|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **iv.A. VA-only INVESTIGATION** | | | | | | |
| ***Requirement*** | | | **🗸**  **N/A** | ***Date***  **(MM/DD/YYYY)** | ***Reference***  ***VHA Directive 1058.02*** | ***Comments*** |
| 1. | Within thirty (30) days of a decision that an investigation be opened, the VA medical facility Director issued a charge letter that appointed an Investigation Committee to conduct the investigation (i.e., the initiation of the investigation). | |  | *(enter date of charge letter)* | Appendix B §§3.b.(1) and 3.b.(4) | Date of decision that an investigation must be opened: MM/DD/YYYY  Date investigation must be completed by: MM/DD/YYYY |
| 2. | A copy of the charge letter was provided to the ORO Research Misconduct Officer (RMO). | |  |  | Appendix B §3.b.(4)(f) |  |
| 3. | The Investigation Committee comprised three (3) to five (5) employees of the VA medical facility. | |  |  | Appendix B §3.b.(4)(a) |  |
| 4. | The chairperson of the Investigation Committee held at least a 5/8ths paid VA appointment at the VA facility at the time appointed to conduct the investigation and had experience conducting research. | |  |  | Appendix B §3.b.(4)(a)3 |  |
| 5. | The chairperson of the Investigation Committee had a professional stature approximately equal to or greater than that of the respondent(s). | |  |  | Appendix B §3.b.(4)(a)3 |  |
| 6. | At least one member of the Investigation Committee had scientific familiarity with the type of research at issue in the allegation(s). | |  |  | Appendix B §3.b.(4)(a)2 |  |
| 7. | If feasible, at least one member of the Investigation Committee had experience conducting an administrative investigation. | |  |  | Appendix B §3.b.(4)(a)2 |  |
| 8. | The Investigation Committee members did *not* have any unmanageable conflicts of interest with respect to the case. | |  |  | Appendix B §3.b.(4)(a)2 |  |
| 9. | The RIO (or acting RIO) was *not* appointed as a member of the Investigation Committee. [***NOTE:*** *The RIO (or acting RIO) is expected to provide administrative and management support to the committee.*] | |  |  | Appendix B §3.b.(4)(a)4 |  |
| 10. | The VA medical facility Director notified, in writing, the following individuals of the opening of the Investigation. | |  |  |  |  |
|  | a. | Respondent(s) |  | *(enter date of notification)* | Appendix B §3.b.(6)(a) |  |
| b. | Informant(s) |  | *(enter date of notification)* | Appendix B §3.b.(6)(b) |  |
| c. | VISN Director |  | *(enter date of notification)* | Appendix B §3.b.(6)(c) |  |
| d. | The funding source(s) of the research in question, if required by applicable regulation or policy |  | *(enter date of notification)* | Appendix B §3.b.(6)(c) |  |
| 11. | The respondent(s) was provided with three (3) business days to submit a written objection to the appointment of any Investigation Committee member based on a conflict of interest. | |  |  | Appendix B §3.b.(6)(a)7 |  |
| 12. | To the extent not already done so prior to or during the inquiry phase, the RIO (or acting RIO) sequestered all relevant evidence. | |  |  | Appendix B §3.b.(5) |  |
| 13. | The respondent(s) was interviewed. | |  | *(enter date of interview)* | Appendix B §3.b.(8)(d) |  |
| 14. | The informant(s) was interviewed | |  | *(enter date of interview)* | Appendix B §3.b.(8)(d) |  |
| 15. | Investigation interviews were recorded and transcribed. | |  |  | Appendix B §3.b.(8)(g) |  |
| 16. | Transcripts of interviews were provided to the respective interviewees for correction. | |  |  | Appendix B §3.b.(8)(g) |  |
| 17. | If additional allegations arose or additional respondents were named during the course of the investigation, the charge letter was amended to include this information. | |  | *(enter date of amended charge letter)* | Appendix B §§3.b.(4)(c)-(d) |  |
| 18. | If the charge letter was amended, a copy of the amended letter was provided to the ORO-RMO. | |  |  | Appendix B §3.b.(4)(f) |  |
| 19. | If additional allegations arose during the course of the investigation, the respondent(s) and relevant informants were notified in writing of the additional allegations. | |  | *(enter date of notification)* | Appendix B §3.b.(6) ***NOTE*** |  |
| 20. | The Investigation Report indicated the following: | |  |  |  |  |
|  | a. | name and position of the respondent(s) |  |  | Appendix B §3.b.(9)(a) |  |
| b. | detailed summary of the allegation(s) reviewed |  |  | Appendix B §3.b.(9)(a)1 |  |
| c. | research and funding involved |  |  | Appendix B §3.b.(9)(a)2 |  |
| d. | basis for why each allegation fell within the scope of VHA Directive 1058.02 |  |  | Appendix B §3.b.(9)(a)3 |  |
| e. | recommended findings about whether research misconduct occurred, and if so, to what extent, who is responsible, and the applicable standard used (i.e., “preponderance of evidence”) |  |  | Appendix B §3.b.(9)(a)4 |  |
| f. | description of the evidence reviewed |  |  | Appendix B §3.b.(9)(a)5 |  |
| g. | analysis of how the preponderance of the evidence supported each of the committee’s recommended findings of research misconduct or how the committee determined there was not a preponderance of evidence to support a finding of research misconduct |  |  | Appendix B §3.b.(9)(a)6 |  |
| h. | a response to any contrary evidence |  |  | Appendix B §3.b.(9)(a)7 |  |
| i. | appropriate corrective actions, if any |  |  | Appendix B §3.b.(9)(b) |  |
| 21. | A draft of the Investigation Report was provided to the ORO-RMO and the Office of General Counsel (OGC) at least 60 days prior to the end of the allotted time frame for completing the investigation. | |  | *(enter date draft report transmitted)* | Appendix B §3.b.(9)(e) |  |
| 22. | A draft of the Investigation Report was transmitted to the respondent(s) at least 40 days prior to the end of the allotted time frame for completing the investigation. | |  | *(enter date draft report transmitted)* | Appendix B §3.b.(9)(f) |  |
| 23. | The respondent(s) was afforded at least 30 days from receipt of the draft report to provide written comments. | |  |  | Appendix B §3.b.(9)(f) |  |
| 24. | The respondent(s) was provided with reasonable access to all sequestered evidence supporting any proposed findings and corrective actions for the purpose of preparing comments on the draft report. | |  |  | Appendix B §3.b.(9)(f) |  |
| 25. | If written comments on the draft report were submitted by the respondent(s), these comments were considered by the Investigation Committee and the report amended as deemed appropriate by the committee. | |  |  | Appendix B §3.b.(9)(g) |  |
| 26. | If written comments on the draft report were submitted by the respondent(s), these comments were included as administrative attachments to accompany the finalized Investigation Report. | |  |  | Appendix B §3.b.(9)(g) |  |
| 27. | Written requests for extension of the deadline for completing the investigation were submitted to the ORO-RMO prior to the deadline for completing the investigation. | |  |  | Appendix B §3.b.(3)(c) |  |
| 28. | The investigation was completed, including issuance of an Investigation Report, within 120 days of the investigation being initiated or by a deadline beyond 120 days that was *approved* by ORO. | |  | *(enter Investigation Report date)* | Appendix B §§3.b.(3) and 3.b.(9) |  |
| 29. | The Investigation Report was signed and dated by all members of the Investigation Committee. | |  |  | Appendix B §3.b.(9)(i) |  |
| 30. | The Investigation Report, administrative attachments, and evidentiary exhibits were forwarded to the VA medical facility Director. | |  |  | Appendix B §3.b.(9)(j) |  |
| 31. | The VA medical facility Director certified completion of the investigation within thirty (30) days of receiving the Investigation Report. | |  | *(enter date certified)* | Appendix B §3.c.(1) | Date VA medical facility Director received Investigation Report: MM/DD/YYYY |
| 32. | The VA medical facility Director indicated a concurrence or non-concurrence with each of the recommendations regarding findings and corrective actions in the Investigation Report. | |  |  | Appendix B §3.c.(1)(b) |  |
| 33. | If the VA medical facility Director did not concur with any recommendations regarding finding(s) or corrective action(s) in the Investigation Report, the Director provided a written rationale for the non-concurrence. | |  |  | Appendix B §3.c.(1)(b) |  |
| 34. | If the VA medical facility Director made recommendations for additional corrective actions beyond those contained in the Investigation Report, the Director provided a written rationale for the recommendations. | |  |  | Appendix B §3.c.(1)(b) |  |
| 35. | The VA medical facility Director transmitted to the ORO-RMO the Director’s certificate of completion, and an electronic copy of the Investigation Report with administrative attachments and evidentiary exhibits. | |  |  | Appendix B §3.c.(1)(e) |  |
| 36. | If the VISN Director’s decision memorandum did not make any findings of research misconduct, the VA medical facility Director notified, in writing, the following individuals/entities of the case closure: | |  |  |  |  |
|  | a. | Respondent(s) |  | *(enter date of notification)* | Appendix E §3.e.(3)(b) |  |
| b. | Informant(s) |  | *(enter date of notification)* | Appendix E §3.e.(3)(b) |  |
| c. | Any non-VA institution with joint jurisdiction over the allegation(s) |  | *(enter date of notification)* | Appendix E §3.e.(3)(b) |  |
| d. | The funding source(s) of the research in question, if required by applicable regulation or policy |  | *(enter date of notification)* | Appendix E §3.e.(3)(b) |  |
| 37. | If the VISN Director’s decision memorandum made any findings of research misconduct, and after completion of an appeal, if any, the VA medical facility Director notified, in writing, the following individuals/entities of the final outcome and case closure: | |  |  |  |  |
|  | a. | Informant(s) |  | *(enter date of notification)* | Appendix E §3.e.(2)(b) and Appendix F §2.d.(2) |  |
| b. | Any non-VA institution with joint jurisdiction over the allegation(s) |  | *(enter date of notification)* | Appendix E §3.e.(2)(b) and Appendix F §2.d.(2) |  |
| c. | The funding source(s) of the research in question, if required by applicable regulation or policy |  | *(enter date of notification)* | Appendix E §3.e.(2)(b) and Appendix F §2.d.(2) |  |
| 38. | The case file, including at least one copy of the Investigation Report with appended evidentiary exhibits and attachments, is being retained by the facility in accordance with the applicable records control schedule. | |  |  | Appendix E §§3.e.(2)(c) and 3.e.(3)(d) |  |