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## Ethics in Research Norman Campus Policy

### Introduction:

Research and other scholarly activity at the University must be above reproach. Each member of the University community has the responsibility to ensure the integrity of and ethical standards in any activity with which he or she is directly associated or any activity of which he or she has sufficient knowledge to determine the appropriateness of the activity. Research and other scholarly misconduct undermine the scholarly enterprise and erode public trust in the University community to conduct unbiased and reliable research.

The University is responsible for promoting ethical scholarly practices, including the development of policies and procedures addressing allegations of scholarly misconduct. This policy establishes procedures for identifying, investigating and reporting instances of alleged or apparent scholarly misconduct. Although the policies and procedures outlined below apply to all employees and volunteers, they are not intended to address all scholarly issues of an ethical nature. Allegations of Research Misconduct and/or Other Scholarly Misconduct that do involve third party sponsorships, grants, contracts, or awards shall be investigated using the procedures set forth in Research Misconduct Norman Campus Policy.

### Definitions:

1. Scholarly Misconduct

Broadly defined, "scholarly misconduct" involves intentional, knowing, or reckless breaches of

integrity that amount to more than insignificant departures from accepted practices of the relevant academic or research community such as behavior whereby one's scholarly or scientific work or such work of another is misrepresented. Scholarly misconduct is distinguishable from honest errors and recognized differences of opinion that are inherent in scholarly processes. Scholarly misconduct involves, but is not limited to:

- a. Fabrication – making up data or results and recording or reporting them.
- b. Falsification – manipulating research materials, equipment, or processes, or changing or omitting data or results, or deceptive or selective reporting of findings and/or omission of conflicting data such that the research is not accurately represented in the research record.
- c. Plagiarism – appropriation of another person's ideas, processes, results, or words without giving appropriate credit and other improper assignment of credit, such as excluding others or claiming the work of others as one's own; presenting the same material as original in more than one publication; including individuals as authors who have not made a consequential contribution to the work published; or submitting multi-authored publications without the concurrence of all authors.
- d. Improper use of information gained by privileged access, such as through service on peer review panels, editorial boards, or policy boards of research funding organizations.
- e. Serious deviation from the accepted scientific method in proposing or carrying out research; e.g., deliberate manipulation or improper reporting of results.
- f. Material failure to comply with federal, state, or University rules governing research including, but not limited to, serious or substantial violations involving the use of funds; care of animals; protection of human subjects; or use of investigational drugs, recombinant products, new devices, or radioactive, biological, and/or chemical materials.

Inappropriate behavior associated with scholarly misconduct including, but not limited to, making inappropriate accusations of scholarly misconduct; failing to report conduct known or reasonably believed to be in violation of this Ethics in Research Policy; withholding or destroying records, evidence, or other information relevant to allegations of scholarly misconduct; allowing one's participation on a committee to be influenced by personal, professional or financial conflicts of interest with those involved in the proceedings; and retaliating against persons involved in the allegation or investigation of scholarly misconduct.

## 2. Good Faith

"Good Faith" as applied to a party or witness, means having a belief in the truth of one's allegation, statement, or testimony that a reasonable person in their position could have based on the information known to them at the time. As applied to a committee member, Good Faith means carrying out the assigned duties of a Scholarly Misconduct Proceeding impartially.

## 3. Materials

"Materials" refers to all relevant information, records (e.g., a research record -- data or results that embody the facts resulting from scientific inquiry, research proposals, lab records, progress reports, abstracts, theses, internal reports and the like), documents, expert opinions,

testimony and tangible items related to allegations of scholarly misconduct offered or obtained during a Scholarly Misconduct Proceeding.

4. Provost

“Provost” for purposes of managing a claim alleging scholarly misconduct, means either the Senior Vice President and Provost or his or her designee, as the context reasonably permits.

5. Scholarly Misconduct Proceeding

“Scholarly Misconduct Proceeding” or “SMP” means any actions related to alleged scholarly misconduct, including but not limited to internal allegation assessments, inquiries, investigations, and administrative appeals, in addition to which are oversight reviews, hearings, and appeals associated with external funding.

## Policy:

### 1. PROCESS FOR HANDLING ALLEGATIONS OF SCHOLARLY MISCONDUCT

#### a. INITIATION

Initial allegations or evidence of scholarly misconduct may be reported to any faculty member or staff administrator, who must then report the allegations to the Senior Vice President and Provost or his or her designee of the campus to which the person against whom the allegation is made (“Respondent”) is appointed or is otherwise primarily associated. The appropriate designee in most situations will be the Vice President for Research. If the person to whom the report would normally be given is involved in some way in the alleged misconduct, the next higher academic officer shall be informed of the allegations/evidence. The Senior Vice President and Provost and his or her designee shall collaborate in scholarly misconduct investigations and proceedings as deemed necessary.

Upon receipt of an allegation of scholarly misconduct, the Provost shall informally review the allegations, confer with University Legal Counsel and the appropriate senior officer(s) in the area in which the scholarly misconduct is alleged to have occurred, and determine whether the allegations warrant further review through the Inquiry Committee process outlined herein or whether other University policies or procedures should take precedence. If more than one University procedure applies, the Provost, in consultation with the appropriate vice president and University Legal Counsel, will determine which procedure to use.

Because the University is responsible for acting in the public interest to protect the health and safety of research subjects, patients, students, and employees; protection of the research community; and for lawful and appropriate use of private and public funds, the Provost may take interim administrative action as he or she deems appropriate or as required by law. Such action may include but is not limited to restriction of some activities or full suspension of the Respondent, and implementing procedures to ensure the purposes of any University funds are carried out during the internal examination of the alleged scholarly misconduct.

Upon determining that the allegation of scholarly misconduct falls within the scope of this policy and is sufficiently significant to warrant referral to a Committee of

Inquiry, the Provost shall: (i) inform the Respondent of the allegation, his or her determination to refer the matter to the Committee of Inquiry, and the policies and procedures to be used; and (ii) inform the individual(s) making the allegations (“Reporting Individual”) of the policies and procedures to be used. The Provost also shall initiate reasonable and practical steps to obtain custody of Materials (defined above), inventory, and securely sequester the Materials in a safe manner, as appropriate. Where Materials are shared by a number of users, custody may be limited to copies of the data or evidence on scientific instruments, so long as the copies are duplicates of the original Materials and substantially equivalent to the evidentiary value of the instruments.

If the Reporting Individual cannot or chooses not to make a formal complaint but the Provost believes the allegations fall within the definition of scholarly misconduct and are sufficiently credible and specific as could lead to the identification of potential evidence of scholarly misconduct, the Provost shall refer the allegations to the administrative head of Respondent’s academic or administrative unit (Chair, Director, etc.) to review, in consultation with the appropriate vice president and University Legal Counsel, and determine whether the allegations warrant further review. If so, the unit head shall so inform the Provost and will be deemed the Reporting Individual. The Provost will then initiate an inquiry into the allegations. The University will pursue an allegation of scholarly misconduct to its conclusion, even if the Respondent leaves or has left the University before the matter is resolved.

If allegations of scholarly misconduct appear to have merit, the Respondent admits to the allegations of scholarly misconduct, accepts the Provost’s sanctions, and waives the right to appeal, the Provost may document appropriate terms and conditions of the agreed resolution in a writing signed by both parties and terminate further Scholarly Misconduct Proceedings.

All Materials are confidential and proceedings of the Inquiry and Investigation Phases of the Scholarly Misconduct Proceedings will be closed. Disclosure of information related to an allegation of scholarly misconduct is limited, to the extent reasonably possible, to those having a need to know. The Provost shall allow all parties reasonable access to Materials in accordance with University policy or as may be required by law. The Provost and the members of the Inquiry Committee and Investigating Committee are responsible for the security of Materials and records of proceedings in their possession to avoid to the extent possible, among other things, disclosure of the identities of research subjects, Respondents and Reporting Individuals except to those having a need to know to carry out a Scholarly Misconduct Proceeding or as otherwise allowed by law.

b. INQUIRY PHASE

- i. Within ten (10) calendar days of receipt of an allegation of scholarly misconduct, the Provost shall appoint an Inquiry Committee composed of no fewer than three tenured faculty who have no real or apparent conflict of interest in the matter, have no appointment in the department of either the Reporting Individual or the Respondent, and have appropriate expertise for evaluating information relevant to the case. The purpose of the Inquiry

Committee is to engage in preliminary information-gathering and preliminary fact-finding to determine if an allegation is deserving of formal investigation and, if formal investigation is not warranted, to make recommendations concerning disposition of the case; e.g., dismissal of the claim of scholarly misconduct and restoration of the Respondent's reputation. As a preliminary review, an Inquiry does not require and normally should not include a full review of all evidence related to an allegation of scholarly misconduct.

- ii. Upon appointment of an Inquiry Committee, the Provost shall promptly notify the Respondent, in writing, of the membership of the Inquiry Committee. The Respondent may challenge Committee members for bias or conflict of interest by submitting a written statement to the Provost, describing the bias or conflict of interest. The Provost shall promptly determine whether a Committee member is to be disqualified and replaced.
- iii. While anonymity cannot be assured, where the Reporting Individual wishes to remain anonymous, the Provost shall inform the Reporting Individual that his or her identity may need to be disclosed in order to complete the Inquiry when his or her testimony is important to substantiate the allegations or if federal funds are involved. The Inquiry Committee shall endeavor to maintain that anonymity to the degree compatible with accomplishing the fact-finding purpose of the Inquiry and consistent with applicable law.
- iv. The Provost will provide the Inquiry Committee with Materials in his or her custody, or copies thereof. The Inquiry Committee may request any additional Materials and interview any individuals possessing relevant information it deems reasonably necessary to determine whether an allegation of scholarly misconduct warrants formal investigation. A formal investigation is warranted if the allegation falls within the definition of scholarly misconduct and is sufficiently credible and specific so that potential evidence of scholarly misconduct may be identified.
- v. University employees shall cooperate with the Inquiry Committee by testifying if asked and supplying Materials promptly upon request. If any University employee fails to cooperate with the Inquiry Committee, disciplinary action may be taken in accordance with University policy.
- vi. The Reporting Individual, Respondent, and all other material witnesses may have the assistance and advice of personal legal counsel, at their own expense; however, all parties and witnesses are expected to speak for themselves in this process, including all communications and in interviews. Personal legal counsel may not actively participate in the Inquiry and Investigation phases, except to advise their clients. The Inquiry or Investigation Committee may receive the assistance of the Office of Legal Counsel at any point in the Scholarly Misconduct Proceeding.
- vii. The Inquiry Committee is expected to complete its review and submit a written report (the "Inquiry Report") to the Provost within fifty (50) calendar

days of written notice to the Respondent that an Inquiry Committee has been named. Provided, if the deadline for any action required in this policy falls on a weekend or University holiday, the deadline shall be automatically extended to the next University business day.

- viii. The Inquiry Report shall describe the evidence reviewed, summarize relevant interviews, and include findings and recommendations of the Committee with sufficiently detailed documentation of the Inquiry findings, process, and procedures as to clearly apprise the Provost of the basis of and reasons for determining that an Investigation is either warranted or not warranted. If this deadline cannot be met, the Committee shall submit a written request to the Provost for an extension of time, describing the reasons for the delay, progress made, and the anticipated time frame for completion. The Provost shall determine whether an extension should be granted. All necessary individuals shall be informed of the Provost's decision.
- ix. The Inquiry Committee shall send the Inquiry Report to the Provost, who shall promptly provide a copy to the Respondent. The Respondent shall have ten (10) calendar days to submit written comments on the Committee's findings and recommendations, which comments shall be provided to the Provost and attached to the Inquiry Report.
- x. Investigation Warranted. If, after reviewing the Inquiry Report, Respondent's comments, and any recommendations, the Senior Vice President and Provost determines there is a need for a formal investigation, then within thirty (30) calendar days of receipt of the Inquiry Report the Provost will: (i) appoint an Investigating Committee; (ii) notify the Respondent in writing of the determination; and (iii) notify the sponsoring agency or funding source of the research at issue. Factors used in determining the timing of such notice may include the seriousness of the alleged misconduct; the presence of an immediate health hazard; and the interests of the funding agency, the scientific community, the public, and the individual(s) who is the subject of the Inquiry or Investigation and his or her associates.
- xi. Investigation Not Warranted. If, after reviewing the Inquiry Report and Respondent's comments, the Senior Vice President and Provost determines a formal Investigation is not warranted, or if the Inquiry is terminated for any reason, the Provost shall notify the Reporting Individual, Respondent, and other necessary individuals of the results of the Inquiry or the reasons for its termination. Notice shall include a copy of or reference to the University's relevant policies and procedures. Furthermore, the Provost shall take steps to effect restoration of reputations and prevent retaliation as provided in Section D(1)(a), below.
- xii. After completion of the Inquiry Phase, all Materials and Inquiry proceeding records shall be returned to the Senior Vice President and Provost and if a formal Investigation is not initiated, maintained in a secure manner in the Office of the Senior Vice President and Provost for a period of time

required by applicable law. A copy of the Materials will be provided, upon specific request, if required by applicable law.

c. INVESTIGATION PHASE

- i. The Provost shall appoint an Investigating Committee of no fewer than three members, two of whom must be tenured University of Oklahoma faculty and the third member shall be a senior faculty member elsewhere if practical under the circumstances. In all cases, Investigating Committee members can have no real or apparent conflict of interest in the matter, hold no appointment in the departments of either the Reporting Individual or the Respondent, and have appropriate expertise for evaluating the information relevant to the case.
- ii. The Provost shall promptly notify the Respondent in writing of the procedures to be used during the investigation and the membership of the Investigating Committee. The Respondent may challenge Committee members for bias or conflict of interest by submitting a written statement to the Provost, describing the bias or conflict of interest. The Provost shall determine whether a member is to be disqualified and replaced.
- iii. The purpose of the Investigating Committee is to further explore the allegations; to determine whether the Respondent engaged in scholarly misconduct and to make recommendations.
- iv. A finding of scholarly misconduct requires proof, by a preponderance of the evidence, that scholarly misconduct was committed intentionally, knowingly or recklessly and was more than an insignificant departure from accepted practices of the relevant academic or research community. The University has the burden of proving scholarly misconduct; i.e., it is more likely true than not that the Respondent committed scholarly misconduct as described in this paragraph 4.
- v. The Investigation shall generally follow the process outlined below:
  1. The Provost shall provide the Investigating Committee with the Inquiry Committee record and Materials assembled to this point. The Investigating Committee will examine such information together with any additional Materials the Investigating Committee considers relevant.
  2. The Investigating Committee shall interview the Reporting Individual, Respondent, and all other individuals who have been identified as possessing relevant and material information about the alleged scholarly misconduct.
  3. The Respondent shall be given the opportunity to address the allegations and evidence, assert any defenses, and raise relevant mitigating factors at Respondent's interview. The Respondent has the burden of going forward with and proving, by a preponderance of the evidence, any affirmative defenses or, as relevant to the imposition of sanctions, mitigating factors. The Investigating Committee shall give due consideration to

admissible and credible evidence of honest error or recognized difference of opinion presented by Respondent.

4. The Investigating Committee shall record all interviews and provide a copy of each recorded interview or a transcript of the interview to the interviewed individual for correction. The corrections shall be included in the Investigation record. The Investigating Committee will inventory the Inquiry Committee record and other Materials and keep them in a secure manner pending delivery to the Provost for archiving.
  5. Expenses related to use of any outside experts requested by the Investigating Committee that exceed *de minimis* costs shall require authorization by the Provost.
  6. The Investigating Committee shall thoroughly examine the matter to determine: (i) whether the allegations of scholarly misconduct are more likely true than not; (ii) the scope of wrongdoing, if any; or, (iii) if its findings are inconclusive, whether further investigation will be unlikely to alter the findings.
  7. In the course of the Investigation, additional information may emerge that justifies broadening the scope of the Investigation, in which case the Investigating Committee shall inform the Provost, who shall inform the Respondent and others having a need to know, in writing, of any significant new directions in the Investigation.
- vi. University employees shall cooperate with the Investigating Committee by testifying if asked and supplying Materials promptly upon request. If any University employee fails to cooperate with the Investigation Committee, disciplinary action may be taken in accordance with University policy.
  - vii. The Investigating Committee shall make every effort to complete the Investigation and submit the investigation report within eighty (80) calendar days. However, this deadline may be impossible to meet; e.g., due to the complexity of the case or absence of crucial witnesses, in which event the Investigating Committee shall submit a progress report to the Provost, identifying reasons for the delay and requesting an extension of time. The Provost shall determine whether an extension should be granted.
  - viii. Upon completion of the Investigation, the Investigating Committee shall deliberate and then draft a full report to the Provost that details its findings and the substantiating documentation together with its recommendations (the "Interim Investigation Report"), who shall forward the report to the Respondent. The Provost shall provide the Respondent with copies of or reasonable, supervised access to the evidence upon which the Interim Investigation Report is based. The Respondent shall have up to thirty (30) calendar days to provide his or her written comments on the Interim Investigation Report and shall forward any such comments to the Provost

and Investigating Committee. The Investigating Committee will have ten (10) calendar days to consider Respondent's comments and submit a final report of the Investigation (the "Final Report") to the Provost, which shall include Respondent's comments.

- ix. For each separate allegation of scholarly misconduct, the Final Report will provide: (i) a finding as to whether scholarly misconduct occurred and, if so (ii) specify the nature of the scholarly misconduct and whether it was an intentional, knowing, or reckless breach of integrity that amounted to more than an insignificant departure from the accepted practices of the relevant academic or research community; (iii) a summary of the facts supporting the conclusion including reasonable explanations by the Respondent; (iv) a description of the evidence and other Materials that support the finding; (iv) whether any publications need correction or retraction; and, (v) any recommendations of the Investigating Committee.
- x. If there is a finding of scholarly misconduct, the Senior Vice President and Provost shall fully consider the Final Investigation Report, Respondent's comments, and any recommendations. If necessary, the Senior Vice President and Provost may consult the Investigating Committee for clarification. The Senior Vice President and Provost shall then inform the Respondent in writing of the findings and recommendations of the Investigating Committee; sanctions for the misconduct; and the appeal process. A copy of the Final Report shall be included in the Investigation record. Upon completion of the Investigation and any appeal under this policy, the Scholarly Misconduct Proceedings records and all Materials shall be maintained in a secure manner in the Office of the Senior Vice President and Provost or other secure location, as appropriate. A copy of relevant Materials will be provided, upon specific request, if required by applicable law.

#### d. Resolution

##### i. Allegations of Scholarly Misconduct Not Supported

If the allegations of scholarly misconduct are not supported by the evidence, the Senior Vice President and Provost shall inform, in writing, those initially informed of the Investigation and others, as required by law, that allegations of scholarly misconduct were not supported. If, at the conclusion of the Investigation, the Investigating Committee and/or the Senior Vice President and Provost conclude the allegations or testimony of a witness(s) were not made in Good Faith, the Provost shall initiate appropriate disciplinary action against the Reporting Individual or witness(s). If the allegations or testimony, however incorrect, are deemed to have been made in Good Faith, the Senior Vice President and Provost shall take no disciplinary measures against the Reporting Individual or witness (s) and shall endeavor to prevent retaliatory actions against them. In disseminating the findings, the University should be guided by whether public announcements would be harmful or beneficial in restoring any reputation(s) that may have been harmed. Usually, such decisions rest with the Respondent.

1. Restoration of Damaged Reputation

At the conclusion of the process, whether at the Inquiry or Investigation phase, the Senior Vice President and Provost shall undertake all reasonable and practical efforts, if requested and as appropriate, to protect or restore the reputations of persons alleged to have engaged in scholarly misconduct but against whom no finding of scholarly misconduct is made. The Senior Vice President and Provost also shall endeavor to protect the Reporting Individual, Committee members, and witnesses from retaliation who, in Good Faith, made the allegation or cooperated in the Scholarly Misconduct Proceedings.

- ii. Allegations of Scholarly Misconduct Supported

If the Investigating Committee determines that the allegations of scholarly misconduct are supported by the evidence, the Senior Vice President and Provost shall inform those, as appropriate, who were initially informed of the Investigation of the finding of scholarly misconduct. The Senior Vice President and Provost, in consultation with the Office of Legal Counsel, shall take action appropriate for the seriousness of the misconduct, including but not limited to the following:

1. Notification of Findings

Following conclusion of the Investigation and internal appeals therefrom, the Senior Vice President and Provost shall consider giving formal notice of the results of the Investigation to some or all of the following, among other required or appropriate entities

- a. Co-authors, co-investigators, collaborators
- b. Department, school, college, or other institution
- c. Editors of journals in which fraudulent or plagiarized research was published
- d. Editors of other journals or publications, other institutions, other sponsoring agencies, and funding sources with which the individual has been affiliated
- e. State professional licensing boards
- f. Professional societies

2. Sanctions

Potential sanctions include, but are not limited to, the following:

- a. Removal from particular project
- b. Special monitoring of future work
- c. Letter of reprimand
- d. Probation for a specified period with conditions specified
- e. Suspension of identified rights and responsibilities for

a specified period, with or without salary

f. Salary reduction

g. Demotion in rank

h. Termination of employment/abrogation of tenure

e. Appeal

The Respondent may appeal the findings of the Investigating Committee and the Senior Vice President and Provost's sanctions by submitting a written statement of the grounds for the appeal to the President within thirty (30) calendar days of written notification of the results of the Investigation and sanctions of the Provost. Grounds for appeal include new or previously unconsidered evidence that was not available earlier, sanctions not in keeping with the findings, a conflict of interest not previously known among those involved in the Scholarly Misconduct Proceedings, and other lapses in due process; provided that any technical departures from prescribed procedures or processes will not invalidate findings, recommendations or proceedings unless they are such as to have prevented a fair determination of the issue(s).

If the Respondent appeals the findings of the Investigating Committee and/or sanctions, the President shall so notify the Senior Vice President and Provost, who will have fifteen (15) calendar days to submit a written response to the President. Upon receipt of a timely written appeal and response from the Senior Vice President and Provost, the President will review the matter, evaluate any response and the evidence and accept, modify, or reject the Investigating Committee's findings and/or the Senior Vice President and Provost's sanction or remand the matter for further investigation or consideration. Except as provided below, the President's decision will be binding on all parties and will be conveyed in a timely fashion to those previously notified per Section 3.26.2(D) above.

For cases in which the President either accepts the Senior Vice President and Provost's decision to impose severe sanctions on a faculty Respondent, the Respondent may request a hearing to challenge the sanction as provided in the Norman Campus Faculty Handbook for faculty of the same tenure and rank. However, the Respondent may not challenge the underlying finding of Scholarly Misconduct. For cases in which the President either accepts the Senior Vice President and Provost's decision to dismiss a staff Respondent or imposes such sanction, the Respondent may appeal the termination according to applicable University policy and procedure, but may not challenge the underlying finding of Scholarly Misconduct.

(Regents, 5-9-85, 12-20-89, 6-25 -97, 3-29-00, 1-27-04, 12-20-17; 1-29/30-26, p. 39983-39984)

# Approval Authority:

Board of Regents

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## Approval Signatures

Step Description	Approver	Date
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Responsible Executive	Andre Wright: Sr. Vice President Provost	12/2025
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