
42 C.F.R. § 93.307

Institutional inquiry.

(a) *Criteria warranting an inquiry.* An inquiry is warranted if the allegation—

- (1) Falls within the definition of research misconduct under this part;
- (2) Is within § 93.102; and
- (3) Is sufficiently credible and specific so that potential evidence of research misconduct may be identified.

(b) *Notice to respondent and custody of research records.* At the time of or before beginning an inquiry, an institution must make a good faith effort to notify in writing the presumed respondent, if any. If the inquiry subsequently identifies additional respondents, the institution must notify them. To the extent it has not already done so at the allegation stage, the institution must, on or before the date on which the respondent is notified or the inquiry begins, whichever is earlier, promptly 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, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments.

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