

CSUB Policy on the Disposition of Allegations of Research Misconduct

CSUB meet the standards of academic integrity and truth expected by the academic community.

- B. **Applicability:** This Policy establishes the procedures to be followed by the University in responding to any Allegation that University faculty, staff, post-doctoral associates, and/or students, whether paid by the University or through other funding sources, may have engaged in Research Misconduct. It will be used, at the discretion of the Provost, to respond to any Allegation of Research Misconduct. It applies to all research and scholarly activity conducted by University faculty, staff, post-doctoral associates, and/or students, regardless of the academic discipline of the researcher or the sponsorship or source of support for the research. This Policy does not supersede or establish an alternative to any existing University or governmental regulations, procedures, or policies regarding fiscal improprieties, conflicts of interest, ethical treatment of human or animal subjects, or criminal matters, all of which remain in effect.

This policy, and the procedures established pursuant to it, do not apply to (a) authorship or credit disputes; (b) conduct which deviates from institutional or governmental standards to protect the safety and well-being of human subjects, animals, or the laboratory work environment; (c) scholarship or research performed by a student for academic credit while not working on a project funded by an external research sponsor and not otherwise engaged to perform services for the University; or (d) misuse of funds dedicated to support research or scholarship.

- C. **Public Health Service (PHS) Requirements:** When the procedures established through this policy are being used to carry out CSUB's responsibilities under the PHS regulations, they apply only in the following situations:

- (1) PHS-supported biomedical or behavioral research, research training or activities related to that research or research training, such as the operation of tissue and data banks and the dissemination of research information;
- (2) applications or proposals for PHS support for biomedical or behavioral research, research training or activities related to that research or research training; or
- (3) plagiarism of research records produced in the course of PHS-supported research, research training, or activities related to that research or research training. This includes any research proposed, performed, reviewed, or reported, or any research record generated from that research, regardless of whether an application or proposal for PHS funds resulted in a grant, contract, cooperative agreement, or other form of PHS support.

Further, these procedures apply only to Research Misconduct alleged to have occurred within six (6) years of the date CSUB receives an allegation, except to the extent the respondent continues or renews any incident of alleged research

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misconduct that occurred before the six-year limitation (for example, through citation, republication or reuse of the research record), or if it is determined that the alleged misconduct could have a substantial adverse effect on the health or safety of the public.

- D. **Responsibility to Report Misconduct:** All members of the CSUB community have the responsibility to report observed, suspected, or apparent research misconduct to the RIO. Any other University official who receives an allegation of research misconduct must report it immediately to the RIO. Reports may be made to the RIO by telephone, electronic means, writing in hard-copy, or in-person meeting.

Individuals from outside the University (including other scientists, journal editors, or research subjects) should also report to the RIO any allegations of research misconduct involving persons employed by or affiliated with CSUB.

- E. **Prohibition of Retaliation for Reporting in Good Faith:** Allegations should not be made capriciously, but evidence of misconduct should not be ignored. An individual with information indicating misconduct in scholarship or research should be able to report in good faith such allegations without retribution. This policy prohibits retaliation by the University or one of its members against a complainant because of his or her good faith reporting of an allegation or involvement in an inquiry or investigation. Members of the CSUB community should immediately report any alleged or apparent retaliation to the RIO. Conversely, an individual who makes an allegation that is not in good faith may be referred to the Provost for administrative action.

- F. **Confidentiality:** Because of the potential jeopardy to the reputation of the individual(s) against whom allegations of misconduct have been made, the reporting of allegations and the following procedures for investigating them should be handled with care to avoid unnecessary disclosure of the identity of respondents, complainants, and research subjects to the maximum extent consistent with the obligations of the University to the academic and scientific community and to any sponsors and external institutions that have provided support for the research.

- G. **Disclosure of Complainant's Identity:** The RIO may disclose the identity of the complainant to the respondent *if* such disclosure is necessary in order for the respondent to be able to defend him- or herself against the charges. Therefore, if a potential complainant wishes to have confidential discussions and consultations about concerns of possible misconduct with an assurance of complete confidentiality, he/she is encouraged to speak with the University Ombudsperson, who does not act as an agent for the University and who can provide confidential informal advice to the potential complainant about options for reporting. All contacts, records and communication with Ombudsperson are confidential within State laws and CSU policies. See <http://www.csub.edu/counselingcenter/ombudsman/> .

- H. **Cooperation with Research Misconduct Proceedings:** Members of the CSUB community will cooperate with the RIO and other institutional officials in the review of allegations and in the conduct of Inquiries and Investigations. Institutional members, including respondents, have an obligation to provide evidence relevant to Research Misconduct Allegations to the RIO or other institutional officials.
- I. **Interim Administrative Actions and Notifications:** Throughout the research misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to public health, funds and equipment, or the integrity of the research process. In the event of such a threat, the RIO will, in consultation with the Provost, other institutional officials, and the appropriate funding agency, take appropriate interim action to protect against any such threat. Interim action might include additional monitoring of the research process and the handling of funds and equipment, reassignment of personnel or of the responsibility for the handling of funds and equipment, additional review of research data and results or delaying publication. The RIO in consultation with the Provost shall, at any time during a research misconduct proceeding, notify the appropriate funding agency immediately if he/she has reason to believe that any of the following conditions exists:
- Health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
 - Funding agency resources or interests are threatened;
 - Research activities should be suspended;
 - There is a reasonable indication of possible violations of civil or criminal law;
 - Funding agency action is required to protect the interests of those involved in the research misconduct proceeding;
 - The research misconduct proceeding may be made public prematurely and agency action may be necessary to safeguard evidence and protect the rights of those involved;
- or
- The research community or public should be informed.
- J. **Restoration of the Respondent's Reputation:** If at the end of an investigation, misconduct has not been found, any necessary efforts will be made by the RIO or the Provost, as appropriate, to restore the reputations of individual(s) alleged to have engaged in misconduct.
- K. **Determination of Personnel Action:** If at the end of an investigation, misconduct has been found, the Provost in consultation with the University's Legal Affairs Designee, will make a determination of appropriate personnel action to be taken. Appropriate

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personnel action, including discipline, is governed by California law, university policies, and applicable collective bargaining agreements.

VI. Statement of Procedures

In implementing the processes and procedures established pursuant to this policy, the University and each review committee shall maintain a clear distinction between Inquiry and Investigation: An Inquiry is intended to be a preliminary process leading to a decision that there are, or are not, sufficient grounds to conduct an Investigation. An Investigation is the process that may result in a finding of misconduct.

Consistent with the provisions of this Policy, CSUB's procedure for responding to Allegations of Research Misconduct will consist of at least three distinct phases:

1. **Allegation.** When an Allegation is received, the RIO assesses whether the allegation falls under the definition of Research Misconduct and is sufficiently credible and specific so that potential evidence of research misconduct may be identified. If these criteria are met, the Provost will establish and charge an Inquiry Committee. The RIO will oversee the sequestration of original documents and materials if necessary to protect the integrity of the proceedings.
2. **Inquiry.** The Inquiry Committee determines whether the Allegation of misconduct provides a sufficient basis to warrant conducting an Investigation. The outcome of an Inquiry is not a finding of guilt, but is a finding that the grounds to proceed to an investigation are either present or absent. The Inquiry Committee will submit a written report of its findings to the RIO, as specified in the University's *Procedure for the Disposition of Allegations of Research Misconduct*.
3. **Investigation.** An Investigation is a more exhaustive review of the Allegation: the outcome of an Investigation may be a finding by the University that a researcher is guilty of misconduct and that sanctions are in order, or that a researcher is not guilty of misconduct. If the outcome of an Inquiry is a determination that there is a basis for an Investigation, the Provost will establish and charge an Investigation Committee. Sponsors of research and editors of journals and others may have to be notified about the investigation.

Upon completion of the investigation, the Investigation Committee will submit a written report of its findings to the Provost, as specified in the University's *Procedure for the Disposition of Allegations of Research Misconduct*.

The Provost, in consultation with the RIO and other University officials, will take appropriate action to respond to and dispose of the Allegation of Research Misconduct, in accordance with applicable collective bargaining agreements, CSU and governmental regulations, and other