

Policy Governing Research Misconduct

Introduction

As stated in the mission statement, the University of Portland honors faith and reason as ways of knowing, promotes ethical reflection, and prepares people who respond to the needs of the world and its human family. As a diverse community of scholars dedicated to excellence and innovation, the University of Portland expects faculty, staff, and students to adhere to the highest ethical standards in all their academic endeavors. The University is committed to maintaining these standards and will investigate any allegations of research misconduct. This policy is intended to comply with federal regulations and requirements, including 42 CFR part 93, which require institutions receiving certain federal research funds to have a written policy in place for addressing allegations of research misconduct.

Scope

This policy applies to any person who, at the time of the alleged research misconduct, was employed by, was an agent of, or was affiliated by contract or agreement with the University of Portland. This policy and related procedures apply to allegations of research misconduct involving any research or research-related activities (reports, proposals, publications, presentations, patents, and other modes of professional or academic communication).

Definitions

Research misconduct: 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's ideas, processes, results, or words without giving appropriate credit, as defined at greater length in University of Portland's Code of Academic Integrity and any relevant University policies governing ethical use of generative Artificial Intelligence.
- Research misconduct does not include honest error or differences of opinion.

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In order for a finding of research misconduct to be made, the following three criteria must be met:

- there be a significant departure from accepted practices of the relevant research community; and
- the misconduct be committed intentionally, knowingly, or recklessly; and
- the allegation be proven by a preponderance of the evidence.

Inquiry: The process that involves preliminary information gathering by the provost's designee when an allegation of research misconduct is made to determine if it falls within the definition of research misconduct and is sufficiently credible to warrant investigation. The purpose of an inquiry is to conduct an initial review of the evidence to determine whether to conduct an investigation. Therefore, an inquiry does not require a full review of all the evidence related to the allegation. The inquiry will adhere to all requirements as set out in 42 CFR 93.307.

Investigation: A formal process that follows preliminary information-gathering and preliminary fact-finding from the inquiry, if the inquiry indicates that the allegation may have substance. The purpose of the investigation is to develop and examine a factual record, leading to a determination about whether research misconduct has occurred or not. The investigation will adhere to the requirements as set out in 42 CFR 93.310.

Office of Research Integrity (ORI): The federal office that addresses and oversees research integrity and misconduct issues related to Public Health Service (PHS) supported activities.

Respondent: The person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.

Complainant: The person who in good faith makes an allegation of research misconduct. Complainants are responsible for maintaining confidentiality and cooperating with any inquiry or investigation.

Day: For purposes of this policy, a day is defined as a calendar day. If a deadline falls on a Saturday, Sunday, or federal holiday, the deadline will be extended to the next day that is not a Saturday, Sunday, or federal holiday.

General Policy and Procedure

Responsibility to Report Misconduct

All members of the University community are responsible for reporting suspected research misconduct to the provost, who will appoint a designee with the primary

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responsibility for 1) assessing allegations of research misconduct to determine if they fall within the definition of research misconduct, are covered by 42 CFR Part 93, and warrant an inquiry and 2) overseeing inquiries and investigations into allegations of misconduct. Any allegations of research misconduct received by the provost will be addressed in a timely manner, while maintaining confidentiality and due process. If the relevant research activities are not federally funded and do not fall within the scope of 42 CFR 93, the University may follow a more abbreviated process for investigating and responding to allegations of research misconduct. During the course of an inquiry or investigation, the provost's designee may appoint individuals as subject matter experts to assist with a review of the allegations. These appointees must be demonstrably free of any apparent conflict of interest.

Confidentiality

To the extent allowed by law, the University will maintain the identity of respondents and complainants securely and confidentially. This includes not disclosing any identifying information or information obtained during the research misconduct proceeding except to: a) those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; and b) sponsors that may require information about the research misconduct proceeding. The University will take all reasonable steps to ensure an impartial and unbiased research misconduct proceeding to the maximum extent practicable. A complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with any inquiry and/or investigation. Community members may not retaliate against complainants, witnesses, or committee members; any alleged or apparent retaliation should be reported immediately to the provost.

Assessment of allegations and inquiry

If the allegations fall within the definition of research misconduct and are found to be sufficiently credible and specific so that evidence of research misconduct may be identified, the provost's designee will initiate an inquiry into the alleged research misconduct to determine whether there are sufficient grounds to warrant a formal investigation.

In keeping with 42 CFR 93.307, at the time of or before beginning an inquiry, the provost's designee will make a good faith effort to notify in writing the presumed respondent, if any. The inquiry will be completed within 60 days of receipt of the allegation. The provost's designee will prepare a written inquiry report and the respondent will be provided with the opportunity to review and comment on the inquiry report and have their comments attached to the final report. The provost's designee will forward this final

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inquiry report to the provost, who will determine in writing whether an investigation is warranted. The provost's designee will notify the respondent whether the inquiry found that an investigation is warranted and provide a copy of the final inquiry report that includes the respondent's comments.

Investigation

If the inquiry of the alleged research misconduct provides a reasonable basis for conducting a full investigation, the investigation will be initiated within 30 days of the completion of the inquiry and will be completed no later than 120 days after it was begun. The respondent will be notified in writing of the allegations within a reasonable amount of time after determining that an investigation is warranted, but before the investigation begins.

If a full investigation is warranted, the provost's designee will appoint an investigating committee that includes the dean or associate dean of the respondent's school and may include up to two UP faculty members with expertise in the respondent's discipline. In keeping with 42 CFR 93.310, the University will take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practicable, including participation of persons with appropriate scientific expertise who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry or investigation. If needed, the committee may solicit guidance and testimony from impartial subject matter experts. The investigating committee will give the respondent written notice of any new allegations of research misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of investigation.

All reasonable and practical steps shall be promptly taken to obtain custody of all research records and evidence needed to conduct the research misconduct proceeding, inventory those materials, and sequester them in a secure manner. In accordance with 42 CFR 93.305, where appropriate, the respondent will be given copies of, or reasonable, supervised access to the research records.

The investigating committee will present its findings and recommendation to the provost's designee within 60 days of the investigation's initiation. The provost's designee will prepare a draft investigation report, a copy of which will be given to the respondent, along with a copy of, or supervised access to, the evidence on which the report is based. The comments of the respondent on the draft report, if any, must be submitted within 30 days of the date on which the respondent received the draft investigation report and will be included in the final investigation report prepared by the provost's designee and transmitted to the provost. The provost will make the final determination on allegations

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of research misconduct and any University administrative actions or sanctions. If the misconduct occurred with regard to PHS-supported research activities of any kind, an investigation report that includes findings, conclusions, and a determination of research misconduct will be submitted to ORI for oversight review within 180 days of the start of the investigation. The provost may submit a written request for extension from the ORI if more time is needed to conclude the investigation.

Faculty Appeals

In accordance with the Faculty Handbook (Rights of Faculty Members: Complaints and Appeals) and in keeping with 42 CFR 93.314, a faculty respondent may appeal the determination of the provost within 30 days of receiving notification of a finding of research misconduct. Any appeals proceedings must be completed within 90 days of the initial determination, in compliance with the reporting requirements of the Office of Research Integrity.

Restoring Reputations

The University will undertake all reasonable, practical, and appropriate efforts to a) protect and restore the position and reputation of any person alleged to have engaged in research misconduct, but against whom no finding of research misconduct was made, b) protect and restore the position and reputation of any complainant, witness, or committee member; and c) counter potential or actual retaliation against those complainants, witnesses and committee members.

Student Respondents and Complainants

Any student respondents and complainants will also be governed by student conduct and academic integrity policies as outlined in the Student Handbook and University Academic Regulations.

Records Retention

All records of the research misconduct proceeding will be maintained by the Office of the Provost for seven years from termination of the inquiry, any related proceeding of a research sponsor, or the period required by Oregon law, whichever is longer.

Interim Protective Actions

The provost or provost's designee will notify authorities at any stage of this process if it becomes apparent that there is an immediate health hazard involved; an immediate need to protect federal funds or equipment; an immediate need to protect the interests of individuals affected by the inquiry; or likelihood that the alleged incident will be publicly reported. Authorities will be notified promptly if there is reasonable indication of possible criminal violations.