



DEPARTMENT OF THE NAVY
OFFICE OF NAVAL RESEARCH
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IN REPLY REFER TO:
ONRINST 5041.2A
ONR BDIG
26 Aug 2019

ONR INSTRUCTION 5041.2A

From: Chief of Naval Research

Subj: POLICY FOR HANDLING ALLEGATIONS OF SCIENTIFIC RESEARCH
MISCONDUCT

Ref: (a) Federal Register, Volume 65, page 76262, December 6,
2000, "Federal Policy on Research Misconduct" current
edition
(b) DoD Instruction 3210.7 of 14 May 2004
(c) SECNAVINST M-5210.1, Department of the Navy Records
Management Program

Encl: (1) Office of Naval Research Scientific Research
Misconduct Definitions
(2) Roles and Responsibilities

1. Purpose

a. To assign responsibilities and establish the processes and procedures for handling allegations of scientific research misconduct under Office of Naval Research (ONR) sponsored or managed science and technology (S&T) awards (e.g., grants, contracts, and cooperative agreements).

b. Applicability to both intramural and extramural research, as well as the composition of the Science and Technology Integrity Board (STIB) has been included in this revision.

c. This instruction has been substantially revised and should be reviewed in its entirety.

2. Cancellation. ONRINST 5041.2.

3. Definitions. See enclosure (1).

4. Applicability This instruction applies to all civilian and military personnel assigned to the Office of Naval Research (ONR) Headquarters, ONR Regional Offices (Atlanta, Boston, Chicago, San Diego, and Seattle), Naval Research Laboratory (NRL), ONR Global (ONRG), Low Observable/Counter Low Observable

Policy, Technology, and Advanced Projects (PMR-51), and any agency, institution, person, or other entity that is a recipient of an ONR funded or managed award.

5. Policy. To ensure public trust in the research enterprise, personnel employed by, contracted to, funded by, and/or sponsored by ONR shall promote the integrity of research conducted under their purview. The policy contained in this instruction establishes roles, responsibilities, and procedures for responding to scientific research misconduct allegations.

6. Responsibilities. See enclosure (2)

7. Background. In accordance with references (a) and (b) agencies and research institutions share responsibility and accountability for the research process. Federal agencies have ultimate oversight authority for federally funded research; however, research institutions have the primary responsibility for prevention and detection of research misconduct. They are also responsible for the inquiry, investigation, and adjudication of scientific research misconduct alleged to have occurred in association with their institutions.

8. Initial ONR Handling of Scientific Research Misconduct Matters

a. Any personnel who receives an allegation of scientific research misconduct shall immediately forward the allegation and all relevant documentation to the ONR Inspector General (IG).

b. A request for confidentiality by a complainant will be honored to the extent permitted by law or regulation.

c. If the IG determines alleged scientific research misconduct involves potential criminal violations, the IG shall refer the matter to the Naval Criminal Investigative Service (NCIS) prior to initiating STIB proceedings.

d. Otherwise, the IG may, with Science and Technology Integrity Board (STIB) concurrence:

(1) Inform the awardee institution of the alleged scientific research misconduct and request it conduct an inquiry;

(2) Defer to inquiries or investigations conducted by the awardee institution or federal agency; or

(3) At any time proceed with its own inquiry and/or investigation if the ONR IG deems it appropriate.

9. Pending Proposals and Awards

a. Upon learning of alleged scientific research misconduct, the IG will work with the ONR Research and Development (R&D) Portfolio Director to identify potentially implicated awards or proposals.

b. An allegation of scientific research misconduct pending inquiry or investigation will normally not delay review of proposals and other routine pre-award and post-award administrative actions. To avoid undue influence, reviewers or panelists will not normally be notified of allegations or ongoing inquiries or investigations. However, the STIB may determine that such notifications are appropriate. In such cases, the responsible program officer and department head may consult with the STIB to determine whether interim actions are appropriate.

10. Interim Administrative Actions

a. At any point during or after an inquiry or investigation, the Assistant Chief of Naval Research (ACNR) may take, or cause to be taken, interim actions to protect Federal resources or guard against continuation of any suspected or alleged scientific research misconduct. Such action will normally be initiated upon recommendation from the STIB.

b. Interim actions may include special certifications, assurances, administrative actions, or remedies permitted by the Federal Acquisition Regulation (FAR). Such interim actions may be taken at any point during an inquiry or investigation.

11. Final Actions. When determining what actions are appropriate, the STIB will consider the seriousness of the finding of misconduct. Relevant factors include, but are not limited to, whether the misconduct had a significant impact on the research record, research subjects, other researchers, institutions, or the public welfare. Administrative actions available include, but are not limited to:

- a. Appropriate steps to correct the research record;
- b. Imposition of special certification or assurance requirements to ensure compliance with applicable regulations or terms of an award;
- c. Suspension or termination of an active award;
- d. Referral to the Acquisition Integrity Office (AIO) for consideration of suspension and debarment actions against the researcher or institution.

12. Appeals. Appeals of STIB decisions and recommended actions may be made to the ONR Executive Director in accordance with reference (b).

13. Records Management

a. Records created as a result of this instruction, regardless of media and format, must be maintained and dispositioned according to the records disposition schedules located on the Department of the Navy/Assistant for Administration (DON/AA), Directives and Records Management Division (DRMD) portal page at: <https://portal.secnav.navy.mil/>

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact the local records manager or the DON/AA DRMD program office.

14. Forms and Reports. The reporting requirements contained within this instruction are exempt from reports control per SECNAV Manual 5214.1, part IV, paragraph 7n.



DAVID J. HAHN
Rear Admiral, U. S. Navy

Releasability and distribution:

This instruction is cleared for public release and is available electronic only via ONR Issuances Web site, <https://www.onr.navy.mil/onr-issuances>

ONR SCIENTIFIC RESEARCH MISCONDUCT DEFINITIONS

1. Adjudication: The stage in the response to an allegation of research misconduct when the outcome of the investigation is reviewed, and appropriate corrective actions, if any, are determined. Corrective actions generally will be administrative in nature (e.g., termination of an award(s), suspension, debarment, special approvals, or correction of the research record); however, if there is an indication of violation of civil or criminal statutes, civil or criminal sanctions may be pursued.
2. Awardee or Awardee Institution: Person, institution, agency, and/or any other entity conducting research that is managed or sponsored (e.g. funded) by ONR.
3. Extramural Research: Research conducted by and/or under the supervision, direction, and/or auspices of an awardee institution.
4. Fabrication: Making up data or results and recording or reporting them.
5. Falsification: 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.
6. Finding of Research Misconduct: A finding, based on the preponderance of the evidence, of the conjunctive elements:
 - a. Falsification, fabrication, or plagiarism,
 - b. That represented a significant departure from accepted practices of the relevant research community,
 - c. That was committed intentionally, knowingly, or recklessly.
7. Inquiry: The stage in the response to an allegation of research misconduct when an assessment is made to determine whether the allegation has substance and an investigation is warranted.
8. Institution: Parent organization of the subject (e.g., university, federal laboratory, or private or non-profit organization).

9. Integrity of Research: A cultural commitment to sustaining research which incorporates the elements of honest investigation, open discussion, refined understanding, and rigorous objectivity. Science, and public trust in science, thrives in an environment that shields scientific data and analyses from inappropriate political influence; and delivers candid, comprehensive results unsuppressed or altered by outside influence.

10. Intramural Research: Research conducted by personnel assigned to the ONR Headquarters, ONR Regional Offices (Atlanta, Boston, Chicago, San Diego, and Seattle), PMR-51, NRL, and/or ONRG.

11. Investigation:: The stage in the response to an allegation of research misconduct when the factual record is formally developed and examined to determine whether to dismiss the case, recommend for a finding of research misconduct, and/or take other appropriate remedies.

12. ONR Managed Award: S&T research that is administered by an organization under ONR or has an ONR Program Officer assigned as the technical manager, even if the research is funded by an entity other than ONR.

13. ONR Sponsored: S&T research funded by ONR.

14. Plagiarism: Appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

15. Scientific Research Misconduct: 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.

16. STIB: An ONR advisory body appointed to consider the merits of research misconduct allegations, decide appropriate courses of action throughout the investigative process, and recommend final actions to the ACNR.

17. Subject: Researcher(s) against whom an allegation of scientific misconduct is made (sometimes also referred to as a respondent).

ROLES AND RESPONSIBILITIES

1. Awardee Institutions

a. Awardee institutions have the primary responsibility for prevention and detection of scientific research misconduct pertaining to their respective awards. They also have the primary responsibility for the inquiry, investigation, and adjudication of alleged research misconduct. Unless otherwise directed by ONR as described further herein, in cases of alleged extramural research misconduct, ONR will rely on awardee institutions to promptly:

(1) Initiate a preliminary inquiry into any suspected or alleged scientific research misconduct.

(2) Complete a preliminary inquiry and decide whether an investigation is warranted within 90 days of receipt of an allegation.

(3) Forward a copy of the preliminary inquiry to the ONR IG that recommends whether a formal investigation will be conducted. ONR will assess the preliminary inquiry for concurrence on whether or not an investigation is warranted.

(4) Conduct an investigation when required by ONR.

(5) Keep the IG informed periodically during such an investigation.

(6) Complete an investigation and reach a disposition within 180 days of receipt of an allegation. If needed, the research institution shall forward an extension request to the IG as soon as practicable, but no later than within 10 days of the original 180-day deadline for completion. The request should provide the reason(s) for the extension request and a proposed completion date. ONR may also require submission of periodic status reports.

(7) Take action necessary to ensure the integrity of research, protect the rights and interests of research subjects and the public, and observe legal requirements.

(8) Provide appropriate safeguards for subjects of allegations and for complainants.

(9) Provide the IG with the final report of investigation that addresses corrective action(s) taken and pending, as applicable.

b. Awardee institutions shall immediately notify the IG should the institution become aware during an inquiry or investigation that:

(1) Public health or safety is at risk;

(2) ONR's resources, reputation, or other interests are at risk;

(3) There is reasonable indication of possible violations of law;

(4) Research activities should be suspended;

(5) Federal action may be needed to protect the interests of the subject of an investigation or of others potentially affected; or

(6) The scientific community or the public should be informed.

c. Awardee institutions shall maintain effective policies and procedures relating to scientific research misconduct, to ensure compliance with this instruction.

2. Responsibilities within ONR

a. ACNR. Adjudication official for scientific research misconduct investigations and will make final determinations on actions recommended by STIB.

b. ONR IG. Shall coordinate and oversee all actions in response to allegations of scientific research misconduct. This includes analyzing allegations of research misconduct and co-chairing the STIB. The IG shall ensure all proceedings are conducted in an objective manner and that investigations focus on scientific research misconduct rather than the validity of the science. In addition, the IG will consult with ONR Counsel throughout the investigative process. Other responsibilities include, but are not limited to:

(1) Providing guidance to awardee institutions regarding scientific research misconduct policy implementation and reviewing awardee institutions' investigations of alleged research misconduct.

(2) Leading ONR internally conducted inquiries and/or investigations (especially in cases of, but not limited to, allegations of intramural research misconduct).

(3) Tasking external inquiries and/or investigations.

(4) Respecting the professional reputations of subjects by limiting disclosure of allegations to official purposes (or as otherwise required by law), ensuring a prompt and thorough inquiry and/or investigation and affording subjects opportunity to comment on relevant allegations, findings, and/or supporting evidence.

(5) Protecting the good-faith complainant, including protection from retaliation.

(6) Protecting the interests of the U.S. government and the public.

(7) Ensuring the Chief of Naval Research and Executive Director are fully apprised of inquiry/investigation status, progress, and potential ramifications of discoveries as they are reported to ONR.

c. ONR R&D Portfolio Director. Co-Chair and a permanent member of the STIB. Upon determination by the IG that an allegation of scientific research misconduct is appropriate for STIB review, the IG shall contact the Portfolio Director to discuss the merits of the allegation. Advice from Counsel and subject matter experts may be sought as necessary to determine a course of action.

d. ONR Counsel. Shall designate an ONR Associate Counsel to serve as an advisory (i.e., non-voting) member of the STIB. Counsel may do so on a permanent or ad hoc basis. The IG shall notify Counsel or a designated Associate Counsel upon receipt of an allegation of research misconduct. The designated Associate Counsel shall provide guidance to ensure compliance with applicable laws and regulations.

e. ONR Directors, Department Heads, and Program/Project Officers. Other ONR principals shall serve as members of the STIB and/or subject matter experts when appointed by the STIB Co-Chairs (the Research and Development Portfolio Director and the IG).

f. NRL Director of Research (NRL DOR). Shall serve as a permanent, voting member of the STIB.

g. ONR Global Technical Director (ONRG TD). Shall serve as a permanent, voting member of the STIB.

h. ONR Chief Scientist. Shall serve as a permanent, voting member of the STIB.

i. ONR Director of Contracts, Grants, and Acquisitions (ONR DCGA). Shall serve as a permanent, advisory (i.e., non-voting) member of the STIB. The DCGA shall advise the STIB on acquisition and procurement related matters.

j. Science and Technology Integrity Board (STIB)

(1) The STIB serves as an advisory body to consider the merits of scientific research misconduct allegations and recommend courses of action upon receipt and throughout the investigative process. The STIB will recommend actions to the ACNR, who shall make final determinations.

(2) The STIB shall be co-chaired by the ONR R&D Portfolio Director and the ONR IG. Other permanent voting members of the STIB shall include the NRL DOR, the ONRG TD, and the ONR Chief Scientist. The ONR DCGA and a designated ONR Associate Counsel shall serve as advisory (i.e., non-voting) members. In addition, the STIB co-chairs may appoint ad hoc members (voting or advisory) who have expertise relevant to particular allegations of research misconduct. This group may meet in person or virtually via electronic communications to resolve specific instances of alleged scientific research misconduct. Temporary appointees may include employees or military members of ONR, NRL, ONRG, PMR-51, and other Department of Defense components, as deemed appropriate by the STIB co-chairs.

(3) Record of STIB proceedings. The IG shall ensure that all STIB proceedings, including decisions and recommended courses of action, are documented and maintained electronically in a secure location on the IG shared drive.

(4) Upon receipt of an allegation of scientific research misconduct, the STIB will determine a course of action. The STIB may further convene as often as it deems appropriate. If the STIB directs a preliminary inquiry, upon its completion, the STIB will convene to review the results of the inquiry and determine whether a full investigation is warranted. The STIB shall forward its recommendation (to investigate or close a case) to the ACNR, who may concur with the STIB's recommendation or direct a different course of action.

(5) If the STIB and ACNR direct an investigation, upon its completion, the STIB will convene to evaluate the results and recommend appropriate action(s). The STIB will determine if the investigation followed usual and reasonable procedures and will assess the investigative report to determine if it is adequate, thorough, and objective. The IG will prepare and forward the STIB's decision memorandum, along with the investigative report, to the ACNR for concurrence or non-concurrence and final determination of ONR action.

(6) The STIB may recommend, and the ACNR may direct, any administrative action deemed appropriate, in accordance with applicable law, regulation, and policy. In addition, the STIB or ACNR may initiate further investigation or take other actions to resolve outstanding issues. In the case of a proposed debarment or suspension, ONR shall forward its recommendation(s) along with the investigative report to the AIO.

(7) On behalf of the STIB, the IG will notify the applicant or awardee institution in writing of ONR's action, sanctions to be imposed (if applicable), and appeal procedure provided by law (if any).

i. ONR Executive Director. The ONR Executive Director shall serve as the appellate official and shall receive and consider appeals in accordance with reference (b).