



OFFICE OF RESEARCH AFFAIRS

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January 25, 2018

Farrell Ackerman, Ph.D.
Chair, Academic Senate
Mail Code: 0002**Re:** Revisions to PPM 100-4, Integrity of Research Policy and Procedures

Dear Dr. Ackerman:

I am seeking the Academic Senate's review and feedback on the revised policy, PPM 100-4, Integrity of Research Policy and Procedures (Policy). The Policy was last issued on March 1, 2006, and was in need of revision in order to be in compliance with the current regulations on research misconduct as well as to align the campus with national best practice standards. The revised Policy is enclosed (both a redline and a clean version) along with a summary of the Policy changes. These revisions have been vetted by Dan Park, Chief Campus Counsel and Angela McMahon, Executive Director, Research Compliance and Integrity. The Policy is also concurrently being review by the Vice Chancellors of the Chancellor's Cabinet.

If you have any questions, please contact me at sandrabrown@ucsd.edu or (858) 534-3526.

Sincerely,

Sandra Brown, Ph.D.
Vice Chancellor for Research

Attachments

cc: Dan Park
Angela McMahon
Ray Rodriguez

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.

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- A1.5 i. Deleted reference to disciplinary procedures, out of place in a high level introductory policy statement.

Section II. Definitions

- Moved this section from the Appendix to the front of the document to facilitate greater understanding of the policy.
- Inserted new definitions for Knowing, Intentional, and Reckless, not in current policy
- 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.
- A.2.1. 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.
- A2.5 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.
- B1. Expanded reporting section to provide more guidance about meeting with the RIO to discuss allegations anonymously/hypothetically.
- 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.
- C1.1 i. Inserted new language about the Standing Inquiry Committee and process.
ii. Updated language about preventing conflicts of interest.

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- 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.
- C6.3.1
 - i. Updated language on efforts to restore the reputation of individuals against whom no finding is made.
 - ii. Inserted language about requiring permanent confidentiality beyond the process to limit reputational damage when no finding has been 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.
- C7.2 Rewrote language about reopening the inquiry following a successful appeal, to reflect the new process with a Standing Inquiry Committee.
- 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.
- D1.1.2. Clarifies the purpose of the Investigation and under what circumstances the scope of an investigation can be broadened.
- D1.1.3. 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

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prior to any finding being made. This may be inconsistent with previously stated confidentiality rights within the policy. Clarified that the Graduate Dean will be notified when appropriate.

- D.3.1. Inserted the Preponderance of the Evidence standard to comply with the federal regulations.
- D.3.2. Updated language about the interview process, requiring transcripts for all Investigation interviews.
- D.4.2. 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.
- D.5.3.
 - 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.
- D.5.5. 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.
- D6.3.3 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.

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 ("UCSD") ~~Researchers~~ are 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 UCSD 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.

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A2. All UCSD Researchers are expected to maintain intellectual integrity. UCSD is committed to promoting the integrity of research and to meeting the obligations defined by extramural funding agencies.

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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.

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A4. Any individual affiliated with UCSD 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.

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A5. Individuals associated with UCSD 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 UCSD to respond fully and fairly to all Allegations of Research Misconduct and to comply with the reporting requirements of applicable funding agencies. Disciplinary procedures and other policies directly relevant to Research Misconduct committed by Researchers are listed in Appendix B.~~

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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.

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UCSD Integrity of Research Policy and Procedures
Revised ~~201801097XXXX~~11/1/2011

intellectual property, biosafety, use of human and animal subjects, use of University facilities, outside professional activities of faculty members, and teacher-student relations.

~~Disputes about the conduct of research not reaching the level of Research Misconduct should be resolved within the appropriate research group, division, or department. Such disputes might relate to authorship, attribution of credit, confidentiality, access to or interpretations of data, simple negligence, differences of opinion, or honest error.~~

~~*See Appendix A for definitions.~~

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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 UCSD: Executive Vice Chancellor-Academic Affairs; Vice Chancellor-Business Affairs; 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 an Allegation. The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation.

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, deliberate ignorance, or reckless disregard.

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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 a standard of proof such that a person of ordinary caution or prudence would be led to believe and conscientiously entertain a strong suspicion of such violation.

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.

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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 UCSD.

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 UCSD. 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. ~~Disputes about the conduct of research not reaching the level of Research Misconduct should be resolved within the appropriate research group, division, or department. Such disputes might relate to authorship, attribution of credit, confidentiality, access to or interpretations of data, simple negligence, differences of opinion, or honest error.~~

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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 responsible for maintaining confidentiality and cooperating with the conduct of an inquiry and investigation.

Retaliation. Retaliation is any action taken by UCSD or its employees that adversely affects the institutional status of a person who is employed by or affiliated with UCSD, including Researchers, clinicians, technicians, fellows, students, and independent contractors, which action is taken as a direct or indirect result of such person's making of an Allegation or cooperating in an Inquiry or Investigation, provided such person's conduct was not in Bad Faith.

RIO. See "Research Integrity Officer."

Standing Inquiry Committee for Integrity of Research. The Committee, consisting of 7-9 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."

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III. PROCEDURES FOR RESPONDING TO ALLEGATIONS OF RESEARCH MISCONDUCT

A. OBJECTIVES AND GENERAL PROVISIONS

A1. Objectives: In dealing with Allegations under these procedures, UCSD shall be guided by the following general objectives:

- A1.1 ~~Institutional responsibility for self regulation shall be preserved~~ UC San Diego is committed to ensuring integrity in research.
- A1.2 Appropriate and timely action shall be taken to investigate 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, ~~including the University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities and Policy for Protection of Whistleblowers from Retaliation and Guidelines for Reviewing Retaliation Complaints.~~

A2. General Provisions: The following are generally applicable to Allegations, Inquiries, and Investigations under these Procedures:

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- A2.1 Confidentiality. Throughout the process of responding to an Allegation, ~~all persons involved, including~~ the Research Integrity Officer (RIO), ~~will (a) 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 (b) 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.~~ All persons involved, including committee members, the Complainant, the Respondent, and witnesses, shall exercise great care to preserve the confidentiality of the proceedings to the extent consistent with State and Federal laws and regulations, University policy, any contractual obligations, an effective response to the Allegation, and public health and safety. Members of both Inquiry and Investigation committees are expected to be extremely circumspect. Only the chairs of the committees or the RIO 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. The RIO shall ~~take all reasonable and practical steps to obtain custody and secure all the research records and evidence needed to conduct the research misconduct proceeding, make arrangements for obtaining and securing any original Research Records necessary for an Inquiry or Investigation.~~ 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.
- 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 ~~shall instruct the Respondent's Department Head to take interim will - administrative 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 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.

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A2.4.2 Disclosure of Allegations. Complainants are encouraged to raise Allegations through these Procedures rather than through public disclosure and are cautioned that public disclosure of an Allegation may render such Complainants vulnerable to legal causes of action, such as violation of the Respondent's right of privacy under California law and University policy.

A2.4.3 Complainant as Witness. After making an Allegation, the Complainant's role is to serve as a witness if needed.

~~A2.4.4-5~~ Retaliation Against Complainants or Other Persons. University of California employees may not retaliate in any way 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, who will make all reasonable and practical efforts to counter any potential or actual retaliation ~~Employees who have made Allegations that are covered by the "University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities (Whistleblower Policy)," and who believe that they have been retaliated against should report such Retaliation~~ in accordance with the "Policy for Protection of Whistleblowers from Retaliation (PPM 200-14) and Guidelines for Reviewing Retaliation Complaints". Persons not covered by the Protection of Whistleblowers Policy shall report claims of actual or threatened Retaliation to the RIO, who shall undertake diligent 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.

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A2.65 Duty to Respond. After receiving an Allegation, the University is legally obliged to 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.

A2.76 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.

A2.87 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.

A2.98 Retention of Records. At the closure of a case under these Procedures, a complete file of the case, including the Allegation, the reports of the Inquiry and/or

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Investigation committees, correspondence, transcripts, and other records related to the case shall be maintained by the RIO in a secure manner. Essential evidence shall be kept for at least 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~~five (5) years after the date of a final Investigation report~~. Records shall be retained as required by other federal policies ~~as if~~ applicable. Otherwise, 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.

A2.109 Legal Advice. Throughout the process of handling an Allegation, the RIO, ~~the Department Head~~, 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.

A2.110 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.

B. ALLEGATIONS OF MISCONDUCT

B1. Reporting Suspected Misconduct. Allegations of Research Misconduct may be made first to a Department Head but also may be directed to the ~~appropriate~~ 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 will 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 ~~appropriate~~ RIO.

B2. Initial Assessment of Allegation. The Department Head or RIO receiving an Allegation shall determine if it is (a) about Research Misconduct and within the purview of the Policy, (b) covered by another University policy, (c) about a research practice that does not constitute Research Misconduct, or (d) clearly groundless. A Department Head receiving an Allegation must consult with the ~~appropriate~~ RIO about the ~~handling of an~~ Allegation, its appropriate classification, and referral, ~~and any Conflict of Interest~~.

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B2.1 ~~Allegations of Research Misconduct. If a Department Head determines that the Allegation involves Research Misconduct within the purview of the Policy, he or she must refer the Allegation to the RIO. 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, 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.~~
~~Groundless Allegations.~~ If the Department Head ~~and/or the~~ RIO believes that the Allegation is clearly groundless, ~~the RIO~~he or she shall prepare and maintain a memorandum ~~separate from the Respondent's Personnel Review File~~ 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.

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B2.2 ~~Dispute about Research Practices, including Authorship and Data Ownership, which do not Involve Research Misconduct.~~ If the Allegation is about a practice that does not involve Research Misconduct, then the Allegation shall be resolved through mediation, under other applicable policies, or informally, at the discretion of the Department Head. ~~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.~~ ~~or the RIO.~~

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~~B2.3 Allegations of Research Misconduct. If a Department Head determines that the Allegation involves Research Misconduct within the purview of the Policy, he or she must refer the Allegation to the appropriate RIO. If the RIO believes it is warranted, then he or she shall initiate an Inquiry. If the Complainant has not placed the Allegation in writing, then the RIO shall do so.~~

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B2.34 ~~Allegations Against Students.~~ An Allegation of Research Misconduct against a student engaged in research shall be handled under this Policy.

B2.45 ~~Multiple Policies Involved.~~ If an Allegation gives rise to investigative responsibilities under more than one University policy, the RIO receiving the Allegation shall consult with other appropriate administrative offices, ~~such as the Health Sciences Corporate Compliance Office and/or Audit and Management Advisory Services,~~ to coordinate a consistent and effective review of the facts under this and related policies. If the Allegation relates only to a single University policy other than the Integrity of Research Policy (e.g., use of animal or human subjects, sexual harassment, Conflict of Interest, or Faculty Code of Conduct), then the Allegation shall be referred to the appropriate campus official.

C. INQUIRY

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

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C1.1 ~~Appointment of~~Convene the Standing Inquiry Committee. Within fourteen (14) calendar days, the RIO shall ~~appoint a committee consisting of one or more faculty members with appropriate expertise~~convene the Standing Inquiry committee for Integrity of Research. ~~The RIO and the members of the Inquiry committee shall make efforts to prevent misjudgments by requiring explicit disclosure of any possible conflicts. Preferably, no m~~Members of the committee should be 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 and the members of the Inquiry committee shall make efforts to prevent misjudgments by requiring explicit disclosure of any possible conflicts. The RIO shall not appoint to the committee faculty members with material conflicts of interest. The RIO will prepare a charge letter for the committee that describes the allegation, states the purpose of the Inquiry, establishes the basis for concluding that an Investigation is warranted, directs the committee to prepare a written report for review and sets forth the timeline for completion of the Inquiry. The RIO shall provide the committee with material about the allegation and instructions for carrying out the Inquiry.

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 appointing an~~Standing Inquiry Ccommittee, the RIO shall provide written notification of the nature of the Allegation and, the membership of the appointment of the Inquiry committee, and its membership to the ~~Respondent, the Appropriate Vice Chancellor, and Respondent~~ and others with a need to know, including the Complainant and the Respondent's Department Head. If the Respondent is an academic appointee, then the Executive Vice Chancellor, Academic Affairs shall be notified and, if it is the judgment of the RIO, the Appropriate Vice Chancellor and Graduate Dean (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 shall 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 appointment of the Inquiry Ccommittee. 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.

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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 Allegation-warranteds-an-Investigation.

C3.2 Interviews. Interview the Complainant, Respondent, and other key witnesses with respect to the Allegation.

C3.3 Respondent. Provide an opportunity for the Respondent to respond to the Allegation, both in writing and orally during one or more interviews conducted at the UCSD 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 institution's review of an allegation that has been admitted, if the institution's 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 charge-appointment.

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; the procedures followed by the committee to arrive at its findings; how and from whom relevant information was obtained; a list of the Research Records reviewed; summaries of any interviews; 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. In the last case, the report shall also contain a finding as to whether the Allegation constitutes an Allegation in Bad Faith.

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 its 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 -or appoint a new committee.

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

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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, and in consultation with Campus or University Counsel, the RIO shall determine whether Research Misconduct may have occurred and that an Investigation is warranted.

C6. Notifications and Actions. Upon acceptance of the final report of Inquiry, the RIO shall promptly notify all interested parties and take appropriate actions 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 Research Misconduct may have occurred, warranting 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 individuals notified of the Inquiry and witnesses with a written summary of the Standing Inquiry committee's findings and the RIO's determination in the case. Upon request, the Complainant and other witnesses may be provided with those portions of the report that address their role(s) and opinion(s) in the Inquiry.

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 without substance, then, as requested and appropriate, the RIO and other institutional officials shall make reasonable and practical efforts, including maintaining confidentiality beyond the process, 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 ~~he or she shall, in consultation with the Respondent and University or Campus Counsel as needed, make reasonable efforts to notify appropriate individuals and organizations of the outcome of the Inquiry for the purpose of restoring the Respondent's reputation, if it appears to have been damaged by the making of the Allegation.~~ Any written responses to these efforts shall be placed in the record of the Inquiry. If the RIO accepts 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 Research Misconduct probably did not occur, but that the

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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 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).
~~shall decide whether the Inquiry can serve in place of an Investigation (Section C8) or whether to proceed with an Investigation (Section D).~~

C7. Process for Appeal of Report of Standing Inquiry Committee

C7.1 Timing and Grounds for Appeal: Any interested party may challenge a finding that there was no Research Misconduct by appealing to the ~~Appropriate Vice Chancellor~~Research Integrity Officer within thirty (30) calendar days of the date of the RIO's letter reporting the outcome of the Inquiry and his or her determination for action. Grounds for appeal are limited to: (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. The ~~Appropriate Vice Chancellor~~RIO shall determine whether the Inquiry should be pursued further or should remain closed, or if a formal Investigation should be conducted without reopening the Inquiry, and shall inform the Respondent, Complainant and the appellant in writing of the decision.

C7.2 Reopening of Inquiry: If the appeal is upheld, the ~~Appropriate Vice Chancellor shall remand the case back to the RIO~~ may reconvene the Standing Inquiry committee for further Inquiry proceedings or for the initiation of an Investigation. In doing the former, the and Appropriate Vice Chancellor may recommend or specify to the RIO procedures for handling the reopening of the Inquiry, the issues to be addressed and persons to be interviewed, or the appointment of a new Inquiry committee if appropriate. The Standing Inquiry committee will prepare a new report following Section C5.

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~~C8. When the Inquiry Report Can Serve in the Place of An Investigation. The RIO may decide that the Inquiry shall serve in the place of a formal Investigation if all of the following conditions are satisfied:~~

~~C8.1 Finding of Research Misconduct. The Inquiry has concluded by a Preponderance of the Evidence that Research Misconduct occurred.~~

~~C8.2 Thorough Inquiry. The Inquiry process has been sufficiently broad and thorough that it is unlikely that an Investigation would uncover significant new information. For this to be the case, the Inquiry committee must have examined all relevant documentation, interviewed the Complainant, the Respondent, and other individuals with key information, and secured appropriate expertise to thoroughly evaluate the evidence.~~

~~C8.3 Concurrence of Counsel and External Agency. Campus or University Counsel and any appropriate external agency concur that the Inquiry may serve in place of a formal Investigation.~~

~~C8.4 Agreement of Respondent. The Respondent agrees that the Inquiry may serve in place of a formal Investigation.~~

~~C8.5 Agency Notifications. If the RIO decides that the Inquiry may serve in place of the formal Investigation, then he or she shall comply with agency notification requirements and proceed directly to disciplinary action (Section E).~~

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. ~~Unless proceeding under Section C8 above, w~~Within thirty (30) calendar days of receiving the report of the ~~Standing~~-Inquiry ~~C~~committee and making his or her determination for action, the RIO shall appoint an Investigation committee consisting of at least, three (3) or more faculty members with appropriate scientific expertise. Individuals appointed to the Investigation committee may also have served on the Inquiry committee.

D1.1.1 Membership. The Investigation committee must include~~If feasible,~~ at least one ~~member of the committee should~~individual with specific scientific expertise to evaluate the evidence and issues related to the Allegation and have expertise relevant to the area of the Research in question. The Investigation committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation and Preferably, no member of the committee should not be from the same Academic Unit as the Respondent. Faculty from other research institutions may be asked to serve on the committee.

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~~If the Respondent holds an academic appointment but is not a faculty member or a student, then the Investigation committee shall include at least one member with an appointment in the same title series as the Respondent.~~

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 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 nature of the Allegation, the appointment of the Investigation committee, and its membership to the Respondent, the Appropriate Vice Chancellor, the Graduate Dean (when appropriate) and others who need to know, including the Complainant and the Respondent's Department Head. If the Respondent is an academic appointee, then the Executive Vice Chancellor, Academic Affairs, ~~and the chair of the Panel of Counselors of the Academic Senate~~ 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 entire 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 UCSD 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:

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- 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, and record or transcribe each interview, and include the recording or transcript in the record of the investigation, with respect to the Allegation.
~~The Investigation committee may, in its discretion, record, transcribe, and/or prepare summaries of these interviews.~~
- D3.3 Respondent. Provide an opportunity for the Respondent to provide additional information about the Allegations, and the evidence developed by the committee, both in writing and during one or more interviews conducted at the UCSD campus.
- 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, and objective findings of the facts with specific citations to the evidence upon which the committee relied.

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.
~~A finding 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.~~

- D4.3 Evidence. A discussion of how the committee's decision is supported by documentary or other physical evidence, testimony, and reasoning.

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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~~ thirty (4430) 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, and in consultation with Campus or University Counsel, 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 notify all interested parties and take appropriate 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 shall provide individuals notified of the Investigation, the Complainant, and witnesses with a

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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 make diligent efforts to make known the outcome of the Investigation to appropriate individuals and organizations identified by the RIO, in consultation with the Respondent, with the intention of restoring the Respondent's reputation if affected by the Allegation. Written responses to the decision 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.

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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 ~~c~~Committee, nor the RIO's determination regarding Research Misconduct, shall be subject to further appeal by any party.

E. DISCIPLINE 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

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applicable University policy and collective bargaining agreements and take steps to ensure that appropriate corrective actions and sanctions are implemented.

~~E1. Researchers Covered by Bylaw 230. If the Respondent is an academic covered by Bylaw 230 of the San Diego Division of the Academic Senate, the RIO may, with the consent of the Respondent, impose Written Censure, if appropriate to the nature and seriousness of the misconduct. Consistent with the Faculty Code of Conduct, the Chancellor has delegated this authority to the RIO. If the Respondent rejects the discipline of Written Censure or if the RIO deems that the seriousness of the misconduct requires discipline more severe than Written Censure, the RIO shall promptly forward the report of the investigative committee to the Executive Vice Chancellor Academic Affairs, with a letter endorsing or modifying the investigative committee's findings and specifying charges to be filed with the Committee on Privilege and Tenure. In these instances, the report of the investigative committee will stand in lieu of the inquiry of an administrative officer called for in Bylaw 230. The RIO shall notify any appropriate funding agency and affiliated institutions of the final outcome.~~

~~E2. Researchers Not Covered by Bylaw 230. Within thirty (30) calendar days of receiving a final report from an Investigation committee containing a finding of Research Misconduct, the RIO shall promptly initiate disciplinary action as described below. The University official responsible for discipline shall inform the RIO in writing of the discipline imposed on the Respondent. The RIO shall notify any appropriate funding agency and affiliated institutions of the final outcome.~~

~~E2.1 Non-Senate Academic Appointees~~

~~E2.1.1 Non-Senate Academic Appointees Not Subject to a Memorandum of Understanding (MOU). If the Respondent is a non-Senate academic appointee and is not subject to an MOU, the RIO shall promptly refer the report of the Investigation committee to the Respondent's supervisor, with a copy to the Department Head. In consultation with the supervisor, the RIO shall recommend appropriate discipline. The supervisor shall initiate disciplinary action in accordance with APM 150—Non-Senate Corrective Action and Dismissal.~~

~~E2.1.2 Academic Appointees Subject to a Memorandum of Understanding. If the Respondent is an academic appointee subject to an MOU, the RIO shall promptly refer the report of the Investigation committee to the appropriate authority to initiate disciplinary action, as prescribed in the Discipline and Dismissal Article of the MOU.~~

~~E2.2 Staff Members. If the Respondent is a staff member, the RIO shall promptly refer the report of the Investigation committee to the staff member's Department Head with the recommendation that disciplinary action be taken based thereon. Discipline would be imposed in accordance with staff personnel policies or, in the case of an appointee covered by a Memorandum of Understanding, in accordance with the Discipline and Dismissal Article of the applicable MOU.~~

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~~E2.3 Students, Postdoctoral Scholars, and Visiting Scholars. Requests for disciplinary action involving an undergraduate student shall be promptly referred to the Student Conduct Coordinator for processing in accordance with the UCSD Student Conduct Code. Requests for disciplinary action involving a graduate student shall be referred to the Assistant Dean for Graduate Student Affairs. Requests for disciplinary action involving a Postdoctoral Scholar or Visiting Scholar shall be referred to the Associate Dean of Graduate Studies and Research. Requests for disciplinary action involving a medical student shall be referred to the Associate Dean for Student Affairs of the School of Medicine.~~

~~E2.4 House Staff. Requests for disciplinary action involving house staff shall promptly be referred to the Dean of the School of Medicine. Procedures for discipline of house staff are contained in the Discipline, Dismissal, and Due Process section of *The House Officer Policy and Procedure Document*.~~

~~E3. Notifications~~

~~E3.1 Respondent. The Respondent shall be notified of any applicable rights to grieve a disciplinary action.~~

~~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 the sponsoring agency, unless advised in writing otherwise.~~

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Appendix A 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 UCSD: Executive Vice Chancellor-Academic Affairs; Vice Chancellor Business Affairs; 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 an 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.~~

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.~~

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.~~

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~~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 a standard of proof such that a person of ordinary caution or prudence would be led to believe and conscientiously entertain a strong suspicion of such violation.~~

~~**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, or reporting of Research at or for UCSD.~~

~~**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 UCSD. 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 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.~~

~~**Retaliation.** Retaliation is any action taken by UCSD or its employees that adversely affects the institutional status of a person who is employed by or affiliated with UCSD, including Researchers, clinicians, technicians, fellows, students, and independent contractors, which action is taken as a direct or indirect result of such person's making of an Allegation or cooperating in an Inquiry or Investigation, provided such person's conduct was not in Bad Faith.~~

~~**RIO.** See "Research Integrity Officer."~~

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~~Whistleblower. See "Complainant."~~

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**Appendix BA (Policies Need Review and Updating After Revision Accepted;
Websites Checked)**

Other Policies and Disciplinary Procedures Directly Relevant to Integrity of Research

University of California Integrity of Research Policy

- University of California Policy on Integrity of Research
[<http://www.ucop.edu/raohome/cgmemos/90-01S1.html>]

Academic Appointee Discipline and Grievances

- University of California Faculty Code of Conduct, Academic Personnel Manual 015
[<http://www.ucop.edu/acadadv/acadpers/apm/apm-015.pdf>]
- University of California Policy on Faculty Conduct and the Administration of Discipline, Academic Personnel Manual 016
[<http://www.ucop.edu/acadadv/acadpers/apm/apm-016.pdf>]
- University of California Policy on Corrective Action and Dismissal of Non-Senate Academic Appointees, Academic Personnel Manual 150
[<http://www.ucop.edu/acadadv/acadpers/apm/apm-150.pdf>]
- UCSD 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

- UCSD Policy on Integrity of Scholarship. (This policy applies to academic course work for both undergraduate and graduate students.)
[<http://www-senate.ucsd.edu/manual/Appendices/app2.htm>]

Student Discipline and Grievances

- University of California Policies Applying to Campus Activities, Organizations, and Students, Section 100.00 Student Conduct and Discipline
[<http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc100.html>]
- UCSD Policies Applying to Student Activities, Section 22.00 Student Conduct and Discipline [http://ugr8.ucsd.edu/judicial/22_00.html]
- UCSD Graduate Student Appeals, Graduate Student Handbook, Conflict Resolution and Student Appeals [http://www-ogsr.ucsd.edu/handbook/index.htm#conflict_resolution]

Postdoctoral Scholars Discipline and Grievances

- UCSD Policy on Postdoctoral Scholar Corrective Action and Discipline 390-50
[<http://132.239.172.18/research/postdoc/apm-390.pdf#nameddest=correctiveaction>]
- UCSD Policy on Postdoctoral Scholar Grievances 390-40
[<http://132.239.172.18/research/postdoc/apm-390.pdf#nameddest=grievances>]

Employee Discipline and Grievances

- Procedures for administration of discipline for staff employees in accordance with applicable personnel policies
[http://atyourservice.ucop.edu/employees/policies/staff_policies/spp02.html]

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UCSD Integrity of Research Policy and Procedures
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and collective bargaining agreements
[http://atyourservice.ucop.edu/employees/policies/systemwide_contracts/index.html].

Extramural Agency Policies

- Applicable policies or regulations concerning research fraud and unethical conduct issued by federal, State, and private agencies from which UCSD has accepted research funding. Such regulations include Public Health Service (PHS) Policies on Research Misconduct – 42 CFR Part 93 – June 2005 [http://ori.hhs.gov/documents/FR_Doc_05-9643.shtml], and the National Science Foundation regulations on Misconduct in Science and Engineering Research (45 CFR Part 689) [http://www.access.gpo.gov/nara/cfr/waisidx_04/45cfr689_04.html].

Whistleblower Policy

- University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities [<http://www.ucop.edu/acadadv/acadpers/apm/apm-190-a1.pdf>]
- University of California Policy for Protection of Whistleblowers Against Retaliation and Guidelines for Reviewing Retaliation Complaints [<http://www.ucop.edu/acadadv/acadpers/apm/apm-190-a2.pdf>].

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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Appendix ~~CB~~
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)
Appointment of RIO Convenes Standing Inquiry Committee by RIO	14
Inquiry committee submission of report to RIO	30
Initial r Review of report by RIO	7
Revision of report by Inquiry committee, <u>if necessary</u> ; 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

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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 ("UCSD") 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 UCSD 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 UCSD Researchers are expected to maintain intellectual integrity. UCSD 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 UCSD 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 UCSD 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 UCSD 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 UCSD: Executive Vice Chancellor-Academic Affairs; Vice Chancellor-Business Affairs; 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 an Allegation. The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation.

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, deliberate ignorance, or reckless disregard.

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 a standard of proof such that a person of ordinary caution or prudence would be led to believe and conscientiously entertain a strong suspicion of such violation.

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 UCSD.

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 UCSD. 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 responsible for maintaining confidentiality and cooperating with the conduct of an inquiry and investigation.

Retaliation. Retaliation is any action taken by UCSD or its employees that adversely affects the institutional status of a person who is employed by or affiliated with UCSD, including Researchers, clinicians, technicians, fellows, students, and independent contractors, which action is taken as a direct or indirect result of such person's making of an Allegation or cooperating in an Inquiry or Investigation, provided such person's conduct was not in Bad Faith.

RIO. See "Research Integrity Officer."

Standing Inquiry Committee for Integrity of Research. The Committee, consisting of 7-9 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, UCSD 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 investigate 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. Throughout the process of responding to an Allegation, the Research Integrity Officer (RIO) will (a) 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 (b) 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. All persons involved, including committee members, the Complainant, the Respondent, and witnesses, shall exercise great care to preserve the confidentiality of the proceedings to the extent consistent with State and Federal laws and regulations, University policy, any contractual obligations, an effective response to the Allegation, and public health and safety. Members of both Inquiry and Investigation committees are expected to be extremely circumspect. Only the chairs of the committees or the RIO 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. The RIO shall take all reasonable and practical steps to obtain custody 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.
- 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 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 and are cautioned that public disclosure of an Allegation may render such Complainants vulnerable to legal causes of action, such as violation of the Respondent's right of privacy under California law and University policy.
- 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 in any way 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, 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 Protection of Whistleblowers Policy shall report claims of actual or threatened Retaliation to the RIO, who shall undertake diligent 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 is legally obliged to 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 these Procedures, a complete file of the case, including 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 in a secure manner. Essential evidence shall be kept for at least 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 other federal policies as applicable. Otherwise, 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.

B. ALLEGATIONS OF MISCONDUCT

B1. Reporting Suspected Misconduct. Allegations of Research Misconduct may be made first to a Department Head but also 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 will 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 or RIO receiving an Allegation shall determine if it is (a) about Research Misconduct and within the purview of the Policy, (b) covered by another University policy, (c) about a research practice that does not constitute Research Misconduct, or (d) clearly groundless. A Department Head receiving an Allegation must consult with the RIO about the Allegation, its appropriate classification, and referral.

B2.1 Allegations of Research Misconduct. If a Department Head determines that the Allegation involves Research Misconduct within the purview of the Policy, he or she must refer the Allegation to the RIO. 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, 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 Department Head and the RIO believes that the Allegation is clearly groundless, 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 is about a practice that does not involve Research Misconduct, then the Allegation shall be resolved through mediation, under other applicable policies, or informally, at the discretion of the Department Head. 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.

B2.4 Multiple Policies Involved. If an Allegation gives rise to investigative responsibilities under more than one University policy, the RIO receiving the Allegation shall consult with other appropriate administrative offices to coordinate a consistent and effective review of the facts under this and related policies. If the Allegation relates only to a single University policy other than the Integrity of Research Policy (e.g., use of animal or human subjects, sexual harassment, Conflict of Interest, or Faculty Code of Conduct), then the Allegation shall be referred to the appropriate campus official.

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, the RIO shall convene the Standing Inquiry committee for Integrity of Research. The RIO and the members of the 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, establishes the basis for concluding that an Investigation is warranted, directs the committee to prepare a written report for review and sets forth the timeline for completion of the Inquiry. The RIO shall provide the committee with material about the allegation and instructions for carrying out the Inquiry.

- 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 nature of the Allegation and the membership of the Inquiry committee to the Respondent and others with a need to know, including the Complainant and the Respondent's Department Head. If the Respondent is an academic appointee, then the Executive Vice Chancellor, Academic Affairs shall be notified and, if it is the judgment of the RIO, the Appropriate Vice Chancellor and Graduate Dean (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 shall 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.
- C3.3 Respondent. Provide an opportunity for the Respondent to respond to the Allegation, both in writing and orally during one or more interviews conducted at the UCSD 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 institution's review of an allegation that has been admitted, if the institution's 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 charge.

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; the procedures followed by the committee to arrive at its findings; how and from whom relevant information was obtained; a list of the Research Records reviewed; summaries of any interviews; 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. In the last case, the report shall also contain a finding as to whether the Allegation constitutes an Allegation in Bad Faith.

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 its 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, and in consultation with Campus or University Counsel, the RIO shall determine whether Research Misconduct may have occurred and that an Investigation is warranted.

C6. Notifications and Actions. Upon acceptance of the final report of Inquiry, the RIO shall promptly notify all interested parties and take appropriate actions 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 Research Misconduct may have occurred, warranting 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 individuals notified of the Inquiry and witnesses with a written summary of the Standing Inquiry committee's findings and the RIO's determination in the case. Upon request, the Complainant and other witnesses may be provided with those portions of the report that address their role(s) and opinion(s) in the Inquiry.

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 without substance, then, as requested and appropriate, the RIO and other institutional officials shall make reasonable and practical efforts, including maintaining confidentiality beyond the process, 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. Any written responses to these efforts shall be placed in the record of the Inquiry. If the RIO accepts 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 Research Misconduct probably 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.

C6.3.3 Finding that Research Misconduct May Have Occurred. If the RIO accepts the findings of the 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 Appeal of Report of Standing Inquiry Committee

C7.1 Timing and Grounds for Appeal: Any interested party may challenge a finding that there was no Research Misconduct by appealing to the Research Integrity Officer within thirty (30) calendar days of the date of the RIO's letter reporting the outcome of the Inquiry and his or her determination for action. Grounds for appeal are limited to: (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. The RIO shall determine whether the Inquiry should be pursued further or should remain closed, or if a formal Investigation should be conducted without reopening the Inquiry, and shall inform the Respondent, Complainant and the appellant in writing of the decision.

C7.2 Reopening of Inquiry: If the appeal is upheld, the RIO may 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 receiving the report of the Standing Inquiry Committee and making his or her determination for action, the RIO shall appoint an Investigation committee consisting of, at least, three (3) or more faculty members with appropriate scientific expertise. Individuals appointed to the Investigation committee may also have served on the 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 unresolved 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. Faculty 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 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 nature of the Allegation, the appointment of the Investigation committee, and its membership to the Respondent, the Appropriate Vice Chancellor, the Graduate Dean (when appropriate) and others who need to know, including the Complainant and the Respondent's Department Head. 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 entire 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 UCSD 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, and record or transcribe each interview, and include the recording or transcript in the record of the investigation.

D3.3 Respondent. Provide an opportunity for the Respondent to provide additional information about the Allegations, and the evidence developed by the committee, both in writing and during one or more interviews conducted at the UCSD campus.

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, and objective findings of the facts with specific citations to the evidence upon which the committee relied.

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 how the committee's decision is supported by documentary or other physical evidence, testimony, and reasoning.

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 thirty (30) 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, and in consultation with Campus or University Counsel, 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 notify all interested parties and take appropriate 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 shall provide individuals notified of the Investigation, the Complainant, and witnesses 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 make diligent efforts to make known the outcome of the Investigation to appropriate individuals and organizations identified by the RIO, in consultation with the Respondent, with the intention of restoring the Respondent's reputation if affected by the Allegation. Written responses to the decision 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 University policy and collective bargaining agreements and 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 the sponsoring agency, unless advised in writing otherwise.

**Appendix A (Policies Need Review and Updating After Revision Accepted;
Websites Checked)**
Other Policies and Disciplinary Procedures Directly Relevant to Integrity of Research

University of California Integrity of Research Policy

- University of California Policy on Integrity of Research
[<http://www.ucop.edu/raohome/cgmemos/90-01S1.html>]

Academic Appointee Discipline and Grievances

- University of California Faculty Code of Conduct, Academic Personnel Manual 015
[<http://www.ucop.edu/acadadv/acadpers/apm/apm-015.pdf>]
- University of California Policy on Faculty Conduct and the Administration of Discipline, Academic Personnel Manual 016
[<http://www.ucop.edu/acadadv/acadpers/apm/apm-016.pdf>]
- University of California Policy on Corrective Action and Dismissal of Non-Senate Academic Appointees, Academic Personnel Manual 150
[<http://www.ucop.edu/acadadv/acadpers/apm/apm-150.pdf>]
- UCSD 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

- UCSD Policy on Integrity of Scholarship. (This policy applies to academic course work for both undergraduate and graduate students.)
[<http://www-senate.ucsd.edu/manual/Appendices/app2.htm>]

Student Discipline and Grievances

- University of California Policies Applying to Campus Activities, Organizations, and Students, Section 100.00 Student Conduct and Discipline
[<http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc100.html>]
- UCSD Policies Applying to Student Activities, Section 22.00 Student Conduct and Discipline [http://ugr8.ucsd.edu/judicial/22_00.html]
- UCSD Graduate Student Appeals, Graduate Student Handbook, Conflict Resolution and Student Appeals [http://www-ogsr.ucsd.edu/handbook/index.htm#conflict_resolution]

Postdoctoral Scholars Discipline and Grievances

- UCSD Policy on Postdoctoral Scholar Corrective Action and Discipline 390-50
[<http://132.239.172.18/research/postdoc/apm-390.pdf#nameddest=correctiveaction>]
- UCSD Policy on Postdoctoral Scholar Grievances 390-40
[<http://132.239.172.18/research/postdoc/apm-390.pdf#nameddest=grievances>]

Employee Discipline and Grievances

- Procedures for administration of discipline for staff employees in accordance with applicable personnel policies
[http://atyourservice.ucop.edu/employees/policies/staff_policies/spp02.html]

and collective bargaining agreements
[http://atyourservice.ucop.edu/employees/policies/systemwide_contracts/index.html].

Extramural Agency Policies

- Applicable policies or regulations concerning research fraud and unethical conduct issued by federal, State, and private agencies from which UCSD has accepted research funding. Such regulations include Public Health Service (PHS) Policies on Research Misconduct – 42 CFR Part 93 – June 2005 [http://ori.hhs.gov/documents/FR_Doc_05-9643.shtml], and the National Science Foundation regulations on Misconduct in Science and Engineering Research (45 CFR Part 689) [http://www.access.gpo.gov/nara/cfr/waisidx_04/45cfr689_04.html].

Whistleblower Policy

- University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities [<http://www.ucop.edu/acadadv/acadpers/apm/apm-190-a1.pdf>]
- University of California Policy for Protection of Whistleblowers Against Retaliation and Guidelines for Reviewing Retaliation Complaints [<http://www.ucop.edu/acadadv/acadpers/apm/apm-190-a2.pdf>].

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.

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