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**Subject: Removal of a Principal, Co-Principal, Lead Investigator or Equivalent**

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1. Purpose .....	1
2. Policy .....	1
2.1 Funding Agency Requirements .....	1
2.2 Circumstances Warranting Removal of an Investigator .....	1
3. Procedures.....	2
3.1 Procedure for Removal of an Investigator.....	2
3.2 Appeal Procedure.....	2
4. Definitions .....	3
5. References.....	3
6. Approval and Revisions.....	3

## **1. Purpose**

The University strives for the highest standards of research performance to maintain its credibility, public trust and the professional standing of all its researchers. Funding agreements are legal contracts between the sponsor and the university (not the principal investigator(s)), thereby obligating the university to ensure compliance with any and all applicable policies, regulations, or specific conditions attached to the funding. There are circumstances when removal of a Principal, Co-Principal, Lead Investigator or equivalent (hereafter referred to collectively as the Investigator) may have to be considered, especially when so requested by a sponsor. This policy is not intended to apply to an Investigator in situations involving grant transfer to another institution following voluntary departure of the investigator.

## **2. Policy**

This policy and established procedure for removal of an Investigator ensures fair treatment of faculty members and protection of university and sponsor interests and obligations. The following procedures are incorporated in the Faculty Handbook ([http://provost.vt.edu/faculty\\_affairs/faculty\\_handbook.html](http://provost.vt.edu/faculty_affairs/faculty_handbook.html)).

### **2.1 Funding Agency Requirements**

Funding agreements are legal contracts between the sponsor and the university rather than an individual, thereby obligating the university to ensure compliance with any and all applicable policies, regulation, or specific conditions attached to the funding. Funding agencies and sponsors vary in their requirements; the terms of the specific contract with a sponsor will guide the university's actions whenever this policy may need to be invoked. This policy applies to Investigators who hold identified responsibilities as Principal, Co-principal, Lead Investigator or equivalent.

### **2.2 Circumstances Warranting Removal of an Investigator**

Removal of an Investigator from a sponsored project may be necessary or warranted under unusual circumstances such as incapacity (unable to carry out their responsibilities as an Investigator), misuse of funds, failure to comply with university and sponsored programs' policies or state or federal regulations, failure to disclose or appropriately manage a significant conflict of interest, established cases of research misconduct (according to Policy 13020 Policy on Misconduct in Research (<http://www.policies.vt.edu/13020.pdf>)), or in response to a request by the sponsor of the project.

## **3. Procedures**

### **3.1 Procedure for Removal of an Investigator**

Significant issues that are uncovered by the university or brought forward by the sponsor should be addressed with the Investigator as early as possible so that he or she has an opportunity to rectify the problem(s) if possible. The Office of the Vice President for Research and Innovation must consult with the relevant department head and dean (or other senior manager if the Investigator is not in an academic college) in addressing the deficiencies prior to removal, evaluating the validity of the concerns, or determining other appropriate resolutions to the identified issues. Referral to and formal investigation by a university entity charged with such responsibility, such as the Department of Internal Audit in the case of alleged fraud or misuse of funds, will follow standard university policies and procedures. Reassignment of responsibility for authorization of project expenditures may be necessary pending the outcome of the investigation.

Should the circumstances warrant removal, the Vice President for Research and Innovation shall inform the Investigator in writing, including a statement of the justification and supporting evidence for the removal. If the sponsor initiates a request for removal, the Vice President shall request such a statement in writing from the sponsor. The Investigator shall have at least ten (10) working days from receipt of the notification to respond. If this exchange does not result in a satisfactory resolution of the issue(s) and the removal becomes involuntary, the Investigator may appeal within five (5) working days to the Executive Vice President and Provost.

Notification of the sponsor will be in accordance with the terms of the specific sponsored contract and/or requirements of the funding agency whenever the university initiates temporary suspension or permanent removal of an Investigator. Reassignment of project leadership, when necessary, will occur in consultation with the sponsoring program manager.

### **3.2 Appeal Procedure**

Within ten working days (or as expeditiously as possible), the Executive Vice President and Provost will appoint an appeals committee composed of three non-administrative faculty members chosen by the Executive Vice President and Provost: one member chosen from the Faculty Senate Faculty Review Committee; one member chosen from the Committee on Faculty Ethics; and one member from the general faculty. The committee will elect its own chair. The Vice President for Research and Innovation will present the appeals committee with the rationale and evidence that led to the recommendation for removal. The Investigator, if he or she so elects, will have an opportunity to provide a statement to the panel. Documents shall be submitted in accordance with deadlines and guidelines set by the committee and made available to the other party. The appeals committee may choose to review submitted documents and/or hear from the parties. The committee's responsibility is to determine if there is reasonable cause for the removal, that the Investigator had a fair opportunity to rebut the evidence as provided for in this policy, and that university policies and procedures have been followed appropriately. The committee will provide its recommendation in writing to the Executive Vice President and Provost within thirty (30) calendar days. The Executive Vice President and Provost shall render a decision on removal of the Investigator within five (5) working days after receiving the committee's recommendation. If the decision of the Executive Vice President and Provost does not agree with the recommendation of the appeals committee, the Investigator may appeal within five (5) working days to the President of the university. The President's decision will be final.

Time limits above may be extended by necessity and by mutual agreement of the parties. Given that this appeal process provides an opportunity for referral to a faculty panel and review by university executives, the same matter may not also be the subject of a grievance.

## **4. Definitions**

## **5. References**

## **6. Approval and Revisions**

Approved by Commission on Faculty Affairs January 30, 2009.

Approved by Commission on Research February 4, 2009.

Approved by Faculty Senate February 10, 2009.

Approved by the University Council March 2, 2009.

Approved by the University President March 2, 2009.

Approved by the Board of Visitors March 23, 2009.

### Revision 1

- For clarification, added “or Equivalent” to the reference of Principal, Co-Principal or Lead Investigator. This recognizes that all agencies do not necessarily use the specific titles “Principal, Co-Principal or Lead Investigator” as we do at Virginia Tech and acknowledges that other titles may be used that refer to the same position.
- Titles were updated and the reference of the Special Research Faculty Handbook was removed, as the Special Research Faculty Handbook has been incorporated into the Faculty Handbook.

Approved March 10, 2017 by Vice President for Research and Innovation, Dr. Theresa S. Mayer.