RESOLVED, That the Board of Trustees adopt the revised Research Misconduct Policy as set forth in Attachment I.

EXPLANATION: The Board of Trustees adopted the Research Misconduct Policy on June 25, 2007. Because of changes in federal regulations and experience under the policy, it is necessary and advisable to make amendments to the policy, especially with a view to streamlining the process for dealing with allegations of research misconduct. These amendments were developed by the Office of the Vice Chancellor for Research and the Office of the General Counsel and with consultation with the University Faculty Senate. The changes may be summarized as follows:

- Under the new Section 2, the Policy applies to all research conducted not only by University faculty, staff, and/or post-doctoral associates, but to research conducted by students as well.

- Procedures regarding allegations from additional sources within the University and from regulatory agencies and research sponsors are described in the new Sections 3.2 and 3.3.

- The decision that an Inquiry is warranted will be made by the Research Integrity Officer ("RIO") at the College under the new Section 6.1, rather than by the College President in consultation with the RIO under Section 2.4 of the current policy.

- Under the new Section 6.2, promptly following the RIO's determination whether or not an Inquiry is warranted, the RIO will consult with the Office of the Vice Chancellor for Research regarding the determination and, if an Inquiry is warranted, regarding the appropriate scope of the Inquiry and the requirements and procedures for securing related research records and evidence. (Under Section 2.4 of the current policy, the College President consults with the Office of the Vice Chancellor for Research only if the decision is not to begin an Inquiry.)

- As under Section 6.9 of the current policy, the procedures for securing related research records and evidence through the Inquiry stage are the responsibility of the RIO under the new Section 8.1, but with any necessary assistance from the Legal Affairs Designee at the College and in consultation with the University Director for Research Compliance. If, however, it is determined that an Investigation is warranted, these procedures become the responsibility of the University Director for Research Compliance under the new Section 8.3.
• Under the new Sections 6.4 and 6.5, the RIO will conduct the Inquiry, prepare the Inquiry reports, and make a recommendation to the College President as to whether or not an Investigation is warranted, rather than have an Inquiry Staff appointed by the College President handle these responsibilities, as provided under Sections 3.1, 3.3, and 3.6 of the current policy.

• Under the new Section 7.1, the Vice Chancellor for Research will appoint the members of the Investigation Committee, but there is no requirement to consult with the College President as provided in Section 4.1 of the current policy. The new Section 7.1 prescribes certain requirements for the composition of the Investigation Committee.

• A provision has been added to the new Section 7.4 permitting the Investigation Committee to draw adverse inferences if the Respondent refuses to make any Research Records and Evidence available for the Investigation.

• The optional provisions in Sections 3.8 and 4.4 of the current policy for making available to the Complainant all or a portion of the Inquiry and Investigation reports have been deleted from the revised policy.

• The Investigation Committee will make the finding of research misconduct under the new Section 7.7, rather than make a recommendation to the Chancellor, who, under Section 4.6 of the current policy, decides whether or not to accept the recommendation.

• Under the new Section 7.8, the Investigation Committee will submit the final Investigation report to the Vice Chancellor for Research, who will discuss it with the College President, who will then have the specific responsibility to decide whether any subsequent disciplinary actions are warranted.

• There are several sections in the revised policy that have been changed to indicate that regulatory agencies other than federal ones may be involved with CUNY's research activities and that regulatory agencies may have involvement with these research activities even if they are not sponsoring them.

• The President of the Research Foundation no longer has any specific administrative role under the revised policy; however the President of the Research Foundation will receive copies of communications with research sponsors.