Research Misconduct Policy

January, 2009

7.9 RIO determinat

This policy and its associated procedures apply to allegations of research misconduct involving all forms of research as defined herein.

For the purpose of compliance with the PHS regulation at 42 CFR part 93, this policy and its associated procedures shall particularly apply to allegations of research misconduct involving:

Applications or proposals for PHS support for biomedical or behavioral extramural or intramural research, research training or activities related to that research or research training, such as the operation of tissue and data banks and the dissemination of research information;
PHS supported biomedical or behavioral extramural or intramural research;
PHS supported biomedical or behavioral extramural or intramural research training programs;
PHS supported extramural or intramural activities that are related to biomedical or behavioral research or research training, such as the operation of tissue and data banks or the dissemination of research information; and
Plagiarism of research records produced in the course of PHS supported research, research training or activities related to that research or research training.

This policy and its related procedures apply as well to allegations of research misconduct involving any research proposed, performed, reviewed, or reported, or any research record generated from that research, regardless of whether an application or proposal for PHS or other federal funds resulted in a grant, contract, cooperative agreement, or other form of PHS or other federal support.

This policy and its associated procedures do not supersede or establish an alternative to any existing policies, regulations, or procedures for handling fiscal improprieties, the ethical treatment of human or animal subjects, criminal matters, personnel actions, or actions taken under federal debarment and suspension regulations, including those pertaining to HHS at 45 CFR part 76 and 48 CFR subparts 9.4 and 309.4.

This policy and its associated procedures shall normally be followed when an allegation of possible research misconduct is received by an employee of Marquette University. Particular circumstances in an individual case may dictate variation from the normal procedure deemed in the best interests of Marquette University and the federal agency with oversight in the particular case. Any change from normal procedures also must ensure fair treatment to the respondent. Any variation will occur only in rare situations and should be approved in advance by the Research Integrity Officer (RIO).

1.3 Rule of interpretation (93.107)

Any interpretation of this policy must further the policy and purpose of the HHS or other federal agency as may be applicable and the federal government to pr

may be provided through: grants, cooperative agreements, or contracts or subgrants or subcontracts; or salary or other payments under grants, cooperative agreements or contracts.

Federal Support means extramural support involving a federal agency.

Findingal Support

ORI means the Office of Research Integrity, the office within the U.S. Department of Health and Human Services (DHHS) that is responsible for the research misconduct and research integrity activities of the U.S. Public Health Service.

PHS means the U.S. Public Health Service, an operating component of the DHHS.

PHS regulation means the Public Health Service regulations establishing standards for institutional inquiries and investigations into allegations of research misconduct, which is set forth at 42 CFR Part 93, "Public Health Service Policies on Research Misconduct."

Preponderance of the evidence means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

Research means a systematic experiment, study, evaluation, demonstration or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research). Research at Marquette University includes all forms of scholarship from the various disciplines. For the purpose of compliance with the PHS

the term "research record." Those comments may be considered by the institution and/or the federal agency and they may be admitted as evidence in any hearing, but they are not part of the research record. If the complainant possesses documents that embody the facts resulting from the research that is the subject of the research misconduct proceeding, those documents are research records and the institution is responsible for maintaining and securing those documents in the same manner as other research records. Those documents are distinct from analyses of research records or results that a complainant may prepare prior to or in the course of a research misconduct proceeding to support his or her allegation of misconduct. Any such documents may be considered evidence pertinent to the allegation, but they are not part of the research record.

Respondent means the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.

Retaliation for the purpose of this policy means an adverse action taken against a complainant, witness, or committee member by an institution or one of its members in response to a good faith allegation of research misconduct or good faith cooperation with a research misconduct proceeding.

4.0 Rights and responsibilities

4.1 Marquette University

Marquette University has an obligation to:

- Have a written policy and procedures for addressing allegations of research misconduct;
- Ensure that its members are aware of the policy and their obligations under the policy.
- Respond to each allegation of research misconduct for which the institution is responsible under this policy in a thorough, competent, timely, objective and fair manner, including precautions to ensure that individuals responsible for carrying out any part of the research misconduct proceeding do not have unresolved personal, professional or financial conflicts of interest with the complainant, respondent or witnesses;
- Foster a research environment that promotes the responsible conduct of research, research training, and activities related to that research or research training, discourages research misconduct, and deals promptly with allegations or evidence of possible research misconduct;
- Take all reasonable and practical steps to protect the positions and reputations of good faith complainants, witnesses and committee members and protect them from retaliation by respondents and other institutional members;
- Provide confidentiality to the extent required by this policy to all respondents, complainants, and research subjects identifiable from research records or evidence;
- Take all reasonable and practical steps to ensure the cooperation of respondents and other institutional members with research misconduct proceedings, including, but not limited to, their providing information, research records, and evidence;

includes filing an annual report with ORI which contains information specified by ORI on the institution's compliance with the PHS regulation. Along with its assurance or annual report, an institution will send ORI such other aggregated information as ORI may request on the institution's research misconduct proceedings covered by the PHS regulation and the institution's compliance with these regulations.

The RIO has the sole authority to determine the need for and to request any appropriate and well justified time extensions from cognizant federal agencies.

The RIO shall report to the Deciding Official.

4.4 Complainant

The complainant has the responsibility for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry or investigation.

The complainant has the right to be informed of the results of the inquiry and investigation and the right to be protected from retaliation. The institution is required to make diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations.

4.5 Respondent

The respondent shall be informed of the allegations when an inquiry is opened and shall be notified in writing of the final determinations and resulting actions. The respondent shall have the right to be interviewed by and present evidence to the investigation committee, and to review and comment on the inquiry report and draft investigation report. The respondent has the right to have the advice of counsel.

The respondent is responsible for maintaining confidentiality and
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To the extent allowed by law, any information obtained during the research misconduct proceeding that might identify the subjects of research (i.e., Human Subjects) shall be maintained securely and confidentially and shall not be disclosed, except to those who need to know in order to carry out the research misconduct proceeding.

In order to serve on the inquiry or investigation committee, prospective members must agree to observe the confidentiality of the proceedings and any information or documents reviewed as part of the inquiry. Outside of the official proceedings of the committee, they may not discuss the proceedings with the respondent, complainant, witnesses, or anyone not authorized by the RIO to have knowledge of the inquiry.

Others involved in the misconduct proceedings, including any experts or witnesses, will also be advised of the confidentiality requirements and must agree in order to participate.

5.2 Conflict of interest (93.300(b) and 93.304(b))

The RIO will take reasonable steps to ensure that individuals responsible for carrying out any part of the research misconduct proceeding do not have unresolved personal, professional, or financial conflicts of interest with the complainant, respondent, or witnesses. The RIO will consider whether the individual or any members of his or her immediate family:

has any financial involvement with the respondent or complainant;
has been a coauthor on a publication with the respondent or complainant;
has been a collaborator or co-investigator with the respondent or complainant;
has been a party to a scientific controversy with the respondent or complainant;
has a supervisory or mentor relationship with the respondent or complainant;
has a special relationship, such as a close personal friendship, kinship, or physician/patient relationship with the respondent or complainant; or
falls within any other circumstances that might appear to compromise the individual's objectivity in reviewing the allegations.

Prospective members of the inquiry or investigation committees must disclose to the RIO any potential conflicts of interest and agree to promptly disclose to the RIO any new conflicts of interest they may acquire during the course of the proceedings.

Any experts participating in the misconduct proceedings will also be screened by the RIO for any unresolved personal, professional, or financial conflicts of interest.

5.3 Interim Protective Actions (93.318)

At any time during a research misconduct proceeding, the institution shall take appropriate interim actions to protect public health, federal funds and equipment, and the integrity of the PHS or other federally supported research process. The necessary actions will vary according to the circumstances of each case, but examples of actions that may be necessary include delaying the publication of research results, providing for closer supervision of one or more researchers, requiring approvals for actions relating to the research that did not previously

require approval, auditing pertinent records, or taking steps to contact other institutions that may be affected by an allegation of research misconduct.

Allegations subject to the PHS regulation

At any time during a research misconduct proceeding that involves PHS funding or applications for funding, the RIO shall notify ORI immediately if he or she has reason to believe any of the following special circumstances exist:

health or safety of the public is at risk, including an immediate need to protect human or animal subjects.
HHS resources or interests are threatened
Research activities should be suspended
there is a reasonable indication of possible violation of civil or criminal law
federal action is required to protect the interests of those involved in the research misconduct proceeding
the research misconduct proceeding may be made public prematurely
the research community or public should be informed.

Allegations subject to NSF regulation

At any time during a research misconduct proceeding that involves NSF funding or applications for funding, the institution shall notify NSF Office of the Inspector General immediately if it has reason to believe any of the following special circumstances exist:

there is reasonable indication of possible violations of civil or criminal law;
public health or safety are at risk;
NSF's resources, reputation, or other interests need protecting;
federal action may be needed to protect the interests of a subject of the investigation or of others potentially affected;
the research community or the public should be informed;
research activities should be suspended.

5.4 Referral of non-research misconduct issues

If the research misconduct proceeding identifies non-research misconduct issues, the RIO should refer these matters to the proper institutional or federal office for action. Issues requiring referral are described below.

Criminal violations. Potential violation of criminal law under federal grants and contracts should be referred to the office of the inspector general at the relevant agency. If the possible criminal violation is identical to the alleged research misconduct (e.g., alleged false statements in a PHS grant application), the institutional official should report the criminal charge to the relevant federal agency with oversight responsibility for research integrity (in the case of PHS, OIG) and request guidance for further reporting from that office. See also **Interim Protective Actions.**

Violations of Human and Animal Subject Regulations. Potential violations of human subject or animal care and use regulations should be referred to the Office of Research Compliance for further action as appropriate.

Violation of FDA regulations. Potential violations of Food and Drug Administration regulated research requirements should be referred to the FDA Office of Regulatory Affairs.

Fiscal irregularities. Potential violations of cost principles or other fiscal irregularities should be referred to the Office of Research and Sponsored Programs and the Office of the Comptroller for further action.

5.5 Custody and maintenance of research records and evidence (93.305)

Before or at the time the RIO notifies the respondent of the allegation, inquiry, or investigation, the RIO must take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence, and sequester them in a secure manner.

Thereafter, the RIO will undertake all reasonable and practical efforts to take custody of additional research records or evidence discovered during the course of a research misconduct proceeding. The RIO should obtain the assistance of the respondent's supervisor and institutional counsel in this process as necessary.

Taking custody of research records from the respondent

The RIO should notify the respondent that an inquiry is being initiated simultaneously with the sequestration so that the respondent can assist with the location and identification of the research records. If the respondent is not available, sequestration may begin in the respondent's absence. The respondent should not be notified in advance of the sequestration of research records to prevent questions bei

Maintaining custody and providing copies or access

The RIO will lock records and materials in a secure place. The person from whom items are collected may be provided with a copy of the items. Where feasible and at the RIO's discretion, that person will have access to his or her own original items under the direct and continuous supervision of an institutional official. This will ensure that a proper chain of custody is maintained and that the originals are kept intact and unmodified. Questions about maintaining the chain of custody of records should be referred to the institutional counsel.

5.6 Retention and custody of the research misconduct proceeding record (93.317)

Research misconduct proceeding records include the following:

1. The records that the institution secures for the proceeding pursuant to this policy and pertinent to the inquiry and/or investigation, except to the extent the institution subsequently determines and documents that those records are not relevant to the proceeding or that the records duplicate other records that are being retained;
2. The documentation of the determination of irrelevant or duplicate records;
3. The inquiry report and final documents produced in the course of preparing that report, including the documentation of any decision not to investigate (i.e., the RIO's determination letter);
4. The investigation report and all records (other than drafts of the report) in support of that report, including the recordings or transcriptions of each interview.

Unless custody has been transferred to HHS or other federal agency, or ORI or other appropriate federal authority has advised the institution in writing that it no longer needs to retain the records, the institution will maintain records of research misconduct proceedings in a secure manner for 7 years after completion of the proceeding or the completion of any PHS or other federal proceeding involving the research misconduct allegation, whichever is later.

On request, the institution shall transfer custody or provide copies to HHS or other federal authority of any institutional record relevant to a research misconduct allegation covered by this policy and subject to federal regulation, including the research records and evidence, to perform forensic or other analyses or as otherwise needed to conduct an HHS or other authorized federal inquiry or investigation or for ORI or other authorized federal agency to conduct its review or to present evidence in any subsequent proceeding.

5.7 Completing the research misconduct process (93.316)

The institution will carry inquiries and investigations through to completion and pursue diligently all significant issues.

Admission of misconduct or proposed settlement

The institution shall notify the relevant federal agency and, in the case of allegations subject to PHS regulation, notify ORI, in advance if the institution plans to close a case at the inquiry or investigation stage on the basis that the respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except the closing of a case at the

inquiry stage on the basis that an investigation is not warranted or a finding of no misconduct at the investigation stage, which will be reported as stated elsewhere in this policy.

The federal agency may conduct an oversight review and may approve or conditionally approve closing the case, direct the institution to complete its process, refer the matter for further investigation to HHS or other federal authority, or take a compliance action. The institution shall cooperate fully with the federal agency in these matters.

Termination of employment or resignation prior to completing the inquiry or investigation

The termination of the respondent's employment, by resignation or otherwise, before or after an allegation of research misconduct has been reported, shall not preclude or terminate the research misconduct proceedings. If the respondent, without admitting to the misconduct, elects to resign his or her position prior to the initiation of the inquiry, but after an allegation has been reported, or during an inquiry or investigation, the inquiry or investigation shall proceed. If the respondent refuses to participate in the research misconduct proceedings after resignation, the committee shall use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's refusal to cooperate and its effect on the committee's review of all the evidence.

6.0 Allegation assessment (93.307)

Upon receiving an allegation of research misconduct, the RIO shall promptly assess the allegation to determine whether an inquiry is warranted.

6.1 Criteria warranting an inquiry (93.307(a))

An inquiry is warranted if the allegation:

falls within the definition of research misconduct;
falls within this policy as set forth under the sections entitled **Applicability** and **Time limitations**.
is sufficiently credible and specific so that potential evidence of misconduct may be identified.

Applicable federal regulation. If there is any doubt about whether an allegation may be subject to federal regulation, the RIO may consult with institutional counsel and the federal agency or agencies.

Sufficiently credible and specific. There is not always sufficient information to permit further inquiry into an allegation. For example, an allegation that a researcher's work should be subjected to general examination for possible misconduct is not sufficiently credible or specific to initiate an inquiry. In the case of such a vague allegation, the RIO should make an effort to obtain more information before initiating an inquiry, This information may be sought from any reasonable source, including the person making the allegation.

At the same time, it is important to recognize that the complainant is not the equivalent of a "party" in a dispute. Once the complainant has made an allegation of research misconduct, that person does not participate in the research misconduct proceeding except as a witness. The institution has an obligation to pursue allegations of research misconduct independent of the complainant's role.

6.2 Referral of other issues

Regardless of whether the RIO determines that a research misconduct inquiry is warranted, if the allegation involves federal support or applications for funding and concerns possible failure to protect human or animal subjects, financial irregularities, or criminal activity, the allegations should be referred to the appropriate institutional or federal office as prescribed in the section entitled **Referral of non-research misconduct issues**.

7.0 Institutional inquiry (93.307)

7.1 Custody of research records and evidence (93.307(b))

To the extent he or she has not already done so at the allegation stage and before or at the time of notifying the respondent, the RIO shall follow the steps described in section 5.5 entitled **Custody and maintenance of research records and evidence (93.305)**

7.2 Notice to respondent (93.307(b))

At the time of or before beginning an inquiry, the RIO shall make a good faith effort to notify in writing the presumed respondent, if any. If the inquiry subsequently identifies additional respondents, the RIO shall notify them as soon as possible.

The notification should:

identify the research project in question and the specific allegations,
define research misconduct,
identify the PHS or other extramural funding involved,
explain the respondent's right to review and comment on the inquiry report;
address the respondent's obligation as an employee of the institution to cooperate;
describe the institution's policy on protecting the complainant against retaliation and the need to maintain the complainant's confidentiality during the inquiry and any subsequent proceedings;
provide a copy of this policy.

If no specific respondent has been identified at this stage of the process, the RIO will notify each potential respondent that an inquiry will be undertaken (e.g., each coauthor on a questioned article or each investigator on a questioned grant application). The RIO should consult with institutional counsel on proper notification under the circumstances.

7.3 Appointing the inquiry committee

The RIO, in consultation with other institutional officials as appropriate, shall appoint an inquiry committee and committee chair. The size and constitution of the committee shall be determined by the RIO. The committee shall include at least three Marquette faculty members. The inquiry committee should consist of individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry. These individuals may be scientists, subject matter experts, administrators, lawyers, or other qualified persons, and fo

7.4 Inquiry time limits (93.307(g))

The inquiry shall be said to begin when the inquiry committee receives the instructions at the first meeting.

For the purpose of complying with the PHS regulation, the inquiry committee will complete the inquiry within 60 days of its initiation unless circumstances clearly warrant a longer period. This 60 day period includes preparing the inquiry report and giving the respondent a reasonable opportunity of no less than seven days to comment on it.

If the inquiry takes longer than 60 days to complete, the RIO may approve an extension for good cause. If the RIO approves an extension, the inquiry record must include documentation of the reasons for exceeding the 60-day period. Where an extension is likely to be necessary, the RIO is advised to notify ORI in advance.

For the purpose of complying with the NSF regulation and where the institution wishes to defer independent inquiry or investigation, the institution shall complete any inquiry and determine whether an investigation is warranted (i.e., the RIO shall write the determination letter) within 90 days of beginning the inquiry (i.e., within 90 days of delivering the instructions to the inquiry committee at its first meeting).

If completion of the inquiry is delayed but the institution wishes NSF deferral to continue, the RIO must contact NSF OIG and request an extension. This request and the NSF OIG reply will be entered into the records of the research misconduct proceeding.

7.5 Instructions to the inquiry committee and the first meeting

The RIO will prepare written instructions for the inquiry committee that describes the allegations and any related issues identified during the allegation assessment and states the purpose of the inquiry and the criteria warranting an investigation.

At the first meeting, the RIO will review the instructions with the inquiry committee, discuss the allegations, any related issues, and the appropriate procedures and time limits for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions. The RIO and institutional counsel will be available throughout the inquiry to advise as needed.

Provision of assistance

The RIO, in consultation with institutional counsel, will provide staff assistance and guidance to the inquiry committee and any experts on the procedures for conducting and completing the inquiry, including procedures for maintaining confidentiality, conducting interviews, analyzing data, and preparing the inquiry report.

Scope and purpose of inquiry (93.307(c))

The purpose of an inquiry is to conduct an initial review of the evidence to determine whether to conduct an investigation. Therefore, an inquiry does not require a full review of all the evidence related to the allegation.

- the PHS or other federal support pertinent to the allegation, including for example, grant numbers, grant applications, contracts, and publications listing the PHS or other federal support;
- the committee's recommendation to conduct an investigation or not;
- the basis for the recommendation that the alleged actions require an investigation or not;
- respondent's comments, if any, on the inquiry report.

The RIO will take possession of and provide to the appropriate federal agency upon request the following:

the research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents.

8.0 Notice of the results of the inquiry (93.308)

8.1 Notice to respondent and complainant (93.308(a), 93.310)

The RIO shall transmit the determination letter to the respondent within a reasonable amount of time after making the determination but before beginning the investigation (if warranted). (93.310)

The RIO shall notify the complainant of the outcome of the inquiry within a reasonable amount of time after making the determination.

8.2 If investigation is warranted (93.309; 93.310)

For the purpose of complying with the PHS regulation, the RIO must transmit the determination letter and the inquiry report with the respondent's comments (if any) to ORI within 30 days of finding that an investigation is warranted (typically within 90 days of delivering the instructions to the inquiry committee at its first meeting), and before initiating an investigation.

The RIO will be prepared to provide the following additional information to ORI on request:

The research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents.

For allegations subject to NSF regulation, upon a finding of the inquiry that an allegation warrants an investigation, the RIO will immediately notify NSF OIG and shall keep NSF OIG informed as appropriate during the investigation.

8.3 If investigation is not warranted (93.309(c))

For allegations subject to the PHS regulation, the institution annually reports to ORI on allegations received, inquiries, and investigations. Where an inquiry finds that an investigation is not warranted, the inquiry and its outcome will be noted in the annual report to ORI.

For allegations subject to the NSF regulation, the institution will notify NSF as required by the agency. NSF does not, at present, require notification where an inquiry is completed within 90 days and finds no investigation is warranted. Where the RIO has requested an extension from NSF, the RIO shall follow NSF's instructions regarding subsequent reporting and notification.

Documentation of the decision not to investigate (93.309(c))

The Institution will keep sufficiently detailed

9.3 Custody of research records and evidence (93.310(d))

To the extent he or she has not already done so at the allegation or inquiry stages, the RIO shall follow the steps described in section 5.5 entitled **O**

transcript and any additional comments or corrections will be included in the record of the investigation.

Pursue leads (93.310(h))

The committee shall pursue diligently all significant issues and leads discovered that it determines relevant to the investigation, including any evidence of additional instances of

f. List any current support or known applications or proposals for support that the respondent has pending with non-PHS federal agencies.

7. Comments. Include and consider any comments made by the respondent and complainant on the draft investigation report.

9.8 Maintain and provide records on request

The RIO will maintain and provide to ORI or other federal agency upon request all relevant research records and records of the institution's research misconduct proceeding, including results of all interviews and the transcripts or recordings of such interviews. See section 5.6 entitled **Retention and custody of the research misconduct proceeding record.**

9.9 Institutional counsel

The investigation report shall be transmitted to the institutional counsel for review and comment.

9.10 Institutional review and decision

The RIO shall provide a Deciding Official with the investigation report. The Deciding Official shall consider the assembled record, including any comments provided by the respondent and/or complainant on the draft investigation report. Based on a preponderance of the evidence the Deciding Official shall

10.0 Institutional administrative actions (93.314)

The institution shall take appropriate administrative actions against individuals when an allegation of research misconduct has been substantiated.

If the Deciding Official determines that the alleged misconduct is substantiated by the findings, he or she will determine the appropriate actions to be taken after consultation with the RIO and others, including counsel, as appropriate. These actions may include:

appropriate steps to correct the research record (e.g., withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found);
removal of the responsible person from the particular project;
special monitoring of future work;
debarment from extramural grants;
initiation of steps leading to possible reprimand, probation, suspension, rank and/or salary reduction, or termination of employment;

For students, administrative actions may also include:

loss of credit for the research;
initiation of steps leading to possible loss of assistantship, dismissal from the program, or dismissal from the university.

11.0 Institutional appeals (93.314)

The Deciding Official's decision with respect to the findings and corrective actions shall be final.

12.0 Notice to ORI of institutional findings and actions (93.315)

For allegations subject to the PHS regulation, the RIO will provide to ORI, upon completion of an investigation, the following:

Investigation report and all attachments.
Final institutional action. A statement whether the investigation found research misconduct and, if so, who committed the misconduct.
Findings. A statement of whether the institution accepts the investigation's findings.
Institutional administrative actions. A statement of any pending or completed administrative actions against the respondent.

For allegations subject to other federal agency regulation, the ORI will provide these materials to the appropriate agency

13.0 Cooperation with federal agencies

The institution shall cooperate fully and on a continuing basis with ORI or other federal agency during oversight reviews of the institution and its misconduct proceedings and during the process under which the respondent may contest findings of research misconduct by ORI or other federal agency and proposed administrative actions by the federal agency. This includes providing, as necessary to develop a complete record of relevant evidence, all witnesses, research records, and other evidence under institutional control or custody, or in the possession of, or accessible to, all persons that are subject to the institution's authority.

14.0 Protecting and restoring reputations (93.304(k))

The institution shall 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 but against whom no finding of research misconduct is made by the institution or cognizant