a Witness, Committee member, or Complainant in response to a Good Faith Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct or Good Faith participation in a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding.

The same individual shall not serve as both the RIO and the Institutional Deciding Official.

F. Institutional Deciding Official

The Institutional Deciding Official ("IDO") makes the final determination on an Allegation of Research Misconduct, Scholarly Misconduct, and/or Creative Activities Misconduct, a finding of Research Misconduct, Scholarly Misconduct, and/or Creative Activities Misconduct, and any related Institutional Action, consistent with this Policy and associated Procedures, other relevant UMD and USM policies, and relevant federal regulations, policies, directives, and laws.

The IDO will document their determination in a written decision that includes whether Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct occurred and, if so, who committed the misconduct, and a description of the relevant action UMD has taken or will take. The IDO's written decision becomes part of the Institutional Record, as required and/or appropriate.

The IDO will become aware of confidential information related to a Proceeding conducted under this Policy through the course of their duties. The IDO shall maintain confidentiality

with respect to this information, except as otherwise permitted or required by this Policy, or as required by law or regulation.

The IDO shall not engage in Retaliation against a Witness, Committee member, or Complainant in response to a Good Faith Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct or good faith participation in Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding.

G. Complainant

The Complainant is the individual who in Good Faith makes an Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct. Good Faith, in this context and as defined in this Policy, means having a reasonable belief in the truth of one's Allegation or testimony, based on the information known to the Complainant at the time.

The Complainant shall bring a Research Misconduct, Scholarly Misconduct, and/or Creative Activities Misconduct Allegation directly, through any means of communication, to a UMD official (*e.g.*, the RIO by email, UMD's online reporting system ("EthicsPoint"), phone, or in person) or relevant federal official (*e.g.*, designated officials at federal agencies that handle and/or provide oversight for the handling of these types of Allegations).

After bringing forth the initial Allegation, the role of the Complainant is like that of a Witness. The Complainant shall not interfere with a Proceeding conducted under this Policy.

The Complainant shall maintain confidentiality with respect to an Allegation addressed under this Policy, a Proceeding conducted under this Policy, and an individual involved in a Proceeding conducted under this Policy, except as otherwise permitted or required by this Policy, or as required by law or regulation.

The Complainant shall not engage in Retaliation against a Witness, Committee member, or another Complainant in response to Good Faith participation in a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding or a Good Faith Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct.

The Complainant shall disclose, to the RIO, any unresolved personal, professional, or financial Conflicts of Interest that they have with the Respondent, Witness, another Complainant, or Committee member.

H. Respondent

The Respondent is the individual against whom an Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct is directed or who is the subject of a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding.

The Respondent will cooperate with a Research Misconduct, Scholarly Misconduct, and/or Creative Activities Misconduct Proceeding, including, but not limited to, providing

information, Research Records and/or Creative Activities Records, and other Evidence. The Respondent shall not interfere with a Proceeding conducted under this Policy.

The Respondent shall maintain confidentiality with respect to an Allegation addressed under this Policy, a Proceeding conducted under this Policy, and an individual involved in a Proceeding conducted under this Policy, except as otherwise permitted or required by this Policy, or as required by law or regulation.

The Respondent shall not engage in Retaliation against a Complainant, Witness, or Committee member in response to a Good Faith Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct or a Good Faith participation in Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding.

The Respondent shall disclose to the RIO any unresolved personal, professional, or financial Conflicts of Interest that the Respondent has with any Complainant, Witness, other Respondent, or Committee member.

The Respondent may elect to consult with an uninvolved, tenured faculty member ("resource person"), identified by OIRC as being appropriate for the role. The Respondent may submit recommendations for individuals to serve in this role to the RIO for consideration. The role of the resource person is to provide guidance regarding the relevant UMD processes and not as an advocate or Counsel.

The Respondent has the right to retain and seek advice, at their own initiation and expense, from Counsel (defined in this Policy as lay or legal counsel). The Respondent's Counsel will have no voice or formal role in Committee meetings held in accordance with this Policy and associated Procedures. OIRC staff will only communicate directly with the Respondent, not with a Respondent's Counsel.

The Respondent has the burden of going forward with and proving, by a Preponderance of Evidence: (1) affirmative defenses raised; and (2) any mitigating factors relevant to a decision to impose Institutional Actions or administrative actions after a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding, as appropriate.

The Respondent's destruction of Research Records documenting the questioned Research, records documenting the questioned Creative Activities output, or other Evidence is Evidence of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct where a Preponderance of Evidence establishes that the Respondent Intentionally or Knowingly destroyed records or other Evidence after being informed of the Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Allegation. The Respondent's failure to provide Research Records documenting the questioned Research, records documenting the questioned Creative Activities output, or other Evidence is Evidence of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct where the Respondent claims to possess the records but refuses to provide them upon request.

The Respondent will not be present during the Witnesses' interviews but will be provided a transcript of the interview after it takes place. The Respondent will have opportunities to: (1) review and comment on the Inquiry report; and (2) review and submit comments on the draft Investigation report to UMD within 30 days of receiving it.

The Respondent has the right to admit to Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct as set forth in this Policy and the associated Procedures. If the Respondent chooses to make such an admission, the Respondent will sign a written statement that meets the requirements of this Policy and associated Procedures and relevant federal regulations, policies, directives, and laws.

A Respondent against whom no finding of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct is made may request that UMD, as appropriate, make all reasonable and practical efforts to protect or restore the reputation of said Respondent.

A Respondent against whom a finding of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct is made will have the right to an appeal as set forth in the Procedures associated with the review of the related Allegation.

I. Committee Member

A Committee/Consortium member (collectively referred to as "Committee member") is an expert who acts in Good Faith to cooperate with the Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct Proceeding by impartially carrying out their assigned duties for the purpose of helping UMD meet its responsibilities under this Policy and associated Procedures and all relevant federal regulations, policies, directives, and laws. A Committee member will have relevant scientific, technical, and/or subject matter expertise, as necessary and appropriate, and be free of unresolved potential, perceived, or actual personal, professional, or financial Conflicts of Interest with any of the involved parties (*e.g.*, Respondent, Complainant, Witness, or other Committee members).

A Committee member shall maintain confidentiality with respect to an Allegation addressed under this Policy, a Proceeding conducted under this Policy, and an individual involved in a Proceeding conducted under this Policy, except as otherwise permitted or required by this Policy, or as required by law or regulation.

A Committee member shall not engage in Retaliation against a Complainant, another Committee Member, or a Witness in response to a Good Faith Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct or Good Faith participation in a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding.

A Committee member or anyone acting on behalf of UMD will conduct a Research Misconduct, Scholarly Misconduct, and/or Creative Activities Misconduct Proceeding consistent with this Policy and relevant, associated Procedures and all relevant federal regulations, policies, directives, and laws. During an inquiry, the Committee determines

whether an Investigation is warranted, documenting the decision in an Inquiry report. During an Investigation, they will determine for each Allegation whether or not the Respondent engaged in Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct and, if so, whether or not to recommend a finding of Research Misconduct, Scholarly Misconduct, and/or Creative Activities Misconduct, as appropriate. The Committee will document any determination that Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct occurred and recommendation for a finding of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct in the Investigation report, consistent with the requirements of this Policy and associated Procedures and all relevant federal regulations, policies, directives, and laws. Committee members will consider Respondent comments on the Inquiry and Investigation reports and document that consideration in the respective report, as applicable.

A Committee member may serve for an Inquiry or Investigation that involves multiple Respondents. When doing so, they will prepare separate Inquiry and/or Investigation reports for each Respondent and make separate Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct determinations for each Respondent, as appropriate. A Committee member may serve for both the Inquiry and the Investigation.

J. Witness

A Witness is an individual whom UMD has reasonably identified as having relevant information regarding Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Allegations. A Witness provides information for review during a Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct Proceeding.

A Witness will cooperate with the Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct Proceeding in Good Faith and have a reasonable belief in the truth of their testimony, based on the information known to the Witness at the time. A Witness shall not interfere with a Proceeding conducted under this Policy.

A Witness shall maintain confidentiality with respect to an Allegation addressed under this Policy, a Proceeding conducted under this Policy, and an individual involved in a Proceeding conducted under this Policy, except as otherwise permitted or required by this Policy, or as required by law or regulation.

A Witness shall not engage in Retaliation against a Complainant, Committee member, or another Witness in response to a Good Faith Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct or Good Faith participation in a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding.

A Witness shall disclose to the RIO any unresolved personal, professional, or financial Conflicts of Interest that they have with the Respondent, Complainant, another Witness, or Committee member.

VI. BREACHES IN CONFIDENTIALITY

Any Person with knowledge of a breach in the confidentiality requirements established by this Policy shall notify the RIO immediately. UMD will investigate any breach of confidentiality related to a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding and refer the matter to the appropriate administrator or office for further action under the relevant policies and procedures.

VII. NON-COMPLIANCE

Failure to comply with expectations and requirements set forth in this Policy and/or associated Procedures constitutes a violation of this Policy and/or associated Procedures. Institutional Members found to be in violation of this Policy and/or the associated Procedures may face disciplinary action, including but not limited to formal letters of reprimand, suspension and/or termination of employment, or expulsion, in accordance with relevant UMD and USM policies, as applicable.

APPENDIX TO UNIVERSITY OF MARYLAND POLICY ON INTEGRITY AND RESPONSIBLE CONDUCT IN SCHOLARLY WORK

I. DEFINITIONS

For the purposes of the University of Maryland Policy on Integrity and Responsible Conduct in Scholarly Work ("Policy") and its associated Procedures, the following terms are defined as indicated below:

A. "Accepted Practices of the Relevant Creative Activities Community" means the commonly accepted practices, professional codes, or norms within, or established by, the overarching community of Creative Activities practitioners for a given field or discipline.

B. "Accepted Practices of the Relevant Research Community" means:

1. For Research not supported by the PHS, the commonly accepted practices, professional codes, or norms within, or established by, the overarching community of researchers for a given field or discipline.

2. For Research supported by the PHS, those practices established by 42 CFR Part 93 and by PHS Funding Components, as well as commonly accepted professional codes or norms within the overarching community of researchers and Institutions that apply for and receive PHS awards.

C. "Allegation" means a disclosure of possible Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct through any means of communication and brought directly to the attention of a UMD official (*e.g.*, the RIO) or other federal official (*e.g.*, an HHS official), as appropriate.

D. "Assessment" means a consideration of whether an Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct:

- appears to fall within the definition of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct, respectively;
- is sufficiently credible and specific so that potential Evidence of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct may be identified; and
- appears to involve PHS-supported biomedical or behavioral Research, biomedical or behavioral Research training, or activities related to that Research or Research training, or any other form of federal support, so that the Allegation may be handled under the relevant associated Procedures.

The Assessment only involves the review of readily accessible information relevant to the Allegation.

E. "Committee" means one (1) or more Institutional Members, with expertise relevant to the Allegations being addressed under this Policy and associated Procedures, appointed by UMD for the purposes of assisting with a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding. Committee members will act in Good Faith to cooperate with the Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct Proceeding by impartially carrying out their assigned duties for the purpose of helping UMD meet its responsibilities under this Policy and associated Procedures and all applicable federal regulations, policies, directives, and laws.

F. "Complainant" means an individual who in Good Faith makes an Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct.

G. "Conflict of Interest" means any personal, professional, or financial relationship that influences or reasonably would be perceived to influence the impartial performance of a duty assigned under this Policy.

H. "Consortium" means a group of Institutions, professional organizations, mixed groups, or individuals (including individuals from multiple academic Institutions) that will conduct the Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding for other Institutions. Consortium members will act in Good Faith to cooperate with the Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct Proceeding by impartially carrying out their assigned duties for the purpose of helping UMD meet its responsibilities under this Policy and associated Procedures and all relevant federal regulations, policies, directives, and laws.

I. "Contract" means an acquisition instrument awarded under the Federal Acquisition Regulation (FAR), 48 CFR chapter 1, the applicable state law, or USM or UMD policy.

J. "Counsel" means lay or legal counsel secured by a Respondent to serve as an advisor during the Misconduct Proceeding, at the Respondent's own initiation and expense. Counsel may provide advice and consultation to the party. If necessary, a Respondent may request a recess during the Proceeding in order to speak privately with Counsel. Counsel may not be an active participant; accordingly, Counsel may not speak for the Respondent in person or in writing, serve as a Witness, provide information or documentation in the case, cause delay, communicate on behalf of the Respondent, or otherwise interfere with the process.

K. "Creative Activities" means the preparation or creation of computer programs; websites; motion pictures; sound recordings; projects for competitions; or literary, pictorial, musical, dramatic, audiovisual, choreographic, sculptural, architectural, or graphic works of any kind by (1) a faculty member or other employee of UMD as part of their non-instructional scholarly activities, or (2) a student in fulfillment of any independent study requirement at UMD. The product or output of Creative Activities is intended to be an original creative work that is of sufficient quality for potential publication or public release (including, but not limited to, a master's or doctoral thesis).

L. "Creative Activities Misconduct" means Fabrication, Falsification, or Plagiarism in proposing, performing, reviewing, reporting, or publicly releasing Creative Activities. Creative Activities Misconduct does not include honest error or differences of opinion.

M. "Creative Activities Misconduct Proceeding" means any actions related to alleged Creative Activities Misconduct taken under this Policy and associated Procedures, including an Allegation Assessment, Inquiry, Investigation, and Institutional appeal under this Policy and associated Procedures.

N. "Creative Activities Record" means the record of items, Data, results, materials, works, and/or information that embody the output resulting from Creative Activities. Components of the Creative Activities Record may be in physical or electronic form. Examples of items, materials, or information that may be considered part of the Creative Activities Record include, but are not limited to, proposals, project plans, process notes, study records, progress reports, draft works, final works, manuscripts, abstracts, theses, records of oral presentations, online content, meeting reports, and journal articles.

O. "Data" are the information resulting from Scholarly Work. Data may be in a physical or electronic form.

P. "Day" means calendar day unless otherwise specified. If a deadline falls on a Saturday, Sunday, or federal holiday, the deadline will be extended to the next day that is not a Saturday, Sunday, or federal holiday.

Q. "Evidence" means anything offered or obtained during a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding that tends to prove or disprove the existence of an alleged fact. Evidence includes documents, whether in hard copy or electronic form, information, tangible items, and testimony.

R. "Fabrication"

1. Fabrication in relation to Research means making up Data or results and recording or reporting them.

2. Fabrication in relation to Creative Activities means making up materials, information, items, Data, results, or works and recording, reporting, or publicly releasing them.

S. "Falsification"

1. Falsification in relation to Research 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.

2. Falsification in relation to Creative Activities means manipulating materials, equipment, or processes, or changing or omitting materials, information, items, Data, results, or

works such that the Creative Activities are not accurately represented in the Creative Activities Record.

T. "Funding Component" means any organizational unit of the PHS authorized to award grants, Contracts, or cooperative agreements for any activity covered by this part involving Research or Research training. Funding Components may be agencies, bureaus, centers, institutes, divisions, offices, or other awarding units within the PHS.

U. "Good Faith"

1. Good Faith as applied to a Complainant or Witness means having a reasonable belief in the truth of one's Allegation or testimony, based on the information known to the Complainant or Witness at the time. An Allegation or cooperation with a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding is not in Good Faith if made or carried out with knowledge of or reckless disregard for information that would negate the Allegation or testimony.

2. Good Faith as applied to an Institutional Member or Committee member means cooperating with the Research Misconduct, Scholarly Misconduct, and Creative Activity Misconduct Proceeding by impartially carrying out the duties assigned for the purpose of helping an Institution meet its responsibilities under this Policy and associated Procedures and all applicable federal regulations, policies, directives, and laws. An Institutional Member or Committee member does not act in Good Faith if their acts or omissions during the Research Misconduct, Scholarly Misconduct, or Creative Activity Misconduct Proceeding are dishonest or influenced by personal, professional, or financial Conflicts of Interest with those involved in the Research Misconduct, Scholarly Misconduct, or Creative Activity Misconduct Proceeding.

V. "Inquiry"

1. When the Allegation being addressed does not involve PHS-supported Research, Inquiry means the preliminary information-gathering and fact-finding phase of a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding. The purpose of the Inquiry is to determine whether an Allegation warrants an Investigation. An Inquiry does not require a full review of the Evidence related to the Allegation.

2. When the Allegation being addressed involves PHS-supported biomedical or behavioral Research, biomedical or behavioral Research training, or activities related to that Research or Research training, Inquiry means preliminary information-gathering and preliminary fact-finding that meets the criteria and follows the procedures of § 93.307 through § 93.309 of the PHS Regulation. The purpose of the Inquiry is to determine whether an Allegation warrants an Investigation. An Inquiry does not require a full review of the Evidence related to the Allegation.

W. "Inquiry Committee" means one (1) to three (3) individuals appointed by the RIO to conduct an Inquiry.

X. "Institution"

1. For purposes of this Policy, Institution means any Person that applies for or receives support for any activity or program that involves Scholarly Work. This includes, but is not limited to, colleges and universities, research and development centers, industrial laboratories or other research institutes, research institutions, and independent researchers.

2. For obligations under the PHS Regulation, Institution specifically means any Person that applies for or receives PHS Support for any activity or program that involves the conduct of biomedical or behavioral Research, biomedical or behavioral Research training, or activities related to that Research or training. This includes, but is not limited to, colleges and universities, PHS intramural biomedical or behavioral research laboratories, research and development centers, national user facilities, industrial laboratories or other research institutes, research institutions, and independent researchers.

Y. "Institutional Action" means UMD corrective actions (*e.g.*, seeking to correct and/or retract any part of the Research Record, Creative Activities Record, or other relevant records) and sanctions or disciplinary actions or proceedings appropriate to the finding of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct, pursuant to applicable UMD policies, procedures, and Contracts.

Z. "Institutional Deciding Official or IDO" means the institutional official who makes final determinations on Allegations of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct and, in accordance with the *University of Maryland Procedures for Determining Institutional Actions* associated with this Policy, any Institutional Actions. The same individual cannot serve as the IDO and the Research Integrity Officer.

AA. "Institutional Member or Members" means an individual (or individuals) who is employed by, is an agent of, or is affiliated by Contract or agreement with an Institution. Institutional Members may include, but are not limited to, officials, administrators, tenured and untenured faculty, teaching and support staff, researchers, research coordinators, technicians, postdoctoral and other fellows, students, volunteers, subject matter experts, consultants, or attorneys, or employees or agents of contractors, subcontractors, or sub-awardees.

AB. "Institutional Record"

1. When the Allegation being addressed does not involve PHS-supported Research, the Institutional Record comprises the records that UMD compiled or generated during the Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding, except records UMD did not consider or rely on. These records include, but are not limited to:

- Documentation of the Assessment as required by this Policy and relevant, associated Procedures.
- If an Inquiry is conducted, the Inquiry report and all records (other than drafts of the report) considered or relied on during the Inquiry, including, but not limited to, Research Records or Creative Activities Records and the transcripts of any transcribed interviews conducted during the Inquiry, information the Respondent provided to UMD, and the documentation of any decision not to investigate as required by this Policy and relevant, associated Procedures.
- If an Investigation is conducted, the Investigation report and all records (other than drafts of the report) considered or relied on during the Investigation, including, but not limited to, Research Records and/or Creative Activities Records, the transcripts of each interview conducted pursuant to this Policy and relevant, associated Procedures, and information the Respondent provided to UMD.
- Decision by the IDO, such as the written decision from the IDO under this Policy and relevant, associated Procedures.
- The complete record of any institutional appeal consistent with this Policy and relevant, associated Procedures.

2. When the Allegation being addressed involves PHS-supported biomedical or behavioral Research, biomedical or behavioral Research training, or activities related to that Research or Research training, the Institutional Record comprises:
   - The records that UMD compiled or generated during the Research Misconduct Proceeding, except records UMD did not consider or rely on. These records include, but are not limited to:
     - Documentation of the Assessment as required by § 93.306(c) of the PHS Regulation.
     - If an Inquiry is conducted, the Inquiry report and all records (other than drafts of the report) considered or relied on during the Inquiry, including, but not limited to, Research Records and the transcripts of any transcribed interviews conducted during the Inquiry, information the Respondent provided to UMD, and the documentation of any decision not to investigate as required by § 93.309(c) of the PHS Regulation.
     - If an Investigation is conducted, the Investigation report and all records (other than drafts of the report) considered or relied on during the Investigation, including, but not limited to, Research Records, the transcripts of each interview conducted pursuant to § 93.310(g) of the PHS Regulation, and information the Respondent provided to UMD.
     - Decision by the IDO, such as the written decision from the IDO under § 93.314 of the PHS Regulation.
     - The complete record of any institutional appeal consistent with § 93.315 of the PHS Regulation.
   - A single index listing all the Research Records and Evidence that UMD compiled during the Research Misconduct Proceeding, except records UMD did not consider or rely on.
   - A general description of the records that were sequestered but not considered or relied on.

AC. "Intentionally" means to act with the aim of carrying out the act.

AD. "Investigation"

1. When the Allegation being addressed does not involve PHS-supported Research, Investigation means the formal development of a factual record, related to the Allegation, and the examination of that record to determine if Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct occurred and if so, who committed the Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct.

2. When the Allegation being addressed involves PHS-supported biomedical or behavioral Research, biomedical or behavioral Research training, or activities related to that Research or Research training, Investigation means the formal development of a factual record and the examination of that record that meets the criteria and follows the procedures of §§ 93.310 through 93.317 of the PHS Regulation.

AE. "Investigation Committee" means a group of at least three (3) individuals appointed by the RIO to conduct an Investigation.

AF. "Knowingly" means to act with awareness of the act.

AG. "Next Level Administrator" means the administrator to whom a Unit Head or other University administrator or official with a responsibility under this Policy reports.

AH. "Notice" means a written or electronic communication served in person or sent by mail or its equivalent to the last known street address, facsimile number, or email address of the addressee.

AI. "Office of Research Integrity or ORI" means the office established by Public Health Service Act section 493 (42 U.S.C. 289b) and to which the HHS Secretary has delegated responsibility for addressing research integrity and misconduct issues related to PHS-supported activities.

AJ. "Person" means any individual, corporation, partnership, Institution, association, unit of government, or other legal entity, however organized.

AK. "Plagiarism" means the appropriation of another person's ideas, processes, results, or words, without giving appropriate credit.

1. For an allegation of Research Misconduct or Creative Activities Misconduct that does not involve PHS Support:
   a. Plagiarism includes the unattributed verbatim or nearly verbatim copying of sentences and paragraphs from another's work that misleads the reader regarding the contributions of the author. It does not include the limited use of identical or nearly identical phrases that describe a commonly used methodology.

b. Plagiarism does not include self-plagiarism or authorship or credit disputes, including disputes among former collaborators who participated jointly in the development or conduct of a Research or Creative Activities project. Self-plagiarism and authorship disputes do not meet the definition of Research Misconduct or Creative Activities Misconduct.

2. For an Allegation of Research Misconduct that involves PHS Support and is addressed in accordance with the PHS Regulation:
   a. Plagiarism includes the unattributed verbatim or nearly verbatim copying of sentences and paragraphs from another's work that materially misleads the reader regarding the contributions of the author. It does not include the limited use of identical or nearly identical phrases that describe a commonly used methodology.
   b. Plagiarism does not include self-plagiarism or authorship or credit disputes, including disputes among former collaborators who participated jointly in the development or conduct of a Research project. Self-plagiarism and authorship disputes do not meet the definition of Research Misconduct.

AL. "Principal Investigator" means the individual that has an appropriate level of authority and responsibility for leading and directing the Scholarly Work intellectually and logistically, which includes the proper conduct of the research, the appropriate use of funds, and compliance with relevant state and federal regulations, policies, directives, and laws, as well as USM and UMD policies and requirements. When there is more than one individual sharing that authority and responsibility, the individual within that group that serves as the primary contact for scientific, technical, and related budgetary matters concerning the project is considered the Principal Investigator and others within the group are "co-Principal Investigators."

AM. "Preponderance of the Evidence" means proof by Evidence that, compared with Evidence opposing it, leads to the conclusion that the fact at issue is more likely true than not.

AN. "Public Health Service or PHS" consists of the following components within HHS: the Office of the Assistant Secretary for Health; the Office of Global Affairs; the Administration for Strategic Preparedness and Response; the Advanced Research Projects Agency for Health; the Agency for Healthcare Research and Quality; the Agency for Toxic Substances and Disease Registry; the Centers for Disease Control and Prevention; the Food and Drug Administration; the Health Resources and Services Administration; the Indian Health Service; the National Institutes of Health; the Substance Abuse and Mental Health Services Administration; and any other components of HHS designated or established as components of the Public Health Service.

AO. "PHS Regulation" means the PHS Policies on Research Misconduct, 42 C.F.R Part 93.

AP. "PHS Support" means PHS funding, or applications or proposals for PHS funding, for biomedical or behavioral Research, biomedical or behavioral Research training, or activities related to that Research or training, that may be provided through: funding for PHS intramural research; PHS grants, cooperative agreements, or Contracts; subawards, Contracts, or subcontracts under those PHS funding instruments; or salary or other payments under PHS grants, cooperative agreements, or Contracts.

AQ. "Recklessly"

1. Recklessly in relation to Research means to propose, perform, or review Research, or report Research results, with indifference to a known risk of Fabrication, Falsification, or Plagiarism.

2. Recklessly in relation to Creative Activities means to propose, perform, review, report, or publicly release Creative Activities, with indifference to a known risk of Fabrication, Falsification, or Plagiarism.

AR. "Recording," in the context of interviews, means documenting the spoken aspects of an interview by writing, voice recording, or video recording.

AS. "Research"

1. Research, when not supported by the PHS or NSF, means a systematic experiment, study, evaluation, demonstration, or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research) by establishing, discovering, developing, elucidating, or confirming information or underlying mechanisms related to the field of study. When Research is supported by a funding agency with a specific definition for "Research," UMD amends this definition with those specifics for the work conducted under the specific award.

2. Research, when supported by funding from the PHS, means a systematic experiment, study, evaluation, demonstration, or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research) by establishing, discovering, developing, elucidating, or confirming information or underlying mechanisms related to biological causes, functions, or effects; diseases; treatments; or related matters to be studied.

3. Research, when supported by funding from the NSF, means a systematic experiment, study, evaluation, demonstration, or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research) by establishing, discovering, developing, elucidating, or confirming information or underlying mechanisms related to the field of study. In this context, Research includes proposals submitted to NSF in all fields of science, engineering, mathematics, and education and results from such proposals.

AT. "Research Integrity Officer or RIO" refers to the institutional official responsible for administering the Institution's written policies and procedures for addressing an Allegation of Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct in compliance with this this Policy and associated Procedures and all applicable federal regulations, policies, directives, and laws.

AU. "Research Misconduct" means Fabrication, Falsification, or Plagiarism in proposing, performing, or reviewing Research, or in reporting Research results. Research Misconduct does not include honest error or differences of opinion.

AV. "Research Misconduct Proceeding"

1. When the Allegation of Research Misconduct being addressed does not involve PHS-supported research, Research Misconduct Proceeding means any actions related to alleged Research Misconduct taken under this Policy and associated Procedures, including the Allegation Assessment, Inquiry, Investigation, and Institutional appeals under this Policy and associated Procedures.

2. When the Allegation of Research Misconduct being addressed involves PHS-supported biomedical or behavioral Research, biomedical or behavioral Research training, or activities related to that Research or Research training, Research Misconduct Proceeding means any actions related to alleged Research Misconduct taken under the PHS Regulation, including the Allegation Assessment, Inquiry, Investigation, ORI oversight review, and appeal under subpart E of the PHS Regulation.

AW. "Research Record" means the record of Data or results that embody the facts resulting from scientific inquiry and/or Research, as appropriate. Data or results may be in physical or electronic form. Examples of items, materials, or information that may be considered part of the Research Record include, but are not limited to, Research proposals, raw Data, processed Data, clinical research records, laboratory records, study records, laboratory notebooks, progress reports, manuscripts, abstracts, theses, records of oral presentations, online content, lab meeting reports, and journal articles.

AX. "Respondent" means the individual against whom an Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct is directed or who is the subject of a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding.

AY. "Retaliation" means an adverse action taken against a Complainant, Witness, or Committee member by an Institution or one of its members in response to:

1. A Good Faith Allegation of Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct; or

2. Good Faith cooperation with a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Proceeding.

AZ. "Rigor" means to use "unbiased and stringent methodologies to analyze, interpret, and report" findings from Scholarly Work.[2]

BA. "Scholarly Misconduct" means violations of this Policy, other than Research Misconduct and Creative Activities Misconduct, that can erode the integrity of Scholarly Work.

Examples of such violations include, but are not limited to:

- improper assignment of credit that is not in accordance with accepted standards in the relevant discipline (*e.g.*, inclusion of individuals as authors who have not made a substantial contribution to the published work, exclusion of individuals as authors who have made a substantial contribution to the published work, or submission of multi-authored publications without the concurrence of all authors);
- improper use or appropriation of information obtained from scholarly exchanges and other types of confidential access (*e.g.*, from review of grant applications or manuscripts; service on peer review panels, editorial boards, or University committees; and information obtained from publishers, foundations, and organizations that run conferences or engage in other scholarly activities);
- misrepresentation of experience or accomplishments related to Scholarly Work to advance a Research and/or Creative Activities program or to obtain external funding; and
- material failure to comply with federal, state, or UMD requirements affecting Research (*e.g.*, violations involving: the use of funds or resources; Data management; Transparency; care of animals; human subjects; investigational drugs; recombinant products; new devices; radioactive, biologic or chemical materials; or the health and safety of individuals or the environment).

BB. "Scholarly Misconduct Proceeding" means any action related to alleged Scholarly Misconduct taken under this Policy and associated Procedures, including the Allegation~~,~~ Assessment, Inquiry, Investigation, and Institutional appeal under this Policy and associated Procedures.

BC. "Scholarly Work" means Research and Creative Activities.

BD. "Transparency" means reporting Scholarly Work "in a manner that provides enough information for others to independently assess and/or reproduce" the work.[3]

BE. "Unit Head" means a department chair, dean, director, or any University administrator who has a supervisory relationship to an Institutional Member.

[2] Enhancing Research Reproducibility: Recommendations from the Federation of American Societies for Experimental Biology (FASEB). (2016).

[3] Enhancing Research Reproducibility: Recommendations from the Federation of American Societies for Experimental Biology (FASEB). (2016).

BF. "Witness" means an individual whom UMD has reasonably identified as having relevant information regarding a Research Misconduct, Scholarly Misconduct, or Creative Activities Misconduct Allegation. A Witness provides information for review during a Research Misconduct, Scholarly Misconduct, and Creative Activities Misconduct Proceeding.

II. CONTACT INFORMATION

A. Office of Integrity and Responsible Conduct

Web: https://oirc.umd.edu
Email: oirc@umd.edu
Phone: 301-314-1814

B. Research Integrity Officer

Email: rio@umd.edu
Phone: 301-405-3125

III. ASSOCIATED PROCEDURES THAT MAY BE IMPLEMENTED UNDER THIS POLICY

The processes set out in the Procedures listed below ("Associated Procedures") are how the requirements and expectations of the Policy and associated Procedures will be implemented.

A. In the event that a matter involves Allegations that may span multiple types of misconduct and/or involve multiple types of funding, the Respondent will be notified of the Procedures to be followed for each Allegation and any required reporting to funding agencies/sponsors will be made in accordance with the specific requirements of each funding agency/sponsor.

B. Associated Procedures

1. University of Maryland Procedures for Addressing Allegations of Research Misconduct (Subject to the Public Health Service Regulation)
2. University of Maryland Procedures for Addressing Allegations of Research Misconduct (Not Subject to the Public Health Service Regulation) and Creative Activities Misconduct
3. University of Maryland Procedures for Addressing Allegations of Scholarly Misconduct
4. University of Maryland Procedures for Determining Institutional Actions
5. University of Maryland Procedures for Addressing Retaliation