

SAN DIEGO STATE UNIVERSITY

UNIVERSITY SENATE

POLICY FILE

August 2021

Research and Scholarship, Integrity in

1.0 Members of the academic community involved in the conduct of research and scholarship shall adhere to the highest standards of ethical behavior. This policy applies to all individuals at San Diego State University including those engaged in research that is supported by the Public Health Service (PHS) or for which an application has been submitted. The procedures herein shall protect the rights and reputations of parties involved in alleged misconduct and shall cover allegations involving students employed on research grants or contracts. Allegations of academic dishonesty by students engaged in research, as part of their academic program, shall be dealt with according to University academic policies, student disciplinary procedures, and regulations of Graduate and Research Affairs.

2.0 Guidelines for Identifying Misconduct: Consistent with the Public Health Service (PHS) definition (42 CFR 93.103), research misconduct means" fabrication, falsification, or plagiarism for proposing, performing, or reporting research results" and shall not include honest error or honest differences in interpretations or judgments of data. The same shall apply to scholarship.

The definitions of misconduct in academic research and scholarship are as follows:

a) Fabrication is making up data or results and recording or reporting them.

b) 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.

c) Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

3.0 Procedures for Handling Allegations of Misconduct

3.1. Inquiry Process. Initial reports or charges of misconduct in research or scholarship shall be directed first to the dean of the college in which the alleged misconduct has occurred. The dean shall inform the department or program chair and the research or scholarship supervisor(s) of the allegations. The dean shall also inform the involved faculty member(s) or non-faculty employee(s) of the nature of the allegations, the nature of the inquiry, and the rights of the parties involved. Diligent efforts will be made to protect the positions and reputations of those who, in good faith, make allegations of scientific misconduct.

3.2. The college dean, after consultation with the department or program chair and appropriate research or scholarship supervisor(s) with appropriate expertise for inquiries, shall conduct promptly a preliminary inquiry to determine whether there is sufficient prima facie evidence to merit a formal investigation of the charges and shall inform the Vice President for Research and Innovation or designee that a preliminary inquiry is under way. Precautions shall be taken to prevent real or apparent conflicts of interest on the part of those involved in the inquiry. Confidentiality shall be strictly maintained throughout the inquiry to the extent allowed by law. If an inquiry is terminated for any reason without completing all relevant requirements, a report summarizing the termination shall be sent to the appropriate official (ORI for PHS funded research). For PHS funded research, the Vice President for Research and Innovation or designee shall notify the Office of Research Integrity (ORI) of the Public Health Service within 24 hours of obtaining reasonable indication of an immediate health hazard, need to protect Federal funds or equipment and individuals affected by the inquiry, and that the alleged incident may be publicly reported.

3.3. The college dean shall forward without delay a written report to the Vice President for Research and Innovation or designee. An inquiry must be completed within 60 calendar days of its initiation unless circumstances clearly warrant a longer period. Any extension of this period shall be based on good cause and recorded in the inquiry file. The written report shall (a) state the evidence reviewed, (b) summarize relevant interviews, and (c) include the conclusions of the inquiry. A copy of the report of the inquiry shall be given to the person(s) against whom the allegation has been made, and their comments on that report may become part of the record. Detailed documentation of the inquiry shall be maintained by the Vice President for Research and Innovation or designee for at least three years and, in federally funded research, shall be provided upon request to authorized personnel. Appropriate interim administrative action shall be

taken to protect Federal funds and ensure that the purposes of the Federal financial assistance are being carried out.

3.4. If, after consideration of the report of the inquiry, the Vice President for Research and Innovation or designee determines that there is not sufficient prima facie evidence to support the charges, no further action need be taken, and the Provost and the parties involved shall be so informed. Efforts shall be taken, as appropriate, to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed.

3.5. Investigation Process. If, after consideration of the report of the inquiry, the Vice President for Research and Innovation or designee determines that sufficient prima facie evidence supports the charges, the Vice President for Research and Innovation or designee shall appoint within 30 days of the completion of the inquiry an ad hoc committee with appropriate expertise to conduct a formal investigation, and the Provost shall be so notified. The membership of the committee shall consist of at least four knowledgeable and impartial persons including one representative from the department, program, or auxiliary unit of the involved faculty member(s) or non faculty employee(s) and three faculty members from related departments, programs, or areas. For externally funded research, the Vice President for Research and Innovation or designee may also appoint a member of the San Diego State University Research Foundation as an ex officio member to represent the interests and legal obligations of the Research Foundation. In addition, the Vice President for Research and Innovation or designee may appoint members from outside the institution in order to broaden the expertise of the committee. Precautions shall be taken against the investigators' real or apparent conflicts of interest.

3.6. As soon as the committee has been requested to conduct a formal investigation, the Vice President for Research and Innovation or designee shall notify the accused faculty member(s) or non faculty employee(s) of the charges and the function of the committee. In consultation with the Provost and the college dean, the Vice President for Research and Innovation or designee may determine that the research activities of the involved researcher(s) may be restricted or monitored during the course of the investigation. The Vice President for Research and Innovation or designee shall also notify the President, the Provost, the school director or the department or program chair, and for funded research the Chief Executive Officer of the San Diego State University Research Foundation and the project officer(s) of the funding agencies that a formal investigation involving charges of misconduct in research or scholarship has been initiated. For PHS funded research, the Director of the Office of Research Integrity shall be notified in writing on or before the date the investigation begins, and such notification shall include (a) the name of the person(s) against whom the allegations have been made, (b) the general nature of the allegations, and (c) the application or grants involved. If an investigation is terminated for any reason without completing all relevant requirements, a report summarizing the termination shall be sent to the appropriate official (ORI for PHS funded research). Confidentiality of the affected individual(s) shall be strictly maintained throughout the investigation to the extent possible.

3.7. The Vice President for Research and Innovation or designee shall convene the committee, appoint one of the faculty on the committee to serve as chair, present the charges and allegations, and discuss University and Research Foundation policies and procedures pertinent to the investigation. The committee shall investigate all charges and facts and may interview parties appropriate to reaching a decision regarding the merit or lack of merit to the charges. The chair of the committee shall meet with the appropriate personnel officers (i.e, Associate Vice President for Faculty Advancement and Student Success, Director of the Center for Human Resources, and Research Foundation Director of Human Resources) regarding existing procedures and safeguards to protect all parties' rights and reputations before carrying out the investigation. Diligent efforts shall be made to protect the positions and reputations of those who, in good faith, made allegations of scientific misconduct. The committee shall begin its investigation promptly and shall provide a written report of its findings and recommendations to the Vice President for Research and Innovation or designee no later than 60 days after beginning the formal investigation. The Vice President for Research and Innovation or designee may either accept the report or return it to the committee for further information or clarification. The committee shall also forward the final copy of this report to the accused parties, who shall have an opportunity to comment on the findings. The investigation shall be completed within 120 calendar days. For PHS funded research, the Vice President for Research and Innovation or designee shall notify the Office of Research Integrity (ORI) of the Public Health Service

within 24 hours of a reasonable indication of possible criminal violations are found or about an immediate health hazard, need to protect Federal funds or equipment and individuals affected by the investigation and that the alleged incident may be publicly reported. Appropriate interim administrative action shall be taken to protect Federal funds and ensure that the purposes of the Federal financial assistance are being carried out. ORI shall be promptly advised of any developments during the course of the investigation which disclose facts that may affect current or potential DHHS funding for individual(s) under investigation or that the PHS needs to know to ensure appropriate use of Federal funds and otherwise protect the public interest. If the investigation cannot be completed within 120 days, a request for extension shall be made to the ORI with an explanation for the delay, an interim report on progress to date, an outline of what remains and an estimated date of completion.

3.8. If from the findings and recommendations of the committee the Vice President for Research and Innovation or designee determines that no unethical or fraudulent acts have been committed, all parties shall be notified accordingly. The Vice President for Research and Innovation or designee and the college dean shall undertake all necessary efforts to restore fully and promptly the reputation and credibility of the researcher(s) under investigation when allegations are not confirmed. All interim restrictions on research activity shall be promptly removed.

3.9. If from the findings and recommendations of the committee, the Vice President for Research and Innovation or designee determines that there is evidence of misconduct, he or she shall report to the Provost this conclusion and recommendations regarding the imposition of sanctions or disciplinary action. The President shall make the final determination regarding the appropriateness of the recommendations. Sanctions may include (a) termination of current research or scholarly activity, (b) public disassociation of the University from future unauthorized research or scholarly activity, (c) restriction from future research or scholarly activity for some period of time, (d) special prior review and approval requirements in future research or scholarly activities, and (e) debarment from intramurally funded research or scholarly programs. The President may also determine whether the matter warrants a reprimand or disciplinary action pursuant to the Collective Bargaining Agreement or sec. 89535–89539 of the Education Code or should be referred to the cognizant auxiliary organization for appropriate action.

3.10. The President shall determine whether information about the charges, the investigation, or their disposition shall be released to the public, the press, or specific parties (e.g., editors of journals in which papers or reports of the research in question may have appeared). For externally funded research, the sponsoring agency shall be notified of the findings of the investigation and the final disposition of any sanctions, disciplinary action, or restitution to be made. For PHS funded research, a written report documenting the investigative process, summary of information obtained relevant to the investigation, findings to include the actual text or summary of the views of individual(s) found to have engaged in misconduct, and sanctions taken by the institution shall be made available to the Director of the ORI, who shall decide whether that office shall proceed with its own investigation. The University shall maintain such documentation for at least three years after PHS acceptance of the final report.