

Responding to Allegations of Research Misconduct

~~Investigations of Misconduct in Scholarly, Creative, and Research Activities~~

POLICY INFORMATION

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PURPOSE AND SUMMARY

A community of scholars and researchers has an obligation to itself and to the general public to ~~exercise~~ adhere to the highest standards of integrity and ethical behavior in scholarly and ~~research~~ Research activities. At the University of Arizona (University), ~~the~~ primary responsibility for scholarly and ~~research~~ Research integrity rests with the individuals who perform Research and who undertake scholarship and other creative endeavors ~~at the University of Arizona (University).~~ 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 ~~at the University,~~ 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 ~~scholarship, Research, and creative endeavors~~ activities conducted at, ~~or for, or on behalf of~~ the University, ~~whether by faculty, scientists, trainees, technicians, staff members, students, fellows, visiting scholars, guest researchers, consultants, or collaborators, and whether or not the research is funded;~~ 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. ~~Even if the individual against whom an allegation of misconduct in scholarly, creative, and research activities (hereafter simply "misconduct") is made ceases to be engaged in services or responsibilities at or for the University, this Policy may nevertheless apply to determine whether the individual engaged in misconduct while at the University. If allegations are made that involve scholarship, research, and creative endeavors conducted prior to commencing services at or for the University, the Policy may likewise be used to determine whether the individual against whom an allegation is made has committed prior misconduct that may warrant any sanction or alteration in the individual's status at the University.~~

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 ~~misconduct in scholarly, creative, or research activity.~~

Conflict of Interest ~~means the real or apparent interference of one person's interest with the interests of another person, where potential bias may occur due to prior or existing personal, professional, or financial relationships. Generally, differences of professional opinion held in good faith and without prospect of financial gain should not be construed as a~~ conflicts Conflict of interest~~Interest.~~

"Employee" ~~An individual who is employed by the Arizona Board of Regents/University under classifications of "faculty"; "classified staff"; or "academic, administrative, or service professional," as those terms are defined in the University Handbook for Appointed Personnel, the Arizona Board of Regents' Policy Manual, and the Classified Staff Human Resources Policy Manual, whether the individual is paid or unpaid. Employees comprise student employees and graduate students, including instructors, as well as any individual who represents or acts on behalf of the University and whose actions may bind the University.~~

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.

Findings of Research Misconduct ~~require that~~ 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 ~~is~~ a significant departure from accepted practices in the relevant ~~R~~research community; ~~and (2) the Research Misconduct be ~~is~~ committed intentionally, ~~or~~ knowingly, or recklessly; and (3) the allegation ~~is~~ be proven by a preponderance of the evidence.~~

Inquiry means ~~A process involving~~ preliminary information-gathering and fact-finding ~~by the Research Integrity Officer (RIO) when someone makes an allegation of misconduct under this Policy, which the RIO believes is sufficiently credible and specific to identify potential evidence of misconduct and carried out by a faculty Inquiry Panel ("Panel") to determine if whether an each allegation of misconduct under this Policy has substance, i.e., that sufficient evidence exists that Research Misconduct may have occurred to~~ warrants 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, leading to a decision either (a) in order to make a formal recommendation that misconduct regarding whether or not Research Misconduct has occurred, which may include a recommendation for other appropriate actions; (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 as well as possible administrative actions; or (b) not to make a finding of misconduct.

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

~~"Preponderance of Evidence"~~: ~~That quality of evidence which, when fairly considered, produces the stronger impression and has the greater weight and is more persuasive regarding the truth than the evidence presented in opposition. Any fact required to be proven under this Policy shall be proven by a preponderance of the evidence.~~

~~"Pre-inquiry"~~: ~~An initial assessment by the RIO of an allegation of misconduct presented by a Complainant that might warrant further Inquiry.~~

Research means All any (1) systematic investigation, including basic research and scholarship, applied research, and demonstration research and research training activities, designed to develop or contribute to the body of knowledge in any field; or (2) creative endeavors, regardless of field or discipline.

~~Research Integrity Officer (RIO)~~ means ~~the institutional official charged with overseeing the application of this Policy.~~

Research Misconduct means Fabrication, Ffalsification, or Ppplagiarism in proposing, performing, or reviewing scholarly, Rresearch, or creative endeavors, or in reporting Rresearch results or the results of creative endeavors. Research Misconduct does not include honest error or differences in interpretation or judgments in evaluating Rresearch 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) or persons~~ against whom an allegations of Research Misconduct is ~~are~~ directed and who is a subject of a misconduct Inquiry or Investigation.

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.

Sequestration means ~~steps taken by the RIO on behalf of the University to: (1) obtain custody of the Research Record and evidence needed to conduct the Research Misconduct proceeding; (2) inventory the records; (3) preserve the records in a secure manner; and (4) maintain the records as required by law and policy.~~

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 through to completion regardless of whether the involved individuals remain employed or affiliated with the University.
2. ~~In certain cases where the interests of the University are implicated, the Senior Vice President for Research and Innovation (SVPRI) or the Senior Vice President for Academic Affairs may apply the Procedures for Responding to Allegations of Research Misconduct as a mechanism for reviewing allegations of improper conduct which may not meet the definition of Research Misconduct. Examples include, without limitation, allegations of persistent non-~~

~~compliance with: (1) Sponsor regulations, contract terms, or health and safety requirements; (2) instructions from the Institutional Animal Care and Use Committee (IACUC); or (3) the Institutional Review Board (IRB).~~

~~42. 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 (RIO) 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, republication, 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. 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.

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

1-6. 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

45 CFR Part 689 - National Science Foundation Policy on Research Misconduct

ABOR Policy 6-914, - - Protection of Employees from Reprisal for Whistleblowing

RELATED INFORMATION*

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

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

[University of Arizona Research Integrity Program](#)

[HHS Office of Research Integrity](#)

[NSF Office of Inspector General](#)

REVISION HISTORY*

[January 2023: this revision includes:](#)

- [1. Substantive revisions throughout the Policy.](#)
- [2. Decoupled procedures.](#)

[05/10/2007: New Policy.](#)

*** Please note the Frequently Asked Questions, Sources, Related Information, and Revision History sections are provided solely for the convenience of users and are not part of the official University policy.**