

<b>The University of North Texas at Dallas Policy Manual</b>	Chapter 13.000
<b>13.005 Research Misconduct</b>	<b>Research</b>

**Policy Statement.** In order to maintain the public trust, University of North Texas at Dallas is committed to promoting the highest possible ethical standards in research, scholarship, and creative activity. The occurrence of research misconduct undermines the integrity of the institution and damages the reputation of all researchers affiliated with the institution. Therefore, UNT Dallas must respond appropriately whenever an allegation of research misconduct is made. The purpose of this research misconduct policy is to define actions constituting research misconduct and to establish clear and coherent procedures for responding to research misconduct allegations in a thorough, timely, and fair manner.

**Application of Policy.** This policy applies to allegations of research misconduct (fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results) involving: a person who, at the time of the alleged research misconduct, was employed by, was an agent of, was affiliated by contract or agreement with, or was a visiting scholar at UNT Dallas; and (1) research, research training or activities related to that research or research training, (2) applications or proposals for support for research, research training or activities related to that research or research training, or (3) plagiarism of research records produced in the course of research or research training or activities related to that research or research training. This includes any research proposed, performed, reviewed, or reported, or any research record generated from that research, regardless of whether any application or proposal for funds resulted in a grant, contract, cooperative agreement, or other form of support and regardless of whether any funding for the research was sought from any source.

This policy is intended to comply with the research misconduct requirements of the U.S. Public Health Service (42 C.F.R. Part 93), the National Science Foundation (NSF 05-131, Chapter IX, Research Misconduct, 930-933), the Office of Science and Technology (Federal Research Misconduct Policy, 65 Fed. Reg. 76,260, December 6, 2000), and any other applicable research misconduct requirements of agencies or entities providing research funding to UNT Dallas.

**Definitions.**

1. **Allegation.** “Allegation” means a disclosure of possible research misconduct through any means of communication. The disclosure may be by written or oral statement or other communication to a UNT Dallas or funding entity official.
2. **Complainant.** “Complainant” means a person who in good faith makes an allegation of research misconduct.

3. Evidence. "Evidence" means any document, tangible item, or testimony offered or obtained during a research misconduct proceeding that tends to prove or disprove the existence of an alleged fact.
4. Good faith. "Good faith" (as applied to a complainant or witness), means having a belief in the truth of one's allegation or testimony that a reasonable person in the complainant's or witness' position could have, based on the information known to the complainant or witness at the time. An allegation or cooperation with a research misconduct proceeding is not in good faith if it is made with knowing or reckless disregard for information that would negate the allegation or testimony. Good faith, as applied to a committee member, means cooperating with the purpose of helping UNT Dallas meet its responsibilities under this policy and the applicable regulations of any involved funding entity. A committee member does not act in good faith if his/her acts or omissions on the committee are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the research misconduct proceeding.
5. Inquiry. "Inquiry" means preliminary information-gathering and preliminary fact-finding that meets the criteria and follows the procedures set forth in this policy.
6. Institutional member. "Institutional member" means a person who is employed by, is an agent of, is affiliated by contract or agreement with, or is a visiting scholar at UNT Dallas. Institutional members may include, but are not limited to, officials, tenured and untenured faculty, teaching and support staff, researchers, research coordinators, technicians, postdoctoral and other fellows, volunteers, agents, contractors, subcontractors, and sub-awardees, as well as the employees of any of these parties.
7. Investigation. "Investigation" means the formal development of a factual record and the examination of that record leading to a decision not to make a finding of research misconduct or to a recommendation for a finding of research misconduct which may include a recommendation for other appropriate actions, including administrative actions.
8. Preponderance of the evidence. "Preponderance of the evidence" means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.
9. Records of research misconduct proceedings. "Records of research misconduct proceedings means:" (1) the research records and evidence secured for the research misconduct proceeding pursuant to this policy, including any records provided by any involved funding entity, except to the extent the inquiry committee or the investigation committee (as applicable) determines and documents that those records are not relevant to the proceeding or that the records duplicate other records that have been retained; (2) the documentation of the determination of irrelevant or duplicate records;

(3) the inquiry report and final documents (not drafts) produced in the course of preparing that report, including the documentation of any decision not to investigate; and (4) the investigation report and all records (other than drafts of the report) in support of the report, including the recordings or transcripts of each interview conducted.

10. Research. “Research” means a systematic investigation, including development, testing, evaluation, or publication to develop or contribute to generalizable knowledge. Activities which meet this definition constitute Research for purposes of this policy, whether they are conducted or supported under a program that is considered Research for other purposes.
11. Research misconduct. “Research misconduct” means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Fabrication is 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, or words without giving appropriate credit. Research misconduct does not include honest error or differences of opinion.
12. Research misconduct proceeding. “Research misconduct proceeding” means any actions related to alleged research misconduct, including but not limited to, allegation assessments, inquiries, investigations, oversight reviews by the relevant office of any involved funding entity, hearings and administrative appeals.
13. Research record. “Research record” means the record of data or results that embody the facts resulting from scientific inquiry, including but not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and any documents and materials provided to the relevant office of any involved funding entity or a UNT Dallas official by a respondent in the course of the research misconduct proceeding.
14. Respondent. “Respondent” means the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.
15. Retaliation. “Retaliation” means an adverse action taken against a complainant, witness, or committee member by this institution or one of its institutional members in response to (1) a good faith allegation of research misconduct; or (2) good faith cooperation with a research misconduct proceeding.

## **PROCEDURES AND RESPONSIBILITIES.**

### **General Procedures and Responsibilities.**

The UNT Dallas Assistant Provost for Academic Affairs (APAA) will serve as the Research Integrity Officer and will have primary responsibility for implementation of UNT Dallas policies and procedures on research misconduct. The APAA will administer the procedures and be sensitive to the varied demands made on those who conduct research, those who are accused of research misconduct, those who make good faith allegations of research misconduct, and those who may serve on inquiry and investigation committees.

The responsibilities of the APAA include the following duties related to research misconduct proceedings:

- i. Consult with persons uncertain about whether to submit an allegation of research misconduct;
- ii. Receive allegations of research misconduct;
- iii. Assess each allegation of research misconduct in accordance with this policy to determine whether it falls within the definition of research misconduct and warrants an inquiry;
- iv. As necessary, take interim action and, in accordance with any federal or state requirement, notify the relevant office of an involved funding entity of special circumstances when required as set forth in this policy;
- v. Sequester and maintain research data and evidence pertinent to the allegation of research misconduct in accordance with this policy;
- vi. Balance the need to provide appropriate confidentiality to those involved in the research misconduct proceeding as required by applicable law and this policy with the sharing of information as appropriate on a need to know basis;
- vii. Notify the respondent and provide opportunities for him/her to review/comment/respond to allegations, evidence, and committee reports in accordance with this policy and applicable regulations of any involved funding entity;
- viii. Inform respondents, complainants, witnesses and members of inquiry and investigation committees of the procedural steps in the research misconduct proceeding and provide procedural guidance throughout the proceeding;

- ix. Keep the Provost and UNT System Office of General Counsel apprised of the progress of the review of the allegation of research misconduct;
- x. Notify and make reports to the relevant office of an involved funding entity in accordance with federal or state requirements or as appropriate;
- xi. Ensure that administrative actions taken by UNT Dallas and the relevant office of any involved funding entity are enforced and take appropriate action to notify other involved parties, such as sponsors, law enforcement agencies, professional societies, and licensing boards of those actions, as required or as appropriate; and
- xii. Maintain records of the research misconduct proceeding and, in accordance with any federal or state requirement, make them available to the relevant office of an involved funding entity as set forth in this policy and to other parties as required by law.
- xiii. Review any reports of retaliation and, as necessary and appropriate, make all reasonable and practical efforts to counter any potential or actual retaliation.

Responsible Party: APAA

UNT Dallas faculty, staff and students are responsible for reporting observed, suspected, or apparent research misconduct to the APAA, the Provost, or the Office of General Counsel. Any UNT Dallas official who receives an allegation of research misconduct must report it immediately to the APAA. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may meet with or contact the APAA to discuss the suspected research misconduct informally, which may include discussing it anonymously and/or hypothetically. If the circumstances described by the individual do not meet the definition of research misconduct, the APAA will refer the individual or allegation to other UNT Dallas offices or officials with responsibility for resolving the problem.

At any time, UNT Dallas faculty, staff and students may have discussions and consultations about concerns of possible misconduct with the APAA and will be counseled about appropriate procedures for reporting allegations. UNT Dallas faculty, staff and students will cooperate with the APAA and other UNT Dallas officials in the review of allegations and the conduct of inquiries and investigations. Institutional members, including respondents, have an obligation to provide evidence relevant to research misconduct allegations to the APAA or other UNT Dallas officials.

UNT Dallas faculty, staff, and students may not retaliate in any way against complainants, witnesses, or committee members. Institutional members should immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the APAA.

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry, investigation and research misconduct proceeding.

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry, investigation and research misconduct proceeding.

Responsible Party: UNT Dallas Faculty, Staff and Students; Complainant;  
Respondent

The Provost will serve as the Deciding Official for the purposes of this policy. The Provost will appoint the chair and the members of the inquiry committee and the investigation committee. The Provost will receive the inquiry report and after consulting with the APAA, decide whether an investigation is warranted under this policy. Any finding that an investigation is warranted must be made in writing by the Provost. If there is a federal or state requirement to provide notice, then the written findings and a copy of the inquiry report must be provided to the relevant office of an involved funding entity within 30 days of the finding. If it is found that an investigation is not warranted, the Provost will ensure that detailed documentation of the inquiry is retained for at least 7 years after termination of the inquiry or for the required period under the UNT Dallas records retention schedule, whichever is longer.

The Provost will receive the investigation report and, after consulting with the APAA and other appropriate officials, decide the extent to which UNT Dallas accepts the findings of the investigation and, if research misconduct is found, determine what, if any, administrative actions are appropriate. If there is a federal or state requirement to do so, then the Provost shall ensure that the final investigation report, the findings of the Provost and a description of any pending or completed administrative actions taken are provided to the relevant office of an involved funding entity.

At any time during the research misconduct proceeding, if the respondent admits that research misconduct occurred and that he/she committed the research misconduct, the Provost, with the advice of the APAA and the Office of General Counsel, may terminate the review of an allegation that has been admitted, subject to obtaining prior approval from the relevant office of an involved funding entity if required by federal or state statute or regulation. The Provost's decision to terminate the review of an admitted allegation shall be final.

Responsible Party: Provost

## **Confidentiality Responsibilities During the Research Misconduct Proceeding**

Those involved in the research misconduct proceeding shall: (1) limit disclosure of the identity of respondents and complainants to those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding or to those who have some other institutional need to know; and (2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct proceeding or to those who have some other institutional need know. The APAA will inform the respondents and complainants about the importance of confidentiality with respect to research misconduct proceedings. At the initiation of an inquiry or investigation, the UNT System Office of General Counsel will inform the members of the Inquiry Committee and the Investigation Committee about the importance of confidentiality with respect to committee proceedings.

Responsible Party: Provost, APAA, Complainant, Respondent, Inquiry and Investigation Committee Members, UNT System Office of General Counsel

## **Interim Administrative Actions and Notifying Funding Entity of Special Circumstances.**

Throughout the research misconduct proceeding, the APAA in conjunction with the Provost will consider whether there is any threat of harm to public health, research funds and equipment, or the integrity of any funded research process. In the event of such a threat, the APAA will, in consultation with other UNT Dallas officials and the relevant office of any involved funding entity (if there is a federal or state requirement), take appropriate interim action to protect against any such threat. Interim action might include additional monitoring of the research process and the handling of research funds and equipment, reassignment of personnel or of the responsibility for the handling of research funds and equipment, additional review of research data and results or delaying publication. The APAA shall, at any time during a research misconduct proceeding, immediately notify the relevant office of an involved funding entity in accordance with federal or state notification requirements or as he/she deems necessary to meet a health or safety concern, if he/she has reason to believe that any of the following conditions exist:

- i. health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
- ii. funding entity resources or interests are threatened;
- iii. research activities should be suspended;
- iv. there is a reasonable indication of possible violations of civil or criminal law;
- v. federal or state action is required to protect the interests of those involved in the

research misconduct proceeding;

- vi. the research misconduct proceeding may be made public prematurely and funding entity action may be necessary to safeguard evidence and protect the rights of those involved; or
- vii. the research community or the public should be informed.

Responsible Party: Provost and APAA

### **Assessment Stage.**

Upon receiving an allegation of research misconduct, the APAA will assess the allegation to determine whether it is sufficiently credible and specific so that potential evidence of research misconduct may be identified, and whether the allegation falls within the definition of research misconduct provided in this policy. An inquiry must be conducted if these criteria are met.

The assessment period should be brief. In conducting the assessment, the APAA need not interview the complainant, respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified.

Responsible Party: APAA

### **Inquiry Stage.**

#### Purpose of the Inquiry.

The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to conduct an investigation. An inquiry does not require a full review of all the evidence related to the allegation.

Responsible Party: Inquiry Committee

#### Initiation of the Inquiry and Appointment of the Inquiry Committee.

If the APAA determines that an inquiry is warranted, he or she will initiate the inquiry process and take the following actions:

- i. notify the Provost of the need to establish an inquiry committee.
- ii. make a good faith effort to notify the respondent in writing at the time of or before beginning an inquiry and to provide the respondent with a copy of UNT Dallas' policies and procedures on research misconduct.

- iii. The APAA shall, on or before the date on which the respondent is notified of the allegation, take reasonable and practical steps to obtain custody of, inventory, and sequester research records and evidence needed to conduct the research misconduct proceeding. This evidence must be sequestered in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments.

Responsible Party: APAA

The Provost, in consultation with others as appropriate, will appoint an inquiry committee and committee chair within 30 days of the initiation of the inquiry or as soon thereafter as practical. The inquiry committee must consist of at least three individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry and should include individuals with the appropriate scientific and/or scholarly expertise to evaluate the evidence and issues related to the allegation, interview the respondent and complainant and key witnesses, and conduct the inquiry. When necessary to secure the necessary expertise or to avoid conflicts of interest, the Provost may select committee members from outside UNT Dallas.

The Provost shall notify the respondent of the proposed committee membership. The respondent shall have 10 calendar days to submit an objection to a proposed member based upon a personal, professional, or financial conflict of interest. The Provost will review any such objections and make a final determination as to whether a conflict of interest exists and appoint substitute committee members as needed.

The Provost shall notify the Office of General Counsel of the appointment of an inquiry committee.

Responsible Party: Provost

Charge and First Meeting.

The APAA will prepare a written charge for the inquiry committee that:

- i. sets forth the time for completion of the inquiry;
- ii. describes the allegations and any related issues identified during the allegation assessment;
- iii. states that the purpose of the inquiry is to conduct an initial review of the evidence, including the testimony of the respondent, complainant and key witnesses, to determine whether an investigation is warranted. The inquiry's purpose is not to

determine whether research misconduct definitely occurred or who was responsible;

- iv. States that an investigation is warranted if the committee determines: (1) there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct; and, (2) the allegation may have substance, based on the committee's review during the inquiry.
- v. Informs the inquiry committee that they are responsible for preparing or directing the preparation of a written report of the inquiry that meets the requirements of this policy.

At the committee's first meeting, the APAA will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. At the committee's first meeting, a representative of the UNT System Office of General Counsel will advise the committee on confidentiality and other legal issues pertinent to the inquiry.

Responsible Party: APAA; UNT System Office of General Counsel

#### Inquiry Process.

The APAA will be present or available throughout the inquiry to advise the committee as needed.

The inquiry committee will examine and evaluate relevant research records and materials and may interview the complainant, the respondent, and key witnesses. After consultation with the APAA, the committee members will decide whether an investigation is warranted based on the criteria in this policy. The scope of the inquiry is not required to and does not normally include deciding whether misconduct occurred, determining who committed the research misconduct or conducting exhaustive interviews and analyses. However, if admission of the allegation and of research misconduct is made by the respondent, misconduct may be determined at the inquiry stage by the Provost.

The inquiry, including preparation of the final inquiry report and the decision of the Provost on whether an investigation is warranted, must be completed within 60 calendar days of initiation of the inquiry, unless the Provost determines that circumstances warrant a longer period. If the Provost approves an extension, the inquiry record must include documentation of the reasons for exceeding the 60-day period. The APAA will notify the respondent of any extension.

Responsible Party: Inquiry Committee; APAA

#### The Inquiry Report.

A written inquiry report must be prepared by the inquiry committee that includes the following information: (1) the name and position of the respondent; (2) a description of the allegations

of research misconduct; (3) any funding support, including, for example, grant numbers, grant applications, contracts and publications listing funding support; (4) the basis for recommending or not recommending that the allegations warrant an investigation; (5) any comments on the draft report by the respondent or complainant; (6) any other comments or corrections required to be included under this policy; (7) the names and titles of the committee members and experts who conducted the inquiry; (8) a summary of the inquiry process used; (9) a list of the research records reviewed; (10) summaries of any interviews; and (11) whether any other actions should be taken if an investigation is not recommended.

The APAA shall notify the respondent whether the inquiry found an investigation to be warranted. The notification shall include a copy of the draft inquiry report and the respondent shall have 10 days to review and provide comments. Any comments submitted by the respondent will be attached to the final inquiry report.

Based on the comments, the inquiry committee may revise the draft report as appropriate and prepare it in final form. The committee will deliver the final report to the APAA. If the report has been changed, a copy of the final report will be provided to the respondent.

Responsible Party: Inquiry Committee, APAA

Decision and Notification.

The APAA will transmit the final inquiry report and any comments to the Provost, who will determine in writing whether an investigation is warranted. The inquiry stage is completed when the Provost makes this determination.

The APAA shall ensure that the respondent is provided with the following:

- i. An opportunity to comment on the inquiry report and have his/her comments attached to the report;
- ii. Be notified of the outcome of the inquiry and receive a copy of the inquiry report that includes a copy of UNT Dallas' policies and procedures on research misconduct;
- iii. Be notified in writing of the allegations to be investigated within a reasonable time after the determination that an investigation is warranted, but before the investigation begins.

Responsible Party: Provost; APAA

## **Investigation Stage.**

### **Notification to Funding Entity.**

Within 30 calendar days of the Provost's decision that an investigation is warranted or as soon thereafter as practical, the APAA will comply with any federal or state requirement to provide the relevant office of an involved funding agency with the Provost's written decision and a copy of the inquiry report. The APAA will also notify the Office of General Counsel of the Provost's decision. The APAA will also provide the following information to the relevant office of the involved funding agency, if required by law or as determined appropriate by the Provost: (1) the UNT Dallas policies and procedures under which the inquiry was conducted; (2) the research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and (3) the charges to be considered in the investigation.

**Responsible Party:** Provost; APAA

### **Purpose of the Investigation.**

The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to recommended findings on whether research misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible research misconduct.

**Responsible Party:** Investigation Committee

### **Initiation of the Investigation and Appointment of the Investigation Committee.**

The investigation must begin within 30 calendar days after the determination by the Provost that an investigation is warranted or as soon thereafter as practical. The Provost, in consultation with others as appropriate, will appoint an investigation committee and the committee chair within 30 days of the beginning of the investigation or as soon thereafter as practical. The investigation committee must consist of at least three individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation and should include individuals with the appropriate scientific and/or scholarly expertise to evaluate the evidence and issues related to the allegation, interview the respondent, complainant and key witnesses, and conduct the investigation. Individuals appointed to the investigation committee may also have served on the inquiry committee. When necessary to secure the necessary expertise or to avoid conflicts of interest, the Provost may select committee members from outside UNT Dallas.

The Provost shall notify the respondent of the proposed committee membership. The respondent shall have 10 calendar days for submitting an objection to a proposed member based upon a personal, professional, or financial conflict of interest. The Provost will review

Any such objections and make a final determination as to whether a conflict of interest exists and appoint substitute committee members as needed.

The Provost shall notify the Office of General Counsel of the appointment of an investigation committee.

Responsible Party: Provost

Charge and First Meeting.

The APAA will prepare a written charge for the investigation committee that:

- i. describes the allegations and related issues identified during the inquiry;
- ii. identifies the respondent;
- iii. informs the committee that it must conduct the investigation as prescribed in this policy;
- iv. defines research misconduct;
- v. informs the committee that it must evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, the type and extent of it and who was responsible;
- vi. informs the committee that in order to determine that the respondent committed research misconduct it must find that a preponderance of the evidence establishes that: (1) research misconduct, as defined in this policy, occurred (respondent has the burden of proving by a preponderance of the evidence any affirmative defenses raised, including honest error or a difference of opinion); (2) the research misconduct is a significant departure from accepted practices of the relevant research community; and (3) the respondent committed the research misconduct intentionally, knowingly, or recklessly; and
- vii. informs the committee that it must prepare or direct the preparation of a written investigation report that meets the requirements of this policy and the applicable regulations of any involved funding entity.

The APAA will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation and for developing a specific investigation plan. The investigation committee will be provided with a copy of this policy and the applicable regulations of any involved funding entity. At the first meeting, the Office of General Counsel will advise the investigation committee about confidentiality and legal issues pertinent to the investigation.

Responsible Party: APAA; UNT System Office of General Counsel

Investigation Process.

The APAA will be present or available throughout the investigation to advise the committee as needed. The investigation committee and the APAA must:

- i. use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of each allegation;
- ii. take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
- iii. whenever possible, interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation; and
- iv. pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible research misconduct, and continue the investigation to completion.

If additional instances of possible research misconduct are found by the Investigation Committee, then the APAA and Provost will be informed and the scope of the investigation will be expanded to include them.

The APAA will be responsible for notifying the respondent of any new allegations or instances of research misconduct not addressed in the inquiry or in the initial notice of investigation within a reasonable time after the determination to pursue those allegations as part of the investigation. The APAA shall, on or before the date on which the respondent is notified of the new allegation, take reasonable and practical steps sequester research records and evidence in the same manner as done at the inquiry stage.

Responsible Party: Investigation Committee; APAA

Time for Completion.

The investigation is to be completed within 120 days of the first meeting of the investigation committee, including conducting the investigation, preparing the report of findings, providing the draft report for comment and sending the final report to the relevant office of any involved funding entity unless an extension is granted. If the APAA determines that the investigation will not be completed within this 120-day period and there is a federal or state requirement that

the involved funding entity must approve an extension of time, then the APAA will submit to the relevant office of the involved funding entity a written request for an extension, setting forth the reasons for the delay. In accordance with any federal or state requirement to do so, the APAA will ensure that periodic progress reports are filed with the relevant office of an involved funding entity, if the funding entity grants the request for an extension and directs the filing of such reports. If no funding entity is involved, the APAA will submit any written request for an extension to the Provost, who will decide if the request for an extension will be granted.

Responsible Party: Investigation Committee; APAA

The Investigation Report.

A written report must be prepared by the investigation committee that includes the following information:

- i. describes the nature of the allegation of research misconduct, including identification of the respondent;
- ii. describes and documents any funding entity support, including, for example, the numbers of any grants that are involved, grant applications, contracts, and publications listing any funding entity support;
- iii. describes the specific allegations of research misconduct considered in the investigation;
- iv. includes the UNT Dallas policies and procedures under which the investigation was conducted, unless those policies and procedures were provided to the relevant office of any involved funding entity previously;
- v. identifies and summarizes the research records and evidence reviewed and identifies any evidence taken into custody but not reviewed;
- vi. includes any comments or corrections required to be included under this policy; and
- vii. includes a statement of findings for each allegation of research misconduct identified during the investigation. Each statement of findings must: (1) identify whether the research misconduct was falsification, fabrication, or plagiarism, and whether it was committed intentionally, knowingly, or recklessly; (2) summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the respondent, including any effort by respondent to establish by a preponderance of the evidence that he or she did not engage in research misconduct because of honest error or a difference of opinion; (3) identify any funding entity support; (4) identify whether any publications need correction or retraction; (5) identify the person(s) responsible for the misconduct; and (6) list any current support

or known applications or proposals for support that the respondent has pending with other funding entities.

The APAA must give the respondent a copy of the draft investigation report for comment and, concurrently, a copy of or supervised access to the evidence on which the report is based. The respondent will be allowed 10 days from the date he/she received the draft report to submit comments to the APAA. The respondent's comments must be included and considered in the final report.

Based on the comments, the inquiry committee may revise the draft report as appropriate and prepare it in final form. The APAA will assist the investigation committee in finalizing the draft investigation report, including ensuring that the respondent's comments are included and considered. The committee will deliver the final report to the APAA. If the report has been changed, a copy of the final report will be provided to the respondent.

Responsible Party: Investigation Committee; APAA

#### Decision and Notification.

The APAA will transmit the final investigation report to the Provost, who will determine in writing: (1) whether UNT Dallas accepts the investigation report, its findings, and the recommended institutional actions; and (2) the appropriate institutional actions to be taken in response to findings of research misconduct. Alternatively, the Provost may return the report to the investigation committee with a request for further fact-finding or analysis.

Responsible Party: Provost; APAA

#### Conclusion of the Research Misconduct Proceeding.

When a final decision has been reached, the APAA will normally notify both the respondent and the complainant in writing. After informing the relevant office of any involved funding entity if there is a federal or state requirement to do so, the APAA will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The APAA is responsible for ensuring compliance with all notification requirements of funding or sponsoring entities.

If there is a federal or state requirement to do so and an extension has not been granted, then the APAA must, within the 120-day period for completing the investigation, submit the following to the relevant office of an involved funding entity: (1) a copy of the final investigation report with all attachments; (2) a statement of whether UNT Dallas accepts the findings of the investigation report; (3) a statement of whether UNT Dallas found misconduct and, if so, who committed the misconduct; and (4) a description of any pending or completed

institutional administrative actions against the respondent.

Generally, all inquiries and investigations will be carried through to completion and all significant issues will be pursued diligently. In accordance with any federal or state requirement, the APAA will notify the relevant office of an involved funding entity in advance if there are plans to close a case at the inquiry, investigation, or appeal stage on the basis that respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except: (1) closing of a case at the inquiry stage on the basis that an investigation is not warranted; or (2) a finding of no misconduct at the investigation stage, which must be reported to the funding entity, as prescribed in this policy and the applicable regulations of any involved funding entity.

Responsible Party: APAA

#### Record Retention Requirements.

The APAA must maintain and in accordance with federal and state requirements, provide to the relevant office of any involved funding entity upon request “records of research misconduct proceedings” as that term is defined by the applicable regulations of any involved funding entity. Records of research misconduct proceedings must be maintained in a secure manner for 7 years after completion of the proceeding or the completion of any funding entity proceeding involving the research misconduct allegation or for the applicable retention period under the UNT Dallas records retention schedule, whichever is longer. The APAA is also responsible for providing any information, documentation, research records, evidence or clarification requested by the funding entity to carry out its review of an allegation of research misconduct or of the handling of such an allegation by UNT Dallas.

Responsible Party: APAA

#### Institutional Administrative Actions.

If the Provost determines that research misconduct is substantiated by the findings, he/she will take the appropriate institutional administrative action in accordance with the Faculty Discipline Policy or the appropriate policy applicable to staff. The administrative action to be taken by the Provost may include, but are not limited to:

- i. withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;
- ii. removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or
- iii. initiation of steps leading to possible rank reduction or termination of employment;
- iv. restitution of funds to any involved funding entity as appropriate; or

- v. other actions appropriate to the misconduct.

Responsible Party: Provost

Termination or Resignation of the Respondent.

The termination of the respondent's employment with UNT Dallas, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the research misconduct proceeding or otherwise limit any of UNT Dallas responsibilities under this policy and the applicable regulations of any involved funding entity.

If the respondent, without admitting to the misconduct, elects to resign his or her position after UNT Dallas receives an allegation of research misconduct, the assessment of the allegation will proceed, as well as the inquiry and investigation, as appropriate based on the outcome of the preceding steps. If the respondent refuses to participate in the process after resignation, the APAA and any inquiry or investigation committee will use their best efforts to reach a conclusion concerning the allegations, noting in the report the respondent's failure to cooperate and its effect on the evidence.

Responsible Party: APAA; Inquiry or Investigation Committee

Restoration of the Respondent's Reputation.

Following a final finding of no research misconduct, and after obtaining concurrence by the relevant office of an involved funding entity in accordance with any federal or state requirement, the Provost or APAA shall undertake reasonable and practical efforts to restore the respondent's reputation. Depending on the particular circumstances and the views of the respondent, the APAA should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in any forum in which the allegation of research misconduct was previously publicized, or expunging all reference to the research misconduct allegation from the respondent's personnel file. Any UNT Dallas actions to restore the respondent's reputation should first be approved by the Provost.

Responsible Party: Provost; APAA

Protection of the Complainant, Witnesses and Committee Members.

Upon the completion of the research misconduct proceeding, regardless of whether the institution or the relevant office of any involved funding entity determines that research misconduct occurred, the APAA will undertake all reasonable and practical efforts to protect the

position and reputation of, or to counter potential or actual retaliation against, any complainant who made allegations of research misconduct in good faith and of any witnesses and committee members who cooperate in good faith with the research misconduct proceeding. The Provost will determine, after consulting with the APAA, and with the complainant, witnesses, or committee members, respectively, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them. The APAA is responsible for implementing any steps the Provost approves.

Responsible Party: Provost; APAA

Allegations Not Made in Good Faith.

If relevant, the Provost will determine whether the complainant's allegations of research misconduct were made in good faith, or whether a witness or committee member acted in good faith. If the Provost determines that there was an absence of good faith, he/she will make recommendations to the appropriate administrative officer as to whether any administrative action should be taken against the person who failed to act in good faith.

Responsible Party: Provost

**References and Cross-references.**

U.S. Public Health Service (42 C.F.R. Part 93)

National Science Foundation (NSF 05-131, Chapter IX, Research Misconduct, 930-933)

The Office of Science and Technology (Federal Research Misconduct Policy, 65 Fed. Reg. 76,260, December 6, 2000)

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