



UC San Diego

Policy & Procedure Manual

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I&R POLICY AND ORGANIZATION

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UNIVERSITY OF CALIFORNIA SAN DIEGO INTEGRITY OF RESEARCH POLICY AND PROCEDURES

I. POLICY

- A1. This Policy is based on the principle that quality research requires adherence to the highest standards of integrity in proposing, conducting, reviewing, and reporting research. All University of California San Diego ("UC San Diego") Researchers are subject to this Policy and are expected to be aware of and to comply with all applicable policies and procedures of the University, campus, and departments, as well as external entities funding their research. This policy applies only to allegations of research misconduct that occurred within six years of the date UC San Diego received the allegation, subject to the exceptions in federal regulations including (a) if the Respondent continues or renews any incident of alleged research misconduct occurring before the six-year limitation through citation, republication or other use; or (b) if it is determined that the alleged misconduct would have a substantial adverse effect on the health or safety of the public.
- A2. All UC San Diego Researchers are expected to maintain intellectual integrity. UC San Diego is committed to promoting the integrity of research and to meeting the obligations defined by extramural funding agencies.
- A3. The purpose of this Policy is to address Research Misconduct, which is defined as Fabrication, Falsification, or Plagiarism in proposing, performing, or reviewing research, or in reporting research results.
- A4. Any individual affiliated with UC San Diego has an ethical responsibility to act if he or she suspects Research Misconduct has occurred. Appropriate actions may include raising questions, seeking perspective from peers or more experienced individuals (including campus ombudspersons), or making an Allegation of Research Misconduct to the Department Head or Research Integrity Officer.
- A5. Individuals associated with UC San Diego are expected to cooperate with Research Integrity Officers and other institutional officials in the review of Allegations of Research Misconduct and the conduct of Inquiries and Investigations into such Allegations, including providing evidence or materials relevant to the Allegations. It is the policy of UC San Diego to respond fully and fairly to all Allegations of Research Misconduct and to comply with the reporting requirements of applicable funding agencies.
- A6. Some improper practices are not considered Research Misconduct under this Policy, but are nonetheless considered misconduct under other University policies including, but not limited to, guidelines relating to conflict of interest, export control, intellectual property, biosafety, use of human and animal subjects, use of University facilities, outside professional activities of faculty members, and teacher-student relations.

II. -DEFINITIONS

Academic Unit. An Academic Unit is a Department, Departmental Division, or Organized Research Unit.

Allegation. An Allegation is any oral or written statement or other evidence of one or more apparent instances of Research Misconduct.

Appropriate Vice Chancellor. Depending on the Respondent's faculty appointment, employment and/or student status, in the judgment of the RIO, the Appropriate Vice Chancellor is one or more of the following Vice Chancellors at UC San Diego: Executive Vice Chancellor-Academic Affairs; Vice Chancellor-Resource Management and Planning; Vice Chancellor-Health Sciences; Vice Chancellor-Marine Sciences; or Vice Chancellor-Student Affairs.

Bad Faith. An action is in Bad Faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the Allegation or if it is made falsely with malicious intent to harm the Respondent.

Complainant. A Complainant is a person who makes a good faith Allegation.

Conflict of Interest. A Conflict of Interest exists when a relationship between a decision-maker and the Complainant, the Respondent, or the Research that is the subject of an Allegation creates the potential for compromised judgment or decision-making.

Department Head. A Department Head is the head of the Academic Unit in which Research Misconduct is alleged to have occurred.

Fabrication. Fabrication is making up data or results and recording or reporting them.

Falsification. 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.

Inquiry. An Inquiry is an informal process for gathering information and initial fact-finding to determine whether an Allegation warrants an Investigation.

Intentional. An action is taken with purposeful intent to deceive.

Investigation. An Investigation is the formal examination and evaluation of all relevant facts to determine, based upon a Preponderance of the Evidence, whether Research Misconduct has occurred, and, if so, its extent and consequences and the responsible person or persons.

Knowingly. An action is taken with actual knowledge or deliberate ignorance.

Personnel Review File. The Personnel Review File is that portion of an individual's academic personnel record which is maintained by the University for purposes of considering personnel actions under the relevant criteria and should contain only material relevant to these purposes. Final administrative decisions are to be based solely upon the material contained in the individual's Personnel Review File.

Plagiarism. Plagiarism is the appropriation of another person's words, ideas or research results without acknowledgement, and passing them off as one's own.

Policy. The Policy is the University of California San Diego "Integrity of Research Policy."

Preponderance of the Evidence. There is a Preponderance of the Evidence when the greater weight of credible evidence shows that it is more likely than not that a Respondent committed the alleged act.

Probable Cause. Probable cause is a reasonable belief based on evidence such that a person of ordinary caution or prudence would be led to believe and conscientiously entertain a strong suspicion that a violation may have occurred.

Reckless. Permitting, tolerating or causing conditions in experimentation, documentation, analysis, or preparation of publications that a reasonable scholar would understand to have a high probability of resulting in falsified or fabricated data or plagiarism.

Research. Research means a systematic investigation, including development, testing, evaluation, or publication to develop or contribute to generalizable knowledge. Activities that meet this definition constitute Research for purposes of this Policy, whether they are conducted or supported under a program that is considered Research for other purposes.

Researcher. A Researcher is any person who is engaged in the design, conduct, review, or reporting of Research at or for UC San Diego.

Research Integrity Officer (RIO). The RIO is responsible for assessing Allegations and determining when such Allegations warrant Inquiries, and overseeing Inquiries and Investigations. The Vice Chancellor for Research is the RIO for UC San Diego. General oversight of the Policy is the responsibility of the Vice Chancellor for Research.

Research Misconduct. Research Misconduct is Fabrication, Falsification, or Plagiarism in proposing, performing, or reviewing Research, or in reporting Research results. Research Misconduct does not include disputes about authorship or attribution of credit, confidentiality, access to data, honest error or differences of opinion.

Research Records. Research Records are the records of data or results that embody the facts resulting from scholarly inquiry, and include, but are not limited to, Research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, and journal articles.

Respondent. A Respondent is a person against whom an Allegation is made. The respondent is required to cooperate with the conduct of an Inquiry and Investigation.

Retaliation. Retaliation is an action taken by UC San Diego or its employees that adversely affects the institutional status of a person who is employed by or affiliated with UC San Diego, including Researchers, clinicians, technicians, fellows, students, and independent contractors, or adversely affects the person's terms and conditions of employment in a material and negative way, including, but not limited to, failure to hire, corrective action (including written warning, corrective salary decrease, demotion, suspension), and termination, and where the adverse action is taken as a result of such person's making of an Allegation or cooperating in an Inquiry or Investigation. Retaliation does not include disciplinary or other adverse action taken by the University in the event a person's conduct in connection with the matter was in violation of University policy or done in Bad Faith.

RIO. See "Research Integrity Officer."

Standing Inquiry Committee for Integrity of Research. The Committee, consisting of seven to nine faculty, is selected for disciplinary breadth in consultation with the Academic Senate. The Committee's charge is to examine relevant research records and conduct interviews to determine whether there is Probable Cause that Research Misconduct may have occurred, warranting Investigation. Members of the Committee are guided by this Policy and University Guidelines for Conducting an Inquiry.

Whistleblower. See "Complainant."

III. PROCEDURES FOR RESPONDING TO ALLEGATIONS OF RESEARCH MISCONDUCT

A. OBJECTIVES AND GENERAL PROVISIONS

- A1. Objectives: In dealing with Allegations under these procedures, UC San Diego shall be guided by the following general objectives:
- A1.1 UC San Diego is committed to ensuring integrity in Research.
 - A1.2 Appropriate and timely action shall be taken to review and address all Allegations.
 - A1.3 Funding agency requirements for timely notification shall be followed.
 - A1.4 These Procedures shall be administered in a manner that fairly protects: (i) the due process rights of the Respondent; (ii) the interests of Complainants and those serving as witnesses in the Investigation of Research Misconduct; and (iii) the public interest in preserving the Integrity of Research.
 - A1.5 Efforts will be made to prevent misjudgments caused by bias or Conflict of Interest.
 - A1.6 Campus officials shall administer these Procedures in coordination with other applicable policies and procedures.
- A2. General Provisions: The following are generally applicable to Allegations, Inquiries, and Investigations under these Procedures:
- A2.1 Confidentiality. Except as otherwise authorized by law or by this Policy or by other University policy, the Research Integrity Officer (RIO) and all committee members will limit disclosure of the identity of Respondents and Complainants and the disclosure of any records or evidence collected during the processes described in this Policy to those who need to know in order to carry out a thorough, competent, objective and fair Research Misconduct proceeding, make appropriate reports to Research sponsors and/or Research collaborators, pursue or impose discipline or protect the public or the Research community. The Complainant, the Respondent, and the witnesses, shall be encouraged to maintain the confidentiality of the proceedings to preserve the Integrity of the Research Misconduct proceedings. Only the chairs of the committees or the RIO or his/her designee should contact potential witnesses. Further, interviews of witnesses outside of the University should occur only after consultation with the RIO to assure the necessity of such interviews and the development of an appropriate approach to maximize the confidentiality of the Inquiry or Investigation.
 - A2.2 Sequestration of Records. In a timely manner, the RIO shall take reasonable and practical steps to obtain custody of and secure all the Research Records and evidence needed to conduct the Research Misconduct proceeding. Research Records belong to the University and those involved in an Allegation must be surrendered to the RIO upon request. The RIO may engage Audit & Management Advisory Services to take possession of potentially relevant evidence. Failure to surrender Research Records upon request may result in discipline.
 - A2.3 Risk of Loss or Abuse of Funds, Equipment, or Materials. If, in the judgment of the RIO, there appears to be a risk of loss or misuse of funds from circumstances relating to an Allegation, or a risk of destruction or abuse of University property, or equipment or materials purchased with those funds, the RIO will initiate administrative actions to protect those funds, equipment, or materials.
 - A2.4 Rights and Roles of Complainant.
 - A2.4.1 Confidentiality of Complainant's Identity. The Complainant may request that his or her identity be kept confidential, and in that case, efforts shall be made to protect the identity of the Complainant, but confidentiality cannot be

assured. For example, it may be necessary for the Complainant to testify before one or more faculty committees in the course of an Inquiry or Investigation and his or her identity may be subject to disclosure under various State and Federal laws.

- A2.4.2 Disclosure of Allegations. Complainants are encouraged to raise Allegations through these Procedures rather than through public disclosure.
- A2.4.3 Complainant as Witness. After making an Allegation, the Complainant's role is to serve as a witness if needed.
- A2.5 Retaliation against Complainants or Other Persons. University of California employees may not retaliate against Complainants, witnesses, or Committee members. Individuals who witness retaliation or believe they have been retaliated against should immediately report any alleged or apparent retaliation to the RIO or to the Locally Designated Official, who will make all reasonable and practical efforts to counter any potential or actual retaliation in accordance with the *Policy for Protection of Whistleblowers from Retaliation* (PPM 200-14). Persons not covered by the Whistleblower Protection Policy may report claims of actual or threatened Retaliation to the RIO, who will undertake efforts to protect them from Retaliation. In addition, the RIO shall direct all participants in any aspect of an Inquiry or Investigation, including members of Inquiry and Investigation committees, the Respondent, and witnesses not to retaliate against the Complainant or other witnesses at any time after an Allegation has been made.
- A2.6 Duty to Respond. After receiving an Allegation, the University must undertake an Inquiry if the RIO determines that an Inquiry is warranted (Section B2). The University is required to respond to Allegations and to take them seriously.
- A2.7 Respondent's Separation from University. The resignation or termination of employment, enrollment, or appointment of a Respondent shall not, in itself, result in the dismissal of a proceeding hereunder, although it may affect the imposition of discipline.
- A2.8 Delays. The failure to complete an Inquiry, Investigation, or other process within the time frames prescribed in these Procedures shall not be grounds for the dismissal of an Allegation.
- A2.9 Retention of Records. At the closure of a case under this Policy, the case file consisting of the Allegation, the reports of the Inquiry and/or Investigation committees, correspondence, transcripts, and other records related to the case shall be maintained by the RIO. Essential evidence (records and evidence needed to conduct the Research Misconduct proceeding) shall be kept for three (3) years after the date of a final Inquiry report if the matter does not proceed to Investigation or seven (7) years after completion of an Investigation proceeding or the completion of any federal proceeding involving the Research Misconduct Allegation. Records shall be retained as required by federal policies as applicable. The RIO may use his or her discretion in determining what constitutes essential evidence. Examples of factors to be considered are whether Research Misconduct was found, the importance of the evidence to the finding of Research Misconduct, the uniqueness of the materials, and the extent to which the evidence is needed in connection with ongoing Research.
- A2.10 Legal Advice. Throughout the process of handling an Allegation, the RIO, and committee members shall consult with Campus or University Counsel, as needed, for advice and to ensure compliance with these Procedures. Complainants, Respondents, and witnesses may be accompanied by an advisor during any interview, but only for the purposes of observation and advice.

- A2.11 RIO Discretion. In the interest of fairness and consistent with the requirements of external funding agencies and other University policies, the RIO has the discretion to extend time frames, expand the scope of the Inquiry or Investigation, or take other action he or she deems appropriate in applying these Procedures. If the RIO expands the scope of the Inquiry or Investigation, the affected Respondent will be provided notice of the expanded scope and offered the opportunity to submit additional documents.

B. ALLEGATIONS OF MISCONDUCT

- B1. Reporting Suspected Misconduct. Allegations of Research Misconduct may be made to a Department Head or may be directed to the RIO. If an individual is unsure whether a suspected incident falls within the definition of Research Misconduct, he or she may meet with or contact the RIO to discuss the suspected Research Misconduct informally, which may include discussing it anonymously and/or hypothetically. If the circumstances described by the individual do not meet the definition of Research Misconduct, the RIO may refer the individual or Allegation to other offices or officials with responsibility for resolving the problem. Reports from outside the University should always be directed to the RIO.
- B2. Initial Assessment of Allegation. The Department Head receiving an Allegation shall notify the RIO and only take such further action as directed by the RIO. The RIO receiving an Allegation shall perform an initial assessment of the Allegation as provided in this Section.
- B2.1 Allegations of Research Misconduct. Upon receiving an Allegation of Research Misconduct, the RIO will assess the Allegation to determine whether it is sufficiently credible and specific so that potential evidence of Research Misconduct may be identified, and whether the Allegation falls within the definition of Research Misconduct. An Inquiry must be conducted if these criteria are met. If the Complainant has not placed the Allegation in writing, then the RIO shall do so. If the RIO believes that the Allegation is clearly groundless, i.e. either not credible, not sufficiently specific, or not Research Misconduct within the purview of this Policy), the RIO shall prepare and maintain a memorandum and shall inform the Complainant of the decision not to proceed. In such a case, the Respondent does not need to be informed of the Allegation.
- B2.2 Dispute about Research Practices, including Authorship and Data Ownership, which do not Involve Research Misconduct. If the Allegation does not involve Research Misconduct, the RIO may refer the matter to the Department Head or another appropriate University official or may close the matter with no further action. If after due diligence by the Department Head, the Allegation cannot be resolved, the Allegation may be referred to the RIO to facilitate a resolution.
- B2.3 Allegations against Students. An Allegation of Research Misconduct against a student engaged in Research shall be handled under this Policy, even if the Allegation may also be the subject of an administrative inquiry under the Policy on Integrity of Scholarship. See sections C1.3 and D1.3 Notification of Interested Parties.
- B2.4 Multiple Policies Involved. If an Allegation gives rise to investigative responsibilities under more than one University policy, the RIO shall consult with other appropriate administrative offices to coordinate a consistent and effective review of the facts under this and related policies.

C. INQUIRY

- C1. Initiating an Inquiry. The RIO, upon determining that an Inquiry is warranted, shall take the following actions:

- C1.1 Convene the Standing Inquiry Committee. Within fourteen (14) calendar days, of accepting an Allegation under Section B2.1, the RIO shall convene the Standing Inquiry Committee for Integrity of Research. The RIO and the members of the Standing Inquiry Committee shall make efforts to prevent misjudgments by requiring explicit disclosure of any possible conflicts. Members of the committee from the same Academic Unit as the Respondent or Complainant, or who have a personal, professional, or financial Conflict of Interest with either the Respondent or Complainant shall recuse themselves from the proceedings. The RIO will prepare a charge letter for the committee that describes the Allegation, states the purpose of the Inquiry, directs the committee to prepare a written report for review and sets forth the timeline for completion of the Inquiry. The RIO may provide the committee with material about the Allegation and instructions for carrying out the Inquiry as the RIO deems necessary or appropriate.
- C1.2 Identification of Funding Sources. The RIO shall identify all relevant research grants and funding agencies involved in the Research that is the subject of the Allegation.
- C1.3 Notification of Interested Parties. Immediately after convening the Standing Inquiry Committee, the RIO shall provide written notification of the Allegation and the membership of the Standing Inquiry Committee to the Respondent. The RIO may also notify others with a need to know, including the Complainant and the Respondent's Department Head and/or Dean. If the Respondent is an academic appointee, then the Executive Vice Chancellor, shall be notified and, if it is the judgment of the RIO, the Appropriate Vice Chancellor and Graduate/Undergraduate Deans (when appropriate) may also be notified. If required by law or agency requirements, or contract or funding agreement, or if in the judgment of the RIO it is necessary, then the RIO will inform the appropriate external agencies or private sponsors that an Inquiry is being undertaken. Another institution will be notified only if the RIO has reason to believe that the alleged Research Misconduct occurred at that institution or if the Respondent has a joint appointment at the institution and notification is required by an inter-institutional agreement. The RIO shall provide the Respondent with a copy of the Policy and these Procedures.
- C2. Time Limit. The entire Inquiry process shall normally be completed within sixty (60) calendar days following the first meeting of the Standing Inquiry Committee. Any extension of this time limit requires approval of the RIO, must be documented in the final Inquiry report, and should comply with the applicable requirements of external funding agencies.
- C3. Responsibilities of the Standing Inquiry Committee. The Standing Inquiry Committee shall take the following actions:
- C3.1 Fact-Finding. Examine and evaluate relevant Research Records and materials, and conduct sufficient interviews and preliminary fact-finding to determine whether there is Probable Cause that Research Misconduct may have occurred and an Investigation is warranted.
- C3.2 Interviews. Interview the Complainant, Respondent, and other key witnesses with respect to the Allegation, as determined by the Standing Inquiry Committee.
- C3.3 Respondent. Provide an opportunity for the Respondent to respond to the Allegation, both in writing and UC San Diego orally during one or more interviews conducted at the UC San Diego campus. The Respondent should be given the opportunity to admit that Research Misconduct occurred and that he or she committed the Research Misconduct. The RIO may terminate the review of an Allegation that has been admitted, if acceptance of the admission and any proposed settlement is supported and approved by applicable extramural funding agency policies.

- C3.4 Prepare Report. The Standing Inquiry Committee shall prepare a report of its findings within 30 calendar days of the date of its initial meeting.
- C4. Report of the Standing Inquiry Committee. The written Inquiry report shall include the name and title of the committee members and experts, if any, consulted by the committee; the Allegation and individual(s) named; the funding sources for the Research; how and from whom relevant information was obtained; a list of the Research Records reviewed; and a finding (a) that there is Probable Cause as to all or part of the Allegation that Research Misconduct may have occurred, or (b) that the Allegation involves questionable Research practices that do not meet the definition of Research Misconduct, or (c) that the Allegation is without substance.
- C5. Finalizing the Report of the Standing Inquiry Committee.
- C5.1 RIO Review. The RIO shall review the report within seven (7) calendar days of his or her receipt to ensure that: (i) the committee has completed its charge; (ii) the report provides sufficient information to justify the committee's findings; (iii) the report does not include information that is inappropriate; and (iv) the report is in proper form. If the report is inadequate in any of these respects, the RIO shall ordinarily request the necessary modifications. If the committee fails to make the necessary changes, then at his or her discretion, the RIO may accept the report as is.
- C5.2 Revisions by Committee. If the report has been referred back to the Standing Inquiry Committee for modification or revision, the committee shall submit a final, signed report, satisfactory to the RIO, within seven (7) calendar days of such request. If additional time is needed to revise the report or conduct further Inquiry, then the committee shall request an extension of time from the RIO.
- C5.3 Determination by the RIO. Within seven (7) calendar days of his or her receipt of the final report, the RIO shall determine whether Probable Cause exists that Research Misconduct may have occurred and if an Investigation is warranted.
- C6. Notifications and Actions. Upon acceptance of the final report of Inquiry, the RIO shall promptly take action as follows:
- C6.1 Notification of Respondent. The RIO shall provide the Respondent with the final Standing Inquiry Committee report and his or her determination as to whether Probable Cause exists that Research Misconduct may have occurred, warranting an Investigation. The Respondent may comment in writing within fifteen (15) calendar days and such response shall become part of the record of the Inquiry.
- C6.2 Notification of Interested Parties. At his or her discretion, the RIO may provide Complainants, witnesses, Department Heads, Deans, and other University officials with a written summary of the Standing Inquiry Committee's findings and the RIO's determination in the case.
- C6.3 Actions.
- C6.3.1 Finding that an Allegation Lacks Substance. If the RIO accepts the Standing Inquiry Committee finding that the Allegation was unsubstantiated, then, the RIO shall, in consultation with the Respondent, make efforts to restore the Respondent's reputation if it has been affected by the Allegation. Any written responses to these efforts shall be placed in the record of the Inquiry. If the RIO makes a finding that the Allegation was made in Bad Faith, then the RIO shall take appropriate administrative action.
- C6.3.2 Finding of Violations other than Research Misconduct. If the RIO accepts the finding that Probable Cause does not exist to believe that Research Misconduct occurred, but finds that the Respondent may have violated

commonly accepted Research standards or other University policies, then the RIO may refer such possible violations in a separate summary memorandum to the appropriate administrative officer (who may be the RIO) and/or the Researcher's supervisor for action or discipline. If appropriate, such information may be considered in the applicable performance review process.

C6.3.3 Finding that Research Misconduct May Have Occurred. If the RIO accepts the findings of the Standing Inquiry Committee that there is Probable Cause to believe that Research Misconduct may have occurred, then the RIO will proceed with an Investigation (Section D).

C7. Process for Re-Opening an Inquiry of the Report of Standing Inquiry Committee

C7.1 The RIO may re-open an Inquiry if, after finding that an Allegation lacks substance, the RIO subsequently determines that: (i) substantial new evidence has been discovered; (ii) appropriate procedures were not properly followed; or (iii) one or more committee members had a Conflict of Interest. If the RIO re-opens an Inquiry, the RIO will reconvene the Standing Inquiry Committee and specify the issues to be addressed and persons to be interviewed. The Standing Inquiry Committee will prepare a new report following Section C5.

D. INVESTIGATION

D1. Initiating an Investigation. The RIO, upon determining that an Investigation is required, shall take the following actions:

D1.1 Appointment of Committee. Within thirty (30) calendar days of making his or her determination for action under Section C6, the RIO shall appoint an Investigation Committee consisting of, at least, three (3) or more academic scholars. Individuals appointed to the Investigation committee may also have served on the Standing Inquiry committee.

D1.1.1 Membership. The Investigation Committee must include at least one individual with specific scientific expertise to evaluate the evidence and issues related to the Allegation and Research in question. The Investigation Committee must consist of individuals who do not have personal, professional, or financial conflicts of interest with those involved with the investigation and should not be from the same Academic Unit as the Respondent. Academic scholars from other research institutions may be asked to serve on the committee.

D1.1.2 Conflicts of Interest. Prior to appointing members to the committee, the RIO shall request that proposed members of the committee disclose any Conflicts of Interest and shall notify the Respondent of the proposed committee membership. If the Respondent submits a written objection within seven (7) calendar days to any proposed member of the Investigation Committee, the RIO may, in his or her discretion, replace the challenged member with a qualified substitute. If the Respondent does not object in a timely fashion, he or she will be deemed to have accepted the proposed committee membership.

D1.2 Instructions. The RIO shall provide the committee with written instructions for carrying out the Investigation. 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 will also determine

whether there are additional instances of possible Research Misconduct that would justify broadening the scope beyond the initial Allegations.

- D1.3 Notification of Interested Parties. Immediately after appointing an Investigation Committee, the RIO shall provide written notification of the Allegation, the appointment of the Investigation committee, and its membership to the Respondent and the Appropriate Vice Chancellor. The RIO may also notify others who need to know, including the Complainant and the Respondent's Department Head and/or Dean, and the Graduate/Undergraduate Deans (when appropriate). If the Respondent is an academic appointee, then the Executive Vice Chancellor, Academic Affairs shall be notified. Affiliated institutions in which the Respondent has a joint appointment shall be notified as required by inter-institutional agreements. The RIO shall inform the appropriate funding agencies, consistent with law, agency requirements, and contractual agreements, that an Investigation is being undertaken.
- D2. Time Limit. The Investigation process shall normally be completed within one-hundred twenty (120) calendar days following the appointment of the Investigation Committee. Any extension of this time limit requires approval of the RIO, must be documented in the final Investigation report, and should comply with the applicable requirements of external funding agencies. If UC San Diego is unable to complete the Investigation within the time period required by any applicable external agency, the RIO shall submit a written request to the agency requesting an extension to comply with its regulations; such a request must include an explanation for the delay that includes an interim report on the progress to date and estimated dates of completion of the report and other necessary steps.
- D3. Responsibilities of the Investigation Committee. The Investigation Committee shall take the following actions:
- D3.1 Evidence. Examine all Research Records and relevant information to determine if Research Misconduct, by a Preponderance of the Evidence, has occurred and who is responsible.
- D3.2 Interviews. Interview Complainant, Respondent, and other witnesses having information regarding any relevant aspects of the Investigation, including witnesses identified by the Respondent. Interviews should be recorded or transcribed, each interview and the recording or transcript should be included in the record of the UC San Diego investigation.
- D3.4 Expertise. Secure necessary and appropriate expertise in consultation with the RIO.
- D3.5 Prepare Report. The Investigation Committee shall prepare a report of its findings within 75 calendar days of the date of its appointment.
- D4. Report of the Investigation Committee. The report of the Investigation Committee shall contain:
- D4.1 Background. A clear description of the Allegation, the individual(s) named, the procedures followed by the committee to arrive at its findings, how and from whom relevant information was obtained, a summary of records compiled.
- D4.2 Findings. A statement of findings for each allegation of Research Misconduct identified during the Investigation. Each finding must indicate that the Preponderance of the Evidence indicates that (a) Research Misconduct has occurred, or (b) a violation other than Research Misconduct has occurred, or (c) the Allegation is not supported.

For a finding that Research Misconduct has occurred, each finding must identify whether the Research Misconduct was committed Intentionally, Knowingly, or Recklessly and must summarize the facts and the analysis that support the conclusion.

D4.3 Evidence. A discussion of the documentary or other physical evidence, testimony, and reasoning that supports the committee's decision.

D5. Finalizing the Report of the Investigation Committee.

D5.1 RIO Review. RIO review shall follow the same process as that set forth in Section C5.1 above.

D5.2 Revisions by Committee. If the report has been referred back to the Investigation Committee for modification or revision, the Committee shall submit a signed report, satisfactory to the RIO, within seven (7) calendar days of such request. If additional time is needed for revisions or further Investigation, then the Committee may request an extension of time from the RIO. After revisions satisfactory to the RIO have been made, a final signed report shall be submitted to the RIO.

D5.3 Review and Response by Respondent. The RIO shall provide the Respondent with a copy of the report and make available a copy of or supervised access to the evidence on which the report is based. The Respondent shall submit his or her written comments or requested corrections of any factual errors to the RIO within fourteen (14) calendar days of receipt of the report. Upon receipt, the RIO shall promptly forward the response to the Investigation Committee, which may revise the report. The response shall become part of the record of the Investigation.

D5.4 Revisions by Committee. A final, signed report, satisfactory to the RIO, shall be submitted within seven (7) calendar days of receipt of the response from the Respondent. If additional time is needed to review the Respondent's response, conduct additional Investigation, or correct any factual errors, then the Committee shall request an extension of time from the RIO.

D5.5 Determination by RIO. Within seven (7) calendar days of his or her receipt of the final report, the RIO shall determine whether a Preponderance of Evidence in the Investigation Committee report supports a finding of Research Misconduct. If this determination varies from the findings of the Investigation Committee, the RIO will, as part of his/her written determination, explain in detail the basis for rendering a decision different from the findings of the Investigation Committee. Alternatively, the RIO may return the report to the Investigation Committee with a request for further fact-finding or analysis.

D6. Notifications and Actions. Upon acceptance of the final report of Investigation, the RIO shall promptly take the following actions.

D6.1 Notification of Respondent. The RIO shall provide the Respondent with a final copy of the Investigation report and his or her determination about whether Research Misconduct has occurred.

D6.2 Notification of Interested Parties. At his or her discretion, the RIO may provide Complainants, witnesses, Department Heads, Deans, and other University officials with a written summary of the Investigation Committee's findings and the RIO's determination in the case.

D6.3 Actions. Depending on the findings, the RIO shall take appropriate actions.

D6.3.1 Finding that an Allegation is not Supported. If the RIO finds that the Allegation is not supported by a Preponderance of the Evidence, then the RIO shall, in consultation with the Respondent, make efforts to restore the Respondent's reputation if affected by the Allegation. Written responses to these efforts shall be placed in the record of the Investigation.

D6.3.2 Finding of Violations other than Research Misconduct. If the RIO accepts the finding that Research Misconduct did not occur, but that the Respondent may have violated commonly accepted Research standards or other University policies, then the RIO may refer such possible violations in a separate summary memorandum to the appropriate administrative officer (who may be the RIO) and/or the Researcher's supervisor for action or discipline. If appropriate, such information may be considered in the applicable performance review process.

D6.3.3 Finding of Research Misconduct. If the RIO finds that Research Misconduct has occurred, then he or she shall initiate disciplinary action (Section E) and, in consultation with Campus or University Counsel, shall take any necessary corrective steps, including correction of the published record. The RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies. If a finding of Research Misconduct is made, confidentiality limits extend only to the conclusion of additional federal regulatory actions or processes.

D7. Submission of Final Report. Within seven (7) calendar days after the RIO's determination as to whether Research Misconduct has occurred, the RIO shall provide a copy of the final report to the appropriate funding agency and to affiliated institutions, in compliance with regulations or contractual agreements. The final report shall include the actual text or an accurate summary of the views of any Respondent found to have engaged in Research Misconduct, as well as a description of any sanctions taken against such individual.

D8. Appeals. Neither the findings of an Investigation Committee, nor the RIO's determination regarding Research Misconduct, shall be subject to further appeal by any party.

E. CLOSING OF A RESEARCH MISCONDUCT PROCEEDING

E1. Discipline. Upon a finding of Research Misconduct, the RIO will notify the Chancellor and refer the matter to the appropriate offices for the imposition of discipline, consistent with applicable UC San Diego University policy and collective bargaining agreements, and will take steps to ensure that appropriate corrective actions and sanctions are implemented.

E2. Notification to External Agencies. If the case is reviewed by an external agency, then the RIO may report the final disposition to interested parties. The RIO is responsible for maintaining and providing to the sponsoring agency, records of Research Misconduct proceedings upon request. The RIO is responsible for maintaining records of Research Misconduct proceedings in a secure manner for the period required by federal and state law, University policy, and the sponsoring agency, unless advised in writing otherwise.

REVISION HISTORY

2018-09-20 Policy revised.

2018-10-04 Grammar and formatting edits made to policy and Appendix B.



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I&R POLICY AND ORGANIZATION

Section: 100-4 APPENDIX A

Effective: 09/20/2018

Supersedes: 03/01/2006

Review Date: 09/20/2021

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Appendix A

Other Policies and Disciplinary Procedures Relevant to Integrity of Research

University of California Integrity of Research Policy

- University of California Policy on Integrity of Research:
<https://policy.ucop.edu/doc/2500496/IntegrityInResearch>

Academic Appointee Discipline and Grievances

- University of California Faculty Code of Conduct, Academic Personnel Manual:
<https://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/policy-issuances-and-guidelines/revised-apm-015-and-016.html>
- University of California Policy on Faculty Conduct and the Administration of Discipline, Academic Personnel Manual 016: <https://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/policy-issuances-and-guidelines/revised-apm-015-and-016.html>
- University of California Policy on Corrective Action and Dismissal of Non-Senate Academic Appointees, Academic Personnel Manual 150: <https://www.ucop.edu/academic-personnel-programs/files/apm/apm-150.pdf>
- UC San Diego Policy on Grievances of Non-Senate Academic Appointees, PPM 230-5:
<http://adminrecords.ucsd.edu/PPM/docs/230-5.HTML>

Student Integrity of Scholarship Policy

- UC San Diego Policy on Integrity of Scholarship (this policy applies to academic course work for both undergraduate and graduate students): <http://senate.ucsd.edu/Operating-Procedures/Senate-Manual/Appendices/2>

Student Discipline and Grievances

- University of California Policies Applying to Campus Activities, Organizations, and Students, Section 100.00 Student Conduct and Discipline: <https://policy.ucop.edu/doc/2710530/PACAOS-100>
- UC San Diego Policies Applying to Student Activities, Section 22.00 Student Conduct and Discipline: <https://students.ucsd.edu/sponsor/student-conduct/regulations/22.00.html>
- UC San Diego Graduate Student Appeals, [Graduate Student Handbook](#), Conflict Resolution and Student Appeals: <http://gradlife.ucsd.edu/health-wellbeing/conflict-resolution/index.html>

Postdoctoral Scholars Discipline and Grievances

- UC San Diego Policy on Postdoctoral Scholar Corrective Action and Discipline (see section 390-50): <https://www.ucop.edu/academic-personnel-programs/files/apm/apm-390.pdf>
- UC San Diego Policy on Postdoctoral Scholar Grievances (see section 390-40):
<https://www.ucop.edu/academic-personnel-programs/files/apm/apm-390.pdf>

Employee Discipline and Grievances

- Procedures for administration of discipline for staff employees in accordance with applicable personnel policies
 - Bargaining Units and Contracts are available at:
<https://ucnet.universityofcalifornia.edu/labor/bargaining-units/index.html>
 - Personnel Policies for Staff Members are available at:
<https://policy.ucop.edu/manuals/personnel-policies-for-staff-members.html>

University of California San Diego Policy – PPM 100 – 4 Appendix A
PPM 100 – 4 Appendix A Other Policies and Disciplinary Procedures Relevant to Integrity of Research

Extramural Agency Policies

- Applicable policies or regulations concerning research fraud and unethical conduct issued by federal, State, and private agencies from which UC San Diego has accepted research funding. Such regulations include Public Health Service (PHS) Policies on Research Misconduct – 42 CFR Part 93 – June 2005 (https://ori.hhs.gov/FR_Doc_05-9643), and the National Science Foundation regulations on Misconduct in Science and Engineering Research (45 CFR Part 689) (<https://www.nsf.gov/oig/regulations/>)

Whistleblower Policy

- University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities: <https://policy.ucop.edu/doc/1100171/Whistleblower>
- University of California Policy for Whistleblowers Protection: <https://policy.ucop.edu/doc/1100563/WPP>
- Protection of Whistleblowers from Retaliation UC San Diego Implementing Procedure: <http://adminrecords.ucsd.edu/ppm/docs/200-14.html>

Professional Society Statements of Professional Ethics and Responsibility

- In considering Allegations of Research Misconduct, the University will, if it deems it to be appropriate, consider the statements of professional ethics and responsibility of the professional society of which a Respondent is a member.



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I&R POLICY AND ORGANIZATION

Section: 100-4 **Appendix B**

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Appendix B Instructions for the RIO and the Committee

The following is a suggested timeline for completion of the **Inquiry** process following receipt of an Allegation by the RIO:

Task	Time (calendar days)
RIO Convenes Standing Inquiry Committee	14
Inquiry Committee submission of report to RIO	30
Initial review of report by RIO	7
Revision of report by Inquiry Committee, if necessary; Inquiry committee submission of signed report to RIO	7
Decision to accept Inquiry Committee report as final; determination as to whether Research Misconduct may have occurred; and notification of interested parties of determination by RIO	7

The following is a suggested timeline for completion of the **Investigation** process following the RIO's decision to accept the Inquiry committee report as final:

Task	Time (calendar days)
Appointment of Investigation Committee by RIO	30
Investigation Committee submission of report to RIO	75
Review of report by RIO; when acceptable, report provided to Respondent	7
Respondent submission of response to report to RIO	14
Revision of report by Investigation Committee; Investigation Committee submission of signed report to RIO	7
Decision to accept Investigation Committee report as final; determination as to whether Research Misconduct has occurred; and notification of interested parties of determination by RIO	7
Submission of final report to appropriate external agency by RIO	7