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Policy Information

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May 10, 2007

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Res-300

Reference:

University Handbook for Appointed Personnel 2.13.09

Responsible Unit:

Research Integrity Program

Email:rio@arizona.edu [1]

Purpose and Summary

A community of scholars and researchers has an obligation to itself and to the general public to adhere to the highest standards of integrity and ethical behavior in scholarly and Research activities. At the University of Arizona (University), the primary responsibility for scholarly and Research integrity rests with the individuals who perform Research and who undertake scholarship and other creative endeavors. The University has a duty to promptly respond to allegations of Research Misconduct as well as to protect the integrity and reputation of its researchers and scholars from false or unproven allegations of Research Misconduct. Therefore, to ensure its obligations to the public, to the community of University researchers and scholars, and to the state and federal agencies involved in supporting, monitoring, and partnering with the academic research community, the University promulgates this Policy.

Scope

This Policy applies (1) to all Research activities conducted at, for, or on behalf of the University, and (2) to all individuals involved with Research activities, including faculty, scientists, trainees, technicians, staff members, students, fellows, visiting scholars, guest researchers, consultants, and collaborators.

Definitions

Assessment means the initial review to determine if the allegation fits within the definition of Research Misconduct and if it is sufficiently credible and specific so that potential evidence of Research Misconduct may be identified.

Complainant means a person who in good faith makes an allegation of Research Misconduct.

Fabrication means making up data or results and recording or reporting them as factual.

Falsification means manipulating Research or scholarship materials, equipment, or processes, or changing or omitting data or results such that the scholarship or Research is not accurately represented in the record.

Finding of Research Misconduct means a final, institutional decision, made by the Deciding Official (DO) on behalf of the University, in which Research Misconduct was found to have occurred. A Finding of Research Misconduct requires that (1) there be a significant departure from accepted practices in the relevant Research community; (2) the Research Misconduct be committed intentionally, knowingly, or recklessly; and (3) the allegation be proven by a preponderance of the evidence.

Inquiry means preliminary information-gathering and fact-finding carried out by a faculty Inquiry Panel ("Panel") to determine if each allegation has substance, i.e., that sufficient evidence exists that Research Misconduct may have occurred to warrant an Investigation.

Investigation means a formal process carried out by an Investigation Committee ("Committee") to (1) develop a factual record and fairly and impartially examine that record in order to make a formal recommendation regarding whether or not Research Misconduct has occurred, (2) if Research Misconduct occurred, determine the responsible person(s) and the scope and seriousness of the Research Misconduct, and (3) make recommendations for other appropriate actions.

Plagiarism means the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

Research means any organized program of scientific inquiry that involves a systematic investigation, study, or experiment designed to develop or contribute to generalizable knowledge that is performed at or under the auspices of the University. Research includes non-sponsored research, research fellowship and training programs, and research-related activities in undergraduate, graduate, and postdoctoral education. For the purpose of this Policy, Research also means any creative or scholarly endeavor, regardless of field or discipline.

Research Misconduct means Fabrication, Falsification, or Plagiarism in proposing, performing, or reviewing scholarly, Research, or creative endeavors, or in reporting Research results or the results of creative endeavors. Research Misconduct does not include honest error or differences in

interpretation or judgments in evaluating Research methods or results or differences of opinion.

Research Record means any data, document, computer file, media, hardware, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted or reported Research or scholarship. The Research Record includes but is not limited to: Research proposals, laboratory notebooks (both physical and electronic), correspondence, photographs, biological materials, slides, equipment use logs, Research protocols, consent forms, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and any statements, documents and materials provided to a University official by a Respondent, Complainant, or Witness in the course of the Research Misconduct proceeding.

Respondent means the person(s) against whom an allegation of Research Misconduct is directed.

Retaliation means an adverse employee action by a University employee, taken against any Complainant, witness, Panel member, Committee member, or any other participant in a Research Misconduct proceeding in response to either (1) a good faith allegation of Research Misconduct, or (2) good faith cooperation with a Research Misconduct proceeding.

Sponsor means any agency of the U.S. federal government, state government, private foundation, corporation, or other entity external to the University that provides funds to support a Research project, Research program, or other Research, scholarly, or creative activity.

Policy

1. For all allegations that fall within the scope of this Policy, the University will follow its Procedures for Responding to Allegations of Research Misconduct [2] through to completion regardless of whether the involved individuals remain employed or affiliated with the University.
2. This Policy does not apply to alleged Research Misconduct that occurred more than six years prior to the University or Sponsor's receipt of the allegation. Exceptions to this six-year limit may include, at the Research Integrity Officer's (ROI) discretion and without limitation:
 - Referrals of allegations of Research Misconduct to the University from a federal agency beyond the six-year period;
 - Allegations of Research Misconduct that were not reasonably discoverable at an earlier time;
 - Continued or renewed conduct involving the questioned Research through the citation, re-publication, or other use of the Research Record at issue;
 - Allegations of Research Misconduct that may have a substantial adverse effect on public health or safety;
 - Applications of this Policy that are required by law or are otherwise in the best interest of the University; and
 - Applications of a different limitation period imposed by a contract or Sponsor.
3. Retaliation is prohibited by this Policy. Individuals who engage in acts of retaliation will be subject to disciplinary action, up to and including dismissal from employment.

Compliance and Responsibilities

1. The University will:

- Conduct an Assessment of all allegations of Research Misconduct;
- Following the Assessment, when warranted, conduct an Inquiry and Investigation to fairly resolve all allegations of Research Misconduct;
- Comply with Sponsor requirements for reporting cases of possible Research Misconduct when Sponsored project funds are involved;
- Make all reasonable efforts to counter potential or actual Retaliation against the Complainant and any other persons involved in the Research Misconduct proceedings; and
- Otherwise consistently and fairly apply the Procedures for Responding to Allegations of Research Misconduct [2].

2. All individuals subject to this Policy and involved in Research will:

- Maintain and further the highest standards of ethical practices in scholarship, Research, and creative endeavors; exercise integrity and transparency in conducting Research and recording and reporting results; take care in the execution of scholarship and Research; and promote fairness in the recognition of the work of others.
- Report, in good faith, observed, suspected, apparent, or actual Research Misconduct to the RIO. Any University employee other than the RIO who receives an allegation of Research Misconduct is responsible for immediately forwarding the allegation to the RIO and keeping the contents of the allegation confidential.
- Respect the right of individuals to make good faith allegations of Research Misconduct, even if the allegations cannot be proven true.
- Cooperate with the Research Misconduct proceedings, including, but not limited to, providing Research Records and other relevant information to the RIO, their designee, or any other person charged with reviewing or investigating allegations of Research Misconduct.
- Observe confidentiality with respect to the subject matter of the allegations and the names of all individuals involved in the Assessment, Inquiry and Investigation processes, including the Respondent, Complainant, Witnesses, and members of the Panel and Committee.

3. The Senior Vice President for Research and Innovation, in consultation with the President, under the provisions of shared governance, appoints the RIO.

4. The RIO has primary responsibility to implement this Policy and the Procedures for Responding to Allegations of Research Misconduct [2].

5. The Complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with all stages of a Research Misconduct proceeding.

6. The Respondent is responsible for maintaining confidentiality and cooperating with all stages of a Research Misconduct proceeding.

Frequently Asked Questions*

None.

Sources*

42 CFR, Parts 50 and 93, Public Health Service Policies on Research Misconduct, Final Rule [3]

[45 CFR Part 689 - National Science Foundation Policy on Research Misconduct](#) [4]

[ABOR Policy 6-914 - Protection of Employees from Reprisal for Whistleblowing](#) [5]

Related Information*

[University of Arizona Procedures for Responding to Allegations of Research Misconduct](#) [2]

[University of Arizona Code of Research Ethics](#) [6]

[University of Arizona Research Integrity Program](#) [7]

[HHS Office of Research Integrity](#) [8]

[NSF Office of Inspector General](#) [9]

Revision History*

10/17/2023: This revision includes:

1. Substantive revisions throughout the Policy, including title change from Investigations of Misconduct in Scholarly, Creative, and Research Activities Policy.
2. Decoupled procedures.

06/06/2023: Changed gender specific pronouns to gender neutral pronouns.

05/17/2005: The Department of Health and Human Services promulgated final regulations related to research misconduct and investigations of such misconduct. 42 CFR 50 and 93, PHS Policies on Research Misconduct; Final Rule, *Federal Register*. This Policy has been amended to comply with those requirements. Other substantive and grammatical changes resulted from review and recommendations by the UA Research Integrity Officer.

Source

URL:<https://policy.arizona.edu/ethics-and-conduct/responding-allegations-research-misconduct>

Links

[1] <mailto:rio@arizona.edu> [2]

https://research.arizona.edu/sites/default/files/related-files/Procedures%20for%20Responding%20to%20Allegations%20of%20Research%20Misconduct_0.pdf [3]

http://ori.hhs.gov/sites/default/files/42_cfr_parts_50_and_93_2005.pdf [4]

<https://www.ecfr.gov/current/title-45/subtitle-B/chapter-VI/part-689> [5]

<https://public.powerdms.com/ABOR/documents/1499367> [6]

[https://facultygovernance.arizona.edu/sites/default/files/2022-08/Research%20Code%20of%20Ethics%20\(pdf\).pdf](https://facultygovernance.arizona.edu/sites/default/files/2022-08/Research%20Code%20of%20Ethics%20(pdf).pdf) [7] <https://research.arizona.edu/compliance/research-integrity-program> [8]

<https://ori.hhs.gov/> [9] <https://www.nsf.gov/oig/>