



## **NORTHERN ARIZONA UNIVERSITY MISCONDUCT IN RESEARCH**

### **BACKGROUND AND PURPOSE**

Productivity and creativity flourish in institutions of higher education through an atmosphere of intellectual honesty. Because educational institutions maintain intellectually stimulating environments in different ways, the institutions—and not the sponsors of the research—are responsible for the research conduct of faculty, staff, and students. The responsibility for establishing and maintaining an academic atmosphere based upon high ethical standards must be accepted by all Northern Arizona University (NAU) faculty, staff and students in the performance of their scholarly activities. Even rare occurrences of misconduct have potentially long-lasting and severe consequences to the reputation and credibility of NAU and those involved. Therefore, it is the responsibility of all to report promptly and confidentially any indications or allegations of misconduct in research. Administrators and principal investigators have special responsibility for developing and practicing high standards of ethics and for educating their colleagues and students who collaborate on research conducted at NAU.

Thus, the purpose of this policy is to specify guidelines and procedures for dealing with alleged and suspected incidents of misconduct in research. The Office for Research Integrity (ORI) in the US Department of Health and Human Services (DHHS) has developed a policy on Misconduct in Research from which portions of the NAU policy have been adopted. Portions of this policy are included here. For more information on the federal policy visit the ORI website at <http://ori.hhs.gov/>.

### **APPLICABILITY**

This policy applies to the research conduct of all individuals affiliated with NAU including, but not limited to: faculty; students; research staff and administrators; and volunteers. For students and faculty engaged in scholarship and creative activities that fall outside the definition of “research” as stated by this policy, NAU’s [Academic Integrity Policy](#) and NAU’s [Faculty Handbook](#), respectively, may be applicable and utilized in lieu of this policy.

### **POLICY**

#### **I. DEFINITIONS**

**Research misconduct** is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct may also involve violations occurring in the pursuit of intellectual endeavors within the classroom or as employees of individuals conducting research. In these situations, punitive action may be taken from multiple sources, to include all applicable NAU policies and procedures.

Additionally, research misconduct may include:

- A. The abuse of confidential or unpublished information;
- B. Practices that seriously deviate from those commonly accepted within the specific disciplinary research community for proposing, conducting, or reporting research;
- C. Retaliation of any kind against a person who reported or provided information about suspected or alleged misconduct and who has acted in good faith in reporting such allegations.

Research misconduct does not include honest error or differences of opinion.

**Research**, as used herein, includes all basic, applied, and demonstration research in all fields of science, engineering, mathematics, humanities, and the arts. This includes, but is not limited to, research in natural sciences, social sciences, quantitative science, engineering, economics, education, linguistics, medicine, psychology, the arts, and statistics. Special attention is warranted to ensure the highest standards of ethics in research involving human subjects or animals.

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

**Falsification** is 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.

**Plagiarism** is the appropriation of another person's ideas, processes, results, words, or creative output without giving appropriate credit.

The **research record** is the record of data or results that embody the facts resulting from scientific and humanistic inquiry, and includes, but is not limited to, research proposals, laboratory records, both physical and electronic, progress reports, correspondences, abstracts, theses, oral presentations, internal reports, monographs, and journal articles.

## II. RESPONSIBILITIES

### Vice President for Research

The overall responsibility for the implementation and administration of this policy is delegated by the President to the Vice President for Research. The Vice President is responsible for:

- A. Assuring full and complete inquiries, investigations and resolution processes in accordance with this Policy;
- B. Appointing individuals or committees with the appropriate disciplinary expertise to conduct inquiries and investigations into allegations of research misconduct and assuring that no conflict of interests exist or arise in those so appointed;
- C. Determining whether and when law, regulation or the terms and conditions of the award require notification of the sponsor, specify time limits or require other actions to assure compliance;
- D. Assuring appropriate confidentiality or anonymity, including confidentiality of records relating to the investigation and resolution of incidents of alleged research misconduct, as well as fairness and objectivity of all proceedings under this Policy;

- E. Notifying, when required, appropriate parties such as (but not limited to): sponsors, collaborators, licensing boards, professional societies and legal authorities;
- F. Protecting the positions and reputations of those who, in good faith, make allegations of research misconduct;
- G. Efforts to restore the reputation of persons alleged to have engaged in misconduct when allegations are not confirmed.

**Research Integrity Officer.** The responsibility to deal with allegations of and/or suspected misconduct in research in accordance with this Policy is delegated by the Vice President for Research to the Research Integrity Officer (RIO). The Vice President for Research may, at his/her discretion, serve as the campus RIO; otherwise, the Vice President for Research shall appoint an RIO. All allegations of possible research misconduct should be reported to the RIO. Even in the absence of a specific complaint, the RIO should be consulted about any questionable activities that could be interpreted as involving misconduct in research.

**Extramural Research Sponsors.** The University and its extramural research sponsors are partners who share responsibility for the research process. Extramural funding agencies have ultimate oversight authority for externally funded research, but the University bears primary responsibility for prevention and detection of research misconduct and for the inquiry, investigation, and adjudication of alleged research misconduct in association with its faculty, staff and students.

### III. REQUIREMENTS FOR FINDINGS OF RESEARCH MISCONDUCT

- A. A finding of research misconduct requires that the following three conditions be met:
  - a. The alleged misconduct represents a significant departure from the accepted practices of the relevant (disciplinary) research community; and,
  - b. The alleged misconduct was committed intentionally, knowingly, or recklessly; and
  - c. The allegation is supported by a preponderance of evidence.

### IV. ALLEGATIONS OF MISCONDUCT

- A. All NAU employees and students should report observed or suspected research misconduct. Formal allegations of misconduct should be presented, in writing and in a **confidential** manner, to the RIO or Vice President of Research at:  
Office of the Vice President for Research, Northern Arizona University, P.O. Box 4087, Flagstaff, Arizona 86011-4087, Attn: Vice President for Research.
- B. If an individual is not certain whether an incident falls within the definition of research misconduct, s/he should contact the RIO or Vice President for Research to discuss the suspected misconduct informally.
  - a. If the circumstances described do meet the definition of research misconduct, the Vice President for Research shall recommend that the individual submit a formal, written allegation.
  - b. If the circumstances described do not meet the definition of research misconduct, the Vice President for Research shall refer the individual to other campus offices that may help to resolve the matter.

- C. In addition to stating the nature of the suspected misconduct, allegations should present the evidence that led the reporting individual (hereinafter, "Complainant") to believe that an incident of research misconduct has occurred.
  - a. Allegations made on an anonymous basis must include sufficient detail and evidence to warrant further action.

## **V. RESPONSE TO AN ALLEGATION OF RESEARCH MISCONDUCT**

- A. A response to an allegation of research misconduct will consist of three phases:
  - a. An inquiry--the assessment of whether the allegation has substance and if an investigation is warranted;
  - b. An investigation--the formal development of a factual record, and the examination of that record leading to dismissal of the case or to a recommendation for a finding of research misconduct or other appropriate remedies; and,
  - c. Adjudication--during which recommendations are reviewed and appropriate corrective actions determined.
- B. A reasonable time limit for the conduct of the inquiry, investigation, and adjudication is no more than 120 days. Time limits for the appeal phases (if any) depend on agency interaction and policy. Extensions will be allowed when appropriate and necessary.

## **VI. INQUIRY**

- A. When an allegation of misconduct is reported, the Vice President for Research first determines whether the matter falls within the purview of this policy. The factors considered in making this determination include whether the alleged incident fits the definition of research misconduct and whether the evidence is sufficiently credible and specific.
- B. Having determined that an allegation does fall within the purview of this policy, the Vice President will assign the matter to the RIO who will initiate and conduct the inquiry, a preliminary fact-finding phase (which is not intended to reach a final conclusion as to whether misconduct occurred or who was responsible).
- C. The RIO will form an ad hoc Committee that will consist of no fewer than three individuals who have appropriate expertise and who have no unresolved conflicts of interest associated with the Complainant, the Respondent, or the activity within which the misconduct is alleged to have occurred.
- D. The RIO will notify in writing the researcher accused of misconduct (hereinafter, "Respondent") that an inquiry is being conducted, inform the researcher of the nature of the allegation, and will outline the procedure that will be followed. The RIO will also indicate the membership of the ad hoc Committee.
  - a. The Respondent has five (5) business days from notification of the membership of the ad hoc Committee to challenge Committee membership for bias and/or conflict of interest.
  - b. The RIO and the VPR will determine whether to replace the challenged member(s) with qualified substitute(s).
- E. The ad hoc Committee will gather information and facts to determine whether the allegation warrants investigation. Such information gathering may include requests for

documents, review of published literature, and interviews with the Complainant and/or Respondent or with other individuals who are associated with the activity that led to the reporting of alleged misconduct.

- F. The Committee will conclude the inquiry within 60 days of the receipt of the formal allegation by submitting a report detailing the process of the inquiry and the Committee's findings to the RIO. (Federal regulation requires the *ad hoc* Committee to complete its inquiry within 60 days of the receipt of the written allegation.)
- G. The three possible outcomes of inquiry are:
  - a. **Finding of No Misconduct:** If the Committee finds insufficient grounds for an investigation, the report will recommend that the allegations be dismissed.
    - i. If the Vice President for Research agrees, s/he will dismiss the allegations and notify in writing the appropriate administrators, the Respondent, the Complainant, any external agencies that were notified, and any others who were formally made aware of the allegation and inquiry. The RIO will retain the Committee inquiry report for three years as confidential, personnel-related material; after three years, the material will be destroyed.
    - ii. If the Vice President for Research does not agree, s/he may determine that sufficient grounds exist for an investigation.
  - b. **Finding of Improper or Malicious Allegations:** If the inquiry finds that the allegations were improper or malicious, the Vice President for Research will notify appropriate university administrators, who will initiate administrative and/or disciplinary procedures against the Complainant under other NAU policies and procedures pertinent to such actions and circumstances.
  - c. **Finding of Possible Misconduct:** If the Committee determines and recommends that sufficient grounds exist for an investigation, the Vice President will direct the RIO to initiate an investigation.
- H. During the inquiry phase of this process, the identities of the individual who reported the allegation of misconduct (hereinafter, Complainant) and the Respondent will remain confidential, to the extent permitted by due process rights, to assure that no Complainant acting in good faith will experience retaliation and that the damage to the reputation of the Respondent will be minimized.

## VII. INVESTIGATION

- A. To initiate an investigation into alleged misconduct, the RIO will notify in writing appropriate administrators, the Respondent, and the Complainant.
  - a. The RIO will also evaluate the need to notify any funding agencies currently supporting the Respondent. (Some federal agencies require notification when any investigation into alleged misconduct occurs.)
  - b. When appropriate, the RIO will also notify certain editors or publishers of publications related to the alleged misconduct that an investigation has begun.
- B. The Vice President for Research will take prudent action to protect the university and the funds of any external granting agency involved.
- C. The RIO, in consultation with the appropriate chair or director, the dean of the college, and the Respondent, will appoint additional members to the *ad hoc* Committee to

conduct the investigation. These additional members must include at least two faculty members with expertise in the respondent's or a related discipline and at least one faculty member who is familiar with the discipline but is not among the faculty of the Respondent's college.

- D. Investigations should begin no later than 30 days after an inquiry is completed; the ad hoc Committee should take no longer than 120 days to complete the investigation and report to the RIO.
- E. The Committee investigation will entail examining all pertinent information, reviewing records, and hearing testimony, as necessary.
- F. The Respondent will have the opportunity to respond to the allegation of misconduct and the information collected. The Respondent may be assisted, as he or she chooses, by others, including attorney(s), research collaborator(s), professional associate(s), etc. The Committee will report its findings and recommendations to the RIO, who will summarize the report for appropriate administrators, the Respondent, the Complainant and any external funding agencies previously notified of the investigation.
- G. The three possible outcomes of the investigation are:
  - a. **Finding of No Misconduct.** If the Committee concludes that no misconduct occurred, the RIO will work with the Respondent to counter any damage to the individual's reputation that the investigation may have caused. The RIO will retain the Committee investigation report and case file for three years as confidential, personnel-related material; after three years, the materials will be destroyed.
  - b. **Finding of Improper or Malicious Allegations.** If the Committee investigation finds that the allegations of the Complainant were improper or malicious, the RIO will notify appropriate university administrators, who will initiate administrative and/or disciplinary procedures against the Complainant under other NAU policies pertinent to such actions and circumstances.
  - c. **Finding of Misconduct.** If the Committee concludes that misconduct has occurred, the Vice President for Research will turn the matter over to the appropriate administrative office or body, which then will pursue administrative and/or disciplinary action against the Respondent. The Committee investigation report and file will be available to those administrators involved in the action. In addition, the VP for Research may impose sanctions appropriate to the misconduct (see Adjudication, below).

## VIII. ADJUDICATION

- A. Seriousness of the Misconduct
  - a. In deciding what administrative actions are appropriate, the University will consider the seriousness of the misconduct, including, but not limited to, the degree to which the misconduct was intentional or reckless and/or the extent to which the subject was aware that his/her actions violated this policy; whether the misconduct was an isolated event or part of a pattern; or, whether the misconduct significantly impacted the research record, research subjects, other researchers, institutions, or the public welfare.

B. Possible Administrative Actions

- a. Administrative actions available to the University include, but are not limited to, appropriate steps to correct the research record; letters of reprimand; educational remediation in the form of RCR training; the imposition of special certification or assurance requirements to ensure compliance with applicable regulations or terms of an award; suspension or termination of an active award; removal of privileges to pursue internal or external research funding, for a set period of time; or other actions in accordance with the Conditions of Faculty Service (COFS).

C. In Case of Criminal or Civil Fraud Violations

- a. If the University or the funding agency believes that criminal or civil fraud violations may have occurred, the matter shall be referred promptly to appropriate authorities.

**IX. NOTIFYING FUNDING AGENCIES**

The RIO will notify the funding agency (or agencies if appropriate) of an allegation of research misconduct in accordance with each agency's policy for reporting instances of alleged research misconduct or, in the absence of such policies, if/when:

- A. The allegation involves externally funded research (or an application for external funding) and meets the definition of research misconduct given above;
- B. If the institution's inquiry into the allegation results in insufficient evidence to proceed to an investigation;
- C. At the completion of an investigation, at which time the RIO will forward to the agency a copy of the evidentiary record, the investigative report, and recommendations made to the institution's adjudicating official, and the subject's written response to the recommendations (if any);
- D. At the completion of the adjudication, at which time the RIO it will forward the adjudicating official's decision and notify the agency of any corrective actions taken or planned;
- E. At any time during an inquiry or investigation, the RIO will immediately notify the agency if any of the following issues arise:
  - i. public health or safety is at risk;
  - ii. agency resources or interests are threatened;
  - iii. research activities should be suspended;
  - iv. there is reasonable indication of possible violations of civil or criminal law;
  - v. federal action is required to protect the interests of those involved in the investigation;
  - vi. the research institution believes the inquiry or investigation may be made public prematurely so that appropriate steps can be taken to safeguard evidence and protect the rights of those involved; or,
  - vii. the research community or public should be informed.

**X. Safeguards for Personnel**

- A. So that individuals may have confidence that they can bring allegations of research misconduct to the attention of appropriate authorities or serve as informants to or as committee members for an inquiry or an investigation without suffering retribution:

- a. The University will develop and implement fair and objective procedures for the examination and resolution of allegations of research misconduct , and
  - b. The University shall take all reasonable and practical efforts to protect or restore the position and reputation of any complainant, witness or committee member and to counter potential or actual retaliation against those complainants, witnesses and committee members.
- B. So that individuals may have confidence that, absent any other compelling reasons, the mere filing of an allegation of research misconduct against them will not result in any disciplinary or adverse action:
- a. The University will develop and implement fair and objective procedures for the examination and resolution of allegations of research misconduct , and
  - b. The University shall undertake all reasonable, practical and appropriate efforts to protect and restore the reputation of any person alleged to have engaged in research misconduct but against whom no finding of research misconduct was made, if that person or his/her legal counsel or other authorized representative requests that the University do so.

#### **XI. Confidentiality During the Inquiry, Investigation, and Adjudication Processes**

To the extent permitted by state and federal law and regulation, and consistent with a fair and thorough investigation, knowledge about the identity of subjects and informants is limited to those who need to know. Records generated by the University during the course of responding to an allegation of research misconduct are held strictly confidential by the Office of the Vice President for Research.