

Procedures for Responding to Allegations of Research Misconduct:

1. Scope

These procedures should be followed when an allegation of possible misconduct in research is received by NTU. However, particular circumstances may dictate deviation from the normal procedure when deemed by the Provost or any person authorised by him to decide, to be in the best interests of NTU. Any deviation from the normal procedure must also ensure fair treatment to the subject of the allegation, inquiry or investigation.

2. Definitions

A. *Allegation/Complaint* means any written or oral statement or other form of indication of possible Research Misconduct, made to NTU.

B. *Committee of Inquiry (“COI”)* means the Committee appointed by the Provost pursuant to paragraph 3 of these Procedures under the Framework for Investigation and Disciplinary Proceedings for NTU staff or the NTU Student Board of Discipline. Members of the Committee will be senior members of the faculty, including those with expertise in the matters being considered. External members may also be appointed.

C. *Conflict of Interest* means the real or apparent interference of a person's own interests with the interests of another person or NTU, or where potential bias may occur due to prior, existing or future personal or professional relationships and must be declared.

D. *Good Faith Allegation* means an Allegation made with the honest belief that Research Misconduct, as defined in Paragraph 2F below, may have occurred. An Allegation is not made in good faith if it is made with reckless disregard for or willful ignorance of facts that may disprove the Allegation.

E. *Investigation* means gathering information and initial fact-finding to determine whether an Allegation warrants investigation under a Preliminary Inquiry.

F. *Research Misconduct* includes fabrication, falsification or misrepresentation of data, plagiarism or other wrongdoing in printing, designing, performing, recording, supervising or reviewing research or in reporting research results or in breaching other relevant national legislation, rules and guidelines. It also includes self-plagiarism with the undisclosed publication of similar papers in different journals. It does not include honest error or honest differences in interpretations or judgments of data.

G. *RIO* means Research Integrity Officer, being the employee or officer of NTU appointed to assess Allegations, determine when such Allegations warrant investigation or inquiry and to oversee Investigations and Inquiries. The RIO will be a senior employee or officer of NTU appointed by the Provost.

H. *President* means the President of NTU.

I. *Provost* means the Provost of NTU.

J. NTU Student Disciplinary Board means NTU Student Board of Discipline set up under the NTU Regulation on Student Discipline.

K. *Research Record* means any data, document, computer file, computer storage device, or any other written or non-written account or object that provides or may reasonably be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes or relates to the subject of an Allegation. A Research Record includes, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.

L. *Respondent* means the person or persons against whom an Allegation is directed or the person or persons whose actions are the subject of the Investigation or COI or NTU Student Disciplinary Board.

M. *Retaliation* means any action that adversely affects the employment or other institutional status of a person that is taken by NTU because the person has made an Allegation or of inadequate institutional response thereto or has cooperated in the Investigation or COI or NTU Student Disciplinary Board, notwithstanding that such Allegation shall have been made or such co-operation shall have been rendered in good faith.

N. *Whistleblower/Complainant* means a person who makes an Allegation/complaint.

3. *Roles, Rights and Responsibilities of RIO*

The RIO, who is appointed by the Provost (see paragraph 2G above) will have responsibility, under the Provost's direction, for the implementation of these procedures. The RIO may, at his/her discretion, seek advice from internal/external experts.

Upon NTU's receipt of an Allegation, the RIO will assess the Allegation to determine whether there is sufficient evidence to warrant an Investigation and whether external applications for funding are involved. Upon completion of Preliminary Inquiry/Investigation, the RIO will report his/her findings to the Provost who will, in turn, decide whether to appoint a COI to consider the Allegation under the Framework for Investigation and Disciplinary Proceedings or if the Respondent is a student to refer to the NTU Student Disciplinary Board or take any other appropriate action.

4. *Conducting the Investigation and Inquiry*

A. *Initiation and Purpose of the Investigation*

Preliminary Inquiry

Upon receipt of the complaint, the RIO or a nominated person from Senior Management is to undertake a preliminary inquiry into the matter that has been reported.

At the completion of the preliminary inquiry, which should, on a best endeavours basis, be carried out within 45 days or as soon as practicable, the RIO or nominated person is to decide on one of the following actions, and inform the Respondent (where applicable) and Complainant of the outcome.

If, following his/her preliminary assessment, the RIO determines that an Allegation provides sufficient information to warrant action on the part of NTU, the RIO will as soon as practicable report to the Provost with recommendations as follows:

- a) Recommend dismissal of the Complaint;
- b) Recommend minor sanctions on the Respondent to be imposed by the Provost, who will also inform the Dean and School Chair or other appropriate person;
- c) Where the Respondent admitted to the Allegations to recommend appropriate sanctions in consultation with the Dean and School Chair or other appropriate person;
or
- c) Recommend that there is presumptive evidence which warrants a formal disciplinary inquiry proceeding.

The Provost, will then determine the appropriate sanctions or if the case should be referred to a Committee of Inquiry or NTU Student Disciplinary Board. In his/her report to the Provost, the RIO should identify clearly the original Allegation and any related issues that should be evaluated. The purpose of the Investigation is to make an evaluation of the available evidence to determine whether there is sufficient evidence of possible Research Misconduct to warrant the establishment of a Committee of Inquiry or NTU Student Disciplinary Board or any other appropriate action. The findings of the Investigation must be documented in an investigation report.

B. *Sequestration of the Research Records*

When the Respondent is determined to be guilty of Research Misconduct, the RIO or nominated person must ensure that all original Research Records and/or copies of the same if originals shall not be available, are immediately secured.

C. *Committee of Inquiry (“COI”)*

Details of a duly convened COI, including its procedure, are contained in the Framework for Investigation and Disciplinary Proceedings for Faculty and for Research Staff.

D. *Termination of University Employment by Resignation Prior to Completion of Investigation/Preliminary or COI*

If the Respondent, without admitting to the Allegation, elects to resign his/her position prior to completion of an Investigation/Preliminary Inquiry or COI, but after an Allegation has been reported. NTU may at its discretion, proceed nevertheless. Even if the Respondent refuses to participate in an Investigation/Preliminary Inquiry or COI, the RIO, Dean or Centre Director and the COI may use their best efforts to reach a conclusion concerning the

Allegation, noting in its report the Respondent's failure to cooperate and its effect on the Committee's review of all the evidence. Failure of the Respondent to assist or cooperate with RIO or Preliminary Inquiry or a COI shall be taken into account.

E. Applicability of Sections 3 and 5 in the Framework for Investigation and Disciplinary Proceedings

The details of the University's rights for interim suspension and administrative Action; and the general applications of confidentiality and protection of complainant are in Section 3 and Section 5 of the Framework for Investigation and Disciplinary Proceedings respectively.

5. Record Keeping and Retention and Reporting

After completion of an Investigation or a COI or NTU Student Disciplinary Board proceedings and all ensuing related actions, the RIO will prepare a complete file, including the records of any Investigation or Inquiry and copies of all documents and other materials furnished to the RIO. The file, after completion of the case, will be deposited in NTU's archives, to permit later assessment of the case as necessary.

NTU will report, annually, to the Audit and Risk Committee of the Board of Trustees, through the President's Coordinating Group, on any Allegations and inquiries completed during the preceding year and these may be published in the interests of transparency and the protection of NTU's reputation and interests.

6. Liability

Nothing in this Policy is intended nor shall be taken as rendering any employee or officer of NTU or other person appointed or authorised by NTU personally liable in respect of or arising from any Investigation or Inquiry or proceedings.

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