

Research Misconduct

Effective: January 1, 2012

Updated/Revised: November 30, 2012

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Introduction

In a community of scholars dedicated to the pursuit of knowledge and truth, conduct that jeopardizes research integrity undermines the advancement of knowledge, erodes public support, wastes resources and may jeopardize safety and health. In addition, federal policies and regulations require, as a condition of eligibility for funding, that the university have policies to investigate research misconduct and, when found, to take corrective action. For these reasons, Iowa State University condemns research misconduct and is committed to addressing allegations and findings of such behavior.

This Research Misconduct policy incorporates definitions and procedures set forth in the Office of Science and Technology's Federal Research Misconduct Policy, as well as the Public Health Services Policies on Research Misconduct, as of 2010. When appropriate, federal policies and regulations, and interpretations of them, will be considered in making determinations under this policy.

Policy Statement

Iowa State University prohibits research misconduct as defined in this policy and in the policies of federal sponsoring agencies and encourages all members of the university community to report observed, suspected, or apparent research misconduct. Upon receipt of such reports, Iowa State University shall investigate them in a thorough, competent, and fair manner and in accordance with this policy and applicable federal policies and regulations.

Scope

This policy applies to all current faculty, staff, students, individuals with postdoctoral appointments, and others at Iowa State University alleged to have engaged in research misconduct. In certain circumstances, Iowa State University's Research Integrity Officer may determine it is appropriate to address the allegations of research misconduct through other policies or procedures. For example, the Research Integrity Officer will generally refer allegations of research misconduct against undergraduate students who are not involved in federally funded projects to the Office of Student

Conduct. Allegations of research misconduct reported more than six years after the alleged misconduct occurred will not be addressed through this policy unless the Research Integrity Officer determines that special circumstances warrant otherwise.

Definitions

Research misconduct means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or in reporting research results. It also includes ordering, advising or suggesting that subordinates engage in research misconduct. The misconduct must depart significantly from accepted practices of the relevant research community and must be committed intentionally, knowingly, or recklessly. It does not include honest error or differences of opinion.

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.

Respondent is the individual alleged to have engaged in the research misconduct. In some proceedings there may be more than one respondent.

Research Integrity Officer (RIO) is the individual appointed by the Vice President for Research to manage research misconduct cases for the university.

Responsibilities

1. Reporting Research Misconduct

All members of the university community are encouraged to report observed, suspected, or apparent research misconduct to Iowa State University's Research Integrity Officer (RIO) or anonymously to ISU's Confidential Hotline. 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 RIO to discuss the suspected research misconduct.

2. Assessment of Allegation

Upon receiving a verbal or written allegation of research misconduct, the RIO shall determine whether an inquiry is warranted by assessing whether the allegation falls within the scope of this policy (including whether it falls within the definition of "research misconduct") and whether it is sufficiently credible and specific so that potential evidence of research misconduct may be identified. The RIO need not conduct interviews or gather data except as necessary to make the assessment. In making the assessment, the RIO may consult with individuals the RIO believes to have relevant expertise. The RIO shall also try to ascertain whether the research is funded and, if so, the identity of the sponsor.

If the RIO determines that no inquiry is warranted, the RIO may notify the individual(s) who made the allegation. As set forth in the section on Scope of Policy, the RIO may also refer the allegation of research misconduct to other Iowa State University authorities.

If the RIO receives a complaint that involves a mix of claims of research misconduct and other misconduct, the RIO will coordinate with the university office responsible for handling the other misconduct claims.

3. Inquiry

If the RIO determines that an inquiry is warranted, the RIO will initiate the inquiry process. The purpose of the inquiry is not to resolve whether research misconduct occurred. Rather, the inquiry process involves gathering information and engaging in preliminary fact-finding for the purpose of determining whether an investigation is warranted. An investigation is warranted if there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and may have substance.

3.1 Notifying Supervisors and Administrators

If it is determined that an inquiry is warranted, the RIO shall notify the Senior Vice President and Provost and the Vice President for Research of the allegation and the determination. For each respondent, the RIO shall also notify the respondent's supervisor. The RIO shall also notify the following individuals ("approved recipients"):

- If the respondent is a faculty member, the respondent's chair and dean.
- If the respondent is a graduate student, the Dean of the Graduate College and the student's Director of Graduate Education.

3.2 Preservation of Research Records

The RIO shall take all reasonable and practical steps to obtain custody or make copies of all the research records and evidence needed to conduct the research misconduct proceedings. The RIO has authority to order preservation of research records and evidence residing on university equipment and servers. The RIO shall be responsible for inventorying and securing the research records and evidence. The RIO may consult with individuals the RIO believes to have relevant expertise concerning the preservation of research records. The respondent(s) may appeal the RIO's preservation decision to the Vice President for Research.

3.3 Notifying Respondent

The RIO shall provide the respondent(s) with written notice of the allegation and the determination that an inquiry is warranted. The notification will normally occur simultaneously with any preservation of research records and evidence. The RIO shall also inform the respondent of his/her obligation to preserve any research records and evidence that may be relevant to the research misconduct proceedings, any steps the RIO has taken to preserve research records and evidence, and the respondent's right to appeal the RIO's preservation decision to the Vice President for Research. The RIO shall advise the respondent to avoid taking retaliatory action against persons he or she believes may have raised the allegation, as well as others involved in the research misconduct proceedings. The RIO shall enclose a copy of this policy and any applicable sponsor regulations or policies with the notice.

3.4 Interim Action

The RIO may make recommendations for interim action to the Senior Vice President and Provost and the Vice President for Research. Conditions when interim action may be necessary include, but are not limited to, when there is:

- Immediate physical danger to persons or property;
- Reasonable indication of serious criminal violation;
- An immediate health hazard;
- An immediate need to protect equipment or funds, including federal funds or federal financial assistance;

- An immediate need to protect the safety or interests of the person(s) making the allegation, of witnesses or of the subject(s) of the allegation or his/her collaborators and associates;
- A need to assure evidence is preserved or to prevent improper influence of witness testimony;
- A need to protect the working or educational environment of affected co-workers or students; or
- A need to protect against liability of the university or its employees.

Interim action taken must be appropriate to the interests to be protected and reasonably limited so as not to have an undue damaging effect on the respondent or others. Interim action may include, but is not limited to, restrictions on engaging in research activities and contacting certain persons. Either the Senior Vice President and Provost or the Vice President for Research may impose interim actions within their authority. Except in cases of emergency, they shall make a good faith effort to implement interim action through discussion with the respondent prior to taking interim action. The official imposing the interim action shall be responsible for notifying the respondent.

The Senior Vice President and Provost shall have the right to review both interim actions and preservation decisions, as needed, to protect the integrity of the investigation and to avoid undue consequences to the respondent or others of these actions.

3.5 Conducting the Inquiry

The RIO shall conduct the inquiry. In doing so, the RIO shall consult individuals with sufficient depth of expertise and experience to understand the issues in the case. The individuals consulted should not have any real or apparent conflict of interest in the case. If the RIO has a conflict of interest in the case, the Vice President for Research shall appoint an ad hoc RIO to conduct the inquiry.

3.6 Inquiry Report

After completing the information gathering and fact-finding, the RIO shall prepare a written report that contains the following:

- The name and position of the respondent;
- The allegation of research misconduct;
- Any relevant external sponsor support;
- A summary of the inquiry process used, including a list of any individuals interviewed and any evidence reviewed;
- A recommendation of whether an investigation is warranted; and
- The basis for the recommendation.

The RIO shall submit the inquiry report to the respondent for comment. If there are multiple respondents, the RIO shall provide to each respondent only the portion of the inquiry report relevant to that applicable respondent. The RIO may submit relevant portions of the inquiry report to the individual(s) who made the research misconduct allegation for comment. The respondent (and the individual(s) who made the research misconduct allegation, if applicable) shall have seven calendar days from the receipt of the report to provide any comments. The RIO shall attach the comments to the final inquiry report. The RIO may revise the inquiry report as appropriate to address the comments. If changes are made to the inquiry report, the RIO will not seek additional comments or responses unless the RIO determines it is warranted.

The RIO shall submit the final inquiry report to the Vice President for Research. The RIO shall also provide the respondent with a copy of the final inquiry report. If there are multiple respondents, the RIO shall provide to each respondent only the portion of the final inquiry report relevant to that applicable respondent. The RIO may provide relevant portions of the final inquiry report to the individual(s) who made the research misconduct allegation.

The RIO may establish reasonable conditions to protect the confidentiality of the inquiry report in both its draft and final stages.

3.7 Inquiry Decision and Notification

Upon receipt of the final inquiry report, the Vice President for Research shall review the final inquiry report and determine whether an investigation is warranted.

The Vice President for Research shall notify the respondent, the RIO, the Senior Vice President and Provost, the respondent's supervisor and the approved recipients of the determination. The Vice President for Research may notify the individual(s) who made the research misconduct allegation.

The RIO shall notify, where required, the research sponsor.

3.8 Deadline for Completing the Inquiry

The inquiry (including the Vice President for Research's determination) shall be completed within 60 calendar days of the date the RIO begins to conduct the inquiry unless circumstances clearly warrant a longer period. The RIO shall maintain documentation stating the reason for exceeding the 60-day period. The RIO shall notify the respondent of any extension.

4. Investigation

If the Vice President for Research determines that an investigation is warranted, an Investigative Committee will conduct an investigation. The purpose of the investigation is to--

- Examine thoroughly the evidence (including research records and information provided by interviewed individuals),
- Gather additional evidence,
- Perform any additional needed interviews, and
- Make a recommendation as to whether the respondent engaged in research misconduct.

4.1 Formation of Investigative Committee

The Investigative Committee shall consist of three members, one of whom will act as chair. Additional members may be added if needed to ensure that the Investigative Committee has sufficient depth of expertise and experience. The membership of the Investigative Committee depends on the status of the respondent.

4.1.1 Respondent is Faculty Member, Student, Volunteer or Employee Other Than P&S Employee. If the respondent is a faculty member, student, volunteer or an employee other than a P&S employee, one member of the Investigative Committee will be nominated from the faculty pool by the Faculty Senate President and confirmed by the Senior Vice President and Provost. That member should have experience running a hearing panel and shall serve as the chair. The other members of the Investigative Committee will be nominated by the Senior Vice President and Provost and confirmed by the Faculty Senate President. Those members shall have expertise relevant to the subject matter and may be (but are not required to be) external to Iowa State University. This membership shall also be used where there are multiple respondents, so long as none of the respondents is a P&S employee.

4.1.2 Respondent is P&S Employee. If the respondent is a P&S employee, one member of the Investigative Committee will be a P&S employee nominated by the P&S Council President and confirmed by the Senior Vice President and Provost. That member should have experience running a hearing panel and shall serve as the chair. The other members of the Investigative Committee will be nominated by the Senior Vice President and Provost and confirmed by the P&S Council

President. Those members shall have expertise relevant to the subject matter and may be (but are not required to be) external to Iowa State University. This membership shall also be used where there are multiple respondents and one of the respondents is a P&S employee and none of the respondents is a faculty member.

4.1.3 Multiple Respondents - P&S Employee and Faculty. If there are multiple respondents and at least one is a P&S employee and at least one is a faculty member, one member of the Investigative Committee will be nominated from the faculty pool by the Faculty Senate President and confirmed by the Senior Vice President and Provost. That member should have experience running a hearing panel and shall serve as the chair. Another member will be a P&S employee nominated by the P&S Council President and confirmed by the Senior Vice President and Provost. The other members of the Investigative Committee will be nominated by the Senior Vice President and Provost and confirmed by the Faculty Senate President and the P&S Council President. These members shall have expertise relevant to the subject matter and may be (but are not required to be) external to Iowa State University.

In all instances, the Faculty Senate President, the P&S Council President, and the Senior Vice President and Provost shall seek an objective Investigative Committee with sufficient depth of expertise and experience to understand the issues in the case and with sufficient availability to complete the investigation in the allotted time. The members should not have any real or apparent conflict of interest in the case. The respondent shall have the right to challenge the nominees to the Investigative Committee. The respondent shall submit any challenge, including reasons for the challenge, to the Senior Vice President and Provost in writing in no more than two calendar days following the naming of the nominees. If the Senior Vice President and Provost approves the challenge, the Faculty Senate President, the P&S Council President, and the Senior Vice President and Provost shall submit additional nominees until a committee with the required expertise and experience is confirmed.

4.2 Initial Meeting of Investigative Committee

The initial meeting of the Investigative Committee must be held within thirty calendar days of the date the Vice President for Research makes the determination that an investigation is warranted. At the initial meeting of the Investigative Committee, the Investigative Committee members will receive the RIO's final inquiry report, the Vice President for Research's recommendation, and a copy of this policy and any applicable sponsor regulations or policies. The Investigative Committee shall also be instructed on the appropriate procedure for conducting the investigation.

The Investigative Committee shall also review prior decisions made with respect to the preservation of records and determine whether those decisions need to be modified. If the Investigative Committee determines that additional evidence should be preserved, the RIO shall be responsible for securing and inventorying the additional records and evidence. If the Investigative Committee determines that all or part of the previously preserved research records and evidence no longer need to be preserved, the RIO shall document which research records and evidence have been released and the justification for the release. The Investigative Committee should revisit this issue as needed throughout the investigative process.

The Investigative Committee may also assess any interim action taken by the Senior Vice President and Provost or the Vice President for Research and make recommendations to them as to whether the interim action should continue and/or whether any further or additional action is needed.

4.3 Investigation

The Investigative Committee shall conduct a thorough investigation and maintain documentation of its investigative efforts. The Investigative Committee shall take reasonable steps to ensure an

impartial and unbiased investigation to the maximum extent possible and shall pursue diligently all significant issues and leads relevant to the investigation, including any evidence of additional instances of possible research misconduct. The investigation shall include an examination of all relevant research records and evidence. The Investigative Committee shall also interview the respondent, the individual(s) who made the research misconduct allegation, and any other available person who has been reasonably identified as having relevant information, including witnesses identified by the respondent. The Investigative Committee shall record or transcribe each interview and provide the recording or transcript to the interviewee for correction. The recording or transcript shall be maintained with the record of the investigation.

The Investigative Committee shall notify the RIO if it discovers information that substantially changes the subject matter of the investigation or implicates additional respondents. The RIO shall take appropriate action in response to the information, including promptly notifying the respondent in writing of any new allegations that will be pursued.

4.4 Investigation Report

After completing its investigation, the Investigative Committee shall prepare a written report that contains the following:

- The name and position of the respondent;
- The allegation of research misconduct;
- A summary of the investigative process used, including a list of any individuals interviewed and any evidence reviewed;
- Any relevant external sponsor support;
- A finding by a preponderance of the evidence for each separate allegation of research misconduct as to whether the research misconduct occurred; and
- The basis for each finding.

If there is more than one respondent, the Investigative Committee shall indicate which of the respondents engaged in the misconduct.

If the Investigative Committee finds that misconduct has occurred, the Investigative Committee shall also make a recommendation as to whether any publications need correction or retraction and whether any sanctions should be imposed against the respondent. If the respondent is a faculty member, the Investigative Committee may recommend that the Senior Vice President and Provost either: (i) take nondisciplinary corrective action; (ii) impose a minor sanction (with a recommendation as to what minor sanction should be imposed); or (iii) refer the matter to a Major Sanction Committee.

The Investigative Committee shall provide the investigation report to the RIO and the respondent for comment. If there are multiple respondents, the Investigative Committee shall provide to each respondent only the portion of the investigation report relevant to that applicable respondent. The RIO may submit relevant portions of the investigation report to the individual(s) who made the research misconduct allegation for comment. The Investigative Committee shall also give the respondent a copy of, or supervised access to, the evidence on which the report is based. The respondent, the RIO and the individual(s) who made the research misconduct allegation, if applicable, shall have seven calendar days from the receipt of the report to provide any comments. The Investigative Committee shall attach the comments to the final investigation report. The Investigative Committee may revise the investigation report as appropriate to address the comments. If changes are made to the investigation report, the Investigative Committee will not seek additional comments or responses from the parties unless the Investigative Committee determines it is warranted.

The Investigative Committee shall send a copy of the final investigation report to the respondent, the RIO, the Vice President for Research, the Senior Vice President and Provost, the respondent's supervisor, and the approved recipients. If there are multiple respondents, the Investigative Committee shall provide to each respondent only the portion of the final investigation report relevant to that applicable respondent. The RIO may submit relevant portions of the final investigation report to the individual(s) who made the research misconduct allegations. The RIO shall notify, where required, the funding agency.

The Investigative Committee and the RIO may establish reasonable conditions to protect the confidentiality of the investigation report in both its draft and final stages.

4.5 Deadline for Completing Investigation Report

The Investigative Committee shall complete the final investigation report within 115 calendar days of its initial meeting unless circumstances clearly warrant a longer period. The RIO shall maintain documentation stating the reason for exceeding the 115-day period. The RIO shall notify the respondent(s) of any extension, as well as any sponsor if required. In some circumstances a sponsor may need to give permission to exceed the deadline, in which case the RIO shall be responsible for seeking such permission.

5. Response to the Investigation Report

Upon receipt of the final investigation report, the Senior Vice President and Provost shall determine whether to accept the recommendation of the Investigative Committee and determine any appropriate actions. In making such determinations, the Senior Vice President and Provost shall consult with the Vice President for Research and proceed as set forth below. The Senior Vice President and Provost and the Vice President for Research may impose or modify interim actions while the response to the Investigation Report is pending. The RIO shall inform the Senior Vice President and Provost of any sponsor deadlines for completing appeals and, where required, notify the research sponsor of any actions taken against the respondent.

5.1 Faculty Member

If the respondent is a faculty member, the Senior Vice President and Provost shall follow the procedures set forth in Section 7.2.5.2.3 of the Faculty Handbook upon receipt of the Investigative Committee's final report except that communications shall be with the Investigative Committee rather than the Faculty Review Board and with the RIO rather than the individual(s) who made the allegations.

If the Senior Vice President and Provost accepts a recommendation by the Investigative Committee that the matter be referred to a Major Sanction Committee, the Senior Vice President and Provost shall initiate the Major Sanction Process (Faculty Handbook Section 7.2.5.3).

Respondent may appeal as set forth in Section 7.2.6 of the Faculty Handbook.

5.2 P&S Employees

If the respondent is a P&S employee, the Senior Vice President and Provost shall consult with University Human Resources and the respondent's supervisor regarding the action against the respondent. If the Senior Vice President and Provost determines that the appropriate action is something other than summary dismissal, the respondent may appeal the action to the Office of the President. If the Senior Vice President and Provost determines that the appropriate action is summary dismissal pursuant to the P&S Summary Dismissal policy, the P&S Procedures for Requesting and Approving Summary Dismissal are waived. The respondent, however, may appeal in accordance with the P&S Procedures for Appealing a Summary Dismissal Decision. If the

respondent appeals, the Senior Vice President and Provost shall notify the Office of the President and request that an appropriate individual be delegated the responsibilities of the Senior Vice President and Provost set forth in the P&S Procedures for Appealing a Summary Dismissal Decision.

5.3 Merit Employees

If the respondent is a merit employee, the Senior Vice President and Provost shall consult with University Human Resources and the respondent's supervisor regarding any action against the respondent. The respondent may grieve and appeal the action if permitted by the Regent Merit System Rules.

5.4 Graduate Students

If the respondent is a graduate student, the Senior Vice President and Provost shall consult with the Dean of the Graduate College and the student's Director of Graduate Education regarding any action against the respondent. The respondent may appeal the action to the Office of the President.

5.5 Others

If the respondent is not covered by Sections 5.1 through 5.4, the Senior Vice President shall consult as needed with the university administrator or supervisor responsible for the respondent regarding any action against the respondent. The respondent may appeal the action to the Office of the President.

6. Other Considerations

6.1 Confidentiality

All information regarding the research misconduct proceeding, including the identity of the respondent and the individual(s) who made the research misconduct allegation, shall be kept confidential. Information about the proceeding shall be disclosed only to those who need to know. Similarly, any records or evidence from which research subjects or participants might be identified shall be kept confidential. Disclosures may be made where permitted or required by law.

6.2 Cooperation

The respondent, the individual(s) who made the research misconduct allegation, witnesses and other members of the university community shall cooperate with the RIO, the Investigative Committee, other institutional officials and sponsor representatives during the research misconduct proceedings. Such cooperation includes, but is not limited to, preserving and providing in a timely fashion information, research records, and evidence.

6.3 Protection of Individuals Who Make Research Misconduct Allegations, Witnesses and Committee Members

In accordance with the university's Non-Retaliation Against Persons Reporting Misconduct policy, the university will undertake reasonable and practical efforts to protect from retaliation individuals who make allegations of research misconduct in good faith and any witnesses, committee members or others who cooperate in good faith with research misconduct proceedings.

6.4 Restoration of the Respondent's Reputation

If no research misconduct is found, the university, after consulting with the respondent, shall undertake reasonable and practical efforts to restore the respondent's reputation. The RIO, the Senior Vice President and Provost and the Vice President for Research shall be responsible for ensuring compliance with this requirement.

6.5 Allegations Not Made In Good Faith

If there is a determination by the RIO, the Vice President for Research or the Senior Vice President and Provost that the allegation of research misconduct is frivolous, malicious, or mischievous or otherwise not made in good faith, the university may take appropriate action against the individual(s) who made the research misconduct allegation.

6.6 Notification to Sponsor

Sponsors shall be notified as required by federal policies and regulation or by terms and conditions in grants or contracts with the sponsor. This includes any notification of special circumstances as defined by the sponsor, such as risk to public health and safety, threat to sponsor resources or interest, and possible violation of law.

If required, the RIO shall notify the sponsor within the timeframe specified by the sponsor if the Vice President for Research determines that an investigation is warranted. The RIO shall also notify the sponsor of the Investigative Committee's recommendation, whether the Senior Vice President and Provost accepted the Investigative Committee's recommendation, and any action taken against the respondent. If required, the RIO shall submit to the sponsor the investigation report and other documentation required by the sponsor. If the investigative finding is overturned in a subsequent process, the RIO shall notify the sponsor of the new findings and the basis for them. In some circumstances a sponsor may need to give permission if a review or appeal of an investigative finding will exceed certain deadlines, in which case the RIO shall be responsible for seeking such permission.

A sponsor may require that it be notified in advance if the university closes a research misconduct proceeding on the basis that the respondent has admitted guilt, a settlement has been reached, or any other basis. No one may close a research misconduct proceeding without first consulting the RIO to determine whether there are any applicable sponsor requirements.

6.7 Retention of Records; Assurances

The RIO shall maintain the records of the research misconduct proceeding in a secure manner for a period of at least seven years after the proceeding is completed. The RIO is responsible for submitting assurances to sponsors of ISU's adoption of and compliance with this Research Misconduct policy. The RIO may allow others to make such assurances, including employees in the university's Office for Sponsored Programs Administration

Resources

Links

- [Research Integrity Officer \(RIO\) Guru Rao](#)
- [Faculty Handbook - 7. Faculty Conduct Policy](#)
- [Federal Research Misconduct Policy](#)
- [Links to Federal Agency and Department Policies](#)
- [Non-Retaliation Against Persons Reporting Misconduct Policy](#)
- [ISU Confidential Hotline](#)
- [Professional and Scientific Summary Dismissal Policy](#)