UNIVERSITY of NORTH DAKOTA
RESEARCH & ECONOMIC DEVELOPMENT POLICY LIBRARY

MISCONDUCT IN SCHOLARSHIP (CREATIVE ACTIVITY)

Section 1, Research
Policy 9, Misconduct in Scholarship
Responsible Executive: VP Research & Economic Development
Responsible Office: VP Research & Economic Development
Issued: May 3, 2016
Latest Review / Revision: May 3, 2016

POLICY STATEMENT

1. INTRODUCTION

Scholarship is defined as all creative activity that supports the intellectual endeavors of the University of North Dakota (UND/University). The integrity of the scholarship process is an essential aspect of a university's intellectual and social structure. Although incidents of misconduct in scholarship are rare, those that do occur threaten the entire Scholarship enterprise.

The integrity of the Scholarship process must depend largely upon self-regulation. All members of the University Community, including all faculty, staff, administrators, and students, both full and part time, who are affiliated with the University, share responsibility for following the implemented standards to assure ethical conduct in scholarship, integrating these standards into their own work and reporting any abuse of the standards by others. This policy formalizes the rights and responsibilities of the University and University Community in conducting scholarship. The University is responsible for promoting practices that prevent misconduct and also for developing policies and procedures for dealing with allegations of misconduct.

It is important to create an atmosphere that encourages openness and creativity. It is particularly important to distinguish misconduct in Scholarship from the honest error and the ambiguities of interpretation that are inherent in the scholarship process. The following policies and procedures apply to faculty, staff and, in certain circumstances, students. These policies are not intended to address all academic issues of an ethical nature such as discrimination and affirmative action which are covered by other University policies.

Inquiries regarding this Policy may be directed to the Vice President for Research & Economic Development office.

REASON FOR POLICY

2. ETHICAL STANDARDS

The primary way to encourage appropriate conduct in scholarship at the University is for the University Community to promote and maintain a climate consistent with ethical standards. To reduce the likelihood of misconduct and promote high quality in scholarship, the University Community should promote and facilitate the following:

2.1. Commitment to Intellectual Honesty
This commitment to intellectual honesty is evidenced by adherence to standards of the discipline and the University including but not limited to, submission of work to peer review; avoidance of conflicts of interest fraud, and bias; scholarly exchange of ideas and data; and self-regulation.

2.2. Responsibility of Scholarship Supervisor
Supervisors of Scholarship should serve as mentors in conveying the ethics and responsibilities underlying scholarship. Mentoring relationships between academic leaders and new practitioners should serve to enhance the transmission of ethical standards.

2.3. Appropriate Assignment of Credit and Responsibility
Authors or creators should recognize the contributions of others through adequate citation and/or acknowledgment. They should also name as authors or creators only those who have had a genuine role in the scholarship and who accept responsibility for the quality of the work being reported or presented.

SCOPE OF POLICY

This policy applies to all members of the University Community and should be read by:

- ✓ President
- ✓ Vice Presidents
- ✓ Deans, Directors & Department Chairs
- ✓ Faculty
- ✓ Staff
- ✓ Students

CONTENTS

RELATED INFORMATION

NSF Responsible Conduct of Research (RCR)	http://www.nsf.gov/bfa/dias/policy/rcr.jsp
UND Code of Conduct	http://und.edu/president/_files/docs/code-of-conduct.pdf
SBHE Officer and Employee Code of Conduct	http://ndus.edu/makers/procedures/sbhe/default.asp?PID=215&SID=4
UND Code of Student Life	http://und.edu/student-affairs/code-of-student-life/
UND Conflict of Interest Policy	http://und.edu/research/_files/docs/policy/1-8-conflict-of-interest-policy.pdf
NIH Policy Statement	http://grants.nih.gov/grants/policy/nihgps_2013/
NIH and NSF are examples, but each agency may have its own Policy.	

CONTACTS

General questions about this policy should be directed to your department's administrative office. Specific questions should be directed to the following:

Subject	Contact	Telephone	E-Mail / Web Address
Policy and Procedure Content Clarification	Research Development & Compliance	777-4278	http://und.edu/research/resources/index/

DEFINITIONS

Allegation	
Allegation: any statement, describing possible Misconduct in scholarship, made to an institutional official.	
Committee of Investigation (CoI)	
The CoI: three member panel who gather and examine evidence during the Investigation.	
Complainant	
Complainant: individual (s) who brings an Allegation of Misconduct in scholarship.	
Counsel	
Counsel: a Support Person who is either an attorney or otherwise has legal training.	
Days	
Days: all references to Days mean business days.	
Disposition	
Disposition: the final decision of the VPAA resolving the Allegation of Misconduct in Scholarship.	
Falsification of Data	
Falsification of data: manipulating Scholarship materials, equipment, or processes, or changing or omitting data or results such that the Scholarship is not accurately represented in the Scholarship record.	
Fabrication of Data	
Fabrication: making up data or results and recording or reporting them.	

Improprieties of Authorship	
Improprieties of authorship: the improper assignment of credit, such as: excluding other authors; inclusion of individuals as authors who have not made a definite contribution to the work; or submission of multi-authored publications without the knowledge of all authors.	
Inquiry	
Inquiry: information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct in scholarship warrants an investigation.	
Inquirer	
Inquirer: person performing an inquiry.	
Institutional Charge	
Institutional Charge: the formal charges of misconduct arising from the Inquiry.	
Integrity Officer	
Integrity Officer: person responsible to ensure compliance with this policy.	
Investigation	
Investigation: the formal examination and evaluation of all relevant facts to determine if misconduct in scholarship has occurred.	
Misappropriation of Intellectual Property	
Misappropriation of intellectual property: the unauthorized possession or use of proprietary information however obtained.	
Misconduct in Scholarship	
Misconduct in Scholarship: any form of behavior which entails scholarship fraud, scientific misconduct, negligence, misrepresentation, or an act of deception. Misconduct in Scholarship is distinguished from honest error and from ambiguities of interpretation that are inherent in the Scholarship.	
Office of Research Integrity	
Office of Research Integrity: the federal agency organized under the U.S. Department of Health and Human Services, the Office of the Secretary of Health and Human Services and the Office of Public Health and Science.	
Plagiarism	
Plagiarism: the misappropriation of the work of another or one's own work and its misrepresentation as one's own original work, Plagiarism does NOT require intent i.e., lack of awareness does not excuse responsibility for upholding these standards.	
Respondent	
Respondent: the person against whom an allegation of misconduct is made.	
Scholarship	
Scholarship: all creative activity that supports the intellectual endeavors of the University.	
Support Person	
Support Person: may accompany a Complainant or Respondent to the interview, but cannot be an individual who can potentially be called as a witness during the course of an Inquiry or Investigation. A Support Person may also be Counsel.	
University Community	
University Community: all faculty, staff, administrators, and students, both full and part time, who are affiliated with the University of North Dakota, and involved in Scholarship.	
VPAA	
VPAA: the Vice President for Academic Affairs or a designee.	

VPRED	
VPRED: the Vice President for Research and Economic Development (VPRED) or a designee.	
Witness	
Witness: a person who has special knowledge relative to the Allegation and may be called during the investigation. A witness must not be a Support Person.	

GENERAL PROVISIONS

1. Principles

The following principles shall guide the review of Allegations of Misconduct in Scholarship at the University:

1.1. The process must avoid damage to Scholarship.

1.2. The University will provide leadership in the pursuit and resolution of all charges.

1.3. Process will be provided to all parties under UND and State Board of Higher Education (SBHE/Board) policies and procedures. All parties will be fairly treated and their reputations guarded by providing confidentiality to the extent possible under UND and SBHE policies and procedures, applicable state and federal requirements, and the North Dakota Open Records Act.

1.4. Conflicts of interest will be avoided.

1.5. Allegations will be resolved as expeditiously as possible.

1.6. The University will document its actions at each stage of the process.

1.7. The University will pursue Allegations within the scope of this Policy without regard to whether related civil or criminal proceedings have been initiated. The University may, at its option, suspend the Inquiry/Investigation temporarily, but is not under obligation to do so, as the standards of the University may differ from those of the courts.

1.8. To the extent feasible and reasonable, the University will pursue the Allegation of Misconduct in Scholarship to its conclusion, even if the Respondent leaves or has left the University before the matter is resolved.

2. Allegations Involving Students

The Allegation must be reported to the Integrity Officer who will make the decision as to whether the complaint should be handled in accordance with the procedures as stipulated in the *Code of Student Life* or the procedures as provided in this Policy. If the decision is to proceed utilizing the *Code of Student Life* process, the allegation will be forwarded to the Dean of Students or their designee..

3. Reporting Allegations of Misconduct in Scholarship

A Complainant may make Allegations of Misconduct in Scholarship, in writing or orally to any faculty member or administrator. All Allegations must then be reported to the Integrity Officer by the person who receives it.

4. Sanctions

If misconduct is found by the CoI, the VPAA may take actions and/or impose sanctions depending on the severity of the misconduct.

5. Appeal

Appeals may be made according to the procedures outlined below.

The following provisions are procedures amendable by the Conflict of Interest/Scientific Misconduct Committee as appropriate. Amendments to procedures do not require University Senate approval. However, the Conflict of Interest/Scientific Misconduct Committee shall inform the University Senate of amendments to these procedures in a timely fashion.

PROCEDURES FOR DEALING WITH ALLEGATIONS OF MISCONDUCT IN SCHOLARSHIP

1. Pre-Inquiry Review

1.1. Initial review by the Integrity Officer

1.1.1. Upon receipt by the Integrity Officer of an Allegation of Misconduct in Scholarship, the Integrity Officer will conduct a pre-inquiry review of the Allegation within 20 days to determine whether:

1.1.1.1. the Allegation is within the purview of this Policy;

1.1.1.2. other policies and procedures, such as those relevant to employment grievances, should be invoked;

1.1.1.3. the Allegation is outside the purview of the University;

1.1.1.4. the Allegation is clearly without substance.

1.1.2. If an Inquiry is determined to be unwarranted, the Integrity Officer shall prepare an internal memorandum-for-file including a statement of the Allegation and the rationale for not conducting an Inquiry. After the resolution of the Allegation of Misconduct in Scholarship this memorandum shall be kept secure pursuant to the University's records retention schedule. A copy shall be given to the VPAA, VPRED, Respondent, and Complainant.

1.1.3. If an Inquiry is determined to be warranted, the Inquiry process will be initiated.

1.2. Notification of Respondent
Within 5 Days of the determination that an Inquiry is warranted, the Integrity Officer, shall:

1.2.1. notify (Notification #1) the Respondent, the VPAA, VPRED, University's Office of General Counsel and appropriate Dean(s) of the Allegation;

1.2.2. notify all parties of the procedures that will be used to examine the Allegation;

1.2.3. appoint an Inquirer, who must be a tenured faculty member at the rank of associate or full professor, is without conflict of interest, and has appropriate expertise to evaluate the information relative to the case; and

1.2.4. notify all parties of the proposed Inquirer and ask all parties to identify any real or potential conflict of interest between the proposed Inquirer and the parties involved in the Allegation.

1.3. Precautionary Actions. As the University is responsible for protecting the health and safety of Scholarship subjects, students, and staff, interim administrative action prior to conclusion of the Inquiry and, if necessary, the Investigation may be indicated. Such action ranging from slight restrictions through complete suspension of the Respondent or the Respondent's Scholarship and notification of external sponsors, if indicated, will be initiated by the VPRED in collaboration with the VPAA. Sanctions that prevent the Respondent from fulfilling his/her obligations as an employee of the University shall not be imposed during the Inquiry or Investigation phases unless

it is necessary to prevent harm to the Respondent or to others. Factors to be considered in determining the timing of such actions include the following:

1.3.1. There is an immediate health hazard involved;

1.3.2. There is an immediate need to protect federal or state funds or equipment;

1.3.3. There is an immediate need to protect the interests of the Complainant or Respondent as well as co-investigators and associates, if any;

1.3.4. It is probable that the Allegation will be reported publicly;

1.3.5. There is reasonable indication of possible criminal violation.

2. Inquiry Phase

2.1. Purpose

2.1.1. In the Inquiry phase, factual information will be gathered and expeditiously reviewed to determine whether or not a further investigation of the charge (Investigation phase) is warranted. The Inquiry phase is designed to separate Allegations deserving of further investigation from frivolous, malicious, unjustified, or clearly mistaken Allegations.

2.2. Process and Structure

2.2.1. The Integrity Officer will provide the Inquirer and the Respondent with copies of all relevant documents. During the Inquiry, the Integrity Officer and the Inquirer will be responsible for maintaining the confidentiality of the information obtained and the security of relevant documents. After the resolution of the Allegation of Misconduct in Scholarship, originals of all documents and related communications are to be securely maintained in the Office of the VPRED pursuant to the University's records retention schedule.

2.2.2. Responsibilities of the Inquirer:

2.2.2.1. Records of the Inquiry are to be stored securely throughout the Inquiry and, at the end of the Inquiry, transferred to the Integrity Officer.

2.2.2.2. If there is a need for interviews, the interviews must be recorded and, upon request, made available to involved parties after the completion of the Disposition Phase.

2.2.2.3. Information, expert opinions, records, and other pertinent data may be requested by the Inquirer. All involved individuals are expected to cooperate with the Inquirer by supplying such requested documents and information.

2.2.2.4. The Inquiry phase will be completed within 40 Days of its initiation. If the Inquirer determines that circumstances clearly warrant an extension of time, a request for such an extension must be forwarded to the Integrity Officer. If the Integrity Officer grants the request, the Inquirer will notify all relevant parties of the extension, including the VPAA, and VPRED. The record of the Inquiry will include the rationale for exceeding the 40 Day period.

2.2.2.5 As the Inquiry is intended to be expeditious, individuals are expected to speak for themselves, but may be accompanied by an Advisor. If any individual chooses to bring Counsel, the University's Office of General Counsel must be notified in advance and must be present during the meeting.

2.3. Findings

2.3.1. The completion of an Inquiry is marked by a determination of whether or not an Investigation is warranted. The report of the Inquirer will be conveyed in writing to the Integrity Officer who will be responsible for communicating the findings to the Respondent and Complainant within 5 Days of receipt of the report in writing, by certified mail, return receipt requested. The same report will be sent to the VPAA, VPRED, Office of General Counsel, and appropriate Dean(s). The report of the Inquirer shall specify the information that was reviewed, summarize relevant interviews, and include the conclusions of the Inquiry. The Inquirer will make a recommendation to the Integrity Officer as to whether an Investigation is warranted. The Inquirer shall not recommend that an Investigation occur unless he/she concludes, based on the sufficient information for each Allegation, that the Allegation justifies an Investigation. The Respondent shall be given the opportunity to comment in writing (Notification #2) upon the findings and recommendations of the Inquirer. If the Respondent chooses to comment, such comments shall be forwarded to the Integrity Officer as soon as possible but no later than 15 Days from the date of notification of the findings by the Integrity Officer. The Respondent's comments will become part of the Inquiry record. Within 15 days of receiving the comments from the Respondent, the Integrity Officer will determine whether to proceed with an Investigation.

2.3.2. If the Integrity Officer determines that the Allegation was frivolous, malicious, unjustified, or clearly mistaken, and therefore, that an Investigation is unnecessary the Integrity Officer shall prepare an internal memorandum-for-file including a statement of the Allegation and the rationale for not conducting an Inquiry. After the resolution of the Allegation of Misconduct in Scholarship this memorandum shall be kept secure pursuant to the University's records retention schedule. A copy shall be given to the VPAA, VPRED, the Respondent, and the Complainant.

2.3.3. If the Integrity Officer determines that an Investigation should be conducted, the Integrity Officer (after notification to the appropriate Dean(s), the VPAA, VPRED and University's Office of General Counsel), will initiate the Investigation phase. The Integrity Officer must notify any sponsoring agency or funding source, including the Office of Research Integrity, if appropriate, at a time prior to the initiation of an Investigation.

2.4. Issues Unrelated to the Inquiry

2.4.1. If, in the course of its Inquiry, the Inquirer finds an issue unrelated to the Inquiry, the Inquirer shall inform the Integrity Officer, who may send a separate letter to the administrator who has the authority to act on the information. This unrelated issue should not be contained in the official Inquirer report nor should the letter to the administrator reveal the subject matter of the Investigation or the parties involved.

3. Investigative Phase

3.1. Purpose

3.1.1. An Investigation will be initiated when the Integrity Officer determines that it is necessary. The purpose of the Investigation is to examine the Institutional Charge and determine whether Misconduct in Scholarship has occurred. The Investigation will examine the factual materials of each case.

3.2. Process and Structure

3.2.1. After making a decision to proceed with an Investigation, the Integrity Officer will consult with the Chair of the University Senate to appoint a Committee of Investigation (CoI). No member of the CoI may have a conflict of interest. At least two members must be tenured faculty at the rank of associate or full professor and have appropriate expertise for evaluating the information relative to the case. However, if the Respondent is someone other than a faculty member of the University, one of these two members of the CoI must have a position with the University similar to that of the Respondent. The third member may be appointed from outside the University of North Dakota community if, in the judgment of the Integrity Officer, the circumstances justify such an appointment. Otherwise, the third member shall be appointed from within the University and must meet the same requirements as those listed for the first two members. The Inquirer may not serve on the CoI. Appointment of a CoI should be made within 20 Days following the decision by the Integrity Officer to proceed with an Investigation.

3.2.2. Before the CoI is convened, the Integrity Officer shall notify (Notification #3) all parties in writing of the Institutional Charge and of the procedures that will be used in the Investigation. Further, the parties will be informed of the proposed membership of the CoI for the purpose of identifying, in advance, any conflicts of interest.

3.2.3. At its first meeting, the CoI will elect a chairperson to handle procedural and administrative matters. All CoI members will be voting members.

3.2.4. Copies of all pertinent documents in the possession of the Integrity Officer will be provided by the Integrity Officer to the CoI and the Respondent in advance of scheduled meetings. The CoI proceedings must be recorded and, upon request, made available to the involved parties, but only after the completion of the Disposition phase.

3.2.5. Every effort shall be made to complete the Investigation within 80 Days. If the CoI determines that circumstances clearly warrant an extension of time, a request for such an extension must be forwarded to the Integrity Officer. If the Integrity Officer grants the request, the CoI will notify all relevant parties of the extension. The record of the Inquiry will include the rationale for exceeding the 80 Day period, along with the length of the extension.

3.2.6. The Integrity Officer shall convey to any affected funding agency such information about the Investigation as may be required by the funding agency, and shall keep the funding agency up to date at intervals as required by the agency.

3.2.7. Individuals involved may have one Support Person accompany them to the meeting with the CoI. The Support Person may not present to the CoI. If the Support Person is Counsel, the individual must notify the Integrity Officer in advance. The Integrity Officer shall notify the University's Office of General Counsel who must be present during the meeting.

3.2.8. The Investigation will include examination of all relevant documentation and information the CoI feels pertains to the issue. The CoI will make every attempt to interview all individuals involved, as well as other individuals who might have information regarding key aspects of the Allegations. Complete summaries of recorded interviews will be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file. The CoI may request the involvement of outside experts. The Investigation must be sufficiently thorough to permit the CoI to reach a decision about the validity of the Allegation and the scope of the wrongdoing or to be sure that further investigation is not likely to alter an inconclusive result.

3.2.9. All parties in the Investigation will cooperate by producing any additional data requested. Copies of all materials secured by the CoI shall be provided to the Respondent.

3.2.10. The Respondent shall have an opportunity to address the charges and information in detail during his/her interview and in writing at the end of the process.

3.2.11. After all information has been received and the fact-finding interviews have been completed, the CoI shall deliberate and prepare its findings. The CoI finds Misconduct in Scholarship if a majority of its members conclude beyond a reasonable doubt that the Allegation has been substantiated. A minority report may be written.

3.2.12. All significant developments during the Investigation, will be reported by the Integrity Officer to any affected funding agency, sponsor, or UND official, if appropriate.

3.3. Findings

3.3.1. Upon completion of the Investigation, the CoI will submit a draft report to the Respondent by certified mail, return receipt requested. The Respondent shall be given the opportunity to comment in writing (Memo #4) upon the findings and recommendations of the CoI. If the Respondent chooses to comment, such comments shall be forwarded as soon as possible but no later than 20 Days from the date of receipt of the draft report. The Respondent's comments will be taken into consideration when completing the final report. The CoI will then submit the final report to the Integrity Officer who shall in turn transmit it to the VPAA and VPRED.

3.3.2. The final CoI report must be in writing and include:

3.3.2.1. Allegations. Describe the nature of the initial Allegations of Misconduct in Scholarship;

3.3.2.2. Federal or state support. Describe and document federal or state support including, for example, any grant numbers, grant applications, contracts, and publications listing federal or state support;

3.3.2.3. Institutional charge. Describe the specific instances of Misconduct in Scholarship that were considered in the Investigation;

3.3.2.4. Policies and procedures. The institutional policies and procedures under which the Investigation was conducted shall be included;

3.3.2.5. Sources of information. Identify and summarize the sources of information received whether or not reviewed;

3.3.2.6. Statement of findings. For each separate Allegation of Misconduct in Scholarship identified during the Investigation, provide a finding as to whether Misconduct in Scholarship did or did not occur. For each instance of Misconduct in Scholarship that did occur:

3.3.2.6.1. Identify the person(s) responsible;

3.3.2.6.2. Identify the nature of the misconduct;

3.3.2.6.3. Summarize the facts and the analysis of information which support the conclusion of the CoI, considering the merits of any reasonable explanations by the Respondent or other individuals who provided information;

3.3.2.6.4. Identify the specific federal or state support;

3.3.2.6.5. Identify whether any publications need to be corrected or retracted; and

3.3.2.6.6. List any current support or known applications or proposals for support that the Respondent has pending with all federal or state agencies.

3.3.2.7. Comments. Include and respond to comments made by the Respondent and Complainant on the draft Investigation report.

3.3.3. Upon request, the CoI will maintain and provide to the Office of Research Integrity (or other federal or state agencies) all relevant sources of information and records of the institution's Misconduct in Scholarship proceeding, including results of all interviews and the transcripts of recordings of such interviews.

3.3.4. After the resolution of the Allegation of Misconduct, all records will be maintained in the office of the VPRED by the Integrity Officer pursuant to the University's records retention schedule.

3.4. Issues Unrelated to the Investigation

3.4.1. If, in the course of its Investigation, the CoI finds an issue unrelated to the Investigation, the CoI shall inform the Integrity Officer, who may send a separate letter to the administrator who has the authority to act on the information. This unrelated issue should not be contained in the official findings, nor should the letter to the administrator reveal the subject matter of the Investigation or the parties involved.

4. Disposition Phase

4.1. The VPAA shall consider the recommendations of the CoI and shall be responsible for determining and implementing any sanctions. The evaluation has two possible designated outcomes:

4.1.1. If no Misconduct in Scholarship is found

4.1.2. Within 10 Days of receipt of the CoI report, the VPAA shall furnish the report to the Respondent with the VPAA's decision. The VPAA shall inform the Respondent, Complainant, and the appropriate Dean that Allegations of Misconduct in Scholarship were not supported. The VPAA, through the Integrity Officer, shall inform all federal or state agencies, sponsors, or other external entities initially informed of the Investigation, that the Allegations of Misconduct in Scholarship were not supported. In determining whether to publicize the findings of no Misconduct in Scholarship, the University will be guided by whether public announcements will be harmful or beneficial in restoring any reputation(s) that may have been damaged. The Respondent's wishes will be taken into consideration when making publicity decisions. If the Allegations are deemed to have been maliciously motivated, the Inquirer or CoI will report those findings to the VPAA and a decision will be made whether to treat that finding as an Allegation of Misconduct in Scholarship against the Complainant.

4.2. If Misconduct in Scholarship is Found

4.2.1. Within 10 Days of receipt of the report from the CoI, the VPAA shall notify the Respondent and the President, in writing, of the recommended responses, if any. A copy of the report will accompany the VPAA's decision.

4.2.2. The University must respond in ways that are appropriate to the seriousness of the Misconduct in Scholarship, including, but not limited to, one or more of the following:

4.2.2.1. Non-sanction

4.2.2.1.1. Letter of reprimand in file.

4.2.2.1.2. Letter of reprimand with public notice.

4.2.2.2. Sanction

4.2.2.2.1. Removal from particular project.

4.2.2.2.2. Special monitoring of future work.

4.2.2.2.3. Probation for a specified period with conditions.

4.2.2.2.4. Suspension of rights and responsibilities for a specified period, with or without salary.

4.2.2.2.5. Financial restitution.

4.2.2.2.6. Termination of employment/enrollment.

4.2.3. If the sanctions involve a recommendation for termination of employment, the Respondent may use any applicable termination procedures.

4.2.4. The VPAA, through the Integrity Officer, is responsible for notification of all federal or state agencies, sponsors or other entities initially informed of the Investigation's outcome. Consideration should be given to formal notification of:

4.2.4.1. Sponsoring agencies, funding sources.

4.2.4.2. Co-authors, co-investigators, collaborators, departments.

4.2.4.3. Editors of journals in which fraudulent Scholarship was published.

4.2.4.4. State professional licensing boards.

4.2.4.5 Editors of journals or other publications, other institutions, sponsoring agencies, and funding sources with which the individual has been affiliated.

4.2.4.6. Professional societies.

4.3. Appeal

4.3.1. Respondents who are members of the faculty of the University may appeal the sanctions to the Standing Committee on Faculty Rights (SCoFR).

4.3.1.1. Under section 605.3(9) of the State Board of Higher Education (SBHE) Policies "If the administration determines that the conduct of a faculty member . . . provides reasonable cause for imposition of a sanction, the administration shall inform the faculty member in writing of the sanction and the reasons for the sanction." A faculty member may appeal to the SCoFR "[i]f the sanction is imposed without a [SCoFR] hearing . . ." The faculty member may request a SCoFR review by following the SBHE policy and the University Implementation, both of which are found in the University's Faculty Handbook.

4.3.1.2. If initiated, the review of imposed sanctions by SCoFR concludes review under this Policy.

4.3.1.3. If the finding of Misconduct in Scholarship results in termination, Respondent may request a SCoFR review of the decision to terminate by following the SBHE policy and the University Implementation, both of which are found in the University's Faculty Handbook.

4.3.2. Respondents who are not members of the faculty of the University may appeal the sanctions using any applicable procedures available under state or University policies.

RESPONSIBILITIES

Individual	▪ Report Allegations of Misconduct in Scholarship to the Integrity Officer
Integrity Officer	▪ Collect, Advise, Investigate, and Monitor Allegations of Misconduct in Scholarship
VPAA	▪ Determine and Implement any Sanctions
VPRED	▪ Record Retention

NOTIFICATIONS

Notification 1	Notification of Inquiry into Professional Misconduct
Notification 2	Inquiry into Professional Misconduct
Notification 3	Notification of Investigation into Professional Misconduct
Notification 4	Investigation into Professional Misconduct

REVISION RECORD

12/7/2015- Policy Implementation	Signed by President Robert O. Kelley
5/3/2016-Policy Revision	Signed by Interim President Edward Schafer

Notification #1

Sent Certified Mail
Return Receipt Requested

To: _____, Respondent(s)

Cc: _____, Complainant

_____, proposed Inquirer

From: _____, Integrity Officer

Date: _____

Re: Notification of Inquiry into Professional Misconduct

This is to inform you that I have completed a Pre-Inquiry review of Allegations of professional misconduct brought against you by _____, and that I have determined that further inquiry into the Allegations is warranted.

The next step in the process, pursuant to the Misconduct in Scholarship Policy, is the Inquiry Phase during which factual information will be gathered and expeditiously reviewed to determine whether a further inquiry of the charge is warranted. The Inquiry Phase is designed to separate Allegations deserving of further investigation from frivolous, unjustified, or clearly mistaken Allegations.

I intend to appoint _____ to conduct an Inquiry. Within five working days of the date of this memo, everyone should inform me whether or not any real or potential conflict of interest exists between the proposed individual conducting the Inquiry and the parties involved in the Allegation. If I receive no notice of conflict of interest, the individual conducting the Inquiry, the Inquirer, will have 40 working days to complete the Inquiry, unless circumstances clearly warrant a longer period. This is a paper review based on the documentation received by the Integrity Officer and responses to questions submitted by the Inquirer to either the Complainant or Respondent for clarification. After review of all of the documentation including the written responses from the Complainant and Respondent, a determination may be made that follow-up interviews with the Complainant or Respondent may be necessary to complete the Inquiry. If the Inquirer determines that an interview is necessary, principals are expected to speak for themselves but may be accompanied by a Support Person. In case the issue is determined to need further review, do not bring an individual as an advisor who has knowledge of the issues and with whom you may want a Committee of Investigation to speak.

If you have any questions about the process, please refer to the following documents that are guiding the Inquiry:

UND Faculty Handbook, § Ethical Conduct in Research, Scholarship and Creative Activity

Office of Research Integrity, US Department of Health and Human Services

Thank you for your attention to this matter.

Notification #2

Sent Certified Mail
Return Receipt Requested

To: _____ ,Respondent

From: _____ ,Integrity Officer

Date: _____

Re: Inquiry into Professional Misconduct

The Inquiry concerning Allegations of professional misconduct against you has been completed. The findings of the Inquiry (support/do not support) further Investigation. Enclosed please find the report. Pursuant to the section 2.3.1 of the Misconduct in Scholarship policy, you have the opportunity to provide written comment on the findings and recommendations of the enclosed report. Your comments will become part of the record. Please send me your written comments, if any, within15 working days from the date of this memorandum.

Thank you for your attention to this matter.

Enclosure

Notification #3

Sent Certified Mail
Return Receipt Requested

To: _____ ,Respondent

Cc: _____ ,Complainant

_____ ,Dean

_____ ,VPAA

_____ ,VPRED

_____ ,Office of General Counsel

_____ ,proposed Committee of Investigation

From: _____ ,Integrity Officer

Date: _____

Re: Notification of Investigation into Professional Misconduct

This is to inform you that I concur with the findings of the Inquiry that an investigation into your professional misconduct is warranted. The purpose of Investigation is to explore further the Allegations and determine whether misconduct in research and scholarship has been committed. The Investigation will focus on accusations of misconduct as defined previously and examine the factual materials of each case. In the course of the Investigation, additional information may emerge that justifies broadening the scope of the Investigation beyond the initial Allegations. You will be informed in writing if significant new directions for investigation are undertaken.

I intend to appoint _____, _____, and _____ to serve on the Committee of Investigation (CoI). Within five working days of the date of this memo, please inform me as to whether or not you have any real or potential conflict of interest between the proposed Committee of Investigation and you. Pursuant to section 3.2.5 of the Misconduct in Scholarship policy, the Committee of Investigation will have 80 working days to complete its Investigation, unless the Committee determines that circumstances clearly warrant a longer period. You may bring a Support Person; he or she may not speak with the CoI. Do not bring an individual as Support Person who has knowledge of the issue and with whom you would like the Committee to speak.

If you have any questions about the process, please refer to the following documents that are guiding the inquiry:

UND Faculty Handbook, § Ethical Conduct in Research, Scholarship and Creative Activity

Office of Research Integrity, US Department of Health and Human Services

Thank you for your attention to this matter.

Notification #4

Sent Certified Mail
Return Receipt Requested

To: _____ ,Respondent

From: _____ ,Chair, Committee of Investigation

Date: _____

Re: Investigation into Professional Misconduct

The Committee of Investigation has completed the investigation into the Allegation of professional misconduct against you. Enclosed please find the draft report. Pursuant to section 3.3.1 of the Misconduct in Scholarship policy, you have the opportunity to provide written comment on the findings and recommendations of the enclosed report. Please send me your written comments, if any, within 20 working days from the date of this memorandum. Your comments will be taken into consideration when finalizing the report.

Thank you for your attention to this matter.

Enclosure