



TRANSMITTAL LETTER

The University of North Carolina
General Administration

Transmittal Number 48
August 15, 2006

Subject:

500.7. The University of North Carolina Policy on Research Misconduct

1000.2.2. Waiver of Tuition and Fees for Faculty and Staff

This letter transmits one new policy and one amended policy:

500.7. The University of North Carolina Policy on Research Misconduct. This policy was adopted by the Board of Governors on August 11, 2006. Please contact Russ Lea, Vice President for Research and Sponsored Programs at 919-962-4623 with any questions.

1000.2.2. Waiver of Tuition and Fees for Faculty and Staff. This policy was amended by the Board of Governors on August 11, 2006. Please contact Harold L. Martin, Sr., Senior Vice President for Academic Affairs, at 919-962-4614 with any questions.

Adopted 08/11/06

**THE UNIVERSITY OF NORTH CAROLINA POLICY ON
RESEARCH MISCONDUCT**

- I. Research Defined.** Research means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. For the purposes of this Policy, Research includes all basic, applied, and demonstration research in all academic and scholarly fields. Research fields include, but are not limited to, the arts, the sciences, liberal arts, applied sciences, social sciences, the professions, and research involving human subjects or animals.
- II. Research Misconduct Defined.** Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting the results.

 - a. Fabrication is making up data or results and recording or reporting them.
 - b. Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record. The research record is the record of data or results that embody the facts resulting from the research inquiry and includes, but is not limited to research proposals, laboratory records, both physical and electronic, progress reports, abstracts, these, oral presentations, internal reports, books, dissertations, and journal articles.
 - c. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
 - d. Research misconduct does not include honest error or differences of opinion.
- III. Findings of Research Misconduct.** A finding of research misconduct requires that:

 - a. There is a significant departure from accepted practices of the relevant research community; and
 - b. The misconduct is committed intentionally, or knowingly, or recklessly; and
 - c. The allegation is proven by a preponderance of evidence.
- IV. Fair and Timely Procedures.** The constituent institutions and affiliated entities of The University of North Carolina shall develop fair and timely procedures for responding to allegations of research misconduct, designed to provide safeguards for subjects of allegations as well as for informants. Fair and timely procedures include the following:

- a. **Safeguards for Informants.** Safeguards for informants give individuals the confidence that they can bring allegations of research misconduct made in good faith or serve as informants to an inquiry or an investigation without suffering retribution. Safeguards include protection against retaliation for informants who make good faith allegations, fair and objective procedures for the examination and resolution of allegations of research misconduct, and diligence in protecting the positions and reputations of those persons who make allegations of research misconduct in good faith.
- b. **Safeguards for Subjects of Allegations.** Safeguards for subjects give individuals the confidence that their rights are protected and that the mere filing of an allegation of research misconduct against them will not bring their research to a halt or be the basis for other disciplinary or adverse action absent other compelling reasons. Other safeguards include timely written notification of subjects regarding substantive allegations made against them; a description of all such allegations; reasonable access to the data and other evidence supporting the allegations; and the opportunity to respond to allegations, the supporting evidence, and the proposed findings of research misconduct, if any.
- c. **Objectivity and Expertise.** The selection of individuals to review allegations and conduct investigations who have appropriate expertise and have no unresolved conflicts of interests help to ensure fairness throughout all phases of the process.
- d. **Timeliness.** Reasonable time limits for the conduct of the inquiry, investigation, adjudication, and appeal phases (if any), with allowances for extensions where appropriate, provide confidence that the process will be well managed.
- e. **Confidentiality During the Inquiry, Investigation, and Decision-Making Processes.** To the extent possible consistent with a fair and thorough investigation and as allowed by law, knowledge about the identity of the subjects, informants, and research subjects is limited to those who need to know.
- f. **Preservation and Retention of the Research Record.** The research record, including all documents, data, and materials relating to an allegation and investigation of research misconduct will become institutional records and will be preserved and maintained by the institutional investigators.

V. Administrative and Disciplinary Actions.

- a. **Seriousness of the Misconduct.** In deciding what administrative or disciplinary actions are appropriate, the institution or entity should consider the seriousness of the misconduct, including, but not limited to, the degree to which the misconduct was knowing, intentional, or reckless; was an isolated event or part of a pattern; or had significant impact on the research record, research subjects, other researchers, institutions, or the public welfare.

- b. **Possible Administrative and Disciplinary Actions.** Administrative and disciplinary actions available include, but are not limited to, appropriate steps to correct the research record; letters of reprimand; the imposition of special certification or assurance requirements to ensure compliance with applicable regulations or terms of an award; suspension or termination of an active award; written warning; demotion; suspension; salary reduction; dismissal; or other serious discipline according to the appropriate policies applicable to students, faculty or staff. With respect to administrative actions or discipline imposed upon employees, the institution or entity must comply with all relevant personnel policies and laws. With respect to administrative actions or discipline imposed upon students, the institution or entity must comply with all relevant student policies and codes.
- c. **Criminal or Civil Fraud Violations.** If the institution or entity believes that criminal or civil fraud violations may have occurred, the institution or entity shall promptly refer the matter to the appropriate investigative body.

VI. Relationship to Other Policies. The Research Misconduct Policy is meant to complement, not replace, other policies that may apply to conduct occurring during the research process, such as:

- a. **University of North Carolina or State of North Carolina Policies.** University or State personnel policies and procedures, policies relating to financial misconduct, policies relating to human or animal subject research, student codes of conduct, or other applicable policies.
- b. **Federal Policies and Procedures.** Research which is required to comply with separate federal and institutional policies which conform to policies and rules implemented in response to the Office of Science and Technology Policy's Federal Policy on Research Misconduct; for example, The Health and Human Services Policies codified at 42 CFR Part 93.
- c. **Questionable Research Practices Policies.** Nothing in this Policy is meant to prohibit the adoption of policies and procedures addressing questionable research practices, which do not rise to the level of research misconduct, as defined in this Policy, but which violate the traditional values of research, and are detrimental to the research process.

Adopted 10/14/77
Amended 02/08/91
Amended 10/12/01
Amended 08/11/06

WAIVER OF TUITION AND FEES FOR FACULTY AND STAFF

WHEREAS, N.C.G.S. § 116-143(d) authorizes the Board of Governors, in its discretion, to provide regulations whereby statutorily described faculty and staff within the University of North Carolina may each take not more than three courses per year tuition-free and to specify when fees may be waived.

NOW, THEREFORE, the Board of Governors hereby:

1. Authorizes application of the tuition-waiver provision of N.C.G.S. § 116-143(d) at any constituent institution of the University of North Carolina, the North Carolina School of Science and Mathematics, the University of North Carolina Health Care System, and General Administration by faculty and staff of the University as conditioned by N.C.G.S. § 116-143(d) and authorizes any of these institutions to waive fees for faculty and staff who are eligible to take courses with tuition waived.
2. Authorizes the President to issue such additional rules and regulations as may be required or useful for uniform application throughout the University of the tuition and fees waiver privilege.

1000.2.2

Adopted 10/14/77
Amended 02/08/91
Amended 10/12/01

Amended 08/11/06

Deleted: 0

Deleted: 00

WAIVER OF TUITION AND FEES FOR FACULTY AND STAFF

WHEREAS, N.C.G.S. § 116-143(d) authorizes the Board of Governors, in its discretion, to provide regulations whereby statutorily described faculty and staff within the University of North Carolina may each take not more than three courses per year tuition-free and to specify when fees may be waived.

Deleted: , as amended by Chapter 605, 1977 Session laws,

Deleted:

Deleted: one

Deleted: semester

NOW, THEREFORE, the Board of Governors hereby:

1. Authorizes application of the tuition-waiver provision of N.C.G.S. § 116-143(d) at any constituent institution of the University of North Carolina, the North Carolina School of Science and Mathematics, the University of North Carolina Health Care System, and General Administration by faculty and staff of the University as conditioned by N.C.G.S. § 116-143(d) and authorizes any of these institutions to waive fees for faculty and staff who are eligible to take courses with tuition waived.
2. Authorizes the President to issue such additional rules and regulations as may be required or useful for uniform application throughout the University of the tuition and fees waiver privilege.

Deleted: and

Deleted: Hospitals at Chapel Hill

Deleted: Authorizes any faculty or staff member who, before the promulgation of these regulations, had enrolled in a course at a constituent institution of the University of North Carolina in good faith reliance on assurance of the enrolling institution that tuition and fees would be waived for that course, to complete that course free of tuition and fees.

Deleted: ¶
Supersedes all policies and regulations concerning the waiver of tuition and fees for faculty and staff pursuant of N.C.G.S. § 116-143 that heretofore had been promulgated by the Board of Governors of the University of North Carolina, by any Board of Trustees of a constituent institution of the University of North Carolina, or by any predecessor to any such Board of Trustees or to the Board of Governors of the University of North Carolina.

Deleted: ¶