

Integrity in Research and Research Misconduct Procedures

Purpose of Policy and Procedures

The purpose of this policy and subsequent procedures are to foster an environment that promotes responsible conduct of research, discourages research misconduct and acts promptly with any allegations and/or evidence of possible research misconduct.

Applicability

This policy and subsequent procedures only apply to allegations of fabrication, falsification and/or plagiarism in proposing, performing, or reviewing research or in research results, and not to any other kind of academic misconduct or dishonesty. This policy applies to all research conducted by faculty, staff, and/or students, regardless of academic discipline and/or sponsor of research.

Integrity in Research and Misconduct Policy

Employees and others acting for and /or on behalf of the University while conducting research shall encourage and maintain the highest ethical standards. Employees must demonstrate Integrity in Research by setting forth high expectations of ethical behavior including adhering to the highest standards of intellectual honesty and integrity. As well as creating an environment which encourages open discussion, appropriate supervision, maintenance of research protocol and results and the assignment of credit and responsibility for research and publications. All essential to fostering honesty and integrity.

Allegations of research misconduct including fabrication, falsification and/or plagiarism in proposing, performing, or reviewing research or in research results (not including honest error or differences in opinion) will be investigated and reported to funders as appropriate.

Findings of Misconduct

A finding of research misconduct requires that there be a significant departure from the accepted practices of the relevant research community (i.e. the humanities, social sciences or scientific research community); the misconduct be committed intentionally, or knowingly, or recklessly; and the allegation be proved by a preponderance of evidence.

Reporting Misconduct

Any individual may report suspected research misconduct orally or in writing. Such individual (the complainant) should address the issue, including the name of the subject of the allegation (the respondent) to the Executive Director of Institutional Effectiveness. If provided orally a written record of the allegation will be developed.

Definitions (*Office of Research Integrity (ORI), US Dept. of Health and Human Services, National Endowment for the Humanities, National Science Foundation*)

Allegation means a disclosure of possible research misconduct through any means of communication.

Complainant means a person who make an allegation of research misconduct. May also be known as informant.

Evidence means any document, tangible item or testimony offered or obtained during a Misconduct Proceeding that tends to prove or disprove the existence of an alleged fact.

Fabrication is defined as making up data or results and recording or reporting them.

Falsification is defined as manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

Inquiry means preliminary information gathering and fact-finding to determine whether or not an allegation contains substance and if an investigation is necessary.

Investigation means the formal development, examination and evaluation of a factual record to determine whether Research Misconduct has taken place, to assess its extent and consequences, and to evaluate appropriate actions.

Plagiarism is defined as the appropriation of another person's ideas, processes, results, words without giving appropriate credit.

Requirements for making a finding of research misconduct include:

- 1) There be a significant departure from accepted practices of the relevant research community;
- 2) The misconduct be committed intentionally, knowingly, or recklessly; and
- 3) The allegation be proven by a preponderance of evidence.

Subject/researcher/respondent is defined as the person whom the allegation is made.

Confidentiality

To the extent possible, consistent with a fair and thorough investigation and as allowed by law, the identity of subjects and informants (complainant) is to be limited to those with a need to know. Misconduct proceedings will be conducted in a fashion designed for the protection of privacy and professional reputations of those involved. All those involved with Misconduct activity and/or proceedings must keep such knowledge and information (including findings, evidence, drafts, formal reports, etc.) confidential.

Inquiries and Investigations of Allegations of Misconduct

Allegation

Allegations of suspected misconduct of research should be directed to their Department Chairperson, and appropriate Vice President and/or Executive Director of Institutional Effectiveness.

Allegations should specify the nature of alleged/suspected misconduct along with evidence that led to the allegation. Allegations may be oral or written. If oral, a written account will be taken.

Allegations will be immediately followed up with the researcher in question with an informal discussion of possible misconduct, as well as all processes involved in allegations of misconduct including confidentiality.

Once an allegation or evidence of misconduct has been received the following will occur:

- 1) The Executive Director of Institutional Effectiveness and the appropriate Vice President will assess the allegation and determine if there is bona fide allegation of misconduct.
 - a. If the decision is no, the issue is closed and all documentation retained.

- b. If yes, an inquiry will occur. The inquiry will determine if an investigation is necessary.

All efforts should be made to review the allegation within 30 days of the allegation. Both the complainant and researcher will receive notification in writing.

Inquiry

If an inquiry is warranted, it will consist of preliminary information gathering and fact-finding to determine whether or not an allegation contains substance and if an investigation is necessary. Inquiries will be conducted by the Department Chairperson, and appropriate Vice President and/or Executive Director of Institutional Effectiveness. A bona fide allegation of misconduct must be determined to be of sufficient substance to the allegation/s to warrant a formal investigation.

- 1) The Executive Director of Institutional Effectiveness and the appropriate Vice President will assess the allegation and determine if there is bona fide allegation of misconduct that requires an investigation.
 - a. If decision is no, the issue is closed and all documentation retained.
 - b. If yes, an investigation will occur.

All efforts should be made to complete the inquiry within 60 days of the allegation. Both the complainant and researcher will receive notification in writing.

Investigation

If an investigation is warranted, the subject will be notified of the investigation before it begins.

The President will appoint a three member (minimum) Investigation Committee of tenured faculty and/or staff to conduct the investigation. The investigation will occur within 30 days of receiving notification of an investigation. The investigation will include the following elements: review of the inquiry report; review of research records and evidence; interviews as appropriate with researcher and/or research assistants as appropriate. All interviews will be documented. Upon completion of the investigation, the Investigation Committee will draft a formal report and provide a copy to the researcher and any representatives or legal counsel for a 30 day review. The researcher may, within that 30 day review period comment/respond to such allegations in writing.

The Investigation Committee will review comments on the draft provided by the researcher and decide whether or not to make a finding of research misconduct. The Investigation Committee will document its decision in a final Investigation Report that will be in writing and include the following:

- a) Nature of allegations of research misconduct;
- b) Identification of research sponsor, grant numbers and critical sponsor information;
- c) Description of the specific allegations for consideration in the investigation;
- d) Descriptions of any policies/procedures under which the investigation was conducted;
- e) Identify and summarize research records and evidence reviewed, and any evidence attained but not reviewed, if any;
- f) For each allegation identify the type (falsification, fabrication, or plagiarism; and if it was intentional, knowing or in reckless regard);
- g) Identify the person(s) responsible for the misconduct;
- h) Identify any publications that need retraction and/or correction;
- i) Identify and consideration of the comments made by the researcher on the draft report;
- j) Other information as deemed significant by the Committee;

The final report will be provided to the President, Executive Director of Institutional Effectiveness, and appropriate Vice Presidents for discussion as to appropriate action.

If upon conclusion of the investigation, it was determined that the researcher did NOT commit research misconduct the matter will be closed and all records of the proceeding will be treated as confidential as to respect the rights and protect the reputation of all parties involved.

Timeliness

In all steps of allegations of research misconduct the timeliness of responding is critical to fact finding. Extensions of timelines may be made in extreme circumstance.

Safeguards for Informants and Subjects of Allegations

False reporting and retaliation for reporting allegations will be taken seriously and may result in disciplinary action by the University.

Appeals

Hearings and Appeals will follow NDUS policy.

Reporting and Responding to Regulatory Agencies and Research Sponsors

Reporting and notifications to research sponsors and regulatory agencies will occur with regard to Research Sponsor Policy by the Institutional Effectiveness Office.

Recordkeeping

All formal and informal records will be maintained by the Institutional Effective Office and shared with Human Resources as appropriate. Records of misconduct in research will be retained for at least three years after completed research activity in question and after that date, in accordance with the Institution's record retention policy.

Additional Relevant Policies and Procedures

[NDUS Human Resources Policy](#) Section 25 – Job Discipline/Dismissal

[NDUS Human Resources Policy](#) Section 27 - Appeal Procedures

[SBHE Policy](#) 401.1 Academic Freedom

[SBHE Policy](#) 605.5 Nonrenewal, Termination or Dismissal of Faculty

[SBHE Policy](#) 605.4 Hearings and Appeals

Adopted: September, 2016

Sponsors: President, Vice President for Academic Affairs, Vice President for Business Affairs, and Executive Director for Institutional Effectiveness