UNIVERSITY OF NEBRASKA AT OMAHA

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Responsible University Administrator:
Senior Vice Chancellor for Academic Affairs; Associate Vice Chancellor for Research and Creative Activity

Responsible University Office:
Office of Research and Creative Activity

Policy Contact:
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Integrity in Research and Creative Activity Policy

POLICY CONTENTS

Scope

This policy applies to all individuals at the University of Nebraska at Omaha (UNO) engaged in research, including non-funded projects, projects supported by the Public Health Service (PHS), the National Science Foundation (NSF), other governmental entities and private funding sources. This policy applies to any person paid by, under the control of, or affiliated with UNO, such as faculty, trainees, technicians, other staff members, students, fellows, and visiting scientist. If an allegation of research misconduct involves collaborators from an institution other than UNO, the process under "Allegation Involving Multiple Institutions" below will be followed.

Without limitation, this policy applies to:

- Applications or proposals for support for research, research training, or activities related to research or research training in areas including, but not limited to biomedical, clinical, translational, behavioral, and social sciences, including education.
- Biomedical, clinical, translational, behavioral, educational and other social sciences research.
- Biomedical, clinical, translational, behavioral, educational and other social sciences research training programs.
- Activities that are related to biomedical, clinical, translational, behavioral, educational, or other social sciences research or research training, such as, but not limited to, the operation of tissue and data banks or the dissemination of research information.
- Research records produced during research, research training, or activities related to that research or research training.
- Research proposed, performed, reviewed, or reported, as well as any research record generated from that research, regardless of whether an application or proposal for federal funds resulted in an awarded grant, contract, cooperative agreement, subaward, or other form of support.

Time Limitation

The Research Integrity Officer may dismiss an allegation of research misconduct brought more than six (6) years after the alleged research misconduct occurred, unless one of the following exceptions applies:

1. Subsequent Use Exception: The six (6) year time limit does not apply if the respondent continues or renews any incident of alleged research misconduct that occurred before the six (6)-year limitation through the use of, republication of, or citation to the portion(s) of the research record (*e.g.,* processed data, journal articles, funding proposals, data repositories) alleged to have been fabricated, falsified, or plagiarized, for the potential benefit of the respondent.

- When the respondent uses, republishes, or cites to the portion(s) of the research record that is(are) alleged to have been fabricated, falsified, or plagiarized, in submitted or published manuscripts, submitted grant applications, progress reports submitted to grant funding agencies, posters, presentations, or other research records within six (6) years of when the allegations were received by UNO, this exception applies.
- If research misconduct appears to fall within the subsequent use exception, but the Research Integrity Officer determines the exception does not apply, the Research Integrity Officer will document its determination that the exception does not apply.

2. Public Health or Safety Exception: The six (6) year time limit does not apply if the Research Integrity Officer, following consultation with the Office of Research Integrity, determines that the alleged research misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public.

Policy Statement

The University of Nebraska at Omaha (UNO) is committed to maintaining an academic environment based on honesty, integrity and ethical conduct. UNO promotes an environment of productivity, creativity, and academic freedom, while establishing firm expectations that individuals will not commit research misconduct.

Reason for Policy

UNO is responsible for the inquiry, investigation and adjudication of alleged research misconduct, and, in appropriate cases, taking corrective action. As a recipient of federal research funds, UNO must comply with federal policies and regulations on responding to allegations of research misconduct including, without limitation:

- “Public Health Service Policies on Research Misconduct”, 42 CFR Part 93, Subpart A, Public Health Service regulations
- "Federal Policy on Research Misconduct", Executive Office of the President, 65 Fed. Reg. No. 235, December 6, 2000, Office of Science and Technology Policy
- "Research Misconduct", 45 CFR Part. 689, National Science Foundation regulations

Responsibility for Implementation

- The Senior Vice Chancellor for Academic Affairs is responsible for assuring compliance with federal, state, and university policies and procedures governing the responsible and ethical conduct of research. The Senior Vice Chancellor of Academic Affairs delegates responsibility for responding to allegations of research misconduct to the Research Integrity Officer or designee, who shall be responsible for ensuring that inquiries and investigations thoroughly evaluate the facts while protecting the rights of the parties involved in the alleged misconduct.

Policy

Research Misconduct Prohibited, Standard of Proof

- UNO prohibits research misconduct. Individuals subject to this policy found to have committed research misconduct shall be subject to sanctions up to and including termination.
- A finding of research misconduct requires that:

(a) there be a significant departure from accepted practices of the relevant research community; and

(b) the respondent committed the research misconduct intentionally, knowingly, or recklessly; and

(c) the allegation be proven by preponderance of the evidence

- UNO bears the burden of proof for making a finding of research misconduct
    - A respondent's destruction of research records documenting the questioned research is evidence of research misconduct where UNO establishes by a preponderance of the evidence that the respondent intentionally or knowingly destroyed records after being informed of the research misconduct allegations.
    - A respondent's failure to provide records documenting the questioned research is evidence of research misconduct where the respondent claims to possess the records but refuses to provide them upon request.
    - The absence of or failure to retain records over time that violates retention requirements is not necessarily evidence of misconduct and will not automatically lead to an adverse inference. The facts and circumstances surrounding the absence of or failure to retain records must be examined to determine whether absence or failure constitutes evidence of research misconduct.
- A 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 (such as honest error).

Duty to Report Research Misconduct

All individuals subject to this policy, including, without limitation, all employees, students or other individuals associated with UNO shall report observed, suspected, or apparent research misconduct in accordance with the procedures outlined in this policy.

Duty to Cooperate with Inquiries and Investigations

All individuals subject to this policy shall cooperate with the Research Integrity Officer 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 all requested evidence and information related to such inquiries or investigations. Cooperation includes, without limitation, maintaining confidentiality and deferring to the process outlined in this policy, which is designed both to hold researchers accountable and to prevent unjust harm to a career as a result of an allegation that does not ultimately result in a finding of research misconduct. Failure to cooperate may result in sanctions pursuant to appliable UNO policy.

Duty to Maintain Confidentiality

Allegations of research misconduct (even when ultimately disproven) can have serious career consequences for a researcher. Therefore, to the maximum extent permitted by applicable law, all individuals subject to this policy shall maintain the strict confidentiality of any information relating to allegations of research misconduct or a research misconduct proceeding and shall disclose such information only to those with a need to know as determined by UNO. While conducting research misconduct proceedings, the Research Integrity Officer or designee shall limit disclosure of the identity of respondents, complainants, and witnesses to those who need to know, as determined by UNO, in order to carry out a thorough, competent, objective and fair research misconduct proceeding, and, except as otherwise prescribed by law, limit the disclosure of records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct proceeding. The Research Integrity Officer or designee may use written confidentiality agreements or other mechanisms to implement this section. Inappropriate dissemination of information can result in sanctions up to and including termination.

For purposes of this policy, those who may need to know could include institutional review boards, journals, editors, publishers, co-authors, and collaborating institutions. Furthermore, this policy does not prohibit UNO from managing published data or acknowledging that data may be unreliable. UNO must disclose the identity of respondents,

complainants, or other relevant persons to ORI pursuant to an ORI review of research misconduct proceedings under this policy.

The limitation on disclosure of the identity of respondents, complainants, and witnesses no longer applies once UNO has made a final determination of research misconduct findings. However, other obligations of confidentiality may limit UNO's disclosure even after final determination. Any disclosure of the identity of a respondent, complainant or witness will only be made after consultation with the Research Integrity Officer or designee and, if needed, legal counsel.

Rights and Responsibilities of Complainant

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation. The complainant may be interviewed at the inquiry phase and shall be interviewed at the investigation phase as described below. The role of a complainant is not to act as special prosecutor; once a complainant makes an allegation of research misconduct, the complainant is responsible for providing evidence and information in connection with the response to the allegation but otherwise shall defer to, and cooperate with, UNO's review, adjudication and response to research misconduct as provided in this policy. A complainant shall not discuss the allegations of research misconduct outside the process.

Rights and Responsibilities of Respondent

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry and investigation. The respondent shall ordinarily receive the procedural rights and protections set forth in this policy. A respondent may be accompanied by legal counsel of their own choosing and at their own expense during an interview conducted under this policy. Legal counsel may advise the respondent but may not question witnesses or otherwise take part in the proceedings.

Retaliation Prohibited

Retaliation against complainants, witnesses, or committee members or other individual acting in their institutional capacity in any way is prohibited. Any individual covered by this policy should immediately report any alleged or apparent retaliation against complainants, witnesses, or committee members to the Research Integrity Officer or designee. The Research Integrity Officer or designee 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.

Research Integrity Officer Responsibilities

The Research integrity Officer shall serve as the primary point of contact for implementation of this policy. The Research integrity Officer or designee shall perform the functions set forth below.

Procedures

Reporting Misconduct

All individuals subject to this policy shall report observed, suspected, or apparent research misconduct to the Research Integrity Officer by phone or email.

Observed, suspected, or apparent research misconduct can also be reported to the UNO Compliance Hotline at 1-844-348-9584 or www.nebraska.ethicspoint.com.

In determining whether an incident falls under this policy, an individual may refer to the definitions under this policy (e.g., authorship disputes and self-plagiarism do not fall under this policy) and review University of Nebraska Executive Memorandum No. 41, Policy on Research Data and Security (e.g., for questions regarding data ownership). If an individual is unsure whether the suspected incident falls within the definition of research misconduct, they may call the Research Integrity Officer to discuss the suspected misconduct informally, including anonymously or hypothetically. Such discussions shall ordinarily be confidential. If the circumstances do not meet the definition of research misconduct, the

Research Integrity Officer or designee will refer the individual or allegation to other offices with responsibility for resolving the problem.

Allegations Involving Multiple Institutions

When allegations involve research conducted at multiple institutions, the Research Integrity Officer will communicate with the administrator charged with research integrity at the other institution(s). UNO and the other institution(s) must determine whether a joint research misconduct proceeding will be conducted and, if so, designate one institution to serve as the lead institution. The lead institution will follow its research misconduct policies and procedures to conduct the proceeding as modified by the procedures included- immediately below in this paragraph as agreed to by the participating institutions. In a joint research misconduct proceeding, the lead institution should obtain research records and other evidence pertinent to the proceeding, including witness testimony, from the other relevant institution(s). 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.

Allegations involving research being conducted at more than one campus of the University of Nebraska will be treated as allegations involving multiple institutions.

Allegations Involving the Research Integrity Officer or Institutional Deciding Official

In the event an allegation of research misconduct is made against the Research Integrity Officer or Institutional Deciding Official, or the Research Integrity Officer or Institutional Deciding Official has a conflict of interest with the outcome of the assessment, inquiry, or investigation of an allegation, the Associate Vice Chancellor for Research will appoint a substitute for the Research Integrity Officer or Institutional Deciding Official. If such a replacement is not possible, the Associate Vice Chancellor for Research will confer with the Office of General Counsel to determine whether external resources will be engaged to complete the necessary process under this policy.

Preliminary Assessment of Allegations

Upon receiving an allegation of research misconduct, the Research Integrity Officer or designee shall assess the allegation as soon as is feasible (usually within 21 days of receipt of the allegation) to determine whether it falls within the definition of research misconduct, is within the scope of this policy, and is sufficiently credible and specific so that potential evidence of research misconduct may be identified. If so, the matter must proceed to an inquiry. The Research Integrity Officer or designee will document the assessment, including, in cases where an inquiry is not warranted, with sufficient detail to permit a later review by the ORI of the reasons why an inquiry was not conducted. If the identity of the complainant is known, the Research Integrity Officer or designee will notify the complainant of the outcome of the assessment.

Authorship or collaboration disputes and other matters that are not within the definition of research misconduct, as set forth in this policy, are not subject to this policy and shall be addressed separately through the applicable procedures set forth in the Board of Regents Bylaws, University policies, collective bargaining agreements, or the Student Code of Conduct.

Sequestration of Research Records

- If an inquiry is warranted, on or before the date the respondent is notified of any allegation of research misconduct or the inquiry begins, the Research Integrity Officer or designee must take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, which may include copies of the data or other evidence so long as those copies are substantially equivalent in evidentiary value. This will include the inventory of records and evidence and sequestration of them in a secure manner. Where the research records or evidence encompasses scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence of such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments.

- The Research Integrity Officer or designee shall sequester any additional research records that become pertinent to an inquiry or investigation after the initial sequestration.
- The Research Integrity Officer or designee will review any physical evidence that will be sequestered to determine whether any physical evidence requires special conditions of storage and develop a plan for storage of any such physical evidence.
- The Research Integrity Officer or designee may consult with UNO legal counsel, the Chief Compliance Officer, and/or ORI for advice and assistance in this regard. Where appropriate, UNO shall give the respondent copies of, or reasonable supervised access to the research records that have been sequestered.
- All sequestered evidence including physical objects must be maintained pursuant to the Record Retention provisions of this policy.

Inquiry

Initiation of the Inquiry

At the time of or before beginning an inquiry, the Research Integrity Officer or designee 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. Only allegations specific to a particular respondent are to be included in the notification to that respondent.

Purpose of the Inquiry

The purpose of the inquiry is to conduct an initial review of the evidence to determine whether an allegation warrants an investigation. The purpose of the inquiry is not to reach a final conclusion about whether misconduct definitely occurred or who was responsible, and an inquiry does not require a full review of all the evidence related to the allegation. An investigation is warranted if it is determined:

(1) there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct; and,

(2) the preliminary information-gathering and fact-finding indicate the allegation may have substance.

Inquiry Process

The Research Integrity Officer or designee shall conduct the inquiry. The Research Integrity Officer or designee may obtain assistance from one or more subject matter experts as may be necessary to conduct the inquiry. No person conducting or consulting on the inquiry will have an unresolved personal, professional, or financial conflict of interest with the complainant, respondent, or witnesses. The Research Integrity Officer or designee may interview the complainant, the respondent, and key witnesses as well as examine relevant research records and materials. If additional allegations are raised during the inquiry, the respondent(s) must be notified in writing of the additional allegations raised against them. The Research Integrity Officer or designee will evaluate the evidence and determine whether an investigation is warranted. Findings of research misconduct, including whether the alleged misconduct is intentional, knowing, or reckless, cannot be made through the inquiry process. The Research Integrity Officer or designee may make a determination of honest error as a result of the inquiry, which would not warrant an investigation.

Written Report

A written report shall be prepared in accordance with applicable legal requirements that includes the following information:

1. the names, professional aliases, and position of the respondent and the complainant;
2. a description of the allegations of research misconduct;
3. the PHS or other governmental or third-party support including, for example, grant numbers, grant applications, contracts, and publications listing support;

4. inventory of sequestered research records and other evidence and description of how sequestration was conducted;
5. transcripts of any transcribed interviews;
6. timeline and procedural history;
7. any scientific or forensic analyses conducted;
8. the basis for recommending or not recommending that the allegations warrant an investigation;
9. if there is potential evidence of honest error or difference of opinion;
10. any comments on the draft inquiry report by the respondent;
11. any institutional actions implemented, including communications with journals or funding agencies; and
12. if the inquiry took longer than 90 days to complete, the reasons for exceeding the 90-day period.

The respondent shall be given a copy of the draft inquiry report together with a copy of this policy. If the respondent chooses to comment on the report, they must submit a written response to the Research Integrity Officer or designee within fourteen (14) days after receiving the report in order for it to be made a part of the record. Based on the comments, the Research Integrity Officer or designee may revise the report as appropriate.

Decision by Deciding Official

The Research Integrity Officer or designee will transmit the final inquiry report and any comments to the Institutional Deciding Official. The Institutional Deciding Official will make the determination of whether an investigation is warranted after reviewing the inquiry report and recommendation. If the findings from the inquiry indicate a reasonable basis for concluding that the allegation falls within the definition of research misconduct and the preliminary information-gathering and fact-finding from the inquiry indicate the allegation may have substance, then an investigation is warranted.

Notification of Decision

The Research Integrity Officer or designee will notify both the respondent and appropriate UNO officials in writing of the Institutional Deciding Official's decision of whether to proceed with an investigation. The notice to the respondent must include a copy of the inquiry report, a copy of this Policy and, for PHS-funded research, a copy of or reference to 42 CFR Part 93. If the Institutional Deciding Official determines an investigation is warranted, the Research Integrity Officer or designee shall notify appropriate funding and oversight agencies (PHS, NSF, etc.) in writing of the decision and provide a copy of the inquiry report within thirty days after the Institutional Deciding Official’s decision.

The Research Integrity Officer or designee is not required to notify a complainant whether the inquiry found that an investigation is warranted. However, if the Research Integrity Officer or designee provides notice to one complainant in a case, they must provide notice, to the extent possible, to all complainants in a case.

Time for Completion of Inquiry

The inquiry, including preparation of the final inquiry report and the decision of the Institutional Deciding Official, must be completed within 90 days of its initiation, unless the Research Integrity Officer or designee determines that circumstances warrant a longer period.

Investigation

Initiation of the Investigation

The investigation must begin within 30 days of the decision by the Institutional Deciding Official that the investigation is warranted. On or before the date on which the investigation begins, the Research Integrity Officer or designee must:

(1) if applicable, notify ORI of the decision to begin the investigation and provide ORI a copy of the inquiry report (or comply with any other notice obligation to a government agency or other funder);

(2) notify the respondent in writing of the allegations to be investigated.

Purpose of the Investigation

The purpose of the investigation is to examine the allegations and evidence in detail and determine specifically whether misconduct has been committed, as defined in accordance with the standards of proof set forth in Section 1, by whom, and to what extent. The investigation committee shall pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of additional instances of possible research misconduct, and continue the investigation to completion. If new allegations are identified, the Research Integrity Officer must also give the respondent written notice of such allegations within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation.

Investigation Committee

The Research Integrity Officer or designee, in consultation with other UNO officials as appropriate, will appoint an investigation committee within ten (10) days after the notification to the respondent of the investigation or as soon thereafter as practicable. The investigation committee shall consist of at least three individuals who do not have unresolved personal, professional, or financial conflicts of interest in the case, who are unbiased, and who have the necessary expertise to evaluate the evidence and issues related to the allegations, interview the principals and key witnesses, and conduct the investigation. Individuals appointed to the investigation committee may have also participated in the inquiry. The Research Integrity Officer or designee will notify the respondent of the proposed committee membership. If the respondent submits a written objection to the appointed member of the inquiry committee based on bias or conflict of interest within five (5) days, the Institutional Deciding Official will determine whether to replace the challenged member with a qualified substitute.

Investigation Process

- The Research Integrity Officer or designee will provide a written charge to the committee. Such charge shall describe the allegations and related issues identified during the inquiry; identify the respondent; inform the committee that it must conduct the investigation as prescribed by this policy and in accordance with applicable law; define research misconduct; and instruct the investigation committee on the burden of proof. The charge shall state that the committee is to evaluate the evidence and testimony of the respondent, complainant, and key witnesses to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, to what extent, who was responsible, and its seriousness. The committee will review procedures and standards for conduct of the investigation, including this policy and applicable federal regulations. The committee will be instructed that it is advisable to develop an investigation plan and as to the necessity for maintaining confidentiality.
- The investigation committee shall use diligent efforts to ensure that the investigation is impartial, unbiased, objective, thorough and sufficiently documented and shall include examination of all research records and evidence relevant to reaching a decision on the merits of each allegation.
- The investigation committee shall interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent.
    - Interviews during the investigation must be recorded and transcribed;
    - Any exhibits shown to the interviewee during the interview must be numbered and referred to by that number in the interview;
    - The transcript of the interview must be made available to the relevant interviewee for correction;

- The transcript(s) with any corrections and numbered exhibits must be included in the institutional record of the investigation; and
- The respondent must not be present during the witnesses' interviews but must be provided a transcript of the interviews.

- If a respondent, complainant, or witness refuses an interview and or the respondent, complainant, witness or Investigation Committee requests another form of fact gathering, such as a response in writing to written questions, the Research Integrity Officer or designee will confer with the Office of Research Integrity to determine the permissibility of the proposed alternative to interview.
- If the investigation committee identifies additional respondents during the investigation, UNO is not required to conduct a separate inquiry for each new respondent. If any additional respondent(s) are identified during the investigation, the Research Integrity Office must notify them of the allegation(s) and provide them an opportunity to respond consistent with this policy.
- The investigation committee shall determine whether, to what extent, and by whom research misconduct has been committed.

Investigation Report

Upon completion of the investigation, a written report for each respondent shall be prepared in accordance with applicable legal requirements. Such report shall, without limitation:

(1) describe the nature of the allegation(s) of research misconduct, including identification of the respondent(s);

(2) describe and document support for the research, including PHS or other funding agency support;

(3) describe the specific allegations of research misconduct considered in the investigation;

(4) describe composition of the investigation committee, including name(s), position(s), and subject matter expertise;

(5) include the inventory of sequestered research records and other evidence, except records UNO did not consider or rely on, with a description of how any sequestration was conducted during the investigation and including manuscripts and funding proposals that were considered or relied on in the investigation;

(6) include transcripts of all interviews conducted;

(7) identify any specific published papers, manuscripts submitted but not accepted for publication (including online publication), funding applications, progress reports, presentations, posters, or other research records that allegedly contain the falsified, fabricated, or plagiarized materials;

(8) describe any scientific or forensic analyses conducted;

(9) include the institutional policies and procedures under which the investigation was conducted;

(10) include any comments made by the respondent and complainant on the draft investigation report and the investigation committee's consideration of those comments;

(11) include a statement of findings for each allegation of research misconduct identified during the investigation, summarizing the basis for the investigation committee's decision and proposed corrective actions (if any). The statement shall include the identity of the individual(s) who committed the research misconduct, the type of misconduct (falsification, fabrication, or plagiarism), indicate whether the research misconduct was committed intentionally, knowingly, or recklessly; and state whether the requirements for finding research misconduct have been met. If the committee does not recommend a finding of research misconduct for an allegation, the investigation report must provide a detailed rationale; and

(12) If the investigation took longer than 180 days to complete, include the reasons for exceeding the 180-day period.

- The Research Integrity Officer or designee shall provide the respondent with a copy of the draft investigation report for comment and rebuttal. The respondent will be given thirty (30) days to review and comment on the draft report. The respondent will receive a copy of or have the opportunity to obtain supervised access to the evidence on which the report is based. The respondent shall submit comments to the Research Integrity Officer or designee within 30 days from the date the respondent received the draft report. The respondent's comments will be attached to the final report.
- The investigation committee shall consider and address the respondent(s)' comments on the draft report in connection with finalizing the report.
- The draft investigation report will be transmitted to the University of Nebraska Office of the General Counsel for a review of its legal sufficiency.

Decision by Deciding Official

Within fifteen (15) days of receiving the investigation report, the Institutional Deciding Official will make a final determination whether to accept the final report and the recommended actions (with or without further modifications), or reject the recommendations and instruct the investigation committee to conduct further fact finding. If the Institutional Deciding Official's determination varies from that of the investigation committee, the Institutional Deciding Official shall explain in writing and in detail the basis for rendering a different decision.

The Institutional Deciding Official's determination of whether research misconduct occurred is final for UNO's purposes and is independent of any finding from ORI or other funding agency regarding research misconduct. The lack of an ORI or other funding agency finding of research misconduct does not overturn UNO's determination that the conduct constituted research misconduct warranting remediation under this policy.

Notification of Decision

When a final decision is reached, the Research Integrity Officer or designee will normally notify both the respondent and the complainant in writing. After informing ORI, the Institutional Deciding Official shall determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which research misconduct 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 Research Integrity Officer or designee is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

Time for Completion

All aspects of the investigation shall be complete within 180 days of beginning it, including conducting the investigation, preparing the draft investigation report for each respondent, providing the draft report to each respondent for comment, and transmitting the institutional record including the final investigation report and decision by the Institutional Deciding Official to ORI or other funding agencies as required. If unable to complete the investigation within 180 days, the Research Integrity Officer or designee shall request an extension in writing that includes the circumstances or issues warranting additional time from any pertinent funding agencies as required. If an allegation involves research for which there is no external funding agency, the Research Integrity Officer or designee may extend the time to complete the investigation for a period reasonable under the circumstances in the Research Integrity Officer's or designee's discretion.

Corrective Action

Corrective action for research misconduct shall be based on the seriousness of the misconduct including, but not limited to, the degree to which the misconduct:

a) was intentional, knowing or reckless;

b) was an isolated event or part of a pattern; and

c) had significant impact on the research record, research subjects, other researchers, institutions, or the public welfare.

The range of corrective actions includes, but is not limited to, withdrawal or correction of all pending or published abstracts and papers emanating from the research where misconduct was found; removal of the responsible person from the particular project; special monitoring of future work; restitution of funds as appropriate; suspension or termination of an active award; termination, expulsion, suspension, leave without pay, and/or letters of reprimand. If the corrective action results in the expulsion of a student or the termination or other adverse change in an employee's terms and conditions of employment, the respondent may appeal the decision through the appropriate procedures contained in the Board of Regents Bylaws, University policies, collective bargaining agreements, or the Student Code of Conduct.finter

Reporting to ORI or the Funding Agency

The Research Integrity Officer or designee will make any notifications related to research misconduct required by the funding agency.

For PHS agencies subject to 42 CFR Part 93: The Research Integrity Officer or designee shall notify the ORI Director, in writing of the following events, among others:

- Decision to initiate a research misconduct investigation on or before the date the investigation begins;
- Transmission of the final investigation report;
- Decision to terminate an investigation for any reason without completing all regulatory requirements or as otherwise called for by this policy;
- Request for extension in the event that UNO will not be able to complete the investigation within 180 days.

The Research Integrity Officer or designee shall provide immediate notice to the ORI Director, when:

- The health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
- There is an immediate need to protect Federal funds or equipment or interests;
- Research activities should be suspended;
- Federal action is required to protect the interests of those involved in the research misconduct proceeding;
- There is a reasonable indication of possible civil or criminal law violation; or
- The Department of Health and Human Services may need to take appropriate steps to safeguard evidence and protect the rights of those involved.

UNO will cooperate with ORI or other government agencies during oversight review or any subsequent administrative hearings or appeals. This includes provision of research records and evidence under the institution's control, custody, or possession and reasonable access to persons within its authority necessary to develop a complete record of relevant evidence.

Other Considerations

Respondent Admissions

Generally, all inquiries and investigations will be carried through to completion and all significant issues will be pursued diligently. For PHS-funded research, the Research Integrity Officer or designee must notify ORI in advance if there are plans to close a research misconduct proceeding at the assessment, inquiry, investigation, or appeal stage on the basis that respondent has admitted to committing research misconduct or a settlement with the respondent has been reached.

- A respondent’s admission must be made in writing and signed by the respondent and specify the falsification, fabrication, and/or plagiarism that occurred and which records were affected. The admission statement must meet all elements required for a finding of research misconduct and must be provided to ORI before the institution closes its research misconduct proceeding. UNO must also provide a statement to ORI describing how it

determined that the scope of misconduct was fully addressed by the admission and confirmed the respondent's culpability.

Respondent Resignation/Withdrawal

If the respondent terminates UNO employment, resigns, or withdraws from school (in the case of a student) prior to completion of the inquiry or investigation, the inquiry or investigation will proceed. If the respondent refuses to participate in the proceedings, the investigation committee will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's failure to cooperate and its effect on the committee's review of all the evidence. If a finding of research misconduct is made after a respondent terminates, resigns, or withdraws, UNO will implement such corrective actions as may be applicable and possible given the termination, resignation, or withdrawal including, but not limited to, correcting the research record.

Restoration of Respondent's Reputation

If UNO finds no research misconduct, and the funding agency concurs when required, the Research Integrity Officer will undertake reasonable efforts to restore the respondent's reputation after consulting with the respondent and receiving approval from the Institutional Deciding Official. Such actions could include, for example only, 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 publicized, and expunging all reference to the research misconduct allegation from the respondent's personnel file.

Allegations Not Made in Good Faith

If relevant, the Institutional Deciding Official will determine whether the complainant's allegations of research misconduct were made in good faith. If an allegation was not made in good faith, the Institutional Deciding Official will determine if any administrative action should be taken against the complainant.

Interim Administrative Actions

UNO officials shall take interim administrative actions, as appropriate, to protect Federal funds and ensure that the purposes of the Federal financial assistance are carried out.

Record Retention

The Research Integrity Officer or designee is delegated responsibility for preparing and maintaining all documentation gathered or generated during an inquiry and investigation including the institutional record and all sequestered evidence including physical objects (regardless of whether the evidence is part of the institutional record). All records shall be maintained in a secure manner for seven years after completion of the UNO case or the completion of any federal proceeding involving the research misconduct allegation, whichever is later, unless custody has been transferred to the federal agency or the ORI or other federal agency advises otherwise in writing. If a person involved in a research misconduct proceeding for research that does not involve PHS or other federal funds whose data, documents, physical objects, or other materials were sequestered for purposes of the proceeding requests a return of such data, documents, physical objects, or other materials at the end of the proceeding, the Research Integrity Officer or designee will determine whether there are funding entity record retention requirements and whether substantially equivalent copies can be created and retained such that return is permissible. Federal funding and oversight agencies will be given access to the records upon request.

No Appeals

The decisions made by UNO at assessment, inquiry, or investigation regarding an allegation of research misconduct are not subject to appeal by any complainant, respondent, or other individual.

Definitions

Accepted practices of the relevant research community means those practices established by 42 CFR part 93 and by PHS funding components or other funding agencies, as applicable, as well as commonly accepted professional codes or norms within the overarching community of researchers and institutions that apply for and receive federal awards.

Allegation means any disclosure of possible research misconduct through any means of communication and brought directly to the attention of a UNO official.

Assessment means a consideration of whether an allegation of research misconduct appears to fall within the definition of research misconduct; appears to involve research, research training, or activities related to that research or research training; and is sufficiently credible and specific so that potential evidence of research misconduct may be identified. The assessment only involves the review of readily accessible information relevant to the allegation.

Complainant is the individual(s) who make(s) an allegation of research misconduct.

Chief Compliance Officer means the individual with primary responsibility for overseeing compliance with UNO's policies and procedures.

Conflict of Interest means an unresolved personal, professional, or financial conflict of interest involving the complainant, respondent, or any witness or in the underlying research.

Day means calendar day unless otherwise specified. If a deadline falls on a Saturday, Sunday, or Federal holiday, the deadline will be extended to the next day that is not a Saturday, Sunday, or Federal holiday.

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.

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. Good faith as applied to a committee member means cooperating with the research misconduct proceeding by impartially carrying out the duties assigned for the purpose of helping UNO meet its responsibilities under this part. A 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 in accordance with applicable law to determine whether an allegation of research misconduct warrants investigation.

Institutional Deciding Official is the UNO official who makes final determinations on allegations of research misconduct and any institutional administrative actions. The Institutional Deciding Official will not be the same individual as the Research Integrity Officer. The Institutional Deciding Official is ordinarily the Senior Vice Chancellor for Academic Affairs.

Institutional record means the institutional record comprised of:

(a) The records that UNO compiled or generated during the research misconduct proceeding, except records UNO did not consider or rely on. These records include, but are not limited to:

1. Documentation of the assessment.
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.

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, and information the respondent provided to the institution.

4. Decision(s) by the Institutional Deciding Official.

(b) A single index listing all the research records and evidence that UNO compiled during the research misconduct proceeding, except records UNO did not consider or rely on.

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

Intentionally means 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 leading to a decision to recommend or not a finding of research misconduct and may include a recommendation for other appropriate actions, including administrative action.

Knowingly means to act with awareness of the act.

ORI means the Office of Research Integrity in the U.S. Department of Health and Human Services (DHHS). ORI is responsible for the scientific misconduct and research integrity activities of the U.S. Public Health Service (PHS).

Plagiarism means 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.

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 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, survey or other process of inquiry designed to generate new knowledge or to confirm, refine, or apply existing knowledge. It encompasses a broad range of disciplines, including but not limited to biomedical, clinical, translational, behavioral, educational, and social sciences, and may comprise many different approaches appropriate to the respective discipline. Research may involve observation, experimentation, analysis, evaluation, or synthesis, and is conducted with the goal of expanding scientific understanding, informing evidence-based practice, improving population-based outcomes, and/or contributing to the public good.

Research Integrity Officer means the institutional official with primary responsibility for implementation of UNO's policies and procedures on research misconduct. Among other things, the Research Integrity Officer performs the duties described in this policy.

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, dissertations, 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. There can be more than one respondent in any inquiry or investigation.

Retaliation means any adverse action taken against a complainant, witness, committee member, or other individual acting in their institutional capacity 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; or (c) good faith implementation of the research integrity policy or the processes outlined therein.

History

New policy adopted March 5, 2019.

The U.S. Department of Health and Human Services (HHS) Office of Research Integrity (ORI) has issued a revised version of the Public Health Service (PHS) Policies on Research Misconduct (42 CFR Part 93), effective January 1, 2026. UNO has adopted an interim policy on December 18, 2025, to incorporate these changes.

In order for an interim designation to be removed, UNO policy requires the interim policy to complete the development and approval process as described in UNO's Establishing Campus Policies policy. This draft, which mirrors the current interim policy, is being published as 'under review' in accordance with the campus approval process.