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Misconduct in Research

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I. REASON FOR THIS POLICY

The mission of the University of South Dakota includes advancement of knowledge and promotion of education through faculty research.

The university policy is informed by Title 42, Part 93 of the Code of Federal Regulations (42 C.F.R. Part 93) and BOR Policies 4.4.8 and 4.8.2.

The University's procedures for handling allegations of research misconduct are guided by applicable federal regulations and incorporate requirements set forth by U.S. federal agencies, including the Public Health Service Policies on Research Misconduct (42 C.F.R. Part 93), the National Science Foundation Research Misconduct Policy (45 C.F.R. Part 689), and the guidance of other sponsoring federal agencies, as applicable.

II. STATEMENT OF POLICY

It is the faculty researcher's responsibility to ensure that all research done under his/her direction is carried out in an ethical and legal manner. It is the policy of the university to investigate thoroughly and take decisive action against research conduct that is unethical or illegal.

A faculty researcher who has been found guilty of misconduct in research is subject to disciplinary action. The university will undertake diligent efforts, as appropriate, to restore the reputation of those alleged to have engaged in misconduct when allegations are not confirmed and will undertake diligent efforts to protect the positions and reputations of those who, in good faith, make allegations.

III. DEFINITIONS

Misconduct:

- a. The knowing fabrication, falsification, or manipulation by a researcher of data or information.
- b. The knowing theft by a researcher of data, materials, or information, including but not limited to plagiarism.

Plagiarism means the appropriation of another person's ideas, processes, results, or words without giving appropriate credit, including the unattributed verbatim or nearly verbatim copying of sentences or paragraphs that materially mislead the reader.

Plagiarism does not include self-plagiarism or authorship or credit disputes among collaborators.

- c. The knowing and material failure by a researcher to comply with legal requirements governing research, including but not limited to regulations for the protection of researchers, research participants, laboratory animals, or the public, and the knowing failure to comply with other federal and local laws during the conduct of research-related activities.
- d. The willful disregard by a researcher of known prohibited conduct by associates for whose work the researcher is responsible and over whom the researcher has authority.

Implicit in this definition of misconduct is that a preponderance of the evidence proves that fabrication, falsification, or plagiarism; theft; non-compliance with legal requirements; or disregard of associate conduct was committed intentionally, knowingly, or recklessly, and not merely carelessly.

Intentionally – means to act with the aim of carrying out the act.

Knowingly – means to act with awareness of the act.

Recklessly – means to propose, perform, or review research, or report research results, with indifference to a known risk of fabrication, falsification, or plagiarism.

Subsequent Use Exception

If a respondent continues or renews any incident of alleged research misconduct that occurred more than six years prior by citing, republishing, or otherwise using the research record alleged to have been fabricated, falsified, or plagiarized for the respondent's potential benefit, the six-year limitation does not apply.

Inquiry – information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

Investigation – the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

IV. PROCEDURES

The University follows the federal framework for responding to allegations of research misconduct, including:

- Receipt and assessment of allegations
- Sequestration of research records
- Inquiry
- Investigation
- Institutional decision
- Reporting to federal agencies
- Retention of the institutional record

The detailed step-by-step procedures for each stage are maintained in Coyote One Stop: [Research Misconduct Procedures](#) (Office of Research & Sponsored Programs).

V. RELATED DOCUMENTS, FORMS AND TOOLS

[42 C.F.R. Part 93 – Public Health Service Policies on Research Misconduct \(Final Rule, 2024\)](#)

[USD Procedures for Research Integrity Inquiries and Investigations](#)

[South Dakota Board of Regents Policy 4.4.8](#)

[South Dakota Board of Regents Policy 4.8.2](#)