



Policy on the Disposition of Allegations of Research Misconduct

[This document contains substantial word-for-word excerpts of materials from sources cited in References (Section II)]

I. Purpose

The purpose of this policy is to ensure that all research and/or scholarly activity conducted under the auspices of California State University Bakersfield (CSUB) (including the CSUB Auxiliary for Sponsored Programs Administration and the CSUB Foundation), adhere to the highest attainable ethical and moral standards, and comply with federal and other government (local and state) regulations, and guidelines required by external sponsors, governing the disposition of Allegations of Research Misconduct.

II. References

1. Federal government regulations (42 CFR Part 93 (PHS: Public Health Service) and 45 CFR 689 (NSF: National Science Foundation)) and the California State University Office of the Chancellor (EO890 §3.3.4 and §3.4.1) require that each campus conducting research, instruction, and/or other sponsored work under grants, and other agreements with the Federal government must comply with the specific guidelines required by the external sponsor of a project with regard to the disposition of Allegations of Research Misconduct and related matters, as applicable.
2. Other government (local and state) regulations and/or sponsor guidelines may require that each campus conducting research, instruction, and/or other sponsored work under grants, and other agreements with non-Federal governments and/or other external sponsors must comply with the specific guidelines required by the external sponsor of a project with regard to the disposition of Allegations of Research Misconduct and related matters, as applicable.
3. Research misconduct policies at the City University of New York (2015), Boston University (2012), and California State University, Fresno, were used as references in the formulation of this policy.

III. Terms and Definitions

1. *Allegation* means a disclosure of possible Research Misconduct through any means of communication. The disclosure may be by written or oral statement or other communication.
2. *Auxiliary for Sponsored Program Administration* means the CSUB Auxiliary for Sponsored Program Administration.
3. *Complainant* means a person who makes an Allegation of Research Misconduct.
4. *Evidence* means any document, tangible item, or testimony offered or obtained during a Research Misconduct Proceeding that tends to prove or disprove the existence of an alleged fact.
5. *Fabrication* means making up data or results and recording or reporting them.
6. *Falsification* means 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.
7. *Good faith* as applied to a complainant or witness, means having a belief in the truth of one's allegation or testimony that a reasonable person in the complainant's or witness's position could have, based on the information known to the complainant or witness at the time. An allegation or cooperation with a research misconduct proceeding is not in good faith if made with knowing or reckless disregard for information that would negate the allegation or testimony. Good faith as applied to a committee member means cooperating with the research misconduct proceeding by carrying out the duties assigned impartially for the purpose of helping an institution meet its responsibilities under this policy. A committee member does not act in good faith if her/his acts or omissions on the committee are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the research misconduct proceeding.
8. *Inquiry* means preliminary information-gathering and preliminary fact-finding to determine whether an Allegation has substance and if an Investigation is warranted. An Investigation must be undertaken if an Inquiry determines an Allegation has substance.
9. *Inquiry Committee* means the committee consisting of two or more members of the faculty, together with such technical, administrative, or other staff as may be deemed appropriate, who are appointed by the Provost to conduct the Inquiry of an Allegation.

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10. *Investigation* means the formal development, examination, and evaluation of a factual record to determine whether Research Misconduct has taken place, to assess its extent and consequences, and to evaluate appropriate action.

11. *Investigation Committee* means the committee consisting of at least three members of University staff and tenured faculty at any School actively involved in research in the same field as the Respondent or a related field who are appointed by the Provost to investigate charges of Research Misconduct against faculty, staff, post-doctoral associates, and/or students.

12. *Legal Affairs Designee* means the individual at the University designated by the President to deal with legal issues at the University in conjunction with the CSU Office of the General Counsel.

13. *Plagiarism* means the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

14. *Policy* means this Policy regarding the Disposition of Allegations of Research Misconduct.

15. *Preponderance of the Evidence* means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

16. *Research Integrity Officer ("RIO")* means the official designated by the Provost to be responsible for receiving Allegations of Research Misconduct, determining whether such Allegations warrant Inquiries, supporting the Inquiry Committee, receiving the Inquiry reports, recommending to the Provost whether or not Investigations are warranted, and assisting in the investigations by the Investigation Committee. The RIO must be an administrator or tenured faculty member at the University with experience in research and will be provided appropriate training to carry out his or her responsibilities under this Policy.

17. *Research Misconduct* means Fabrication, Falsification, or Plagiarism in proposing or performing research, reviewing research, or in reporting research results when these acts involve a person who, at the time of the alleged misconduct, was employed by, was an agent of, or was affiliated by contract or agreement with CSUB. Research Misconduct does not include honest error or differences of opinion. A finding of Research Misconduct made under this Policy requires that: (a) there be a significant departure from accepted practices of the relevant research community; (b) the misconduct be committed intentionally, knowingly, or recklessly; and (c) the Allegation be proven by a Preponderance of the Evidence.

18. *Research Misconduct Proceeding* means any action related to alleged Research Misconduct taken under this Policy, including but not limited to, determinations of whether or not an Inquiry is warranted, Inquiries, Investigations, and regulatory agency or research sponsor oversight reviews, hearings, and administrative appeals.

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19. *Research Record* means the record of data or results that embody the facts resulting from a research inquiry, including, but not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and any documents and materials provided in the course of a Research Misconduct Proceeding.

20. *Respondent* means the person against whom an Allegation of Research Misconduct is directed or who is the subject of a Research Misconduct Proceeding.

21. *Retaliation* means an adverse action taken against a Complainant, witness, or other participant in a Research Misconduct Proceeding in response to (a) a good faith Allegation of Research Misconduct, or (b) good faith cooperation with a Research Misconduct Proceeding.

22. *School* means an educational unit of the University, including all research centers and institutes.

23. *University* means the California State University, Bakersfield (CSUB), including the CSUB Auxiliary for Sponsored Program Administration, and the CSUB Foundation.

IV. Statement of Policy

It is the policy of the California State University, Bakersfield, that all research and/or scholarly activity conducted by members of the University community adhere to the highest attainable ethical and moral standards, and comply with federal and other government regulations, and guidelines required by external sponsors, governing the disposition of Allegations of Research Misconduct.

V. Statement of Requirements

- A. **Accountability:** The administration, faculty, students, and staff of the University share responsibility for promoting and preserving the integrity of research and scholarly activity, and for holding members of the University community accountable to this policy. Such accountability requires that there be appropriate University procedures by which allegations of misconduct in research and scholarly activity may be fairly and thoroughly examined to expose and correct misconduct, and to protect the researcher, scholar, and other members of the University community against false charges. It also requires that such procedures contain appropriate measures to protect from reprisal those individuals who, in good faith, wish to bring forward evidence of improper conduct, ensuring that all allegations of research misconduct will be reviewed fairly and accurately, and ensuring that scholarship and research performed under the auspices of