

Summary of Integrity of Research (PPM 100-4) Proposed Policy Changes

This policy update is designed to respond to regulatory changes over the last decade, align campus best practices with national standards, and update confusing and inconsistent language that has resulted from internal changes at UC San Diego.

SUBSTANTIVE CHANGES AND MAJOR QUESTIONS

- Under federal regulations, Research Misconduct is the sole responsibility of the Research Integrity Officer. The policy revision eliminates the language giving others (i.e. department heads, other Vice Chancellors) authority to make determinations of research misconduct or conduct independent assessments, inquiries or investigations. Research dispute management that is not Research Misconduct (see Section B2.2) such as authorship, ownership of research data, etc., will continue to be under the authority of the Department Heads, and when necessary, can be facilitated by the Vice Chancellor for Research.
- The federal regulations are now clear that certain actions must be followed in the Assessment, Inquiry, Investigation and Reporting processes. These policy revisions bring UC San Diego's policy into compliance with the federal regulations.
- Revised processes now include a Standing Inquiry Committee of Academic Senate Members. Under the current policy, the Inquiry is no longer permitted to stand in lieu of an Investigation, therefore these references have been eliminated.
- Eliminates notification of the Panel of Counselors (within P&T) at the start of an Investigation as this is in conflict with due process and confidentiality rights of faculty.
- Clarification of those with a "need to know" at the start of an Inquiry and Investigation (see Sections III A2.1, III C1.3 and D1.3):
 - The revised policy includes the Academic VC, the Department Head, the EVC, and Graduate Dean (when appropriate) or delegate as required. At the closure of an Investigation, in addition to those listed previously, if there is a finding of research misconduct, the Chancellor, the disciplinary body for the respondent and the funding agency are notified.
- Clarification of Confidentiality during and beyond the process (see Sections III A2.1, III C6.3.1 and D6.3.3):
 - At the assessment/inquiry stage – if no research misconduct is found then confidentiality of process/individuals remains intact
 - If an investigation finds research misconduct – then there are no confidentiality rights at the conclusion of the process

SPECIFIC CHANGES

Section I. Policy – Inserted numbers in section

- A1.1 i. Expanded definition of covered activities to include reviewing in scope reflecting changes to PHS and NSF policies.
ii. Added reference 6-year rule in federal regulations for time-limits to bring forward allegations of research misconduct.
- A1.5 i. Deleted reference to disciplinary procedures, out of place in a high level introductory policy statement.

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Section II. Definitions

- Moved this section from the Appendix to the front of the document to facilitate greater understanding of the policy.
- Clarified Complainant definition.
- Inserted new definitions for Knowing, Intentional, and Reckless, not in current policy
- Updated Retaliation definition.
- Inserted new definition for the Standing Inquiry Committee.
- Added sentence to definition of Research Misconduct (previously at the end of Section I) about what does not fall under the regulatory definition of research misconduct to clarify both the definition and the policy limits.

Section III. (previously Section II.) Procedures

- A1.1. Reworded institutional commitment provision.
- A1.6. Eliminated specific policy references to be more comprehensive.
- A2.1. Inserted language to strengthen confidentiality limits during the process to better define the basis for “need to know.”
- A2.2 Updated language in sequestration section.
- A2.3. Eliminated confusing language about Department Head/RIO responsibilities.
- A2.4.2 Removed unnecessary language.
- A2.5
 - i. Pulled retaliation out from A2.4. subsection and strengthened the section on retaliation against complainants and others.
 - ii. Renumbered following sections.
- A2.9. Aligned timelines for retention of records with PHS policy and other federal requirements.
- A2.11 Add provisions for the Respondent rights if the RIO expands the scope of the Inquiry or Investigation.
- B1. Expanded reporting section to provide more guidance about meeting with the RIO to discuss allegations anonymously/hypothetically.
- B2. Clarified that Department Head must refer Research Misconduct Allegations to the RIO.
- B2.1
 - i. Combined Sections B2.1 and B2.3. to eliminate duplication.
 - ii. Added requirement that department head receiving an allegation must refer them to the RIO for handling.
 - iii. Implemented the “specific and credible” standard enforced by federal agencies which now obligates the RIO to conduct an inquiry if policy conditions are met.
- B2.2 Clarified that research practices that are not Research Misconduct, will continue to be under the authority of the Department Heads, and when necessary, can be facilitated by the Vice Chancellor for Research.
- B2.3. Eliminated as duplicative.

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- C1.1
 - i. Inserted new language about the Standing Inquiry Committee and process.
 - ii. Updated language about preventing conflicts of interest.
 - iii. Inserted new language specifying actions for the RIO in developing the charge letter to better meet federal standards.

- C1.3 Defined the individuals within the “need to know” category.

- C3.1. Inserted the Probable Cause standard for the Inquiry Committee in determining whether an Investigation is warranted to meet the federal standard.

- C3.3
 - i. Inserted regulatory language requiring the Respondent be given an opportunity to admit to committing the research misconduct.
 - ii. Added language instructing the RIO on process for termination of an institution’s review of an allegation following an admission by the Respondent.

- C.4 Removed requirement for the Standing Inquiry Committee to include in the report if the Allegation was made in Bad Faith.

- C6.2 Clarified the notification for interested parties.

- C6.3.1 Updated language on efforts to restore the reputation of individuals against whom no finding is made.

- C6.3.3. Eliminated language about the Inquiry serving in place of an Investigation. The responsibility of the Standing Inquiry Committee is only to determine Probable Cause which, if this standard is met, requires an Investigation be conducted.

- C7.
 - i. Consolidated C7.1 and 7.2.
 - ii. Rewrote language about the criteria for reopening the inquiry

- C8. Section Eliminated. No longer relevant.

- D1.1. Clarifies process for appointing an Investigation Committee.
 - D1.1.1.
 - i. Clarifies standards for membership on the Investigation committee, including the requirement for specific scientific expertise in the research area of the allegation.
 - ii. Aligns conflict of interest language for the Investigation Committee with that of the Inquiry Committee in Section C1.1.
 - iii. Eliminated including members on the committee from the same title series as the Respondent, which may potentially introduce issues associated with collective bargaining agreements upstream in the process. The Investigation Committee should consist of members of the Academic Senate to protect the integrity of research.

- D1.2. Clarifies the purpose of the Investigation and under what circumstances the scope of an investigation can be broadened.

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- D1.3. Eliminated the language about notifying the Chair of the Panel of Counselors of the Academic Senate at the start of an Investigation. This notification may violate the Respondents due process rights because the notification is to a disciplinary committee within privilege and tenure prior to any finding being made. This may be inconsistent with previously stated confidentiality rights within the policy. Clarified that the Graduate/Undergraduate Deans will be notified when appropriate.
 - D3.1. Inserted the Preponderance of the Evidence standard to comply with the federal regulations.
 - D3.2. Updated language about the interview process, requiring transcripts for all Investigation interviews.
 - D3.3 Deleted as is duplicative of information in D.5.3.
 - D3.5: Modified the time for the Committee to prepare its report.
 - D4.2. Clarifies the need for each allegation of research misconduct to be documented with a separate finding, and be supported by an evidentiary standard and level of intent.
 - D4.3. Clarified evidence.
 - D5.3.
 - i. Provides Respondent with an opportunity to review the evidence on which the Investigation report is based to comply with federal regulations.
 - ii. Corrects a timeline error within the policy.
 - D5.5. Inserted language about the process for RIO determination and documentation of findings when the evidence supports an outcome that differs from the conclusions in the Investigation committee report.
 - D6.2 Clarified the notification for interested parties.
 - D6.3.1 Updated language on efforts to restore the reputation of individuals against whom no finding is made.
 - D6.3.3 Added language to establish the RIO's responsibility for complying with federal agency notification and confidentiality requirements.
- Section E Eliminated overly detailed disciplinary portion of the policy, replacing it with two minor sections on Closing out a Research Misconduct Process; Discipline and Notifications.
- Supplement I Moved to the body of the policy.
- Supplement II (Appendix A) Updated policies and links.
- Supplement III (Appendix B) Updated Tables to reflect regulatory timelines.