

**UNIVERSITY OF CALIFORNIA, SAN DIEGO
INTEGRITY OF RESEARCH POLICY AND PROCEDURES**

I. POLICY

This Policy is based on the principle that quality research requires adherence to the highest standards of integrity in proposing, conducting, 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.

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.

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.

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.

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. 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.

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, 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.

II. 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.

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:

A2.1 Confidentiality. Throughout the process of responding to an Allegation, all persons involved, including the Research Integrity Officer (RIO), 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 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 equipment or materials purchased with those funds, the RIO shall instruct the Respondent's Department Head to take interim 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.

A2.4.4 Retaliation Against Complainants or Other Persons. 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 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.

- A2.5 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.
- A2.6 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.
- A2.7 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.
- A2.8 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, 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 five (5) years after the date of a final Investigation report. Records shall be retained as required by federal policy 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.
- A2.9 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.
- A2.10 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. Reports from outside the University should 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.

B2.1 Groundless Allegations. If the Department Head or RIO believes that the Allegation is clearly groundless, 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.

B2.2 Dispute about Research Practices, including Authorship. 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 or the RIO.

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.

B2.4 Allegations Against Students. An Allegation of Research Misconduct against a student engaged in research shall be handled under this Policy.

B2.5 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:

C1.1 Appointment of Committee. Within fourteen (14) calendar days, the RIO shall appoint a committee consisting of one or more faculty members with appropriate expertise. Preferably, no member of the committee should be from the same Academic Unit as the Respondent. 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 shall provide the committee with 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 appointing an Inquiry committee, the RIO shall provide written notification of the nature of the Allegation, the appointment of the Inquiry committee, and its membership to the Respondent, the Appropriate Vice Chancellor, 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 Senior Vice Chancellor, Academic Affairs shall 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 appointment of the 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 Inquiry Committee. The Inquiry committee shall take the following actions:
- C3.1 Fact-Finding. Examine relevant Research Records and materials, and conduct sufficient interviews and preliminary fact-finding to determine whether the Allegation warrants 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 during one or more interviews conducted at the UCSD campus.
- C3.4 Prepare Report. The Inquiry committee shall prepare a report of its findings within 30 calendar days of the date of its appointment.
- C4. Report of the 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 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 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 Inquiry committee report and his or her determination as to whether Research Misconduct may have occurred. 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 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 an Inquiry committee finding that the Allegation was without substance, then 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 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 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 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 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 shall determine whether the Inquiry should be pursued further or should remain closed, or if a formal Investigation should be conducted, 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 for further Inquiry proceedings or for the initiation of an Investigation. In doing the former, the Appropriate Vice Chancellor may recommend or specify to the RIO procedures for handling the reopening of the Inquiry, issues to be addressed, persons to be interviewed, or the appointment of a new Inquiry committee if appropriate.

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, within thirty (30) calendar days of receiving the report of the Inquiry committee and making his or her determination for action, the RIO shall appoint an Investigation committee consisting of three (3) or more faculty members with appropriate expertise.

D1.1.1 Membership. If feasible, at least one member of the committee should have expertise relevant to the area of the Research in question. Preferably, no member of the committee should be from the same Academic Unit as the Respondent. Faculty from other research institutions may be asked to serve on the committee. 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.

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, and others who need to know, including the Complainant and the Respondent's Department Head. If the Respondent is an academic appointee, then the Senior 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:

D3.1 Evidence. Examine all Research Records and relevant information to determine if Research Misconduct has occurred and who is responsible.

D3.2 Interviews. Interview Complainant and other witnesses 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 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.

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. The Respondent shall submit his or her written comments or requested corrections of any factual errors to the RIO within fourteen (14) calendar days of receipt of the report. Upon receipt, the RIO shall promptly forward the response to the Investigation committee, which may revise the report. The response shall become part of the record of the Investigation.

D5.4 Revisions by Committee. A final, signed report, satisfactory to the RIO, shall be submitted within seven (7) calendar days of receipt of the response from the

Respondent. If additional time is needed to review the Respondent's response, conduct additional investigation, or correct any factual errors, then the committee shall request an extension of time from the RIO.

D5.5 Determination by RIO. Within seven (7) calendar days of his or her receipt of the final report, 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.

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.

- 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. DISCIPLINE

- 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 Senior 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.
- 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.
- E3.2 External Agencies. If the case is reviewed by an external agency, then the RIO may report the final disposition to interested parties.

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: Senior 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. 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. There are three RIOs at UCSD who have principal responsibility for administering the Policy and these Procedures. The Vice Chancellor for Research is the appropriate RIO for the general campus, the Deputy Vice Chancellor for Health Sciences is the appropriate RIO for the School of Medicine, and the Deputy Director for Scientific Affairs is the appropriate RIO for the Scripps Institution of Oceanography. 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."

Whistleblower. See "Complainant."

Appendix B

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 C
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 Inquiry committee by RIO	14
Inquiry committee submission of report to RIO	30
Review of report by RIO	7
Revision of report by Inquiry committee; 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