

1 **Protection Against Misconduct in Research**

2 (Senate: 7/10/90; President: 9/13/90)

3 GOVERNING DOCUMENTS: 42 CODE OF FEDERAL REGULATIONS PUBLIC HEALTH
4 SERVICE POLICIES ON RESEARCH MISCONDUCT (DEPARTMENT OF HEALTH AND
5 HUMAN SERVICES, PUBLIC HEALTH SERVICE 42 CFR PART 50, RIN 0905AB91); CSU
6 EXECUTIVE ORDER 890; ARTICLES 18 AND 19 OF THE COLLECTIVE BARGAINING
7 AGREEMENT BETWEEN THE CALIFORNIA STATE UNIVERSITY AND THE
8 CALIFORNIA FACULTY ASSOCIATION

9 "Misconduct in science (or research in any discipline) means fabrication, falsification,
10 plagiarism, or other practices that seriously deviate from those that are commonly accepted
11 within the scientific (academic) community for proposing, conducting, or reporting research. It
12 does not include honest error or honest differences in interpretations or judgments of data."* If a
13 faculty member is accused, in a written and signed statement, of misconduct in research, then
14 that faculty member shall have the right to respond to that accusation and shall be entitled to a
15 peer review of that accusation. If the peer review results in a recommendation that a reprimand
16 or disciplinary action may be warranted, then the procedures of the COLLECTIVE
17 BARGAINING Agreement between the Board of Trustees of the California State University
18 and the California Faculty Association shall be followed. No record of the peer review process
19 may be included in the faculty member's personnel action file.

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21 *This policy is based on the Department of Health and Human Services, Public Health Service
22 42 CFR PART 50, RIN 0905AB91.

23 **Procedures for Handling Alleged Misconduct in Research**

- 24 1. When a written and signed allegation is made to the chair of the Committee on
25 Academic Freedom and Professional Ethics that misconduct in research is
26 occurring, or has occurred, a campus inquiry will be initiated and completed
27 within 60 calendar days. The inquiry will be conducted by a three-member ad hoc
28 subcommittee selected by the Committee on Academic Freedom and Professional
29 Ethics from its membership.
- 30 2. The ad hoc subcommittee of the Committee on Academic Freedom and
31 Professional Ethics will file a written report with the President indicating whether
32 any further inquiry is necessary. A copy of the written report will be given to the
33 individual against whom the allegation is made. The faculty member shall have
34 the right to respond within 14 calendar days from the date of the initiation of the
35 inquiry.
- 36 3. If there is no further action necessary, the individual against whom the allegation
37 was brought forward is exonerated, and no further action will be taken except that
38 the report will be held in a secured file in the office of the Academic Senate other
39 than the faculty member's personnel action file for a period of three years.

- 40 4. If the inquiry of the ad hoc subcommittee of the Committee on Academic
41 Freedom and Professional Ethics indicates that a reprimand or disciplinary action
42 may be warranted, then the procedures in the Faculty Handbook and the
43 Agreement shall be followed.**

44 **If a federal grant in science is involved, then the Office of Scientific Inquiry (OSI) shall be
45 notified. At the completion of the investigation, within 120 calendar days from time of original
46 notification to the OSI, the OSI must receive a final report describing "The policies and
47 procedures under which the investigation was conducted, how and from whom the information
48 was obtained relevant to the investigation, the findings, and the basis for the findings, and
49 include the actual text or an accurate summary of the views of any individual(s) found to have
50 engaged in misconduct as well as a description of any sanctions by the university..." (42 CFR
51 PART 50M 32450).

52 CALIFORNIA STATE UNIVERSITY, LOS ANGELES (CAL STATE LA), IS COMMITTED
53 TO EXCELLENCE IN TEACHING, RESEARCH AND PUBLIC SERVICE, AS WELL AS TO
54 THE CONDUCT OF THESE ACTIVITIES WITH THE HIGHEST POSSIBLE ETHICAL
55 STANDARDS. THIS DOCUMENT ESTABLISHES POLICIES FOR HANDLING
56 ALLEGATIONS OF RESEARCH MISCONDUCT. PROCEDURES FOR HANDLING
57 ALLEGATIONS OF RESEARCH MISCONDUCT ARE FOUND IN CAL STATE LA
58 ADMINISTRATIVE PROCEDURE 102.

59 CAL STATE LA IS GUIDED BY ETHICAL PRINCIPLES WHEN MEMBERS OF ITS
60 ACADEMIC COMMUNITY ENGAGE IN RESEARCH, SCHOLARSHIP AND CREATIVE
61 ACTIVITIES, AND COMPLIES WITH PERTINENT FEDERAL AND STATE
62 REGULATIONS. INDIVIDUALS WHO WISH TO REPORT INSTANCES OF RESEARCH
63 MISCONDUCT SHOULD PROMPTLY DO SO BY NOTIFYING THE RESEARCH
64 INTEGRITY OFFICER.

65 WHILE PORTIONS OF THIS POLICY SPECIFICALLY ADDRESS REQUIREMENTS OF
66 THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES' OFFICE OF
67 RESEARCH INTEGRITY, WHICH HAS OVERSIGHT OF RESEARCH SPONSORED BY
68 THE PUBLIC HEALTH SERVICE, THE GENERAL PROCEDURES CONTAINED HEREIN
69 APPLY TO ALL RESEARCH ACTIVITY CONDUCTED BY CAL STATE LA STAFF,
70 FACULTY, AND STUDENTS, REGARDLESS OF THE SOURCE OR AMOUNT OF
71 FUNDING FOR THAT ACTIVITY.

72 **HANDLING ALLEGED MISCONDUCT IN RESEARCH**

73 CAL STATE LA WILL RESPOND TO ALL REPORTS OF RESEARCH MISCONDUCT IN
74 A TIMELY AND APPROPRIATE MANNER. IF THE COMPLAINT HAS MERIT, CAL
75 STATE LA WILL PROMPTLY TAKE ACTIONS TO PREVENT RECURRENCE AND
76 REMEDY THE EFFECT OF RESEARCH MISCONDUCT, TO THE EXTENT POSSIBLE.
77 PERSONS WHO ARE FOUND TO HAVE ENGAGED IN RESEARCH MISCONDUCT MAY
78 BE SUBJECT TO SUBSEQUENT REPRIMAND AND/OR DISCIPLINARY ACTION,
79 FOLLOWING PROCEDURES SPECIFIED IN COLLECTIVE BARGAINING
80 AGREEMENTS BETWEEN THE CALIFORNIA STATE UNIVERSITY BOARD OF

81 TRUSTEES AND THE EMPLOYEE'S RELEVANT BARGAINING UNIT, UNIVERSITY
82 POLICIES AND PROCEDURES APPLICABLE TO NON-REPRESENTED STAFF,
83 POLICIES AND PROCEDURES OF UNIVERSITY AUXILIARY SERVICES, INC., OR THE
84 CSU STUDENT CONDUCT PROCEDURES, AS APPLICABLE. IN DETERMINING
85 WHETHER AN ACTION VIOLATES THIS POLICY, THE TOTALITY OF THE
86 CIRCUMSTANCES SHALL BE CONSIDERED.

87 CAL STATE LA WILL NOT RETALIATE NOR TOLERATE RETALIATION AGAINST
88 PARTIES REPORTING ALLEGED RESEARCH MISCONDUCT. THIS POLICY
89 PROHIBITS RETALIATION AGAINST COMPLAINANTS AND REQUIRES THE
90 UNIVERSITY TO ADDRESS AND COUNTER ANY RETALIATORY ACTS. REPORTS OF
91 RETALIATION WILL BE HANDLED IN ACCORDANCE WITH THE RELEVANT
92 COLLECTIVE BARGAINING AGREEMENT AND/OR CAMPUS ADMINISTRATIVE
93 PROCEDURE.

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Governing Documents: 42 Code of Federal Regulations Public Health Service Policies on Research Misconduct (Department of Health and Human Services, Public Health Service 42 CFR PART 50, RIN 0905ab91); CSU Executive Order 890; Articles 18 and 19 of the Collective Bargaining Agreement between the California State University and the California Faculty Association.

Misconduct in science (or research in any discipline) means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific (academic) community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.

Procedures for Handling Alleged Misconduct in Research

California State University, Los Angeles (Cal State LA), is committed to excellence in teaching, research and public service, as well as to the conduct of these activities with the highest possible ethical standards. This document establishes policies for handling allegations of research misconduct. Procedures for handling allegations of research misconduct are found in Cal State LA Administrative Procedure 102.

Cal State LA is guided by ethical principles when members of its academic community engage in research, scholarship and creative activities, and complies with pertinent federal and state regulations. Individuals who wish to report instances of research misconduct should promptly do so by notifying the Research Integrity Officer.

While portions of this policy specifically address requirements of the U.S. Department of Health and Human Services' Office Of Research Integrity, which has oversight of research sponsored by the Public Health Service, the general procedures contained herein apply to all research activity conducted by Cal State LA staff, faculty, and students, regardless of the source or amount of funding for that activity.

Handling Alleged Misconduct in Research

Cal State LA will respond to all reports of research misconduct in a timely and appropriate manner. If the complaint has merit, Cal State LA will promptly take actions to prevent recurrence and remedy the effect of research misconduct, to the extent possible. Persons who are found to have engaged in research misconduct may be subject to subsequent reprimand and/or disciplinary action, following procedures specified in collective bargaining agreements between the California State University Board of Trustees and the employee's relevant bargaining unit, university policies and procedures applicable to non-represented staff, policies and procedures of University Auxiliary Services, Inc., or the CSU Student Conduct Procedures, as applicable. In determining whether an action violates this policy, the totality of the circumstances shall be considered.

Cal State LA will not retaliate nor tolerate retaliation against parties reporting alleged research

39 misconduct. This policy prohibits retaliation against complainants and requires the university to
40 address and counter any retaliatory acts. Reports of retaliation will be handled in accordance
41 with the relevant collective bargaining agreement and/or campus administrative procedure.