

AR 3: Research Misconduct

3.1 Ethical Standards for Research and Other Scholarly Activities

Federal regulations require institutions of higher education receiving federal grants and contracts to have a policy for handling allegations of Research Misconduct. The NSHE Code Chapter 6 prohibits faculty from engaging in “acts of academic dishonesty, including but not limited to cheating, plagiarism, falsifying research data or results, or assisting others to do the same.” This policy applies to all research, whether funded or not.

NS employees must uphold these ethical standards when performing their activities:

1. Project Directors (PDs) and Principal Investigators (PIs) must comply with all internal and external requirements for protecting human subjects, project personnel, and the public, and for ensuring the welfare of laboratory animals.
2. Scholars and researchers must not fall below accepted professional standards in proposing their activities, carrying them out, and reporting their results. Primary data must be scrupulously collected and retained.
3. All participants in scholarly/research activity must avoid both intentional and negligent behavior which may result in violation of the law, dishonesty or fraud, fabrication, falsification, plagiarism, or artificial intelligence misconduct.
4. Cooperative efforts require mutual attention to the integrity of the scholarly processes involved. Joint authorship entails joint responsibility. Each author claiming shared credit must be aware of the risk of shared discredit.
5. Senior scholars and researchers must avoid exploiting junior colleagues and students. Claims of credit, co-authorship, and intellectual property should reflect actual involvement, responsibility, and effort.
6. PDs and PIs performing sponsored scholarly/research activity (supported through a grant, contract, or gift) must be knowledgeable of and responsive to internal and external requirements of financial responsibility and accountability to avoid misallocation, misappropriation, or misuse of sponsor/donor funds.
7. Some funding agencies require training on responsible conduct of research. PIs and grant-funded personnel must complete all such trainings required by the agency funding their project.
8. Present or proposed activities or financial or professional relationships that present a conflict of interest (such as those that affect the objectivity of research or scholarship, give the appearance of being motivated by private financial gain, or involve unacceptable commitments for a scholar/researcher) must be disclosed and approved by the employee’s supervisor and the Provost prior to committing to such activities or relationships.

3.2 Procedures for Addressing Allegations of Research Misconduct

Allegations of misconduct will be dealt with according to the provisions of the NSHE Code, Chapter 6.

1. Allegations of misconduct should be reported in writing to the Executive Vice Provost (EVP) or designee. Allegations must be signed by the submitter. Wherever possible, the allegation must specify details including the date, time, place, people involved, witnesses, and circumstances of the alleged misconduct.
2. The EVP will conduct an inquiry according to NSHE Code Chapter 6, Section 6.8.2, and, based on this inquiry, will determine whether a valid allegation of misconduct exists. The EVP will make a recommendation to the Provost to dismiss the allegation, accept an informal resolution (as described in NSHE Code Section 6.8.2(c)), or conduct a hearing (NSHE Code, Section 6.8.2(d)). If the Provost determines that a hearing is warranted, a hearing will be conducted in accordance with NSHE Code, Sections 6.8.2, 6.8.3, and 6.9. The Provost may instead dismiss the complaint, accept an informal resolution, or determine that a reprimand or warning is appropriate, as set forth in NSHE Code Chapter 6, Section 6.6.
3. Appeals of the Provost's decision must be filed in writing to the EVP by the respondent within 7 calendar days of receiving the decision. Appeals will be conducted according to the requirements and processes described in NSHE Code Chapter 6, Section 6.13.
4. Maintaining confidentiality is the guiding principle for this process, to protect both those making allegations and those against whom allegations are made. As few people as necessary shall be involved in the process, and all records dealing with an allegation, its review, and its disposition shall be treated in accordance with NSHE Code Chapter 6, Sections 6.14 and 6.15. As required by federal law, the EVP 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 proceeding 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. The EVP should use written confidentiality agreements or other mechanisms to ensure that the recipient of any documentation does not make any further disclosure of identifying information.
5. As required, the EVP will issue a final report to the federal Office of Research Integrity (ORI) and/or any external funding agency. Federal ORI jurisdiction only extends to projects for which Public Health Service funds are requested or provided. If reporting to the ORI is required, documentation to substantiate the investigation's findings will be made available to the federal ORI Director, along with a description of any pending or completed administrative actions against the respondent. The EVP will also determine whether law enforcement agencies, professional licensing boards, editors of journals in which falsified reports/data may have been published, or collaborators on the work in question should be notified.

6. Records of research misconduct proceedings must be maintained in a secure manner for 7 years after completion of the proceedings.
7. If an allegation of research misconduct is made regarding a project involving human subjects, the EVP must inform the IRB administrator, which may conduct an audit or other oversight activities according to IRB policy.

3.3 Related Information

- NSHE Code Chapter 6
- NS Institutional Review Board Policy for the Protection of Human Subjects (RE 1.1)
- NS Conflict of Interest and Compensated Outside Services Policy (HR 1)
- U.S. Office of Research Integrity (ORI), <https://ori.hhs.gov/handling-misconduct>

3.3.1 Revision History

- Revisions approved by Dr. Molly Appel on 3/19/2024; Dr. Sarah Frey on 4/16/2024; and President DeRionne Pollard on 8/20/2024.