



**BOISE STATE UNIVERSITY**

University Policy 5060

## Misconduct in Research

---

### **Effective Date**

April 1990

### **Last Revision Date**

October 2012

### **Responsible Party**

Office of Research Compliance, (208) 426-5401

### **Scope and Audience**

This policy applies to all Boise State employees, faculty, staff and students conducting research under the auspices of the university. This policy applies equally to all research activity, whether carried out solely with university resources, sponsored or non-sponsored, or with or without assistance of outside funds. The Vice President for Research and Economic Development (VPRED) has the responsibility to report research misconduct to sponsoring agencies as deemed necessary

### **Additional Authority**

- Applicable policies or regulations concerning research fraud and unethical conduct issued by federal, state, and private agencies from which BSU has accepted research funding.
- Public Health Service (PHS) Policies on Research Misconduct – 42 CFR Part 93. 102, 103, 104, 106, 108, 222, 201, 203, 300, 302, 304, 305, 307,308, 309, 310 313, 314, 315, 317 and 318
- The National Science Foundation regulations on Misconduct in Science and Engineering Research 45 CFR Part 689. 4, 6, and 10

- Applicable procedures by the HHS Office of Research Integrity <http://ori.hhs.gov> Handling of Research Misconduct
  - Public Health Service (PHS) Policies on Research Misconduct, 42 CFR Part 93
- 

## 1. Policy Purpose

To define and provide procedures for addressing allegations of misconduct in research. The university requires that intellectual honesty and the highest ethical standards in research be maintained and relies primarily on the acceptance of responsibility by each member of the university community to adhere to professional standards of conduct in all research activity. In cases where allegations of Research Misconduct arise it is the policy of the university to inquire into and, if necessary, investigate, suspend, report, and resolve promptly and fairly all instances of research misconduct.

## 2. Policy Statement

Boise State University is responsible for the integrity of the research conducted at the university. The university has procedures for the inquiry and investigation of allegations of research misconduct with due care to protect the rights of those making the allegations, those accused, and the university. The university has explicit procedures for addressing incidences in which there are allegations of misconduct in research.

## 3. Definitions

### 3.1 Allegation

A claim of fact by oral, written or other evidence, which the complainant claims to be able to prove or provide sufficient evidence of instances of research misconduct. Any oral or written statement or other evidence of one or more apparent instances of research misconduct.

### 3.2 Complainant

A person who in good faith makes an allegation of research misconduct. The role of the complainant is limited. Once the complainant has made an allegation of research misconduct, that person does not participate in the proceeding other than as a witness or to provide data related to the allegation.

### 3.3 Faculty Research Advisory Misconduct Committee

A standing core committee with a minimum of three members from Boise State University faculty, well-informed with respect to research misconduct compliance assurance requirements.

This committee is appointed by the Vice President for Research and Economic Development. This committee shall have access to all persons and information needed to determine the extent to which misconduct has occurred. Otherwise, the committee investigation will be as confidential as possible. This committee may call upon external or internal expertise to provide information relevant to the allegation at any time.

### **3.4 Inquiry**

A preliminary collection, examination and evaluation of all relevant facts, records and evidence conducted by the Faculty Research Advisory Misconduct Committee or the RIO. The purpose of the inquiry is for the RIO to conduct an initial review, and gather information to determine whether an allegation of research misconduct has substance and warrants an investigation. An inquiry does not require a full review of all the evidence related to the allegation. All reasonable and practical steps shall be promptly taken to obtain custody of all research records and evidence.

### **3.5 Investigation**

A formal examination and evaluation of all relevant facts by the Faculty Research Advisory Misconduct Committee to determine, based on a preponderance of evidence, whether research misconduct has occurred, and if so, to determine the responsible person and the nature and seriousness of the research misconduct.

### **3.6 Research**

Any systematic investigation, including research development, testing, and reporting, designed to develop or contribute to generalizable knowledge. Encompasses basic research, applied research, and research training activities in areas such as biomedical, and life science, natural sciences, engineering, humanities and arts, and social and behavioral science.

### **3.7 Research Integrity Officer (RIO)**

The institutional official appointed by the Vice President for Research and Economic Development. The RIO oversees inquiries and investigations, and provides administrative support during misconduct proceedings. The RIO is the point of contact to receive questions about, or suspicions of allegations of research misconduct and serve as the official repository for research misconduct proceeding records.

### **3.8 Research Misconduct**

Fabrication, falsification, plagiarism, or other practices that seriously deviate from those commonly accepted within the scientific community for proposing, conducting, or reporting

research. It does not include honest errors or honest differences in interpretations or judgments of data. (42 CFR 93) A finding of research misconduct is made if (a) there is significant departure from accepted practices of the relevant research community; (b) misconduct is committed intentionally, knowingly, or recklessly and (c) the allegation to be proven by a preponderance of the evidence.

### **3.9 Respondent**

A person against whom an allegation of research misconduct is made.

## **4. Responsibilities and Procedures**

### **4.1 Research Scope**

This policy applies to allegations of research misconduct and research misconduct involving: (i) applications, proposals for support and research for extramural or intramural research, research training or activities related to that research or research training, such as dissemination of research information; (ii) all extramural or intramural research, research training programs and activities that are related to research or research training; and (iii) plagiarism of research records produced in the course of research, research training or activities related to that research or research training. This includes any research proposed, performed, reviewed, reported, or any research record generated from that research.

### **4.2 Confidentiality**

- a. Disclosure of the identity of respondents and complainants in research misconduct proceedings is limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective and fair research misconduct proceeding.
- b. Except as may be otherwise be prescribed by applicable law, confidentiality must be maintained for any records or evidence from which research subjects might be identified. Disclosure is limited to those who have a need to know to carry out a research misconduct proceeding. The outcome or recommendation after an inquiry or investigation to the Vice President of Research and Economic Development is only shared with the respondent.

### **4.3 Determination of Action**

The VPRED will provide a recommendation and transmit to the Provost the final determination report prepared by the Faculty Research Advisory Misconduct Committee. At the beginning of the committee's investigation, the respondent will be notified of the complainant's identity,

shown the documents and evidence supporting the allegation, and given fifteen (15) days to respond in writing to the Faculty Research Advisory Misconduct Committee or RIO.

---

## **Revision History**

July 1995; October 2012