



**Policy Chapter:** Chapter 13 Research and Innovation

**Policy Number and Title:** 13.006 Research Misconduct

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## **I. Policy Statement**

In order to maintain the public trust, the University of North Texas is committed to promoting the highest possible ethical standards in research and scholarly conduct. The occurrence of research misconduct undermines the integrity of the institution and damages the reputation of all researchers affiliated with the institution. Therefore, the University must respond appropriately whenever an allegation of research misconduct is made. The purpose of the University's 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.

All institutional members are expected to conduct research with honesty, rigor, and transparency. Each institutional member is responsible for contributing to an organizational culture that establishes, maintains, and promotes research integrity and the responsible conduct of research.

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 Proposal & Award Policies & Procedures Guide, as amended – Chapter XII.C, 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.

## **II. Application of Policy**

- A. This policy applies to all University of North Texas employees (including faculty and staff), students, agents and contractors.
- B. These policies and procedures apply to allegations of research misconduct involving:
  1. Applications or proposals for grant support for research, research training, or activities related to that research or research training.
  2. Research activities.
  3. Research training programs.
  4. Activities that are related to research or research training, such as, but not limited to, the operation of tissue and data banks or the dissemination of research information.
  5. Research records produced during research, research training, or activities related to that research or research training.
  6. Research proposed, performed, reviewed, or reported, as well as any research record generated from that research, regardless of whether an application or proposal for funds resulted in an awarded grant, contract, cooperative agreement, subaward, or other form of support.
- C. These policies and procedures apply only to research misconduct occurring within six years

of the date the University of North Texas receives an allegation of research misconduct, subject to the following exceptions: The six-year time limitation does not apply if the respondent continues or renews any incident of alleged research misconduct that occurred before the six-year period through the use of, republication of, or citation to the portion(s) of the research record alleged to have been fabricated, falsified, or plagiarized, for the potential benefit of the respondent ("subsequent use exception"). For alleged research misconduct that appears subject to this subsequent use exception, but the RIO determines is not subject to the exception, the RIO will document its determination that the subsequent use exception does not apply and will retain this documentation for the later of seven years after completion of the proceeding, or the completion of any HHS proceeding, or for the time-period mandated by the Texas Record Retention Act, whichever is longer.<sup>i</sup>

- D. The six-year time limitation also does not apply if ORI or the University of North Texas, following consultation with ORI, determines that the alleged research misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public or on the reputation of UNT.
- E. These policies and procedures do not supersede or establish an alternative to any existing federal or state laws and regulations for handling research misconduct involving supported research. They do not replace the PHS regulation, and in case of any conflict between this document and 42 CFR Part 93, the PHS regulation will prevail when the allegation of research misconduct relates to federally funded research. They are intended to enable the University of North Texas to comply with the requirements of the PHS regulation and other federal and state requirements related to research and to address allegations of research misconduct in accordance with best practices.

### III. Policy Definitions

#### **A. *Accepted Practices of the Relevant Research Community***

"Accepted Practices of the Relevant Research Community," in this policy means those practices established by 42 CFR Part 93 and by PHS funding components, as well as commonly accepted professional codes or norms within the overarching community of researchers and institutions that apply for and receive grant awards and other types of sponsored research.

#### **B. *Administrative Record***

"Administrative Record," in this policy, comprises: the institutional record; any information provided by the respondent to ORI, including but not limited to the transcript of any virtual or in-person meetings under § 93.403(b) between the respondent and ORI, and correspondence between the respondent and ORI; any additional information provided to ORI while the case is pending before ORI; and any analysis or additional information generated or obtained by ORI. Any analysis or additional information generated or obtained by ORI will also be made available to the respondent.

#### **C. *Allegation***

“Allegation,” in this policy, means a disclosure of possible research misconduct through any means of communication and brought directly to the attention of an institutional official or a funding entity official.

**D. Assessment**

“Assessment,” in this policy, means a consideration of whether an allegation of research misconduct appears to fall within the definition of research misconduct; appears to involve research, research training, or activities related to that research or research training; and is sufficiently credible and specific so that potential evidence of research misconduct may be identified. The assessment only involves the review of readily accessible information relevant to the allegation.

**E. Complainant**

“Complainant,” in this policy, means an individual who in good faith makes an allegation of research misconduct.

**F. Evidence**

“Evidence,” in this policy, means anything offered or obtained during a research misconduct proceeding that tends to prove or disprove the existence of an alleged fact. Evidence includes documents, whether in hard copy or electronic form, information, tangible items, and testimony.

**G. Fabrication**

“Fabrication,” in this policy, means making up data or results and recording or reporting them.

**H. Falsification**

“Falsification,” in this policy, means 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.

**I. Good Faith**

1. “Good faith,” in this policy, as applied to a complainant or witness means having a reasonable belief in the truth of one's allegation or testimony, 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 made with knowledge of or reckless disregard for information that would negate the allegation or testimony.

2. “Good faith,” in this policy, as applied to an institutional or committee member means cooperating with the research misconduct proceeding by impartially carrying out the duties assigned for the purpose of helping UNT meet its responsibilities under this policy and the applicable regulations of a funding entity such as 42 CFR Part 93. An institutional or committee member does not act in good faith if their acts or omissions during the research misconduct proceedings are dishonest or influenced by personal, professional, or financial

conflicts of interest with those involved in the research misconduct proceeding.

***J. Inquiry***

“Inquiry,” in this policy, means preliminary information-gathering and preliminary fact-finding that meets the criteria and follows the procedures of 42 CFR §93.307 through § 93.309 and as set forth in this policy.

***K. Institutional Deciding Official***

“Institutional Deciding Official,” in this policy, means the institutional official who makes final determinations on allegations of research misconduct and any institutional actions. The Vice President for Research and Innovation serves as the Institutional Deciding Official at the University of North Texas.

***L. Institutional Member***

“Institutional Member(s),” in this policy, means an individual (or individuals) who is employed by, is an agent of, or is affiliated by contract or agreement with an institution. 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, students, volunteers, subject matter experts, consultants, or attorneys, or employees or agents of contractors, subcontractors, or sub-awardees.

***M. Institutional Record***

““Institutional Record,” in this policy, comprises: (a) The records that the institution compiled or generated during the research misconduct proceeding, except records the institution did not consider or rely on. These records include but are not limited to (1) documentation of the assessment as required by § 93.306(c); (2) if an inquiry is conducted, the inquiry report and all records (other than drafts of the report) considered or relied on during the inquiry, including, but not limited to, research records and the transcripts of any transcribed interviews conducted during the inquiry, information the respondent provided to the institution, and the documentation of any decision not to investigate as required by § 93.309(c); (3) if an investigation is conducted, the investigation report and all records (other than drafts of the report) considered or relied on during the investigation, including, but not limited to, research records, the transcripts of each interview conducted pursuant to § 93.310(g), and information the respondent provided to the institution; (4) decision(s) by the Institutional Deciding Official, such as the written decision from the Institutional Deciding Official under § 93.314; (5) the complete record of any institutional appeal consistent with § 93.315; (b) a single index listing all the research records and evidence that the institution compiled during the research misconduct proceeding, except records the institution did not consider or rely on; and (c) a general description of the records that were sequestered but not considered or relied on.

***N. Intentionally***

“Intentionally,” in this policy, means to act with the aim of carrying out the act.

**O. Investigation**

“Investigation,” in this policy, means the formal development of a factual record and the examination of that record that meets the criteria and follows the procedures of 42 CFR §§ 93.310 through 93.317 and as set forth in this policy.

**P. Knowingly**

“Knowingly,” in this policy, means to act knowingly means to act with awareness of the act.

**Q. Plagiarism**

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

1. Plagiarism includes the unattributed verbatim or nearly verbatim copying of sentences and paragraphs from another's work that materially misleads the reader regarding the contributions of the author. It does not include the limited use of identical or nearly identical phrases that describe a commonly used methodology.

2. Plagiarism does not include self-plagiarism or authorship or credit disputes, including disputes among former collaborators who participated jointly in the development or conduct of a research project. Self-plagiarism and authorship disputes do not meet the definition of research misconduct.

**R. Preponderance of the Evidence**

“Preponderance of the Evidence,” in this policy, means proof by evidence that, compared with evidence opposing it, leads to the conclusion that the fact at issue is more likely true than not.

**S. Support**

“Support,” in this policy, means funding, or applications or proposals for funding, for research, research training, or activities related to that research or training, that may be provided through funding for intramural research; grants, cooperative agreements, or contracts; subawards, contracts, or subcontracts under those funding instruments; or salary or other payments under grants, cooperative agreements, or contracts.

**T. Recklessly**

“Recklessly,” in this policy, means to propose, perform, or review research, or report research results, with indifference to a known risk of fabrication, falsification, or plagiarism.

**U. Research**

“Research,” in this policy, means a systematic experiment, study, evaluation, demonstration or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research) establishing, discovering, developing, elucidating or

confirming information about, or the underlying mechanism relating to, biological or social-behavioral causes, functions or effects, or related matters to be studied.

**V. *Research Integrity Officer***

“Research Integrity Officer (RIO),” in this policy, refers to the institutional official responsible for administering UNT's written policies and procedures for addressing allegations of research misconduct in compliance with 42 CFR Part 93 and this policy. The Associate Vice President for Research and Innovation serves as the RIO at the University of North Texas.

**W. *Research Misconduct***

“Research Misconduct,” in this policy, means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest error or differences of opinion.

**X. *Research Misconduct Proceeding***

“Research Misconduct Proceeding,” in this policy, means any actions related to alleged research misconduct, including allegation assessments, inquiries, investigations, ORI oversight reviews, hearings and appeals.

**Y. *Research Record***

“Research Record,” in this policy, means the record of data or results that embody the facts resulting from scientific inquiry. Data or results may be in physical or electronic form. Examples of items, materials, or information that may be considered part of the research record include, but are not limited to, research proposals, raw data, processed data, clinical research records, laboratory records, study records, laboratory notebooks, progress reports, manuscripts, abstracts, theses, records of oral presentations, online content, lab meeting reports, and journal articles.

**Z. *Respondent***

“Respondent,” in this policy, means the individual against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.

**AA. *Retaliation***

“Retaliation,” in this policy, means an adverse action taken against a complainant, witness, or committee member by an institution or one of its members in response to (a) a good faith allegation of research misconduct or (b) good faith cooperation with a research misconduct proceeding.

**BB. *Suspension and Debarment Official***

“Suspension and Debarment Official (SDO),” in this policy, means the official authorized to impose suspension and debarment, which are the actions that Federal agencies take to disqualify persons deemed not presently responsible from doing business with the Federal Government.

#### **IV. Policy Responsibilities**

##### ***A. University of North Texas General Responsibilities***

The appropriate UNT officials (the IDO, RIO, and other designated officials) will limit disclosure of the identity of respondents, complainants, and witnesses while conducting the research misconduct proceedings to those who need to know; when in the best interests of UNT; when required by policy or procedure, regulation, statute or by a funding agency; or when required by a funding entity. The RIO and other designated officials will inform institutional members about these policies and procedures and make these policies and procedures publicly available.

The RIO will consider each allegation of research misconduct in a thorough, competent, objective, and fair research misconduct proceeding and as required by law, regulation and this policy. The RIO will take all reasonable and practical steps to ensure the cooperation of respondents and other institutional members with research misconduct proceedings, including, but not limited to, their providing information, research records, and other evidence. UNT agrees to cooperate with ORI during any research misconduct proceeding or compliance review, including addressing deficiencies or additional allegations in the institutional record if directed by ORI and to assist in administering and enforcing any administrative actions imposed on institutional members. UNT may also take steps to manage published data or acknowledge that data may be unreliable.

##### ***B. University of North Texas's Responsibilities During and After a Research Misconduct Proceeding***

1. Except as may otherwise be prescribed by applicable law, the appropriate UNT officials (the IDO, RIO, and other designated officials) and those involved in the research misconduct proceedings will maintain confidentiality for any records or evidence from which research subjects might be identified and will limit disclosure to those who need to know to carry out a research misconduct proceeding; when in the best interests of UNT; when required by policy or procedure, regulation, statute or by a funding agency; or when required by a funding entity. Before or at the time of notifying the respondent of the allegation(s) and whenever additional items become known or relevant, the RIO will promptly take all reasonable and practical steps to obtain all research records and other evidence and sequester them securely. The RIO will ensure that the institutional record contains all required elements, i.e., research records that were compiled and considered during the proceedings, assessment documentation, and inquiry and/or investigation reports. For federally funded research, upon completion of the inquiry, the RIO will provide ORI with the complete inquiry report and add it to the institutional record. The RIO will maintain the institutional record and copies or the originals of all sequestered research records and other evidence in a secure manner for seven years after completion of the proceedings or for the time-period mandated by the Texas Record Retention Act, whichever is longer, and custody of all records shall not be transferred to HHS until this time-period has elapsed. Further, in the event of legal action or other action that may

require usage of records, then the records shall be maintained until there is no longer a potential need for the records.

2. The RIO will provide information related to the alleged research misconduct and proceedings to ORI upon request and provide copies of the institutional record or any component of it and any sequestered evidence, regardless of whether the evidence is included in the institutional record.
3. Disclosure of the identity of respondents, complainants, and witnesses while the institution is conducting the research misconduct proceedings is limited in accordance with this policy, which the institution will determine consistent with a thorough, competent, objective, and fair research misconduct proceeding, and as allowed by law. Those who need to know may include institutional review boards, journals, editors, publishers, co-authors, and collaborating institutions.

***C. University of North Texas's Responsibilities to the Complainant(s)***

The University of North Texas will provide confidentiality consistent with this policy for all complainants in a research misconduct proceeding. The RIO will also take precautions to ensure that individuals responsible for carrying out any part of the research misconduct proceeding do not have potential, perceived, or actual personal, professional, or financial conflicts of interest with the complainant(s). UNT agrees to take reasonable and practical steps to protect the positions and reputations of complainants and to protect these individuals from retaliation by respondents and/or other institutional members. If the RIO chooses to notify one complainant of the inquiry results in a case, all complainants will be notified, to the extent possible.

***D. University of North Texas's Responsibilities to the Respondent(s)***

1. As with complainants, the University of North Texas will provide confidentiality consistent with this policy to all respondents in a research misconduct proceeding. The RIO will make a good-faith effort to notify the respondent(s) in writing of the allegations being made against them. The RIO will take precautions to ensure that individuals responsible for carrying out any part of the research misconduct proceeding do not have unresolved personal, professional, or financial conflicts of interest with the respondent. The RIO is responsible for giving the respondent(s) copies of or supervised access to the sequestered research records. The RIO will notify the respondent whether the inquiry found that an investigation is warranted, provide the respondent(s) an opportunity to review and comment on the inquiry report, and attach their comments to the inquiry report. If an investigation is commenced, the RIO must notify the respondent, give written notice of any additional allegations raised against them not previously addressed by the inquiry report, and allow the respondent(s) an opportunity to review copies of the witness transcripts. The RIO will give the respondent(s) an opportunity to read and comment on the draft investigation report and any information or allegations added to the institutional record.

2. The burden of proof is by a preponderance of the evidence for a finding of research misconduct. The University of North Texas will make reasonable, practical efforts, as appropriate, to protect or restore the reputation of respondents against whom no finding of research misconduct is made.

***E. University of North Texas's Responsibilities to Committee Members***

The RIO will ensure that a committee or person acting on the university's behalf conducts research misconduct proceedings in compliance with the PHS regulation and this policy. University of North Texas will take all reasonable and practical steps to protect the positions and reputations of good-faith committee members and to protect these individuals from retaliation.

***F. University of North Texas's Responsibilities to the Witness(es)***

The University of North Texas will provide confidentiality consistent with this policy for all witnesses. The RIO will take precautions to ensure that individuals responsible for carrying out any part of the proceedings do not have unresolved personal, professional, or financial conflicts of interest with the witnesses. The university will also take all reasonable and practical steps to protect the positions and reputations of witnesses and to protect these individuals from retaliation.

***G. Research Integrity Officer***

1. The Associate Vice President for Research and Innovation serves as the Research Integrity Officer (RIO) and is the institutional official responsible for administering the University of North Texas's written policies and procedures for addressing allegations of research misconduct in compliance with the PHS regulation and this policy. The RIO will not serve as the Institutional Deciding Official.
2. Upon receiving an allegation of research misconduct, the RIO will promptly assess the allegation to determine whether the allegation (a) is within the definition of research misconduct under the PHS regulation, (b) is within the applicability criteria of the regulation at § 93.102, and (c) is sufficiently credible and specific so that potential evidence of research misconduct may be identified. If the RIO determines that the requirements for an inquiry are met, they shall document the assessment, promptly sequester all research records and other evidence per the PHS regulation, and promptly initiate the inquiry. If the RIO determines that requirements for an inquiry are not met, they will keep sufficiently detailed documentation of the assessment to permit a later review by ORI of the reasons why the University of North Texas did not conduct an inquiry. The RIO will keep this documentation and related records in a secure manner for seven years or for the time-period mandated by the Texas Record Retention Act, whichever is longer.

***H. Complainant***

The complainant is the person who in good faith makes an allegation of research misconduct. The complainant brings research misconduct allegations directly to the

attention of an institutional official through any means of communication. The complainant will make allegations in good faith, as it is defined in this policy, as having a reasonable belief in the truth of one's allegation or testimony, based on the information known to the complainant at the time. The complainant will cooperate in good faith with the research misconduct proceeding.

#### ***I. Respondent***

1. The respondent is the individual against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding. The respondent is responsible for proving, by a preponderance of evidence, any affirmative defenses raised. The respondent's destruction of research records documenting the questioned research is evidence of research misconduct where a preponderance of evidence establishes that the respondent intentionally or knowingly destroyed records after being informed of the research misconduct allegations. The respondent's failure to provide research records documenting the questioned research is evidence of research misconduct where the respondent claims to possess the records but refuses to provide them upon request. The respondent will cooperate in good faith with the research misconduct proceeding.
2. The respondent may not be present during the witnesses' interviews but will be provided a transcript of the interview after it takes place. The respondent will have opportunities to (a) view and comment on the inquiry report, (b) view and comment on the investigation report, and (c) submit any comments on the draft investigation report to the RIO within 10 calendar days of receiving it.
3. If admitting to research misconduct, the respondent will sign a written statement specifying the affected research records and confirming the misconduct was falsification, fabrication, and/or plagiarism; committed intentionally, knowingly, or recklessly; and a significant departure from accepted practices of the relevant research community.

#### ***J. Committee Members***

1. Committee members are experts who act in good faith to cooperate with the research misconduct proceedings by impartially carrying out their assigned duties for the purpose of helping UNT meet its responsibilities under this policy and federal regulation. Committee members will have relevant scientific expertise and be free of real or perceived conflicts of interest with any of the involved parties.
2. Committee members or anyone acting on behalf of the University of North Texas will conduct research misconduct proceedings consistent with this policy. They will determine whether an investigation is warranted, documenting the decision in an inquiry report. During an investigation, committee members participate in recorded interviews of 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(s). They will also

determine whether or not the respondent(s) engaged in research misconduct and document the decision in the investigation report. They consider respondent and/or complainant comments on the inquiry/investigation report(s) and document that consideration in the investigation report.

3. An investigation into multiple respondents may convene with the same investigation committee members or anyone acting on behalf of the University of North Texas, but there will be separate investigation reports and separate research misconduct determinations for each respondent. Committee members may serve for more than one investigation, in cases with multiple respondents. Committee members may also serve for both the inquiry and the investigation.

#### ***K. Witnesses***

Witnesses are people whom the University of North Texas has reasonably identified as having information regarding any relevant aspects of the investigation. Witnesses provide information for review during research misconduct proceedings. Witnesses will cooperate with the research misconduct proceedings in good faith and have a reasonable belief in the truth of their testimony, based on the information known to them at the time.

#### ***L. Institutional Deciding Official***

The Vice President for Research and Innovation is the Institutional Deciding Official (IDO) and makes the final determination of research misconduct findings. The IDO documents their determination in a written decision that includes whether research misconduct occurred, and if so, what kind and who committed it, and a description of the relevant actions the University of North Texas has taken or will take. The IDO's written decision becomes part of the institutional record.

#### ***M. Procedures for Addressing Allegations of Research Misconduct***

1. Assessment
  - a. An assessment's purpose is to determine whether an allegation warrants an inquiry. An assessment is intended to be a review of readily accessible information relevant to the allegation.
  - b. Upon receiving an allegation of research misconduct, the RIO will promptly determine whether the allegation (a) falls within the definition of research misconduct, (b) is within the applicability criteria of 42 CFR Part 93 § 93.102 and this policy, and (c) is credible and specific enough to identify and sequester potential evidence.
  - c. If the RIO determines that the allegation meets these three criteria, they will promptly: (a) document the assessment and (b) initiate an inquiry and sequester all research records and other evidence. The RIO must document the assessment and retain the assessment documentation securely for seven years after completion of the misconduct proceedings or for the time-period mandated by the Texas Record

Retention Act, whichever is longer.

- d. If the RIO determines that the alleged misconduct does not meet the criteria to proceed to an inquiry, they will write sufficiently detailed documentation to permit a later review by ORI of why the University of North Texas did not proceed to an inquiry and securely retain this documentation for seven years or for the time-period mandated by the Texas Record Retention Act, whichever is longer.

## 2. Inquiry

- a. An inquiry is warranted if the allegation (i) falls within the definition of research misconduct, (ii) is within the applicability criteria of § 93.102 and this policy, and (iii) is sufficiently credible and specific so that potential evidence of research misconduct may be identified. An inquiry's purpose is to conduct an initial review of the evidence to determine whether an allegation warrants an investigation. An inquiry does not require a full review of all related evidence.
- b. If the inquiry is warranted, then the IDO will appoint members to an inquiry committee and appoint a chair. The RIO will attend committee meetings and serve in an advisory capacity.
- c. The Inquiry Committee will complete the inquiry within 90 days of initiating it unless circumstances warrant a longer period, in which it will sufficiently document the reasons for exceeding the time limit in the inquiry report.

## 3. Sequestering Evidence and Notifying the Respondent

- a. Before or at the time of notifying the respondent(s), the RIO will obtain the original or substantially equivalent copies of all research records and other evidence that are pertinent to the proceeding, inventory these materials, sequester the materials in a secure manner, and retain them for seven years or for the time-period mandated by the Texas Record Retention Act, whichever is longer. The RIO has a duty to obtain, inventory, and securely sequester evidence that extends to whenever additional items become known or relevant to the inquiry or investigation.
- b. At the time of or before beginning the inquiry, the RIO will make a good-faith effort to notify the presumed respondent(s), in writing, that an allegation(s) of research misconduct has been raised against them, the relevant research records have been sequestered, and an inquiry will be conducted to decide whether to proceed with an investigation. If additional allegations are raised, the RIO will notify the respondent(s) in writing. When appropriate, the RIO will give the respondent(s) copies of, or reasonable supervised access to, the sequestered materials.
- c. If additional respondents are identified, the RIO will provide written notification to the new respondent(s). All additional respondents will be given the same rights and opportunities as the initial respondent. Only allegations specific to a particular respondent will be included in the notification to that respondent.

#### 4. Convening the Committee and Ensuring Neutrality

The RIO will ensure that all inquiry committee members understand their commission, keep the identities of respondents, complainants, and witnesses confidential, and conduct the research misconduct proceedings in compliance with the PHS regulation and this policy.

#### 5. Determining Whether an Investigation Is Warranted

- a. The inquiry committee will conduct a preliminary review of the evidence. In the process of fact-finding, the inquiry committee may interview the respondent and/or witnesses. An investigation is warranted if (a) there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and involves research, research training, or activities related to that research or research training; and (b) preliminary information-gathering and fact-finding from the inquiry indicates that the allegation may have substance.
- b. The inquiry committee will not determine if research misconduct occurred, nor assess whether the alleged misconduct was intentional, knowing, or reckless; such a determination is not made until the case proceeds to an investigation.

#### 6. Documenting the Inquiry

- a. At the conclusion of the inquiry, regardless of whether an investigation is warranted, the inquiry committee will prepare a written inquiry report. The contents of a complete inquiry report will include:
  - i. The names, professional aliases, and positions of the respondent and complainant(s).
  - ii. A description of the allegation(s) of research misconduct.
  - iii. Details about funding, including any grant numbers, grant applications, contracts, and publications listing support.
  - iv. The composition of the inquiry committee, if used, including name(s), position(s), and subject matter expertise.
  - v. An inventory of sequestered research records and other evidence and description of how sequestration was conducted.
  - vi. Transcripts of interviews, if transcribed.
  - vii. Inquiry timeline and procedural history.
  - viii. Any scientific or forensic analyses conducted.
  - ix. The basis for recommending that the allegation(s) warrant an investigation.
  - x. The basis on which any allegation(s) do not merit further investigation.

- xi. Any comments on the inquiry report by the respondent or the complainant(s).
- xii. Any institutional actions implemented, including internal communications or external communications with journals or funding agencies.
- xiii. Documentation of potential evidence of honest error or difference of opinion.

## 7. Completing the Inquiry

- a. The RIO will give the respondent a copy of the draft inquiry report for review and comment. The RIO may, but is not required to, provide relevant portions of the report to a complainant for comment.
- b. The RIO will notify the respondent of the inquiry's final outcome and provide the respondent with copies of the final inquiry report, the PHS regulation if federally funded research is involved, and this policy. The RIO may, but is not required to, notify a complainant whether the inquiry found that an investigation is warranted. If the RIO provides notice to one complainant in a case, it must provide notice, to the extent possible, to all complainants in the case.

### c. If an Investigation Is Not Warranted

If the inquiry committee determines that an investigation is not warranted and the IDO upholds that recommendation, the RIO will keep sufficiently detailed documentation to permit a later review by ORI of why UNT did not proceed to an investigation, store these records in a secure manner for at least seven years after the termination of the inquiry or for the time-period mandated by the Texas Record Retention Act, whichever is longer.

### d. If an Investigation is Warranted

If the inquiry committee determines that an investigation is warranted and the IDO agrees with that recommendation, the RIO must: (a) within a reasonable amount of time after this decision, provide written notice to the respondent(s) of the decision to conduct an investigation of the alleged misconduct, including any allegations of research misconduct not addressed during the inquiry; and (b) within 30 days of determining that an investigation is warranted, provide ORI with a copy of the inquiry report.

- e. The RIO may, but is not required to, notify the complainant that there will be an investigation of the alleged misconduct but is required to take the same notification action for all complainants in cases where there is more than one complainant.

## 8. Investigation

The purpose of an investigation is to formally develop a factual record, pursue leads,

examine the record, and recommend finding(s) to the IDO, who will make the final decision, based on a preponderance of evidence, on each allegation and any institutional actions. As part of its investigation, the institution will pursue diligently all significant issues and relevant leads, including any evidence of additional instances of possible research misconduct, and continue the investigation to completion. Within 30 days after deciding an investigation is warranted, IDO will notify ORI of the decision to investigate and begin the investigation.

a. Notifying the Respondent and Sequestering Evidence

The RIO will notify the respondent(s) of the allegation(s) within 30 days of determining that an investigation is warranted and before the investigation begins. If any additional respondent(s) are identified during the investigation, the RIO will notify them of the allegation(s) and provide them an opportunity to respond. If additional respondents are identified during the investigation, the RIO may choose to either conduct a separate inquiry or add the new respondent(s) to the ongoing investigation. The institution will obtain the original or substantially equivalent copies of all research records and other evidence, inventory these materials, sequester them in a secure manner, and retain them for seven years after its proceeding, or any HHS proceeding, or for the time-period mandated by the Texas Record Retention Act, whichever is longer.

b. Convening an Investigation Committee

If an investigation is warranted, then the IDO will appoint members to an investigation committee and appoint a chair. The RIO will attend committee meetings and serve in an advisory capacity.

After vetting investigation committee members for conflicts of interest and appropriate scientific expertise, the RIO will convene the committee and ensure that the members understand their responsibility to conduct the research misconduct proceedings in compliance with this policy. The investigation committee will conduct interviews, pursue leads, and examine all research records and other evidence relevant to reaching a decision on the merits of the allegation(s). The investigation committee will use diligent efforts to ensure that the investigation is thorough, sufficiently documented, and impartial and unbiased to the maximum extent practicable. The RIO will notify the respondent in writing of any additional allegations raised against them during the investigation.

c. Conducting Interviews

The investigation committee will interview each respondent, complainant(s), 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. The committee will number all relevant exhibits and refer to any exhibits shown to the interviewee during the interview

by that number. The committee will record and transcribe interviews during the investigation and make the transcripts available to the interviewee for correction. The committee will include the transcript(s) with any corrections and exhibits in the institutional record of the investigation. The respondent may not be present during the witnesses' interviews, but the RIO will provide the respondent with a transcript of each interview, with redactions as appropriate.

d. Documenting the Investigation

- i. UNT will complete all aspects of the investigation within 180 days. The investigation committee will conduct the investigation, prepare the draft investigation report for each respondent, and provide the opportunity for respondents to comment. The IDO will document their final decision and for allegations involving federally funded research, transmit the institutional record (including the final investigation report and IDO's decision) to ORI. For federally funded research, If the investigation takes more than 180 days to complete, the IDO will ask ORI in writing for an extension and document the reasons for exceeding the 180-day period in the investigation report.
- ii. The investigation report for each respondent will include:
  - a. Description of the nature of the allegation(s) of research misconduct, including any additional allegation(s) addressed during the research misconduct proceeding.
  - b. Description and documentation of funding support, including any grant numbers, grant applications, contracts, and publications listing funding support. This documentation includes known applications or proposals for support that the respondent has pending with PHS and non-PHS Federal agencies.
  - c. Description of the specific allegation(s) of research misconduct for consideration in the investigation of the respondent.
  - d. Composition of investigation committee, including name(s), position(s), and subject matter expertise.
  - e. Inventory of sequestered research records and other evidence, except records the institution did not consider or rely on. This inventory will include manuscripts and funding proposals that were considered or relied on during the investigation. The inventory will also include a description of how any sequestration was conducted during the investigation.
  - f. Transcripts of all interviews conducted.
  - g. Identification of the specific published papers, manuscripts submitted

but not accepted for publication (including online publication), funding applications, progress reports, presentations, posters, or other research records that contain the allegedly falsified, fabricated, or plagiarized material.

- h. Any scientific or forensic analyses conducted.
  - i. A copy of these policies and procedures.
  - j. Any comments made by the respondent and complainant(s) on the draft investigation report and the committee's consideration of those comments.
  - k. A statement for each separate allegation of whether the committee recommends a finding of research misconduct.
- iii. If the committee recommends a finding of research misconduct for an allegation, the investigation report will present a finding for each allegation. These findings will (a) identify the individual(s) who committed the research misconduct; (b) indicate whether the misconduct was falsification, fabrication, and/or plagiarism; (c) indicate whether the misconduct was committed intentionally, knowingly, or recklessly; (d) identify any significant departure from the accepted practices of the relevant research community and that the allegation was proven by a preponderance of the evidence; (e) summarize the facts and analysis supporting the conclusion and consider the merits of any explanation by the respondent; (f) identify the specific funding support; and (g) state whether any publications need correction or retraction.
  - iv. If the investigation committee does *not* recommend a finding of research misconduct for an allegation, the investigation report will provide a detailed rationale for its conclusion.
  - v. The investigation committee should also provide a list of any current support or known applications or proposals for support that the respondent has pending with PHS and non-PHS Federal agencies.
- e. Completing the Investigation

The RIO will give the respondent a copy of the draft investigation report and, concurrently, a copy of, or supervised access to, the research records and other evidence that the investigation committee considered or relied on. The respondent will submit any comments on the draft report to the institution within 10 days of receiving the draft investigation report. If the RIO chooses to share a copy of the draft investigation report or relevant portions of it with the complainant(s) for comment, the complainant's comments will be submitted within 10 days of the date on which they received the report. The institution will add any comments received to the investigation report.

f. IDO Review of the Investigation Report

The IDO will review the investigation report and for each allegation will make a final written determination regarding a finding of research misconduct and, if so, who committed the misconduct. In this statement, the IDO will include a description of relevant institutional actions taken or to be taken by the Division of Research and Innovation and whether the final determination will be referred to other institutional officials for possible further administrative action.

g. Creating and Transmitting the Institutional Record

- i. The RIO is responsible for maintaining the records of the research misconduct proceeding. Records of research misconduct proceedings must be maintained in a secure manner in compliance with state and federal record management requirements.
- ii. After the IDO has made a final determination of research misconduct findings, the IDO's written decision will be added to the investigation report and organize the institutional record in a logical manner.
- iii. The institutional record consists of the records that were compiled or generated during the research misconduct proceeding, except records the institution did not rely on. These records include documentation of the assessment, a single index listing all research records and evidence, the inquiry report and investigation report, and all records considered or relied on during the investigation. The institutional record also includes the IDO's final decision and any information the respondent provided. The institutional record must also include a general description of the records that were sequestered but not considered or relied on.
- iv. If the respondent filed an appeal, the complete record of any institutional appeal also becomes part of the institutional record. After the IDO has made a final written determination, and any institutional appeal is complete, the University of North Texas will transmit a copy of the institutional record to ORI.
- v. The University of North Texas will maintain the institutional record and all sequestered evidence, including physical objects (regardless of whether the evidence is part of the institutional record), in a secure manner for seven years after the completion of the proceeding or the completion of any HHS proceeding, or the time-period mandated by the Record Retention Act, whichever is later. Further, in the event of legal action or other action that may require usage of records, then the records shall be maintained until there is no longer a potential need for the records.

h. Other Considerations and Responsibilities related to the Research Misconduct Proceeding

i. Conflicts of Interest

The RIO is responsible for determining whether each person involved in handling an allegation of research misconduct has an unresolved personal, professional, or financial conflict of interest and taking appropriate action, including recusal, to ensure that no person with such conflict is involved in the research misconduct proceeding.

ii. Multiple Institutions and Multiple Respondents

If the alleged research misconduct involves multiple institutions, the University of North Texas may work closely with the other affected institutions to determine whether a joint research misconduct proceeding will be conducted.

iii. Early Termination of the Review of an Allegation

The University of North Texas will carry inquiries and investigations through to completion and pursue diligently all significant issues. After consultation with institutional leadership and the Office of General Counsel, the IDO may terminate review of an allegation that has been admitted, subject to obtaining prior approval from the relevant office of an involved funding entity in accordance with any federal or state requirement. If no funding entity is involved, the IDO's decision to terminate the review of an admitted allegation shall be final.

iv. Respondent Admissions

Respondent admissions must be made in writing and be sufficiently detailed to confirm the respondent's culpability and explain how the respondent's admission addresses the scope of each allegation of research misconduct. The admission must state the specific fabrication, falsification, or plagiarism that occurred, the research affected, and that it constituted a significant departure from accepted practices of the relevant research community.

For federally funded research, the IDO will promptly notify ORI in advance if at any point during the proceedings (including the assessment, inquiry, investigation, or appeal stage) it plans to close a research misconduct case because the respondent has admitted to committing research misconduct or a settlement with the respondent has been reached. If the respondent admits to research misconduct, the IDO will not close the case until providing ORI with the respondent's signed, written admission.

v. Notification Requirements

The RIO is responsible for keeping the Vice President for Research and Innovation, Provost, Office of General Counsel, Chief Compliance Officer, the Director of the Office of Research Compliance, and others who need to know apprised of the progress of the review of the allegation of research misconduct. The RIO is responsible for ensuring compliance with all notification requirements to the funding entity.

For federally funded research, at any time in the proceeding, the IDO must notify ORI immediately if it has reason to believe that any of the following conditions exist:

- a. Health or safety of the public is at risk, including an immediate need to protect human or animal subjects.
  - b. significant federally funded resources or interests are threatened.
  - c. Research activities should be suspended.
  - d. There is reasonable indication of possible violations of civil or criminal law.
  - e. Federal action is required to protect the interests of those involved in the research misconduct proceeding.
  - f. The IDO believes the research misconduct proceeding may be made public prematurely so that HHS may take appropriate steps to safeguard evidence and protect the rights of those involved.
  - g. The research community or public should be informed.
- vi. Termination or Resignation of Employment Prior to Completion of Inquiry or Investigation
- a. The termination of the respondent's employment, 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 the university's responsibilities under the policy and the applicable regulations of any involved funding entity.
  - b. If the respondent, without admitting to the misconduct, elects to resign his or her position after the university 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 RIO, committee and the IDO will use their best efforts to reach a conclusion concerning the allegation, noting in the report the respondent's failure to cooperate and its effect on the evidence.

vii. Allegations Not Made in Good Faith

If relevant, the IDO will determine whether the complainant's allegation of research misconduct was made in good faith, or whether a witness or committee member acted in good faith. If the IDO determines that there was an absence of good faith, the determination will be referred to the appropriate institutional officials for possible disciplinary action in accordance with the Faculty Discipline Policy or the appropriate policy(ies).

viii. Confidentiality

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 or when in the best interest of the University of North Texas or when required by a funding entity; 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 to know or when in the best interest of the University of North Texas or when required by a funding entity. Those who need to know may include institutional review boards, journals, editors, publishers, co-authors, and collaborating institutions. The RIO will explain the importance of confidentiality to the complainant and the respondent. At the initiation of an investigation (or at the initiation of an inquiry, if applicable), the UNT System Office of General Counsel will inform the members of the committee about the importance of confidentiality with respect to committee proceedings. The respondent and complainant are responsible for maintaining confidentiality in accordance with this policy and cooperating with the conduct of an inquiry and investigation. All other parties involved in the research misconduct proceeding are responsible for maintaining confidentiality in accordance with this policy and in fulfilling their role in the proceeding.

ix. Institutional members will cooperate with the RIO, the IDO, and other UNT officials in the review of an allegation and the conduct of inquiries and investigations.

**V. References and Cross-References**

[42 C.F.R. Part 93 – U.S. Public Health Service](#)

[45 C.F.R. Part 689 – Research Misconduct](#)

[NSF Proposal & Award Policies & Procedures Guide, as amended – Chapter XII.C](#)

[U.S. Department of Health and Human Services - Federal Research Misconduct Policy, 65 Fed. Reg. 76,260, December 6, 2000](#)

[UNT Records and Retention Schedule](#)

**VI. Revision History**

Policy Contact:	Associate Vice President, Research and Innovation
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