



RULES AND PROCEDURES FOR RESPONDING TO ALLEGATIONS OF RESEARCH MISCONDUCT

Responsible Administrator: Office of the Vice President for Research

Responsible Office: Office of Research Integrity

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APPROVED BY:

A handwritten signature in blue ink that reads "David W. Hatchett".

02/25/2026

David W. Hatchett, Vice President for Research

Date

1. AUTHORITY

The Research Misconduct Policy establishes the authority of the University of Nevada, Las Vegas (“UNLV” or “University”) to respond to allegations of research misconduct.

2. PURPOSE & APPLICATIONS

2.1 Purpose

The purpose of these Rules and Procedures is to (1) describe the procedures for responding to allegations of research misconduct, and (2) comply with requirements for responding to allegations of research misconduct regardless of whether they are linked to a project or work that is externally funded or unfunded. As required by law, UNLV must have written policies and procedures for responding to allegations of research misconduct and reporting information to funding entities including but not limited to, the U.S. Department of Health and Human Services Public Health Service (“PHS”), Office of Research Integrity (“ORI”), Office of Inspector General’s (“OIG”) National Science Foundation (“NSF”), United States Department of Agriculture (“USDA”), United States Department of Energy (“DOE”), United States Department of Defense (“DOD”), State of Nevada agencies, local agencies, industry, or foundations. UNLV will also ensure compliance with State of Nevada and Nevada System of Higher Education policies (“NSHE”).

2.2 Applicability

The UNLV Research Misconduct Policy, as well as these Rules and Procedures, apply to any individual paid by, holding appointment from, or affiliated with the University, such as faculty members, post-doctoral scholars, trainees, technicians and other professional staff members, guest researchers, and students who are engaged in conducting research. These individuals are subject to this Policy regardless of whether their research is conducted on the main University campus, at the Shadow Lane campus, or at any UNLV affiliated facilities and campuses located in Las Vegas U.S. or elsewhere in the U.S. or internationally.

3. ROLES AND RESPONSIBILITIES

3.1 Institutional Deciding Official (“IDO”)

IDO means the Institutional Deciding Official who makes final determinations on allegations of research misconduct and any institutional actions. The same individual cannot serve as the Institutional Deciding Official and the Research Integrity Officer (“RIO”). At UNLV, the Vice President for Research (“VPR”) serves as the IDO for research misconduct allegations. At UNLV, the RIO role is held by the UNLV Research Integrity and Compliance Officer (RICO) when that position is occupied. The UNLV President may appoint an alternate IDO if a conflict of interest is identified for the VPR.

The responsibilities of the IDO include the following duties related to research misconduct:

- May receive reports of allegations regarding research misconduct following an initial assessment;
- Appoint a Research Integrity Officer if the RICO role is vacant or there is a conflict of interest for the RIO;
- Once the inquiry report is received, the IDO will decide whether an investigation is warranted regardless of the funding status under the criteria of the applicable funding entity or UNLV’s internal policies and procedures;
- Any finding where an investigation is warranted, the IDO must notify the funding entity in writing within 30 days of the finding;
- Initiate Chapter 6 proceedings of the NSHE Code if findings from an investigation suggest possible conduct or misconduct in violation of NSHE policies. Alternatively, if the investigation yields a finding of research misconduct and the respondent is a student, the IDO will refer the case to the Office of Student Rights and Responsibilities for possible remediation or disciplinary action subject to the Code of Conduct. For student cases involving graduate students, the IDO and OSRR will collaborate with the UNLV Graduate College and departmental units to determine appropriate action.

3.2 Research Integrity Officer (“RIO”)

The responsibilities of the RIO include the following duties related to research misconduct proceedings:

- Consult confidentially with persons who are uncertain about whether to submit an allegation of research misconduct;
- Serve as the primary recipient/intake of research misconduct allegations or other ethical concerns;
- Assess each allegation of research misconduct to determine whether it falls within the definition of research misconduct and warrants an inquiry;
- Execute the procedures outlined in this document associated with (1) assessment, (2) inquiry, and (3) investigation as appropriate; including but not limited to, assembling inquiry committees and investigation panels.
- As necessary, take interim action and notify the applicable funding entities of special circumstances;
- Sequester research data and evidence pertinent to the allegation of research misconduct and maintain it securely in accordance with this policy and applicable law and regulation;
- Notify the respondent(s) and provide opportunities for them to review/comment/respond to allegations, evidence, and committee reports;
- Inform respondents, complainants, and witnesses of the procedural steps in the research misconduct proceeding;
- Determine whether each person involved in handling an allegation of research misconduct has an unresolved personal, professional, or financial conflict of interest and take appropriate action, including recusal, to ensure that no person with such conflict is involved in the research misconduct proceeding;
- Provide notification regarding confidentiality to those involved in the research misconduct proceeding as required by 42 CFR §93.108, other applicable laws, and institutional policy;
- In cooperation with other institutional officials, take all reasonable and practical steps to protect or restore the positions and reputations of good faith complainants, witnesses, and committee members and counter potential or actual retaliation against them by respondents or other

institutional members;

- Keep the IDO, Associate VPR, the President, and others who have a need to know apprised of the progress of the review of the allegation(s) of research misconduct;
- Notify and make reports to available to the applicable funding entities as required by 42 CFR §93 and/or other applicable laws;
- Ensure that administrative actions taken by the institution and the applicable funding entities are enforced and take appropriate action to notify other involved parties, such as sponsors, law enforcement agencies, professional societies, and licensing boards of those actions;
- Maintain records of the research misconduct proceeding for seven years after the completion of the proceeding or any funding entity proceeding, whichever is later or if the funding entity advises UNLV that we no longer need to retain the records.

3.3 Complainant

Allegations of Research Misconduct should be submitted to the Division of Research through the RIO. The RIO then notifies the IDO of the allegation. The individual submitting the allegation is called the complainant. The complainant is responsible for making allegations in good faith, 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 is also responsible for maintaining confidentiality, and cooperating with the inquiry and investigation. As a matter of good practice, if the complainant is known and available; they should be interviewed at the inquiry and/or investigation stage and given the transcript or recording of the interview, if applicable, for correction.

If a complainant is unsure whether a suspected incident falls within the definition of research misconduct, they should contact the RIO to discuss the suspected misconduct informally. If the circumstances described do not meet the definition of research misconduct, the RIO may refer the complainant or allegation to other offices or officials with responsibility for resolving the matter.

3.4 Respondent

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 maintaining confidentiality and cooperating with the conduct of an inquiry and investigation and is also assumed to have not engaged in misconduct until a preponderance of evidence suggests otherwise. The respondent is entitled to:

- A good faith effort from the RIO to notify the respondent in writing at the time of or before beginning an inquiry;
- An opportunity to comment on the inquiry report and have their comments attached to the report;
- Be notified of the outcome of the inquiry, and receive a copy of the inquiry report that includes a copy of, or refers to 42 CFR § 93 and/or applicable laws and the institution's policies and procedures on research misconduct;
- Be notified in writing of the specific allegations to be investigated before the investigation begins (within 30 days after the institution decides to begin an investigation), and be notified in writing of any new allegations not addressed in the inquiry or in the initial notice of investigation, within a reasonable time after the determination to pursue those allegations;
- Be interviewed during the investigation, have the opportunity to correct the transcript of the interview and have the corrected transcript included in the record of the investigation;
- Have the opportunity to identify any witnesses with relevant information to the inquiry or investigation and review transcripts of interviews completed during the investigation;
- Receive a copy of the draft investigation report and, concurrently, a copy of or supervised access to the evidence on which the report is based, and be notified that any comments must be submitted within 30 calendar days of the date on which the copy was received and that the comments will be considered by the institution and addressed in the final report.

4. PROCEDURES

4.1 General Principles

4.1.1 Responsibility to Report Misconduct

An individual who suspects research misconduct may contact the Division of Research to discuss the issue. Employees of the Division of Research who receive initial contacts should counsel the potential complainant to contact the RIO to discuss the concern or file an allegation. If the position of the RIO is not filled, the IDO may take the call or designate a RIO to perform this duty. Concerns may be discussed anonymously and/or hypothetically prior to making a formal allegation.

4.1.2 Cooperation with Research Misconduct Proceedings

Institutional members will cooperate with the RIO and other institutional officials in the review of allegations and the conduct of inquiries and investigations. Institutional members, including respondents, have an obligation to provide evidence relevant to research misconduct allegations to the RIO or other institutional officials.

4.1.3 Confidentiality

Allegations of research misconduct and proceedings conducted under the UNLV Research Misconduct Policy may be damaging to the professional reputations of persons involved. Accordingly, the maintenance of confidentiality is the guiding principle for this process, to protect both the complainant and the respondent. Persons subject to this policy who make, receive, or learn of an allegation of research misconduct shall protect, to the maximum extent possible, the confidentiality of information regarding the complainant, the respondent, and other affected individuals.

To the extent allowed by law and institutional policy, the RIO shall maintain the identity of respondents and complainants securely and confidentially and shall not disclose any identifying information, except to: (1) those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; and (2) applicable federal agencies, and/or UNLV offices associated with remediation/disciplinary actions resulting from investigations, as they conduct their review of the research misconduct proceeding and any subsequent proceedings.

Any information obtained during the research misconduct proceeding that might identify the subjects of research shall be maintained securely and confidentially and shall not be disclosed, except to those who need to know in order to carry out the research misconduct proceeding. UNLV may take action to manage published data or acknowledge that data may be unreliable.

The RIO should provide written information about expectations of confidentiality to individuals involved with the research misconduct process to ensure that the recipient does not make any further disclosure of identifying information. Failure to maintain confidentiality may be subject to disciplinary action under the NSHE Code, Chapter 6 or the Student Code of Conduct.

4.1.4 Protecting complainants, witnesses, and committee members

Institutional members, including those subject to research misconduct proceedings, may not retaliate in any way against complainants, witnesses, or committee members. Institutional members should immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the RIO, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed. This may include referral to appropriate UNLV offices that manage disciplinary proceedings.

4.1.5 Protecting the Respondent

As requested, and as appropriate, the RIO and other institutional officials shall make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in research misconduct, but against whom no finding of research misconduct is made. During the research misconduct inquiry and/or investigation, the RIO is responsible for ensuring that respondents receive all the notices and opportunities provided for in 42 CFR § 93 and/or the applicable laws and/or the policies and procedures of the institution. Respondents may consult with a personal adviser (who is not a principal or witness in the case) to seek advice and may bring counsel or a personal adviser to interviews or meetings on the case.

The RIO may recommend or take temporary action to protect public health and safety, federal funds, and the integrity of the research process [see section 4.1.6]; however, no disciplinary action should be taken against the respondent based on presumed misconduct. No permanent actions to suspend research activities of an individual, reassign employees, or otherwise modify the respondent's access to resources should be taken by any party without consultation with relevant supervisory or leadership input. Relevant leadership includes the faculty and chair of the program, and administrative leadership with a need to know.

4.1.6 Interim Administrative Actions and Notification of the applicable Funding Entity of Special Circumstances

Throughout the research misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to public health, federal funds and equipment, or the integrity of the applicable funding entities supported research process. In the event of such a threat, the RIO will, in consultation with other institutional officials and the ORI and/or applicable funding entity, take appropriate interim action to protect against any such threat. Interim action might include additional monitoring of the research process and the handling of federal funds and equipment, reassignment of personnel or of the responsibility for the handling of federal funds and equipment, additional review of research data and results or delaying publication.

The RIO shall, at any time during a research misconduct proceeding, notify the applicable funding entity immediately if they have reason to believe that any of the following conditions exist:

- Health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
- HHS resources or interests are threatened;
- Research activities should be suspended;
- There is a reasonable indication of possible violations of civil or criminal law;
- Federal action is required to protect the interests of those involved in the research misconduct proceeding;
- The research misconduct proceeding may be made public prematurely and HHS action or other federal agency action may be necessary to safeguard evidence and protect the rights of those involved; or
- The research community or public should be informed.

4.2 Conducting the Assessment, Inquiry, and Investigation

4.2.1. Assessment: 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.

Upon receiving an allegation of research misconduct, the RIO will immediately assess the allegation to determine whether there is credible and specific evidence to warrant an inquiry; whether federal support or applications for funding are involved; and whether the allegation falls within the definition of research misconduct within the applicable laws or within the jurisdiction outlined in UNLV's Research Misconduct Policy. An inquiry must be conducted if all criteria are met. The assessment period should be brief, preferably concluded within seven calendar days. In conducting the

assessment, the RIO need not interview the complainant, respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified.

4.2.2. Inquiry: An inquiry's purpose is to conduct an initial review of the evidence to determine whether an allegation warrants an investigation.

The inquiry is the initial step after the allegation has been assessed. An inquiry consists of preliminary information-gathering and preliminary fact-finding to determine whether the allegation or apparent instance of misconduct warrants an investigation. It is an informal process intended to assess the probable validity of the allegation. It is performed by the RIO or IDO designee. They may seek advice and assistance from subject matter experts, and/or scientific peers of the individual about whom the allegations are made. The RIO, in consultation with other institutional officials as appropriate, may appoint an inquiry committee and committee chair ("Inquiry Committee"), as soon after the initiation of the inquiry as is practicable. An inquiry does not require a full review of all the evidence related to the allegation. At the time of or before beginning an inquiry, the RIO must make a good faith effort to notify the respondent in writing, if the respondent is known. If the inquiry subsequently identifies additional respondents, they must be notified in writing. On or before the date on which the respondent is notified, or the inquiry begins, whichever is earlier, the RIO must take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding; inventory the records and evidence and sequester them in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of users. The RIO has the authority and obligation to sequester evidence that may be germane to an allegation of misconduct under review. Custody of all research records and evidence may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. The RIO may consult with the applicable funding entity for advice and assistance in this regard.

If an Inquiry Committee is convened, at the committee's first meeting the RIO will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The RIO will be present or available throughout the inquiry to advise the committee as needed. The Inquiry Committee may interview the complainant, the respondent and key witnesses, as well as examine relevant research records and materials. The Inquiry Committee will then evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members will make a recommendation whether an investigation is warranted based on the criteria in the institutional policy and 42 CFR § 93.307(d) and/or applicable law. The scope of the inquiry is not required to, and does not normally include, deciding whether misconduct occurred, determining definitely who committed the research misconduct or conducting exhaustive interviews and analyses. The inquiry, including preparation of the final inquiry report and the decision of the IDO or their designee on whether an investigation is warranted, must be completed within 90 calendar days of initiation of the inquiry, unless the IDO or applicable funding agency determines that circumstances clearly warrant a longer period. If an extension is approved, the inquiry record must include documentation of the reasons for exceeding the 90-day period.

A written inquiry report must be prepared that includes the following information:

1. The names, professional aliases, and positions of the respondent and complainant(s);
2. A description of the allegation(s) of research misconduct;
3. The applicable funding entity support, including, for example, grant numbers, grant applications, contracts, and publications listing the applicable funding entity support;
4. The composition of the inquiry committee, if used, including name(s), position(s), and subject matter expertise;
5. Inventory of sequestered research records and other evidence and description of how

- sequestration was conducted;
6. Transcripts of interviews, if transcribed;
 7. Timeline and procedural history;
 8. Any scientific or forensic analyses conducted;
 9. The basis for recommending that the allegation(s) warrant an investigation;
 10. The basis on which any allegation(s) do not merit an investigation;
 11. Documentation of potential evidence of honest error or difference of opinion.
 12. Any comments on the inquiry report by the respondent or the complainant; and
 13. Any institutional actions implemented, including communications with journals or funding agencies.

The Office of General Counsel should review the report for legal sufficiency. Modifications should be made as appropriate in consultation with the RIO and the Inquiry Committee.

The RIO shall provide a copy of the draft inquiry report, with associated evidence, to the respondent for comment and include a copy of or refer to 42 CFR § 93 and/or applicable law and the institution's policies and procedures on research misconduct. The respondent shall have 10 calendar days to respond and provide comments on the draft inquiry report.

UNLV may, but is not required to, provide relevant portions of the report to a complainant for comment. If UNLV provides notice to one complainant in a case, it must provide notice, to the extent possible, to all complainants in the case, however, UNLV is not required to notify a complainant whether the inquiry found that an investigation is warranted.

Based on the comments, the Inquiry Committee may revise the draft report as appropriate and prepare it in final form. The RIO and/or the committee will deliver the final report to the IDO. In addition, the President, the Executive Vice President and Provost, General Counsel, and the respondent's supervisors will receive copies of the final inquiry report. A confidentiality statement must be included on the report.

The University may dismiss allegations of research misconduct at the assessment or inquiry stage if there is credible evidence of honest error or difference of opinion.

The RIO will ensure that all reporting requirements to the applicable funding entity are met, if applicable. The RIO will be responsible for maintaining files of all documents and evidence and for the confidentiality and security of the files. If the IDO determines that an investigation is warranted based on the inquiry report, UNLV must: (a) within a reasonable amount of time after this decision, provide written notice to the respondent(s) of the final decision to conduct an investigation of the alleged misconduct, including any allegations for research misconduct not addressed during the inquiry.

4.2.3. 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 the preponderance of evidence, on each allegation and any institutional actions. As part of its investigation, UNLV will diligently pursue all significant issues, including any evidence of additional instances of possible research misconduct, and continue the investigation to completion.

Requirements for Findings of Research Misconduct and Evidentiary Standards:

The IDO shall initiate the investigation of the report of research misconduct within 30 days of determining an investigation is required to the provisions of UNLV Research Misconduct Policy and the applicable funding entities, with the purpose of developing a factual record by exploring the allegations in detail and examining the evidence in depth. This applies only to allegations of research misconduct that occurred within six years of the date the institution or the applicable funding entity received the allegation. Exceptions to the six year time limit are outlined in 42 CFR § 93. The IDO will determine a finding on whether research misconduct has been committed, by whom, and to what extent upon

receipt of the investigation report.

A finding of research misconduct requires that:

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

UNLV or the applicable funding agency have the burden of proof for making a finding of research misconduct. This means that it is more likely than not that research misconduct was committed. The respondent's (a) destruction of relevant research records is evidence of research misconduct, if the institution proves, by a preponderance of evidence (i.e., more likely than not), that the respondent intentionally or knowingly destroyed these records after being informed of the research misconduct allegations, and (b) failure to provide relevant research records is evidence of research misconduct, if the respondent claims to possess the records but refuses to provide them upon request. The respondent has the burden of going forward with and the burden of proving, by a preponderance of the evidence, any and all affirmative defenses raised. In determining whether UNLV has carried the burden of proof imposed by this part, the IDO shall give due consideration to admissible, credible evidence of honest error or difference of opinion presented by the respondent. The respondent has the burden of going forward with and proving by a preponderance of the evidence any mitigating factors that are relevant to a decision to impose administrative actions following a research misconduct proceeding.

Investigation process and reporting

The RIO, in consultation with other UNLV officials as appropriate, will appoint an investigation panel. The investigation panel will consist of at least three individuals who do not have any personal, professional or financial conflicts of interest in the case, are unbiased, and will also include individuals with the appropriate expertise to review evidence. The investigation panel can consist of tenured faculty, administrators, subject matter experts or other qualified persons. UNLV may seek subject matter experts from outside of the University. There may also be circumstances where UNLV decides to hire an external agency to conduct the investigation.

The RIO will, prior to notifying the respondent of the allegations subject to investigation, take all reasonable and practical steps to obtain custody of, and sequester in a secure manner, all research records and evidence needed to conduct the research misconduct proceedings that were not previously sequestered during the inquiry. The need for additional sequestration of records for the investigation may occur for any number of reasons, including the institution's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

Interviews must be conducted with each respondent, complainant, and other available person who was reasonably identified as having information regarding relevant aspects of the investigation, including witnesses identified by the respondent. The RIO will number all relevant exhibits and refer to any exhibits shown to the interview during the interview by that number. Interviews conducted during the investigation will be recorded and transcribed and the RIO will make the transcripts available to the interviewee for correction. The RIO will include the transcript(s) with any corrections and exhibits in the institutional record of the investigation. The respondent will not be present during the witnesses' interviews, but the RIO will provide the respondent with a transcript of each interview.

The findings of the investigation must be set forth in an investigation report. The RIO, in collaboration with the investigation panel, is responsible for preparing a written draft report of the investigation for each respondent, including:

1. Description of the nature of the allegation(s) of research misconduct, including any additional allegation(s) addressed during the research misconduct proceeding.
2. Description and documentation of applicable funding entity support, including, for example, any grant numbers, grant applications, contracts, and publications listing the applicable funding

- entities) support.
3. Description of specific allegation(s) of research misconduct for consideration in the investigation of the respondent.
 4. Composition of the investigation committee, including name(s), position(s), and subject matter expertise.
 5. Inventory sequestered research records and other evidence, except records the institution did not consider or rely on; and a description of how any sequestration was conducted during the investigation.
 6. Transcripts of all interviews conducted.
 7. Identification of the specific published papers, manuscripts submitted but not accepted for publication (including online publication), applicable funding entities funding applications, progress reports, presentations, posters, or other research records that allegedly contained the falsified, fabricated, or plagiarized material.
 8. A description of scientific or forensic analyses conducted.
 9. The institutional policies and procedures under which the investigation was conducted.
 10. Any comments made by the respondent on the draft investigation report.
 11. A statement for each separate allegation of whether the investigation committee recommends a finding of research misconduct.

If the investigation committee recommends a finding of research misconduct for an allegation, the investigation report will present a finding for each allegation separately. These recommended findings will (a) identify the individual(s) who committed the research misconduct; (b) indicate whether the research misconduct was falsification, fabrication, and/or plagiarism; (c) indicate whether the research 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 the analysis which support the conclusion and consider the merits of any explanation by the respondent; (f) identify the specific applicable funding entities support; and (g) identify whether any publications need correction or retraction.

The Office of General Counsel should review the report for legal sufficiency. Modifications should be made as appropriate in consultation with the RIO and the Investigation Panel.

The RIO must give the respondent a copy of the draft investigation report for comment 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 RIO within 30 calendar days of receiving the draft investigation report. If UNLV 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 30 calendar days of the date of which they received the report. UNLV will add any comments received to the investigation report.

The RIO will finalize the draft investigation report in consultation with the Investigation Panel, ensuring that the respondent(s) and/or complainant(s) comments are included, and transmit the final investigation report to the IDO, who will determine in writing (1) whether they accept the investigation report, and its findings, (2) whether administrative action is needed regardless of a finding of research misconduct; and (3) whether additional steps must be undertaken pursuant to the applicable funding entity and NSHE Chapter 6 (please see section 4.4) or Student Conduct Code. The IDO will provide the referral to the Office of Faculty Affairs or Office of Student Rights and Responsibilities no later than 5 business days following their final determination.

The President, the Executive Vice President and Provost, General Counsel, and the respondent's supervisors will receive copies of the final investigation report. A confidentiality statement must be included on the report.

The respondent will be provided, in writing, the final investigation report and the final written determination of the IDO within 5 business days after the IDO finalizes their determination.

UNLV will complete all aspects of the investigation within 180 days. If the investigation takes more than 180 days to complete, the RIO may request an extension from the IDO. For matters subject to 42 CFR Part 93, any extension beyond 180 days requires prior written approval from ORI or the applicable funding agency. Institutional determinations are subject to review by applicable funding entities, which may reach independent conclusions under their regulations.

4.2.4 Notice to the ORI and/or applicable entity of Institutional Finding and Actions

After the IDO has made a final determination of the research misconduct findings, UNLV will add the IDO's written decision to the investigation report and organize the institutional record in a logical manner. If funded by an external entity, the RIO will report the findings of the investigation to that entity as outlined in their policies and procedures. Funding agencies may have different guidelines for timing and reporting requirements. For matters governed by HHS or agencies relying on 42 CFR § 93.317, unless an extension has been granted, the RIO must, within the 180-day period for completing the investigation, submit the institutional record to ORI or the applicable funding agency. These records include but are not limited to: (1) a copy of the final investigation report with all attachments; (2) a statement of whether the institution accepts the findings of the investigation report; (3) a statement of whether the institution found misconduct and, if so, who committed the misconduct; and (4) a description of any pending or completed administrative actions against the respondent. Any records that UNLV did not consider or rely on during the misconduct proceedings are not included.

After informing the applicable funding entity, the IDO will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies. UNLV will coordinate with any funding agencies to ensure compliance with any processes they require.

4.2.5 Maintaining Records for Review by funding entity

The RIO must maintain and provide to the applicable funding entity upon request "records of research misconduct proceedings" as that term is defined by 42 CFR § 93.317 and/or under applicable law. Unless custody has been transferred to the funding entity and they have advised in writing that the records no longer need to be retained, records of research misconduct proceedings must be maintained in a secure manner for seven years after completion of the proceeding or the completion of any applicable funding entities proceeding involving the research misconduct allegation. The RIO is also responsible for providing any information, documentation, research records, evidence or clarification requested by the ORI and/or the applicable funding entity to carry out its review of an allegation of research misconduct or of the institution's handling of such an allegation.

4.2.6 Institutional Appeal of Research Misconduct Findings

Right to Appeal

The respondent may appeal the Institutional Deciding Official's (IDO) final determination regarding:

1. A finding of research misconduct; and/or
2. Institutional administrative actions imposed as a result of the research misconduct proceeding, unless another University policy provides the exclusive mechanism for appeal of a specific action (e.g., faculty disciplinary proceedings under NSHE Chapter 6 or student disciplinary actions under the Student Code of Conduct). Administrative actions that could be appealed are only those directly applied by the IDO. Such actions may include, but are not limited to, additional education or training access to research resources. Any administrative action not issued through the research misconduct process does not fall under this policy and should be handled directly by the issuing unit.

Grounds for Appeal

Disagreement with the factual findings or credibility determinations, absent of one of the grounds listed in this section, is not a basis for appeal.

An appeal is limited to one or more of the following grounds:

1. New evidence that was not reasonably available at the time of the investigation and that could materially affect the finding;
2. Significant noncompliance with applicable laws, regulations, or these Rules and Procedures.

Filing an Appeal

The respondent must submit a written appeal to the RIO within 14 calendar days of the receipt of the IDO's written final determination.

The appeal must specify the grounds for appeal. The written appeal must identify specific portions of the inquiry or investigation report or the IDOs written determination being appealed. The appeal must be specific in identifying errors and the rationale for the appeal regarding identified errors or significant departures from regulation or policy and how those implicate either of the grounds for an appeal. If the appeal is based on new significant evidence, the appellant must provide a detailed explanation as to why this information/evidence was not provided during the research misconduct proceeding. Supporting documentation should be included with the written appeal.

Appeals that do not meet these requirements may be returned.

Appeal Authority

The appeal shall be decided by the Provost, who must not have participated in the assessment, inquiry, investigation, or initial determination and must not have an unresolved conflict of interest. If the Provost is unable to review the appeal, the President or their designee will be appointed as the appeal authority.

The appeal authority may seek advice from the Office of General Counsel.

Scope of Review

The appeal is a record-based review and does not constitute a new investigation. The appeal authority will review:

- The research misconduct case and records;
- The written appeal submission; and
- Any written response to the appeal submission by the RIO or IDO.

Additional fact-finding will occur only if necessary to resolve the stated grounds for appeal.

Appeal Decision

The appeal authority may:

- Affirm the IDO's determination and institutional administrative actions;
- Modify the institutional administrative actions;
- Issue a reconsideration, modification, or revision of the finding if the appeal authority determines that a material error or new evidence undermines the outcome.

The appeal decision is final and concludes the institutional research misconduct proceedings

Timing and Reporting

UNLV will make reasonable effort to issue a written appeal decision within 30 calendar days of receipt of a complete appeal.

The RIO will ensure compliance with all applicable funding entity notifications and reporting requirements during and/or following the appeals process. The appeal record will be included as part of the institutional record maintained under 42 CFR 93.317.

4.3 Completion of Cases; Reporting Premature Closures to funding entity

Generally, all inquiries and investigations will be carried through to completion and all significant issues will be pursued diligently. The RIO must notify the applicable funding entity in advance if there are plans to close a case at the inquiry, investigation, or appeal stage on the basis that respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except: (1) closing of a case at the inquiry stage on the basis that an investigation is not warranted; or, (2) a finding of no misconduct at the investigation stage, which must be reported to the applicable funding entity, as prescribed in this policy and 42 CFR § 93.315.

A respondent's admission of research misconduct must be made in writing and signed by the respondent. An admission must specify the falsification, fabrication, and/or plagiarism that occurred and which research records were affected. The admission statement must meet all elements required for a research misconduct finding under [§ 93.103](#) and must be provided to ORI or the applicable federal agency before UNLV closes its research misconduct proceeding. UNLV may also be required by the federal agency to provide a statement describing how it determined that the scope of the misconduct was fully addressed by the admission and confirmed the respondent's culpability.

4.4 Referral and Initiation for NSHE Chapter 6 and/or Student Conduct Action

Following a determination of Research Misconduct, the matter may be referred for disciplinary action in accordance with NSHE Chapter 6. The IDO will refer the case to the Office of Faculty Affairs for NSHE Code review. Section 6.2.1 of the NSHE Code cites grounds for instituting disciplinary action against "all members of the faculty of the System." Specific to this policy is the prohibition against "acts of academic dishonesty, including but not limited to cheating, plagiarism, falsifying research data or results, or assisting others to do the same." Possible disciplinary sanctions applicable to members of the NSHE community are delineated in Chapter 6, Section 6.2 of the NSHE Code.

Referrals for potential remediation or disciplinary action for students as related to the UNLV Student Code of Conduct would be referred to the Office of Student Rights and Responsibilities. The Dean of the Graduate College may also be involved with remediation, education, or other administrative actions for students with graduate student status or for postdoctoral associates. The OSRR and the Graduate College will collaborate with departmental units, as appropriate, on potential action.

4.5 Other Considerations

4.5.1 Termination or Resignation Prior to Completing Inquiry or Investigation

The termination of the respondent's institutional 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 institution's responsibilities under 42 CFR § 93 and/or under applicable law. Similarly, for cases involving students, withdrawal from UNLV will not preclude or terminate research misconduct proceedings.

4.5.2 Restoration of the Respondent's Reputation

Following a final finding of no research misconduct, including the applicable funding entity concurrence where required by 42 CFR § 93 and/or under applicable law, the RIO must, at the request of the respondent, undertake all reasonable and practical efforts to restore the respondent's reputation. Depending on the particular circumstances and the views of the respondent, the RIO should consider

notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in any forum in which the allegation of research misconduct was previously published, and expunging all reference to the research misconduct allegation from the respondent's personnel or student file. Any institutional actions to restore the respondent's reputation should first be approved by the President.

4.5.3 Protection of the Complainant, Witnesses, and Committee Members

During the research misconduct proceeding and upon its completion, regardless of whether the institution or the funding entity determines that research misconduct occurred, the RIO must undertake all reasonable and practical efforts to protect the position, and reputation of, or to counter potential or actual retaliation against, any complainant who made allegations of research misconduct in good faith and of any witnesses and committee members who cooperate in good faith with the research misconduct proceeding. The IDO will determine, after consulting with the RIO, and with the complainant, witnesses, or committee members, respectively, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them. The RIO is responsible for implementing any steps IDO approves.

4.5.4 Allegations Not Made in Good Faith

If through the course of the proceedings the complainant's allegations of research misconduct were determined as to not have been made in good faith, or whether a witness or committee member acted in bad faith, administrative actions and/or referral to disciplinary processes may be taken.

4.5.5 Other Procedures and Special Circumstances

If the alleged research misconduct involves multiple institutions, UNLV may work closely with the other affected institutions to determine whether a joint research misconduct proceeding will be conducted. If so, the cooperating institutions will choose an institution to serve as the lead institution pursuant to a written agreement.

In a joint research misconduct proceeding, the lead institution will obtain research records and other evidence pertinent to the proceeding, including witness testimony, from the other relevant institutions. By mutual agreement, the joint research misconduct proceeding may include committee members from the institutions involved. The determination of whether further inquiry and/or investigation is warranted, whether research misconduct occurred, and the institutional actions to be taken may be made by the institutions jointly or tasked to the lead institution.

If the alleged research misconduct involves multiple respondents, UNLV may either conduct a separate inquiry for each new respondent or add them to the ongoing proceedings. The University must give additional respondent(s) notice of and an opportunity to respond to the allegations.

5. RECORDS

Maintaining Records for Review

The RIO must maintain and provide to the ORI and/or applicable funding entity upon request "records of research misconduct proceedings" as that term is defined by 42 CFR § 93.317 and/or under applicable law. Unless custody has been transferred to the applicable funding entity and they have advised in writing that the records no longer need to be retained, records of research misconduct proceedings must be maintained in a secure manner for seven years after completion of the proceeding or the completion of any proceeding involving the research misconduct allegation. The RIO is also responsible for providing any information, documentation, research records, evidence or clarification requested by the applicable funding entity to carry out its review of an allegation of research misconduct or of the institution's handling of such an allegation.

6. RELATED DOCUMENTS

[UNLV Research Misconduct Policy](#)
[Title 2 - Chapter 5 of the NSHE Code](#)
[Title 2 - Chapter 6 of the NSHE Code](#)
[42 CFR § 93](#)
[Student Conduct Code](#)

7. CONTACT INFORMATION

UNLV Office of Research Integrity
Phone: 702-895-5948
Email: ORI@UNLV.EDU

8. DEFINITIONS

Allegation is a disclosure of possible research misconduct through any means of communication and brought directly to the attention of an institutional or agency official.

Assessment means a consideration of whether an allegation of research misconduct appears to fall within the definition of research misconduct; appears to involve PHS-supported [research or research training]; and is sufficiently credible and specific so that potential evidence of research misconduct may be identified. The assessment is meant to determine whether an allegation warrants an inquiry. The assessment only involves the review of readily accessible information relevant to the allegation.

Complainant means an individual who in good faith makes an allegation of research misconduct.

Confidentiality (a) Disclosure of the identity of respondents, complainants, and witnesses while conducting the research misconduct proceedings is limited, to the extent possible, to those who need to know, as determined by the institution, 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. This limitation on disclosure of the identity of respondents, complainants, and witnesses no longer applies once an institution has made a final determination of research misconduct findings. The institution, however, must disclose the identity of respondents, complainants, or other relevant persons to ORI pursuant to an ORI review of research misconduct proceedings under this part; (b) except as may 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 need to know to carry out a research misconduct proceeding; and (c) This section does not prohibit institutions from managing published data or acknowledging that data may be unreliable.

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.

Evidence 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.

Fabrication means making up data or results and recording or reporting them.

Falsification 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.

Funding Entities is any sponsor that provides funding to UNLV for research purposes.

Good Faith is (a) Good faith 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. (b) Good faith 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 an institution meet its responsibilities under 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.

Inquiry means preliminary information-gathering and preliminary fact-finding that meets the criteria and follows the procedures of § 93.307 through § 93.309. The purpose of the inquiry is to conduct an initial review of the evidence to determine whether the allegation warrants an investigation.

Institutional Deciding Official (IDO) means the institutional official who makes final determinations on allegations of research misconduct and any institutional actions. The same individual cannot serve as the IDO and the RIO.

Institutional Record: The institutional record 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.

(c) A general description of the records that were sequestered but not considered or relied on.

Intentionally is to act with the aim of carrying out the act.

Investigation means the formal development of a factual record and the examination of that record that meets the criteria and follows the procedures of § 93.310 through § 93.317. The investigation will result in determinations regarding the allegations of research misconduct.

Knowingly is to act with awareness of the act.

Plagiarism is the appropriation of another person's ideas, processes, results, or words, without giving appropriate credit. (a) 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. (b) 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 (§ 93.103).

Preponderance of the evidence 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.

Recklessly. To act recklessly means to propose, perform, or review research, or report research results, with indifference to a known risk of fabrication, falsification, or plagiarism.

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) by establishing, discovering, developing, elucidating, or confirming information or underlying mechanisms related to biological causes, functions, or effects; diseases; treatments; or related matter to be studied.

Research Integrity Officer (RIO) refers to the institutional official responsible for administering the institution's written policies and procedures for addressing allegations of research misconduct in compliance with 42 CFR Part 93.

Research Misconduct 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.

Research Record 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.

Respondent means the individual against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.

Retaliation 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.

Subsequent Use Exception (93.104(b)) applies when the respondent "uses, republishes, or cites to the portion(s) of the research record that is alleged to have been fabricated, falsified, or plagiarized" in submitted research records "within six years of when the allegations were received by HHS or an institution."

9. GOVERNMENT ENTITIES

The Office of Research Integrity (ORI) oversees and directs Public Health Service (PHS) research integrity activities on behalf of the Secretary of Health and Human Services with the exception of the regulatory research integrity activities of the Food and Drug Administration.

Department of Defense (DoD) has many research and development programs including:

- Basic Research Office - Manages the direction of DOD basic research investments, identifies strategic research areas, and coordinates basic research programs.
- Defense Advanced Research Projects Agency (DARPA) - Develops new technologies for

the military by working with industry, academia, and the government. DARPA's programs include AWARE, which aims to help people regain peak cognitive function after sleep loss.

- Department of Defense Medical Research Office (DOD-MRRO) - Conducts research in areas such as aerospace medicine, biomechanics, traumatic brain injury, and vaccines.
- Bilateral Academic Research Initiative (BARI) - Supports academic teams to combine their skills and approaches to make rapid scientific advances.
- US-UK Science and Technology (S&T) Defense Review - Balances short- and long-term S&T priorities, responds to threats and opportunities, and ensures collaboration.
- Laboratory-University Collaboration Initiative (LUCI) - Supports collaboration between DoD laboratory scientists and DoD-funded academics.
- DEPSCoR - A capacity-building program that strengthens the basic research infrastructure at higher education institutions in under-utilized states and territories

The National Science Foundation (NSF) is an independent federal agency that funds and supports science and engineering in the United States.

The United States Department of Agriculture (USDA) is a government agency that leads on issues related to food, agriculture, natural resources, and rural development. The USDA's mission is to: Promote agriculture production that nourishes Americans, Help feed people around the world, Preserve the nation's natural resources, and provide economic opportunity through innovation.

The Department of Energy (DoE) research refers to the extensive scientific research conducted by the U.S. Department of Energy, primarily focused on developing new energy technologies, addressing climate change, and advancing fundamental scientific understanding in areas like physics, materials science, and biology, often carried out through its network of national laboratories across the country; essentially making it the leading federal agency supporting basic research in physical sciences related to energy production and security.

The Department of Education (Dept of Ed) recognizes the significant threat that research misconduct poses to the integrity, accuracy, and reliability of research funded by the Federal Government, including research funded by the Department. As an agency that provides funding for research, the Department is aware of the importance of establishing throughout the Government uniform policies and guidelines, to the extent practicable, as called for in the Federal Policy.