

California State University, Sacramento
POLICY ON SCIENTIFIC MISCONDUCT IN RESEARCH

Research and other scholarly activity on university campuses require that faculty, students, and technicians practice the highest ethical research standards. Violations of these ethical research standards have been extraordinarily rare. Yet, even a single instance of scientific misconduct can jeopardize federal funding, tarnish the university and destroy the credibility and reputation of its faculty and students. Scientific misconduct simply has no place in a university and cannot be tolerated. As well, the acceptance of federal funding for grants and contracts requires that a policy be in place.

Scientific misconduct is the intentional falsification or fabrication of data or results, the application of scientific procedures in a manner designed to bias results, the deceptive reporting of research outcomes, and/or plagiarism by a student, a faculty member, or a member of the staff. Scientific misconduct is different from honest error and is not to be confused with incompetence or with sloppy research. Scientific misconduct includes the unauthorized use of privileged information, and the deliberate failure to comply with University, State, or Federal requirement relating to a project, including the protection of human subjects and the welfare of laboratory animals.

There are no circumstances under which scientific misconduct will be tolerated. The university community must share responsibility for maintaining the highest standards of research conduct and must, when a deviation from these standards is uncovered or suspected, immediately report any suspected or discovered deviation.

PROCESS FOR HANDLING ALLEGATIONS OF SCIENTIFIC MISCONDUCT

The Provost and Vice President for Academic Affairs (PVPAA) is the senior administrator in charge of handling allegations of scientific misconduct. All complaints must be to the PVPAA and must be in writing and signed. The PVPAA may delegate the responsibility for providing education about scientific misconduct and for disseminating the *Policy on Misconduct in Research* to the college deans. The PVPAA may delegate the responsibility for handling allegations of scientific misconduct. If a designee is appointed, the word designee may be substituted throughout this document for "Provost and Vice President for Academic Affairs." The PVPAA will interpret the University's policy and advise any person who makes an allegation of misconduct of appropriate procedures.

The PVPAA will maintain confidentiality and apply institutional process, including referral to a dean or University office as may be deemed appropriate, to resolve conflicts deemed not to fall under the *Policy on Scientific Misconduct in Research*. A three-stage process consisting of an initial inquiry, an investigation, and a resolution will handle all allegations of scientific misconduct.

INQUIRY

Purpose The purpose of the inquiry is to gather factual information as expeditiously as possible to determine whether an actual investigation is warranted. Its purpose is to separate frivolous,

mistaken, or unjustified allegations from those, which deserve further investigation. It is not intended to be a formal hearing.

Structure

All complaints must be in writing and signed. The identity of the complainant will be protected to the maximum extent possible. If an investigation is launched following an inquiry, it may be necessary to reveal the identity of the complainant to the respondent. The PVPAA will be responsible for conducting a fair and just inquiry and will form an *ad hoc* committee composed of at least two other persons, one of whom must be a member of the full-time teaching faculty, to explore the allegation and determine whether misconduct has occurred. Any person involved in making judgements about the merit of the allegations must have no unresolvable interest in the case and must have appropriate scientific or discipline related expertise to assure a sound knowledge base from which to judge the issues.

Process

Within five working days, the PVPAA will notify the respondent in writing that a complaint has been made and identify the process to be used to resolve the complaint.

The PVPAA will resolve cases expeditiously. The initial inquiry phase normally will be completed within 30 days of the initial written notification to the respondent. If this deadline cannot be met, a report specifying the reasons for the delay will be submitted for the record and all involved individuals will be informed.

During the inquiry, confidentiality will be maintained to the maximum extent possible and access to documents or other information related to the complaint will be restricted to the members of the *ad hoc* committee. The privacy of those who in good faith report apparent misconduct will be protected. If the evidence to be presented depends upon observations and statements of the complainant or to disputes relating to the veracity of documentary evidence, the open involvement of that individual will be necessary for the inquiry to proceed. In other cases, documentary evidence may permit the complainant to remain anonymous.

When an inquiry is initiated, the respondent may be asked to testify and to provide materials as necessary to conduct the inquiry. If the respondent refuses to testify and/or to provide materials, the inquiry may be terminated and an investigation may be launched.

Findings

Once a determination is made of whether an investigation is warranted, the inquiry is completed. A written report must be prepared documenting the inquiry process and stating the conclusions. The designee should notify the respondent and complainant, if there is one, about whether there will be further investigation.

If an allegation is found to be incorrect and that it has not been made in good faith, disciplinary action, consistent with University policy, may result.

If an allegation is found to be unsupported, but to have been submitted in good faith, no further formal action should be undertaken and all files relating to the allegation will be sealed and maintained for three years as required by Final Rule 42 CFR Part 50, subpart A (Federal guidelines), and then destroyed. The proceedings of an inquiry should be held in strictest

confidence. If confidentiality is breached, the University will take steps to minimize the damage to reputations.

Allegations which are found to have sufficient merit to warrant an investigation should be forwarded promptly to the investigative body and the University should seek to protect the complainant against retaliation. If a sponsoring agency is involved, it must be informed at this point that an investigation has been undertaken.

INVESTIGATION

Purpose An investigation will be initiated only when a respondent refuses to cooperate in the inquiry or if the inquiry determines that an investigation is warranted. During the course of an investigation, evidence may emerge that justifies broadening its scope beyond the initial allegations. The respondent should be informed when significant new directions of investigation are undertaken.

Structure

The PVPAA will appoint an *ad hoc* committee composed of five people, at least three of whom must be full-time members of the faculty, to handle the specific case. Other members of the *ad hoc* committee may be chosen from within or outside the institution.

Full disclosure of conflicts of interest and any relationship with parties to the matter will be required of those asked to serve on the investigative body. The members of the committee must have no unresolvable conflict of interest in the case and must have appropriate scientific or discipline related expertise to assure a sound knowledge base from which to make determinations.

Process

The PVPAA will notify the respondent and claimant, if any, that an investigation is to be conducted. The investigation should be initiated promptly. All involved parties have an obligation to cooperate with the proceedings by providing information relating to the case. The respondent should have the opportunity to address the charges and the evidence in detail and all necessary information should be provided to the respondent.

Whenever possible, the investigation should be carried out and completed within a 120 day period. The nature of some of the cases may render the time period difficult to meet, and under such circumstances the committee is obligated to issue an interim report to the PVPAA at the end of the 120 day period. The report should document the progress of the investigation and request an extension for completion of the investigation. All entities initially notified about the investigation must be informed of the outcome.

Findings

The findings of the investigative committee should be submitted in writing to the PVPAA and the respondent should receive a copy of the full report. When there are several respondents, each will receive all those parts that are pertinent to his or her role. All federal agencies, state agencies, sponsors, or other entities which were initially informed about the investigation must be notified promptly about the outcome. The University must retain the investigation findings in confidential and secure file, except as indicated under "A Finding of No Misconduct."

Investigations into allegations of fraud may result in various outcomes, including:

1. a finding of fraud;
2. a finding of serious scientific misconduct short of fraud;
3. a finding that no culpable conduct was committed, but serious scientific errors were discovered; or
4. a finding that no fraud, misconduct, or serious scientific error was committed.

Thus, an investigation of fraud may disclose evidence that requires further action even in those cases in which no fraud is found.

RESOLUTION

A Finding of No Misconduct In a finding of no misconduct, all files will be maintained in a secure manner for three years and then destroyed. If an investigation has been launched on the basis of a complaint made in good faith, and no fraud or misconduct is found, no disciplinary measures should be taken against the complainant and every effort should be made to prevent retaliatory action against the complainant. If the allegations are found to have been maliciously motivated, disciplinary actions will be taken against those responsible, consistent with University policy.

A Finding of Misconduct

Appeal/Final Review

If there is a finding of misconduct, the respondent may prepare a written appeal of the investigative committee's decision. Appeals must be restricted to the body of evidence already presented and the grounds for appeal must be limited either to failure to follow appropriate procedures in the investigation or to arbitrary and capricious decision making. New evidence may warrant a new investigation. The appeal must be filed within 30 calendar days after a finding has been made. The appeal will be heard by the Provost and Vice President for Academic Affairs, or designee. In all cases, a decision by the President is final.

Disposition

Any resulting action will be handled in a manner consistent with University policy and the collective bargaining agreement.