



Research Integrity Policy and Procedures

I. Scope and Application

- A. These Research Integrity Policy and Procedures (“Policy”) applies to research undertaken at Johnson & Wales University (“JWU”) or research conducted using any JWU resources (including university facilities or funding or employee time) by any person who, at the time of the alleged research misconduct, is employed by (including student employees, acting in their capacity as such), was an agent of, or was affiliated by contract or agreement with JWU and is involved in the research at issue (“JWU Researcher”). JWU Researchers may include, but are not limited to, university agents and employees (such as faculty and clinicians, fellows, coordinating and support staff, and technicians); students; contractors and subcontractors; and sub awardees and their agents and employees. This Policy applies to employees (including student employees, acting in their capacity as such), agents, officers, and persons directly under university control or acting on the university’s behalf (collectively, “Covered Persons”).
- B. Johnson & Wales University (“JWU”) encourages members of its community to engage in scholarship in a variety of forms and requires that when they undertake such research, they act with integrity and in full compliance with all laws and university policies. This is essential to fostering an environment of trust among students, employees, collaborators, sponsors, research subjects, members of the general public, and others who might be affected by the university-affiliated scholarly endeavors. Moreover, certain federal regulations require JWU to establish a research integrity policy as a prerequisite to seeking and accepting federal grants, which JWU encourages members of its community to pursue. This Policy is intended to effectuate those goals.

II. Definitions

- A. **Assessment** means a consideration of whether an allegation of research misconduct appears to fall within the definition of research misconduct 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.
- B. **Complainant** means a person who in good faith makes an allegation of research misconduct.
- C. **Fabrication** means making up data or results and recording or reporting them.
- D. **Falsification** means manipulating research equipment, materials, or processes or changing or omitting data or results such that the research is not accurately represented in the research record.
- E. **Inquiry** means preliminary information-gathering and preliminary fact-finding that meet the criteria and follow the procedures described in this Policy.
- F. **Investigation** means the formal development of a factual record and the examination of that record that meets the criteria and follows the procedures described in this Policy.
- G. **Investigator** means the person designated by the provost to conduct an inquiry and/or investigation of an allegation of research misconduct in accordance with these procedures.

- H. **Plagiarism** means the appropriation of another person's ideas, processes, results, or words without giving such person appropriate credit.
 - 1. 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.
 - 2. 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.
- I. **Research** means a systematic demonstration, experiment, evaluation, study, or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research).
- J. **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.
- K. **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 information, items, or material that may be considered part of the research record include, but are not limited to, abstracts, clinical research records, journal articles, lab meeting reports, laboratory notebooks, laboratory records, manuscripts, online content, progress reports, raw data, records of oral presentations, research proposals, study records, and theses.
- L. **Respondent** means an individual against whom an allegation of research misconduct is directed or who is the subject of research misconduct proceeding.

III. Policy

- A. Prohibition on Research Misconduct
 - 1. JWU requires all JWU Researchers to adhere to high standards for honesty and integrity in the conduct of scholarly endeavors. Accordingly, JWU strictly prohibits research misconduct by JWU Researchers.
 - 2. JWU will investigate allegations of research misconduct in accordance with this Policy. Those found responsible for research misconduct will be subject to disciplinary action or sanctions up to and including termination of enrollment, employment, contracts, or other agreements, and/or affiliation.
- B. Requirement to Report Research Misconduct and Cooperate in Proceedings
 - 1. Any JWU Researcher and/or Covered Person who believes in good faith that research misconduct has occurred must report the alleged research misconduct to the relevant dean or administrative department head or to Equity and Compliance Services, who shall immediately forward such allegation to the provost. "Good faith" means an honest belief that research misconduct has occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

To ensure timely investigation, a report must be made within 30 days following the discovery of an alleged violation, absent good cause for any delay as determined by university.

2. All JWU Researchers and Covered Persons must also cooperate in research misconduct proceedings and must provide to the university any evidence relevant to research misconduct allegations that they possess.
 3. Violations of this Policy include:
 - (a) knowingly failing to report research misconduct;
 - (b) intentionally failing to cooperate or provide evidence in a research misconduct proceeding; and
 - (c) making allegations of research misconduct not in good faith.
- C. Confidentiality [42 C.F.R. § 93.106]
1. JWU will, where reasonably possible, provide confidentiality to all respondents, complainants, and research subjects identifiable from research records or evidence in a research misconduct proceeding until a final determination has been made in the proceeding. Notwithstanding the foregoing, JWU may at any time disclose any information to individuals or entities on a “need to know” basis, as determined by JWU, in its sole discretion, including without limitation, to editors, journals, officials at other institutions, public and private entities, and publishers. Confidentiality related to research misconduct proceedings is not meant in any way to limit the university’s ability manage published data or publicly acknowledge that data may be unreliable.
- D. Retaliation
1. JWU prohibits retaliation against the complainant, witnesses, or other employees or students who participate in good faith in research misconduct proceedings. Any individuals who are found to have engaged in retaliation prohibited hereunder shall be subject to disciplinary action or sanctions up to and including termination of enrollment, employment, contracts, or other agreements, and/or affiliation.
- E. Cooperation with Research Sponsors
1. JWU may report allegations or findings of research misconduct to research funders and other external parties that have a potential or actual interest in the matter and will do so in all cases where required by law or contract.
 2. To the extent required by law, regulation, or contract, JWU will also comply with research misconduct policies of government agencies, where applicable, and will cooperate with those agencies in addressing research misconduct allegations. Such compliance and cooperation may require JWU to modify its regular procedures and determinations of disciplinary action. As part of this cooperation, JWU will, where required, provide evidence within its control, custody, or possession and make available witnesses that are subject to JWU’s authority.
- F. Relationship to Other Policies
1. Research misconduct, as well as conduct that is connected with research that may not be research misconduct, could violate other university policies. This Policy does not supersede any such policies. JWU may address conduct that violates other policies in

accordance with the procedures associated with those policies.

IV. **Procedures**

- A. These procedures address how Covered Persons should respond to allegations of research misconduct in violation of this Policy. JWU may modify these procedures at any time as it deems fit in its sole discretion, including to comply with applicable law, regulation, or contractual obligations.
- B. General Procedural Requirements
 - 1. Protection of Participants. The provost (defined to include the provost's designee), shall be responsible for taking any reasonable and practical steps to:
 - a) protect or restore the positions and reputations of good faith complainants and witnesses and to counter potential or actual retaliation against them by respondents or other university personnel; and
 - b) undertake, at the request of the respondent, all reasonable and practical efforts to restore the respondent's reputation if there has been a final finding of no research misconduct, including sponsor approval thereof where applicable.
 - 2. Confidentiality.
 - a) Every individual involved with a research misconduct proceeding must maintain the confidentiality of the respondent(s), complainant(s) and any research subjects, to the extent possible. Disclosure of these individuals' identities is limited to a need-to-know basis for the purpose of effecting this Policy, except as may be otherwise required by law.
 - 3. Time Limits.
 - a) Time limits set forth in these procedures are mandatory, unless excused in writing by the provost, in consultation with the Office of General Counsel ("OGC"), for good cause.
 - 4. Unbiased Proceedings.
 - a) Covered Persons responsible for carrying out any part of the research misconduct proceeding shall not have unresolved personal, professional, or financial conflicts of interest with any complainant, respondent, or witness. If any such person becomes aware of any such conflict of interest, such person shall promptly disclose such conflict to the provost, and the provost shall take appropriate steps to address such conflict.
- C. **Assessment [42 C.F.R. § 93.306];** Appointing an Investigator; Interim Actions and Special Circumstances; Notification of Respondents
 - 1. Upon receiving an allegation of research misconduct, the provost shall within two weeks of receipt, or as soon as is otherwise practicable:
 - a) Assess whether the allegation is well-founded.
 - (1) An allegation is well-founded if it (1) falls within the definition of research misconduct and the scope of this Policy; and (2) is sufficiently credible and specific so that potential evidence of research misconduct may be identified.

- b) Assess whether the allegation was made within six years of the alleged research misconduct or within six years of any citation to, republication of, or other use for the potential benefit of the respondent by the respondent, of the portion of the research record that is the subject of the allegation. [42 C.F.R. § 93.104]
 - c) Consult with OGC to determine if any addition or modification to these procedures is required by applicable law, regulation, or contract. In the event the alleged research misconduct could have a substantial adverse effect on the health or safety of the public, the six-year time limitation described above shall not apply.
- 2. If an allegation is not well-founded or the alleged research misconduct occurred greater than six years before the allegation or any subsequent use, as described above, the provost is not required to take any further action.
- 3. If an allegation is well founded, the provost shall appoint an investigator to conduct a research misconduct proceeding.
 - a) The investigator should either have relevant expertise to evaluate the evidence and issues related to the allegation or should consult with person(s) possessing such expertise during the course of the proceedings.
 - b) The investigator may be, but need not be, a university employee.
 - c) The provost will direct the investigator to either begin an inquiry or, if the provost deems it advisable and an inquiry is not legally required, proceed directly to the investigation stage. The investigator may deviate from the procedures of subsections D and E below as the provost, in consultation with the investigator, deems fit, so long as the proceedings remain in accordance with the general procedural requirements above and the deviations do not violate any applicable legal or contractual requirement.
- 4. Collection, Maintenance and Custody of Record Evidence. [42 C.F.R. 93.305(a)]
 - a) Upon appointment, the investigator shall promptly take reasonable and practical steps to obtain custody of the relevant evidence and research records (including but not limited to, electronic and physical research proposals, laboratory records, progress reports, abstracts, theses, records of oral presentations, internal reports, journal articles, and evidence provided with the allegations) needed to conduct the research misconduct proceeding; inventory the evidence and records; and sequester the evidence and records in a secure manner.
 - b) The investigator shall have a continuing duty to obtain custody of, inventory, and sequester evidence and research records as additional items become known or relevant to an inquiry or investigation.
 - c) The investigator should, whenever possible, take custody of evidence and research records before or at the time of notifying the respondent. Where original research records cannot be obtained without undue burden or cost, copies of records that are substantially equivalent in evidentiary value may be obtained instead.
 - d) If any evidence or research records are located on or encompass scientific instruments shared by multiple users, institutions may obtain copies of the evidence

from such instruments, so long as those copies are substantially equivalent in evidentiary value to the instruments.

5. Interim Actions and Special Circumstances.

- a) Throughout the research misconduct proceeding, the investigator will review the situation to determine if there is any threat of harm to public health, government funds and equipment, or the integrity of the supported research process. In the event of such a threat, the investigator will, in consultation with other appropriate university officials and offices, including OGC, and relevant government agencies, where applicable, take appropriate interim action to protect against any such threat.
- b) The investigator shall, at any time during a research misconduct proceeding, work with OGC immediately to notify relevant government agencies, as required by law, regulation, or contract, if there is reason to believe that any of the following conditions exist: Health or safety of the public is at risk, including an immediate need to protect human or animal subjects; government resources or interests are threatened; research activities should be suspended; there is a reasonable indication of possible violations of civil or criminal law; government action is required to protect the interests of those involved in the research misconduct proceeding; or government action may be necessary to safeguard evidence and protect the rights of those involved.

6. On or after the date on which the research records and evidence have been sequestered, the investigator will make a good faith effort to notify in writing any respondents of the alleged research misconduct. If any inquiry or investigation identifies additional respondents, the investigator shall notify such respondents in writing of the alleged research misconduct. Only allegations specific to a particular respondent shall be included in the notification to that respondent. If additional allegations are raised against a respondent, the respondent must be notified in writing of the additional allegations.

D. **Inquiry [42 C.F.R. § 93.307]**

1. **Purpose.** If so directed, the investigator shall conduct an inquiry consisting of an initial review of the evidence to determine whether to conduct an investigation. The inquiry is not required to and does not normally include fully reviewing all of the evidence related to the allegation, deciding whether misconduct definitely occurred, determining definitely who committed the research misconduct, or conducting exhaustive interviews and analyses.
2. **Time Limits.** The inquiry should normally be completed within ninety (90) calendar days of its initiation, unless the investigator requests and receives an extension from the provost. The extension request shall document the circumstances warranting a longer period.
3. **Preliminary Information Gathering and Fact-Finding.** The investigator will review the reasonably readily available preliminary evidence and conduct interviews of the

respondent, complainant, and key witnesses that the investigator deems appropriate to achieve the limited purpose of the inquiry.

4. **Determination.** On the basis of the evidence reviewed, the investigator will make a recommendation to the provost as to whether an allegation warrants an investigation. An investigation will be warranted if (1) there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and is within the scope of this Policy; and (2) the allegation appears to have possible substance, based on the preliminary information-gathering and preliminary fact-finding. The provost shall, in the provost's considered judgment, accept or reject the investigator's recommendation and make a final decision as to whether an investigation is warranted.
5. **Inquiry Report.** Whether or not an investigation is determined to be warranted, the provost shall direct the preparation of a written inquiry report and provide a copy to OGC for a legal review and for determination whether the inquiry report must be provided to any governmental agencies, research sponsors, or other parties under any laws, regulations, or contracts. Modifications may be made as appropriate in consultation with the provost and the investigator. The report must include at a minimum:
 - a) the name and position of the respondent and complainant;
 - b) a description of the allegations of research misconduct;
 - c) any information regarding sponsorship of the research, including but not limited to contracts, grant applications, grant numbers, and publications identifying the sponsorship;
 - d) the name, position, and subject matter expertise of the investigator;
 - e) an inventory of sequestered evidence and a description of how sequestration was conducted, except that evidence that the investigator did not consider or rely on need not be identified;
 - f) transcripts of all interviews conducted for the inquiry;
 - g) a timeline and procedural history;
 - h) any scientific or forensic analyses conducted;
 - i) whether or not an investigation is warranted, and the basis for that determination;
 - j) if an investigation is warranted, an identification of the allegations to be investigated;
 - k) any institutional actions implemented, including communications with journals or funding sources;
 - l) a reference to the university's policies and procedures on research misconduct and any applicable laws or regulations on research misconduct; and
 - m) a note if there is potential evidence of honest error or difference of opinion.
6. **Opportunity to Comment.** [42 C.F.R. § 93.308]. The provost shall notify the respondent whether the inquiry found an investigation to be warranted and include a copy of the inquiry report for comment, with respondent to be given no fewer than

10 days to comment. Any comments that are timely submitted by respondent will be attached to the report, and the provost may modify the report in response to such comments. The provost may, but is not required to, notify the complainant and offer the opportunity to comment.

E. Investigation [42 C.F.R. § 93.310]

1. **Purpose.** [42 C.F.R. § 93.103]. The investigation will determine whether, by a preponderance of the evidence: (1) research misconduct occurred (respondent has the burden of proving by a preponderance of the evidence any affirmative defenses raised, including honest error or a difference of opinion); (2) the research misconduct is a significant departure from accepted practices of the relevant research community (as defined in 42 C.F.R. § 93.200); and (3) the respondent committed the research misconduct intentionally (with the aim of carrying out the misconduct), knowingly (with awareness of the misconduct), or recklessly (with indifference to a known risk of fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or reporting research results).
2. **Notice.**
 - a) Initial Notice to Respondent. On or before the date on which an investigation begins, the investigator shall notify the respondent in writing of the allegations to be investigated. If an inquiry has been conducted, the provision to the respondent of a final copy of the inquiry report shall constitute sufficient notice.
 - b) Initial Notice to Government Agency. If applicable, the investigator shall work with OGC to provide timely notice to any relevant government agencies prior to commencing the investigation and no later than 30 days after determining an investigation is warranted, or such other time period as may apply by law, regulation, or contract. [42 C.F.R. § 93.309]
 - c) Additional. The investigator must also give the respondent written notice of any new allegations of research misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation.
3. **Timing.** [42 C.F.R. § 93.311] An investigation must begin within 30 days of the determination to conduct an investigation and shall normally be completed within 180 days of beginning it, including not only conducting the investigation, but also preparing the report of findings, providing the draft report for comment to the respondent, and, if applicable, sending the final report to the government and/or third parties. If the investigator determines that the investigation cannot be completed within 180 days, the investigator may request an extension, which is subject to approval by the provost. The extension request shall document the circumstances warranting a longer period. If an investigation takes longer than 180 days to complete, the investigation report must include the reasons for exceeding the 180-day period.
4. **Investigation Process.** The investigator shall

- a) use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all evidence and research records relevant to reaching a decision on the merits of each allegation;
 - b) take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
 - c) interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding relevant aspects of the investigation, including witnesses identified by the respondent, and, if required by law, record or transcribe each interview, provide the recording or transcript to the interviewee for correction and to the respondent (in a redacted or anonymized format, at investigator's discretion), and include the recording or transcript in the record of the investigation; and
 - d) pursue diligently any significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible research misconduct, and continue the investigation to completion. This includes adding any new respondents identified during the course of an investigation, with or without a new or additional inquiry, at the investigator's discretion.
5. **Draft Investigative Report.** The investigator will prepare a draft investigation report that includes:
- a) Description of the nature of the allegations of research misconduct, including any additional allegations addressed during the research misconduct proceeding.
 - b) Description and documentation of any grant support, including, for example, any grant numbers, grant applications, contracts, and publications listing grant support.
 - c) Description of the specific allegations of research misconduct for consideration in the investigation of the respondent.
 - d) The investigator's name, position, and subject matter expertise.
 - e) Inventory of sequestered research records and other evidence, except records the investigator did not consider or rely on, and a description of how any sequestration was conducted during the investigation. This inventory must include manuscripts and funding proposals that were considered or relied on during the investigation.
 - f) Transcripts of all interviews conducted.
 - g) Identification of the 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 contained the falsified, fabricated, or plagiarized material.
 - h) Any scientific or forensic analyses conducted.
 - i) The institutional policies and procedures under which the investigation was conducted.

- j) Any comments made by the respondent and complainant on the draft investigation report and the investigator's consideration of those comments.
 - k) A statement for each separate allegation of whether the investigator recommends a finding of research misconduct.
 - l) If the investigator recommends a finding of research misconduct for an allegation, the investigation report must, for that allegation:
 - (1) Identify the individual who committed the research misconduct.
 - (2) Indicate whether the research misconduct was falsification, fabrication, and/or plagiarism.
 - (3) Indicate whether the research misconduct was committed intentionally, knowingly, or recklessly.
 - (4) State whether the other requirements for a finding of research misconduct, as described above under Purpose, have been met.
 - (5) Summarize the facts and the analysis which support the conclusion and consider the merits of any explanation by the respondent.
 - (6) Identify the specific grant support.
 - (7) Identify whether any publications need correction or retraction.
 - m) If the investigation committee does not recommend a finding of research misconduct for an allegation, the investigation report must provide a detailed rationale.
 - n) List of any current support or known applications or proposals for support that the respondent has pending.
6. **Opportunity to Comment.** [42 C.F.R. § 93.312]. The investigator must give the respondent a copy of the draft investigation report for comment and, concurrently, a copy of, or supervised access to the research records and other evidence that the investigator considered or relied on. The respondent will be allowed 30 days from the date respondent receives the draft report to submit comments to the investigator. The investigator will prepare a final investigative report that includes and considers any timely comments submitted by respondent.
7. **Determination.**
- a) The investigator will transmit the final investigation report to a committee comprising the provost, the president of the campus at which the alleged misconduct occurred, and either the vice president for Human Resources in the case of employees or other affiliated individuals or the vice president of student affairs or the dean of students in the case of students, which committee will determine in writing: (1) whether the institution accepts the investigation report and its findings; and (2) the appropriate institutional action for the university to take in response to accepted findings of research misconduct. Potential institutional actions include:
 - (1) withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;

- (2) removal of the responsible person from the particular project, a letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, initiation of steps leading to possible rank reduction or termination of employment, or such other disciplinary action as the committee may deem appropriate; and
 - (3) other action appropriate to the research misconduct.
 - b) If the committee's determination varies from the findings of the final investigation report, the committee will, as part of its written determination, explain in detail the basis for rendering a decision different from the findings of the investigator.
 - c) The committee may return the report to the investigator with a request for further fact-finding or analysis.
 - d) In the case of disagreement among the members of the committee, the provost will make a final judgment.
 - e) The committee's final determination shall be provided in writing to the respondent and shall state whether the committee accepts the findings of the final investigation report, whether the committee found research misconduct, and the institutional actions, if any, against the respondent. The committee's final determination shall include a copy of the final investigation report. [42 C.F.R. § 93.314].
 - f) The committee's final determination is not appealable. The committee's decision is independent of any finding from an external or governmental body regarding research misconduct.
8. **Notice of Findings.** If applicable, the investigator shall work with OGC to provide timely notice to any relevant government agencies and/or any third parties of the final determination.

V. **Policy Owner**
Provost

VI. **Effective Date**
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