

Northern Kentucky University Research Misconduct

To meet the requirements of the United States Public Health Service (PHS) regulation, "Public Health Service Policies on Research Misconduct," at 42 C.F.R. Part 93, the Research, Grants and Contracts office has established this written policy to guide researchers, faculty and students through the process of identifying and reporting and research misconduct. This applies not only to externally funded research but also to all research at Northern Kentucky University (NKU).

Research Misconduct

Research misconduct is the 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. Section 93.103.

What is necessary for a finding of Research Misconduct?

- There must be a significant departure from accepted practices of the relevant research community.
- The misconduct must have been committed intentionally, knowingly, or recklessly.
- The allegation must be proven by a preponderance of the evidence. Section 93.104. A 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. Section 93.219.

In the event of possible research misconduct, it should be reported to the Institutional Official (IO). The Office of Research Integrity (ORI) and/or NKU have the right and responsibility to investigate outside of a complainant/witness.

- The IO will evaluate and inform appropriate persons (ie: Dean, Provost, Associate Provost). The IO will gather the facts and review whether the charge of research misconduct is warranted. An inquiry is not a formal hearing. It is designed to separate unjustified or mistaken allegations from real charges of research misconduct. The IO will perform this inquiry in a fair and just manner, requesting a formal committee if deemed appropriate. Possible individuals assisting with the inquiry will not have any conflict of interests, biases and a have related background to judge the issues.

If the charge is deemed warranted, NKU will:

- Make a good faith effort to notify the respondent in writing at the time of or before beginning an inquiry. Sections 93.304(c), 93.307(b).
- Either before or when the institution notifies the respondent of the allegation, inquiry or investigation, promptly take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence, and sequester them in a secure manner, except that where scientific instruments shared by a number of users are involved, custody may be limited to copies of the data or evidence from such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments.
- Provide the respondent an opportunity to comment on the inquiry report and attach to the report any comments from the respondent. Sections 93.304(e), 93.307(f).
- Notify the respondent of the outcome of the inquiry. The notice must include a copy of the inquiry report and include a copy of, or refer to, the final rule and the institution's policies and procedures. Section 93.308(a).
- Within a reasonable amount of time after determining that an investigation is warranted, but before the investigation begins (the investigation must begin within 30 days after the determination that it is warranted), notify the respondent in writing of the allegations to be investigated. The institution must give the respondent written notice of any new allegations within a reasonable time after deciding to pursue allegations not addressed in the inquiry or in the initial notice of investigation. Section 93.310(c).
- Interview the respondent during the investigation, provide the recording or transcript to the respondent for correction, and include it in the record of the investigation. Section 93.310(g).
- Interview during the investigation any witness who has been reasonably identified by the respondent as having information on relevant aspects of the investigation, provide the recording or transcript to the witness for correction, and include it in the record of investigation. Section 93.310(g).
- Must interview the complainant during the investigation, provide the recording or transcript to the complainant for correction, and include it in the record of investigation. Section 93.310(g).
- Give the respondent a copy of the draft investigation report and, concurrently, a copy of, or supervised access to the evidence on which the report is based. Any comments must be submitted within 30 days of the date on which the respondent received the draft report and must be considered by the institution and included in the final report. Sections 93.304(f), 93.312(a).
- May provide the complainant a copy of the draft investigation report or relevant portions of it and, if so, require that comments be submitted within 30 days of the date on which the complainant received the document. Section 93.312(b).
- Must consider any comments made by the complainant on the draft report and include those comments in the final investigation report. Section 93.313(g).
- Disclosure of the identity of respondents and complainants in research misconduct proceedings is limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective, and fair research misconduct proceeding and as allowed by law, but the institution must disclose the identity of respondents and complainants to ORI pursuant to an ORI review of the research misconduct proceeding under Section 93.403 and pursuant to other requirements of the final rule. Section 93.108(a).
- Notify PHS/HHS and ORI of any possible research misconduct associated with biomedical or behavioral research, research training, or activities related to that research or research training, or the institution's PHS supported projects or products of such research at the time of allegations.

In the event of a finding of research misconduct:

- The respondent will be notified and provided an opportunity for appeal, submitted within two weeks of the findings.
- A written appeal of the investigation will be addressed to the IO and Associate Provost for Research.
- A formal report in the required format will be submitted to ORI if the research was related to a federally funded project.

In the event of no finding or misconduct:

- The respondent will be immediately notified in writing.
- Funding agencies will be notified in the appropriate manner.

In the event of unjustified allegations:

- But made in good faith, no disciplinary measures will be taken. All attempts will be made to prevent a similar charge of research misconduct.
- That were found to be inappropriate or unjustly motivated, disciplinary actions will be recommended by the IO and Associate Provost.