

# Report on Research Compliance Volume 20, Number 11. October 26, 2023 'Substantive' Proposed Changes to Misconduct Reg Prompt Calls for Longer Comment Period

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Under a new rule proposed by the HHS Office of Research Integrity (ORI), institutions would have 180 instead of 120 days to complete investigations into allegations of research misconduct. However, they would need to report their activities in a “robust and required institutional record as part of the research misconduct investigative process,” in ORI’s words.

This record “includes the assessment report, inquiry report, investigation report, decision(s) made by the institutional deciding official, and the complete record of any institutional appeal, any other records the institution used for the research misconduct proceeding, documentation related to the determination that records are irrelevant or duplicate and therefore not included, and a single index listing all documents in the institutional record,” according to the proposed rule.<sup>[1]</sup>

Under the notice of proposed rulemaking (NPRM) published in the Oct. 6 *Federal Register*, institutions face another new requirement: they must make their policies and procedures for addressing research misconduct “publicly available.” The draft regulation revises the definition of plagiarism and adds new ones, including “reckless” and “honest error.” The NPRM removes ORI’s ability to require an institution to enter into an integrity agreement as part of its “compliance actions.”

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