

## UNLV RESEARCH MISCONDUCT POLICY

**Policy:** Research Misconduct

**Purpose:** To comply with federal regulations requiring each institution of higher education receiving federal grants and contracts to have an administrative policy for handling allegations of research misconduct. This Policy revises and supersedes the UNLV Policy on Ethical Standards in the Conduct of Research adopted in 1993.

### **Policy**

**Authority:** Federal Research Misconduct Policy of the United States Office of Science Technology Policy, 65 FR 76260, and Section 493(b) of the Public Health Service Act, 42 U.S.C § 201 *et. seq.*, along with its implementing regulation, 42 CFR Part 93.

### **1.0 Introduction**

The common goal of all university research and scholarly activity is excellence. Integrity must be the guiding philosophy of objective inquiry and the pursuit of truth. The reputation of academic research (and researchers) must be above reproach if the new knowledge it creates is to be valid and the public trust is to be upheld. Even a single act of fraud in scholarship diminishes the credibility of the institution as whole.

Allegations and proven incidents of fraudulent conduct in research at U.S. universities in recent years have drawn the attention of the public and lawmakers to this issue. While these incidents have been rare, they have cast doubt upon the intellectual integrity of American universities. The universities are being required to take positive action on the issue of scholarly misconduct and to adopt policies that deal responsibly with its detection, investigation, and mitigation.

This Policy is designed to be responsive, fair, and effective in its approach to research misconduct. Its aim is to provide for confidentiality in reporting and investigation, and also to provide for quick and responsible action if misconduct occurs. But it is the overall goal of this Policy to establish an institutional practice that does not in any way replace trust with suspicion.

### **2.0 General Policy**

Scholarly misconduct can neither be condoned nor tolerated at the University of Nevada, Las Vegas (“UNLV” or the “University”). Scholars and researchers bear primary responsibility for the monitoring and rigorous evaluation of procedures and results of research, as well as other scholarly activities under their supervision. All members of the University community must adhere to UNLV’s strict standards of integrity for academic scholarship and research and must feel ethically obligated to report, in good faith, any fraudulent acts when they are known or suspected to have occurred.

In addressing allegations of Research Misconduct, the provisions of the Nevada System of Higher Education Code (hereinafter “NSHE Code”), Title 2, Chapter 6 will apply.

## 2.1. Scope and Definition of Research Misconduct

This Policy is based on the Federal Research Misconduct Policy of the United States Office of Science Technology Policy, dated 12/06/2000 (65 FR 76260) and is designed to be consistent with subsequent implementing regulations by federal agencies.

Under the provisions of the Federal Research Misconduct Policy, "Research Misconduct" is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

**Fabrication** is making up data or results and recording or reporting them.

**Falsification** is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

**Plagiarism** is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

Additionally, at UNLV "Research Misconduct" shall be further defined to include:

**Material failure to comply** with applicable federal requirements for protection of researchers, human participants, or the public; or for ensuring the welfare of laboratory animals.

**Material failure to disclose** all Conflicts of Interest (as defined herein).

**An abuse of confidentiality**, such as the use (or release to others) of ideas or preliminary data of others, which were given in the expectation of confidentiality, such as those gained from access to privileged information through: (1) the opportunity for editorial review of manuscripts; (2) and the opportunity for peer review of proposals by external entities or by internal committees; and (3) disclosure pursuant to a confidentiality agreement between UNLV and a third party.

"Research Misconduct" does not include disputes regarding honest error or differences of opinion. Research Misconduct is also not intended to include authorship disputes such as complaints about appropriate ranking of co-authors in publications, presentations, or other work unless the dispute constitutes plagiarism as defined in this Policy.

## 2.2. Applicability

This Policy and its associated procedures apply to allegations of Research Misconduct involving any Research (as defined below) proposed, performed, reviewed, or reported, or any Research Record (as defined below) generated from that Research, regardless of whether the Research is proposed for funding or is funded by a public, private, or intramural source. This Policy and its associated procedures also apply to other scholarly activities, such as instructional and service programs that support the mission of the University.

This Policy and its associated procedures do not supersede or establish an alternative to any existing policies, regulations, or procedures for handling fiscal improprieties, the ethical treatment of human or animal subjects, criminal matters, personnel actions, disputes about

authorship or credit among collaborators, or actions taken under federal debarment and suspension regulations.

This Policy applies to any individual paid by, holding appointment from, or affiliated with the University, such as faculty members, post-doctoral fellows, trainees, technicians and other professional staff members, guest researchers, and graduate students who are engaged in the conduct of Research, whether or not the Research is funded. These individuals are subject to this Policy regardless of whether their Research is conducted on the main University campus, at the Shadow Lane campus, at the Paradise campus or at any UNLV-affiliated facilities and campuses located elsewhere in the U.S. or internationally.

Research Misconduct of undergraduate students shall be dealt with through the Code of Student Conduct.

### **2.3. Definition of Terms**

**“Conflict of Interest”** means the real or apparent interference of one person's interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.

**“Material Failure”** means any act or failure to act in a manner that has or may have an adverse effect on the reputation, good will or financial condition of the University, as well as any act or failure to act in a manner that has or may impair the right or ability of the University to carry on its mission, operations, business, research, education or other affairs.

**“Research”** means a systematic experiment, study, evaluation, demonstration or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research). Research, as used in this Policy, includes all basic, applied, and demonstration research in all fields of science, engineering, and mathematics. This includes, but is not limited to, research in economics, education, the humanities, linguistics and literary studies, medicine, psychology, social sciences, statistics, and research involving human subjects or animals.

**“Research Misconduct,”** is defined in Section 2.1 of this Policy.

**“Research Record”** means the record of data or results that embody the facts resulting from scientific inquiry, including but not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and any documents and materials that the Respondent provides to any institutional official, or federal agency in the course of an evaluation or a proceeding pursuant to Chapter 6 of the NSHE Code. The purpose of including documents provided by Respondent in the Research Record is to hold the respondent responsible for the integrity of those research documents regardless of when they were prepared or furnished to the institution or the cognizant federal agency.

## **3.0 PROHIBITION**

Research Misconduct is prohibited for all individuals subject to this Policy pursuant to Section 2.2 above. Violation of this Policy is a violation of Chapter 6 of the NSHE Code, pursuant to Sections 6.2.1(j) and 6.2.2(t) of the NSHE Code (as each section may be amended from time to

time) and subjects those to whom this Policy applies to procedures and disciplinary sanctions established in Chapter 6 of the NSHE Code.

Chapter 6 of the NSHE Code, as promulgated by the Board of Regents as of the date of adoption of this Policy, is attached hereto as Exhibit "A."

#### **4.0 SPECIAL PROCEDURES FOR DEALING WITH ALLEGATIONS OF RESEARCH MISCONDUCT RELATING TO FEDERALLY FUNDED RESEARCH OR OTHER SPONSORED PROJECTS**

This Policy further incorporates the practices and procedures required under the compliance rules issued by the various federal funding agencies. Such rules provide supplementary requirements regarding the handling of allegations of Research Misconduct relating to agency-specific proposals and projects.

UNLV shall comply with the established administrative process for reviewing, investigating, and reporting allegations of Research Misconduct as set forth in Chapter 6 of the NSHE Code. UNLV also shall supplement and modify practices and procedures within its authority in order to meet any special requirements set forth in the regulations of specific funding agencies relating to Research Misconduct.

This Policy shall be effective beginning Spring Semester 2008.

**Approved:**

David B. Ashley, President  
May 13, 2008