



## University Policy Statement California State University, Fullerton

### UPS 630.000

## POLICY FOR INVESTIGATING INSTANCES OF POSSIBLE RESEARCH MISCONDUCT

### I. PURPOSE

The purpose of this document is to establish policies and procedures for handling allegations of research misconduct in compliance with current federal and state regulations regarding scientific research misconduct.

### II. DEFINITIONS

A. Research misconduct means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or in reporting research results.

1. Fabrication is making up data or results and recording or reporting them.
2. 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.
3. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
4. Research misconduct does not include honest error(s) or differences of opinion.

B. Other definitions

1. Allegation: A disclosure of possible research misconduct through any means of communication. The disclosure may be by written or oral statement or other communication.
2. Complainant: A person who in good faith makes an allegation of research misconduct. S/he may also make an allegation of inadequate institutional response to such an allegation of research misconduct. The role of the complainant is limited. Once the complainant has made an allegation of research misconduct, that person does not participate in the proceeding other than as a witness. (A complainant is not the equivalent of a "party" in a private dispute.) The University has an obligation to pursue allegations of research misconduct independent of the complainant's role.
3. Conflict of Interest: A real or apparent interference of one person's interest with another, where potential bias may occur due to prior or existing personal or professional relationships.
4. Deciding Official (DO): The person who shall make the final determination as to whether research misconduct has taken place, and shall initiate administrative action against those found to have committed research misconduct in accordance with the relevant Collective Bargaining Agreement.

5. Inquiry: Preliminary information gathering and initial fact-finding to determine whether an allegation or apparent instance of research misconduct warrants an investigation.
6. Investigation: the formal examination and evaluation of all relevant facts to determine misconduct has occurred, and, if so, the responsible person and the seriousness of the misconduct.
7. ORI: Office of Research Integrity, an independent entity within the U.S. Department of Health and Human Services reporting to the Secretary of the Department of Health and Human Services. ORI is responsible for protecting the integrity of PHS extramural and intramural research programs.
8. Research Integrity Officer (RIO): The person who has lead responsibility for ensuring that the institution takes all reasonable and practical steps to foster a research environment that promotes the responsible conduct of research, research training, and activities related to that research or research training, discourages research misconduct, and deals promptly with allegations or evidence of possible research misconduct.
9. Respondent: The person against whom an allegation of research misconduct is directed, or the person who is the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.
10. Retaliation: An intentional act of reprisal, threat or intimidation by a CSUF employee that has a material and substantial adverse effect on the terms and conditions of employment or other status of a complainant who, in good faith, has made an allegation of research misconduct or inadequate institutional response thereto, or who has cooperated in good faith with an investigation of such allegation.

### **III. APPLICABILITY**

- A. The policies and procedures described in this document apply to all university members who are conducting research, scholarly, and creative activities under different circumstances, regardless of the field and sponsorship. This process does not supersede and is not intended to set up an alternative to established procedures for resolving fiscal improprieties, issues concerning the ethical treatment of animal or human subjects, or criminal matters.
- B. All CSUF organizational units are affected by this policy, including CSUF Auxiliary Services Corporation (ASC).

### **IV. RESPONSIBILITY TO REPORT RESEARCH MISCONDUCT**

All employees or individuals associated with CSUF are required to report observed, suspected, or apparent misconduct in science to the RIO. If an individual is unsure whether a suspected incident of misconduct falls within the definition, the individual may meet or contact the RIO to discuss the suspected misconduct informally and confidentially. The RIO contact information is available in the Office of Associate Vice President for Graduate Programs and Research.

If the circumstances described by the individual do not meet the definition of research misconduct, the RIO will refer the individual or allegation to other appropriate offices or officials with responsibility for resolving the problem.

## **V. COOPERATION WITH INQUIRIES AND INVESTIGATIONS**

All CSUF employees shall cooperate with the RIO and/or other University designated officials in the review of allegations and the conduct of inquiries and investigations. Employees have an obligation to provide relevant evidence to the RIO on research misconduct allegations.

## **VI. CONFIDENTIALITY**

The RIO shall (1) limit disclosure of the identity of respondents and complainants to those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; and (2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct proceeding. The RIO should use written confidentiality agreements or other mechanisms to ensure that the recipient does not make any further disclosure of identifying information.

## **VII. PROTECTING COMPLAINANTS, WITNESSES, AND COMMITTEE MEMBERS**

CSUF employees shall not retaliate in any way against complainants, witnesses, or others involved in the review process. Employees should immediately report any alleged or apparent retaliation to the RIO, who shall review the matter and, as necessary, make all reasonable and practical efforts to stop and remedy any potential or actual retaliation.

## **VIII. PROTECTING THE RESPONDENT**

- A. If requested to do so and as appropriate, the RIO and other University officials shall make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in research misconduct, but against whom no finding of research misconduct is made.
- B. During the research misconduct proceeding, the RIO is responsible for ensuring that respondents receive all the notices and opportunities provided for in applicable federal regulations and CSU policies and procedures.

## **IX. APPOINTMENT OF RELEVANT PERSONNEL**

### **A. DECIDING OFFICIAL (DO)**

The President, or designee, shall serve as the Deciding Official (DO) who shall make the final determination as to whether research misconduct has taken place, and shall initiate administrative action against those found to have committed research misconduct in accordance with the relevant Collective Bargaining Agreement.

## **B. RESEARCH INTEGRITY OFFICER (RIO)**

The Vice President for Academic Affairs shall appoint the Research Integrity Officer (RIO) who shall have the primary responsibility for implementation of the institution's policies and procedures on research misconduct.

## **C. INQUIRY AND INVESTIGATION COMMITTEES**

1. The RIO shall appoint the Inquiry Committee in consultation with the Vice President for Academic Affairs and the Chair of the Academic Senate. The committee shall consist of the following individuals:
  - a. One faculty member from the same College but not from the same department as the respondent.
  - b. One faculty member from an outside College with expertise in research area of the project under inquiry or with expertise in research misconduct matters. If no person is available with these qualifications from within the University, expertise may be sought from outside the University.
  - c. One Associate Dean who is not from the respondent's College.
2. The Investigation Committee will be constituted in the same manner as the Inquiry Committee. Every effort shall be made to appoint Investigation Committee members who have no prior involvement with the case at hand. Inquiry Committee members may serve on the Investigation Committee only under extraordinary circumstances.

## **X. PROCESS TIMELINE**

There are three phases of the process: allegation, inquiry, and investigation. The full process is described in "Administrative Policies and Procedures for Responding to Allegations of Research Misconduct" available from the Associate Vice President for Graduate Programs and Research.

### **A. ASSESSMENT OF ALLEGATIONS**

Upon receiving an allegation of research misconduct, the RIO will immediately assess the allegation to determine whether it is sufficiently credible and specific so that potential evidence of research misconduct may be identified. An inquiry must be conducted if these criteria are met.

#### **1. TIME FOR COMPLETION**

The assessment period should be brief, preferably concluded within a week (seven calendar days). In conducting the assessment, the RIO need not interview the complainant, respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified. The RIO shall, on or before the date on which the respondent is notified of the allegation, obtain custody of, inventory, and sequester all research records and evidence needed to conduct the research misconduct proceeding.

## **B. INITIATION AND PURPOSE OF THE INQUIRY PROCESS**

If the RIO determines that the criteria for an inquiry are met, he or she will immediately initiate the inquiry process. The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to conduct an investigation. An inquiry does not require a full review of all the evidence related to the allegation.

### **1. INQUIRY PROCESS**

The inquiry committee shall examine relevant research records and materials as well as normally interview the complainant, the respondent and key witnesses. Then the inquiry committee shall evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members shall decide whether an investigation is warranted. The scope of the inquiry is not required to and does not normally include deciding whether misconduct definitely occurred, determining definitely who committed the research misconduct or conducting exhaustive interviews and analyses. However, if a legally sufficient admission of research misconduct is made by the respondent, misconduct may be determined at the inquiry stage if all relevant issues are resolved. In that case, the institution shall promptly consult with ORI to determine the next steps that should be taken.

### **2. TIME FOR COMPLETION**

The inquiry, including preparation of the final inquiry report and the decision of the DO on whether an investigation is warranted, must be completed within 60 calendar days of initiation of the inquiry, unless the RIO determines that circumstances clearly warrant a longer period. If the RIO approves an extension, the inquiry record must include documentation of the reasons for exceeding the 60-day period.

## **C. INITIATION AND PURPOSE OF THE INVESTIGATION**

The investigation shall begin within 30 calendar days after the determination by the DO that an investigation is warranted. The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to recommended findings on whether research misconduct has been committed, by whom, and to what extent. The investigation shall also determine whether there are additional instances of possible research misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged research misconduct involves clinical trials or potential harm to human subjects or the general public or if it affects research that forms the basis for public policy, clinical practice, or public health practice. The findings of the investigation must be set forth in an investigation report.

### **1. INVESTIGATION PROCESS**

The investigation committee and the RIO shall:

- a. Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of each allegation;

- b. Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
- c. Interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation; and
- d. Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible research misconduct, and continue the investigation to completion.

## **2. TIME FOR COMPLETION**

The investigation shall be completed within 120 days of beginning it, including conducting the investigation, preparing the report of findings, providing the draft report for comment to the respondent, and, as appropriate, sending the final report to ORI or other applicable federal agency or office. However, if the RIO determines that the investigation will not be completed within this 120-day period, he/she shall submit to University officials and, as appropriate, to ORI or other applicable federal agency or office a written request for an extension, setting forth the reasons for the delay. If the request for an extension is granted and periodic progress reports are requested, the RIO shall ensure that periodic progress reports are filed with University officials and, as appropriate, ORI or other applicable federal agency or office.

## **XI. APPEALS**

The decision of the DO is final and cannot be appealed.

## **XII. SANCTIONS AND ADMINISTRATIVE ACTIONS**

If the DO determines that research misconduct is substantiated by findings, he/she shall decide on the appropriate actions to be taken after consultations with the RIO. These may include removal from project, reimbursement of funds, withdrawal of manuscripts or articles pending or published, and/or disciplinary action.

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