MISCONDUCT IN RESEARCH

POLICY STATEMENT

As a community of scholars devoted to the creation of knowledge, Northern Arizona University will act to protect and ensure the integrity of its research activities. To this end, this policy prohibits Research Misconduct, which is comprised of Fabrication, Falsification, and Plagiarism, and outlines how the University will respond to such allegations. All NAU faculty, staff, and students are responsible for the performance of their scholarly activities, for complying with this policy, and for maintaining the University's high standards for ethically conducting all research and research reporting activity. Faculty, staff, and students must pay special attention to ensure the highest ethical standards in research that involves human subjects or animals.

REASON FOR THIS POLICY

The University is committed to promoting academic integrity and ethical conduct in research, to protecting researchers from unwarranted criticism, and to full compliance with related federal requirements. This necessitates effective policy and procedures that clearly define, prohibit, and establish appropriate means for investigating and adjudicating allegations of Research Misconduct.

ENTITIES AFFECTED BY THIS POLICY

- All units administering or engaging in University research activities
- Office of the Vice President for Research
- Research Integrity Officer

WHO SHOULD KNOW THIS POLICY

- All administrators, faculty, academic professionals, staff, students, affiliates, and volunteers participating in, conducting, supporting, or contributing to University research activities

DEFINITIONS

Fabrication: making up data or results and recording or reporting them.

Falsification: 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: appropriating another person's ideas, processes, results, words, or other creative output without giving appropriate credit.

Preponderance of the Evidence: the standard of proof used to determine whether a violation of this policy has occurred, meaning that based upon all the available convincing evidence and its probable truth or accuracy, it is more likely than not that a violation has occurred.

Research Misconduct: Fabrication, Falsification, or Plagiarism when proposing, performing, or reviewing research or reporting research results. Research Misconduct does not include honest error or differences of opinion about proper interpretation or evaluation of research methods or findings.
Research Record: the data or results that embody the facts resulting from scientific or humanistic inquiry, including but not limited to, research proposals, laboratory records, progress reports, abstracts, theses, oral presentations, internal reports, monographs, journal articles, and any other correspondence, documents, or materials that contain or transmit research data or results.

Retaliation: an adverse action taken against a person in response to their involvement with a good faith allegation of Research Misconduct or their good faith cooperation with a Research Misconduct investigation or adjudication.

POLICY

A. General

Northern Arizona University prohibits Research Misconduct, which includes and is limited to Fabrication, Falsification, and Plagiarism when proposing, performing, or reviewing research or reporting research results. The University will resolve allegations of Research Misconduct in accordance with the investigative and adjudicatory procedures that accompany this policy. For a finding of Research Misconduct to occur, the alleged misconduct must: i) represent a significant departure from the relevant research community’s accepted practices; ii) have been committed intentionally, knowingly, or recklessly; and iii) be supported by a preponderance of the evidence.

B. Scope

This policy applies to allegations of Research Misconduct involving any person who, at the time of the alleged misconduct, was enrolled as a student, was employed by, acting as an agent of, or was affiliated by contract, agreement or other means with Northern Arizona University. For purposes of this policy, research includes all basic, applied, and demonstration research activities as well as all scholarship or creative endeavors taking place under the auspices of the University. Determinations as to whether an activity shall constitute research for purposes of this policy shall be made solely by the Vice President of Research acting through the Research Integrity Officer. This policy and its accompanying procedures may be applied when an individual is alleged to have committed Research Misconduct prior to commencing or is no longer providing services at or for the University, if necessary to determine whether an individual may warrant sanction or alteration of their status at the University, or whether acknowledgement or notice of tainted research results is appropriate. This policy does not apply to complaints about fiscal impropriety, intentional misrepresentation of credentials, abuses of confidentiality, violation of human or animal subject regulations, conflicts of interest, or to authorship disputes among research collaborators, except to the extent that the facts that give rise to these excluded types of conduct independently constitute a basis for an allegation of Research Misconduct as defined in this policy. Moreover, while the nature of research and scholarly inquiry often results in passionate disagreement, in the absence Fabrication, Falsification, or Plagiarism, honest differences of opinion do not constitute Research Misconduct and do not fall under the purview of this policy. Instead, scholarly disputes are best pursued through other appropriate means or forums such as journals, conferences, letters to the editor, et cetera.

C. Research Records

Researchers will produce, maintain, and preserve timely, thorough, and verifiable Research Records as required by law, regulation, or established best practices within their discipline. All Research Records produced in conjunction with research or scholarly activity conducted at the University are the sole property of the University and shall remain under its control. Researchers may keep secondary copies of Research Records.

D. Safeguards

So that individuals may have confidence that they can bring allegations of Research Misconduct to the attention of appropriate officials, and may participate in Research Misconduct investigations or adjudications without suffering retribution, the University has implemented and shall maintain fair and objective procedures to guide the examination and resolution of Research Misconduct allegations. Additionally, the University shall take all reasonable, practical, and appropriate actions to protect or restore the position and reputation of any complainant, witness, or other participant in any Research Misconduct procedure to actively counter potential or actual Retaliation against such individuals. So that individuals may have confidence that, absent other
compelling reasons, the mere filing of an allegation of Research Misconduct against them will not result in any disciplinary or adverse action, 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, as that person may request the University to do so.

E. Confidentiality

To the extent permitted by state and federal law and regulation, and consistent with a fair, objective, and thorough investigation, the University shall take reasonable and prudent actions to limit knowledge about the identity of complainants, respondents, witnesses, and other participants in any Research Misconduct investigation or adjudication to only those who need to know such information for the performance of their duties. The University may use confidentiality agreements or other mechanisms designed to prevent the disclosure of identifying or other confidential information. Records generated by the University during the course of responding to an allegation of Research Misconduct shall be held and their confidentiality strictly maintained by the Office of the Vice President for Research.

F. Responsibility to Report

All NAU community members will report observed, suspected, or apparent Research Misconduct to the Research Integrity Officer or the Vice President for Research. Failure to do so may be considered misconduct subject to disciplinary action. If an individual is unsure whether a suspected incident or action falls within the definition of Research Misconduct, they are encouraged to discuss the matter informally with the Research Integrity Officer. This may include reviewing the matter anonymously and/or hypothetically. At any time, a University community member may have confidential discussions or consultations about concerns of possible Research Misconduct with the Research Integrity Officer, who shall provide counsel regarding appropriately reporting allegations. If the circumstances described by the individual do not meet the definition of Research Misconduct but constitute another type of issue that requires additional review, the Research Integrity Officer may refer the individual or the allegation to other offices or officials with responsibility for resolving the problem.

G. Cooperation with Research Misconduct Proceedings

All NAU community members, including respondents, will cooperate with the Research Integrity Officer and other institutional officials in the review of Research Misconduct allegations. Community members have the obligation to preserve and provide all relevant information or evidence to the Research Integrity Officer or other University officials engaged in a Research Misconduct inquiry or investigation. The University has the authority to collect or obtain relevant University documentation, data, or other records or information in connection with or relevant to allegations of Research Misconduct and to direct the appropriate department, unit, college, or school to sequester such materials. The destruction, absence of, or failure to secure and provide Research Record materials that adequately document questioned research activities is itself evidence of Research Misconduct, where it is established according to appropriate standards that the subject(s) of a Research Misconduct allegation intentionally, knowingly, or recklessly destroyed or failed to secure or maintain any relevant part of the Research Record by departing significantly from the relevant research community’s accepted practices.

H. Research Integrity Officer

Appointed by the Vice President for Research, the University’s Research Integrity Officer shall have primary responsibility for implementing and administering this policy and its accompanying procedures. Allegations of Research Misconduct shall be reported to the Research Integrity Officer, who shall investigate and adjudicate the matter as outlined in this policy. Further, the Research Integrity Officer’s responsibilities shall include:

1. Consult confidentially with persons who inquire about whether to submit a Research Misconduct allegation;

2. Receive and assess each allegation of Research Misconduct in accordance with this policy and its accompanying procedures (a Research Misconduct inquiry may be initiated based on any source of reliable information);

3. Timely notify the complainant whether an allegation falls within the scope of this policy;
4. As necessary, take or provide appropriate interim measures and all required notices or reports;

5. Sequester and securely maintain evidence that is pertinent to any allegation of Research Misconduct in accordance with applicable law, regulation, and policy;

6. Provide appropriate notice and confidentiality to those involved in Research Misconduct proceedings in accordance with applicable law, regulation, and policy;

7. Appropriately notify the respondent in Research Misconduct proceedings and provide or ensure proper opportunity for the respondent to know and respond to the allegations and to view and assess all pertinent evidence;

8. Inform respondents, complainants, and witnesses of Research Misconduct procedural steps and the rights, duties, and obligations of each participant;

9. Appoint the chairs and members of the inquiry and investigative committees who are free of unresolved personal, professional, or financial conflicts of interests and ensure that each committee is properly staffed with the expertise necessary to conduct a thorough and authoritative evaluation of the evidence;

10. Ensure that administrative or disciplinary actions taken in response to instances of Research Misconduct are fully implemented and/or enforced and that other involved parties, such as sponsors, law enforcement agencies, professional societies, and licensing boards are notified of outcomes as appropriate;

11. Maintain Research Misconduct proceeding records and make them available in accordance with applicable law, regulation, and policy.

I. Complainant and Witnesses

The complainant in a Research Misconduct proceeding is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with a Research Misconduct inquiry and investigation. The complainant shall be interviewed at the inquiry stage and provided with an electronic recording or transcript of the interview with an opportunity for correction. The Research Integrity Officer will monitor the treatment of complainants, witnesses, and others who cooperate with inquiries and investigations brought under this policy for inadequate institutional response thereto; will as necessary or advisable make reasonable and practical efforts to counter potential or actual retaliation against these persons in the terms and conditions of their employment or other institutional status; will review instances of alleged Retaliation; and will undertake diligent efforts as may be appropriate to protect the positions and reputations of those who in good faith make allegations or participate in Research Misconduct inquiries, investigations, or adjudications. An allegation of Research Misconduct or cooperation with a Research Misconduct adjudication is not in good faith if made with knowing or reckless disregard for facts that would negate the allegation or testimony.

J. Respondent

Respondents are responsible for maintaining confidentiality and cooperating with Research Misconduct inquiries and investigations as outlined in this policy and its accompanying procedures. Respondents shall have the opportunity to admit Research Misconduct. In all Research Misconduct proceedings, respondents may bring, consult with, and/or be represented by a personal adviser, who may be an attorney, but who is not otherwise involved in the matter. If a respondent is represented by an attorney, the University may also be represented by an attorney. Additionally, respondents shall be entitled to:

1. A written notice from the Research Integrity Officer prior to the commencement of an inquiry of the alleged Research Misconduct that specifies the allegations in sufficient enough detail to enable the respondent to effectively respond;

2. An opportunity to comment on the inquiry report and have their comments attached to the report;
3. Written notification of the outcome of the inquiry and a copy of the inquiry report that includes a copy of or a link to this Misconduct in Research policy and its accompanying procedures;

4. Written notification of the allegations to be investigated within a reasonable time after the determination that an investigation is warranted, but before the investigation begins (within 30 days after the University decides to begin an investigation), and written notification of any new allegations not addressed in the inquiry or in the initial notice of investigation, within a reasonable time after the determination is made to pursue those allegations;

5. Be interviewed in the course of the investigation, have the opportunity to correct the recording or transcript, and have the corrected recording or transcript included in the investigation record;

6. The opportunity to interview during the investigation any witness who has been reasonably identified by the respondent as having information on relevant aspects of the investigation, have the recording or transcript provided to the witness for correction, and to have the corrected recording or transcript included in the record of investigation; and

7. Receive a copy of the draft investigation report and, concurrently, a copy of or supervised access to the evidence on which the report is based, and to be notified that any comments must be submitted within 30 days of the date on which the copy was received and that the comments will be considered by the institution and addressed in the final report.

K. Retaliation

Retaliation against complainants, witnesses, committee members, or other persons for reporting or participating in a Research Misconduct investigation or adjudication is prohibited. University community members should immediately report any suspected, alleged, or apparent retaliation to the Research Integrity Officer, who shall promptly review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and to protect and restore the position and reputation of the person against whom the retaliation is directed.

L. Extramural 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 preventing and detecting Research Misconduct and for the inquiry, investigation, and adjudication of alleged Research Misconduct in association with its faculty, staff and students.

M. Legal Compliance

The University shall comply in all cases with applicable federal and state laws, regulations, and policies with respect to Research Misconduct. To the extent that this policy or its procedures are inconsistent with any legal requirements, the legal requirements shall govern the administrative policy and processes established herein.

RESPONSIBILITIES

**University employees, students, and affiliates engaged in research:** read, understand, and abide by this policy; report known or suspected instances of Research Misconduct to the Research Integrity Officer.

**Research administrators, academic department heads, deans, directors:** foster an environment supportive of responsible conduct of research and inform the Research Integrity Officer to any known or suspect Research Misconduct.

**Research Integrity Officer:** works to educate the campus research community regarding Research Misconduct and related issues; serves as a sounding board and counselor for those with questions or concerns regarding responsible conduct of research; responds to allegations or concerns regarding Research Misconduct in accordance with this policy.
PROCEDURES

Procedure for Reporting, Investigating, and Adjudicating Misconduct in Research

RELATED INFORMATION

Forms or Tools

There are no forms or tools associated with this policy.

Cross-References

There are no cross-references associated with this policy.

Sources

Office of Research Integrity, U.S. Dept. of Health and Human Services Model Research Integrity Policy

42 CRF Part 93

APPENDIX

None.