

## 42 C.F.R. § 93.106

---

### Evidentiary standards.

---

The following evidentiary standards apply to findings made under this part.

- (a) *Standard of proof.* An institutional or HHS finding of research misconduct must be proved by a preponderance of the evidence.
- (b) *Burden of proof.* (1) The institution or HHS has the burden of proof for making a finding of research misconduct. The destruction, absence of, or respondent's failure to provide research records adequately documenting the questioned research is evidence of research misconduct where the institution or HHS establishes by a preponderance of the evidence that the respondent intentionally, knowingly, or recklessly had research records and destroyed them, had the opportunity to maintain the records but did not do so, or maintained the records and failed to produce them in a timely manner and that the respondent's conduct constitutes a significant departure from accepted practices of the relevant research community.

This document is only available to subscribers. Please [log in](#) or [purchase access](#).

[Purchase Login](#)