

PREAMBLE

The essence of research scholarship is the pursuit of knowledge. Actions that undermine the integrity of scholarly activity impede the advancement of knowledge, jeopardize working relationships with collaborators, compromise the work of other investigators, harm members of the general public, and/or damage the reputation of the University. Such misconduct, while extremely rare, shall not be tolerated when it does occur.

In dealing with allegations of misconduct in research, the University will ensure fairness by providing procedures for timely and thorough investigation, by protecting the rights of all parties, and by distinguishing serious breaches of integrity from honest error, or simple carelessness.

I. Research Misconduct Defined

California State University (CSU), Stanislaus has adopted the definition of *research misconduct* to mean the “fabrication, falsification or plagiarism in proposing, performing, or reviewing research, or in reporting research results,” (*Federal Register, Part III, Department of Health and Human Services, 42 CFR Parts 50 and 93, Public Health Service Policies on Research Misconduct; Final Rule, May 17, 2005*). Although the CSU Stanislaus definition is consistent with the present federal definition, as the federal definition changes, the CSU Stanislaus definition will remain unchanged unless revised through campus shared governance procedures.

- 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;
- D. Research misconduct does not include honest error or differences of opinion in interpretation of the data.

II. Requirements for Findings of Research Misconduct

A finding of research misconduct at CSU Stanislaus requires that:

- A. There be a significant departure from accepted practices of the relevant research community in proposing, conducting or reporting research; and
- B. The misconduct be committed intentionally, or knowingly, or recklessly as defined by the faculty Investigation Committee; and
- C. The allegation be proven by clear and convincing evidence.

III. Time Limitations

- A. Six-year limitation.
This applies to research misconduct occurring within six years of the date the institution receives the allegation of research misconduct.
- B. Exceptions to the six-year limitation.
 - 1. Subsequent use exception: If the respondent continues or renews any incident of alleged research misconduct that occurred before the six year limitation through the citation,

republication or other use for the potential benefit of the respondent of the research record that is alleged to have been fabricated, falsified, or plagiarized.

2. Health or safety of the public exception: If the institution, determines that the alleged misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public.

IV. Evidentiary Standards

- A. Standard of proof – the institutional finding of research misconduct must be proved by clear and convincing evidence.
- B. Burden of proof –
 1. The institution has the burden of proof for making a finding of research misconduct. The destruction, absence of, or respondent's failure to provide research records adequately documenting the questioned research is evidence of research misconduct where the institution establishes by clear and convincing evidence that the respondent intentionally, knowingly, or recklessly had research records and destroyed them, had the opportunity to maintain the records but did not do so, or maintained the records and failed to produce them in a timely manner and that the respondent's conduct constitutes a significant departure from accepted practices of the relevant research community.
 2. The respondent is entitled to present additional evidence, or characterize the institution's evidence as not clear and convincing. The respondent is also entitled to present to mitigating factors.
 3. In determining whether the institution has carried the burden of proof imposed by this part, the finder of fact shall give due consideration to admissible, credible evidence of honest error or difference of opinion presented by the respondent.

V. Definitions

- A. *Administrative Action* means actions other than disciplinary provided for by the employee's contract, such as an advisory letter informing the respondent of the proper procedure(s).
- B. *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 to an institutional official.
- C. *Clear and Convincing* is an intermediate standard of proof between a reasonable doubt and preponderance of evidence, which calls for more proof than that based on probabilities, but less proof than that based on reasonable doubt.
- D. *Complainant* means a person who in good faith makes an allegation of research misconduct.
- E. *Confidentiality* means to agree, in writing that only those with the need-to-know will be informed of any research misconduct proceedings including any information or documents reviewed as part of the proceedings. Outside of the official proceedings of the committee, participants may not discuss the proceedings with the respondent, complainant, witnesses, or anyone not authorized by the Research Integrity Officer to have knowledge of the

- proceedings.
- F. *Conflict of interest* means the real or apparent interference of one person's interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.
 - G. *Deciding Official* means the institutional official who makes final determinations on allegations of research misconduct and any responsive institutional actions. The Deciding Official shall serve as the "president's designee" with regard to disciplinary action and may be the "appropriate administrator" with regard to administrative actions. In cases where the "president's designee" is not the "appropriate administrator," the "president's designee" can refer the matter to an "appropriate administrator." The Deciding Official will *not* be the same individual as the Research Integrity Officer and should have no prior involvement in the institution's inquiry, investigation, or allegation assessment.
 - H. *Disciplinary Action* shall be defined by the employee's contract.
 - I. *Employee* means, for the purpose of these instructions only, any person paid by, under the control of, or affiliated with CSU Stanislaus.
 - J. *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.
 - K. *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 part. A committee member does not act in good faith if his/her 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.
 - L. *Inquiry* means preliminary information-gathering and preliminary fact-finding that determines whether an allegation or apparent instance of research misconduct warrants an investigation.
 - M. *Institutional Counsel* means legal counsel who represents CSU Stanislaus during the research misconduct inquiry and investigation and who is responsible for advising the Research Integrity Officer, the inquiry and investigation committees, and the Deciding Official on relevant legal issues.
 - N. *Investigation* means the formal development of a factual record and the examination of that record leading to a decision not to make a finding of research misconduct or to a recommendation for a finding of research misconduct which may include a recommendation for other appropriate actions.

- O. *Notice* means a written communication served in person or sent by certified mail or its equivalent to the last known street address of the addressee.
- P. *Person* means any individual, corporation, partnership, institution, association, unit of government, or legal entity, however organized.
- Q. *Research* means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. Activities which meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.
- R. *Research Integrity Officer* means the CSU Stanislaus official, designated by the President, responsible for assessing allegations of research misconduct and determining when such allegations warrant inquiries and for overseeing inquiries and investigations.
- S. *Research misconduct proceeding* means any actions related to alleged research misconduct taken under this part, including but not limited to, allegation assessments, inquiries, investigations, oversight reviews, hearings, and administrative appeals.
- T. *Research record* means the record of data or results that embody the facts resulting from scientific 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 to an institutional official by a respondent in the course of the research misconduct proceeding.
- U. *Respondent* means the person against whom an allegation of research misconduct is directed or who is subject of a research misconduct hearing. There can be more than one respondent in any inquiry or investigation.
- V. *Retaliation* for the purpose of this part means an adverse action taken against a complainant, witness, or committee member by an Institution or one of its members in response to—
 - (1) A good faith allegation of research misconduct; or
 - (2) Good faith cooperation with a research misconduct proceeding.

VI. Roles and Responsibilities

A. Research Integrity Officer

1. The Research Integrity Officer will have primary responsibility for implementation of the procedures set forth in this document. The Research Integrity Officer will handle the procedural requirements involved and is sensitive to the varied demands made on those who conduct research, those who are accused of research misconduct, and those who report apparent research misconduct in good faith.
2. In responding to allegations of research misconduct, the Research Integrity Officer will make diligent efforts to ensure that the following functions are performed:
 - a. Any allegation assessment, inquiry, or investigation is conducted in a timely, objective, thorough, and competent manner;
 - b. Reasonable precautions are taken to avoid bias and real or apparent conflicts of interest on the part of those involved in conducting the inquiry or investigation;

- c. Interim administrative actions taken will be referred to the Deciding Official, as appropriate, to protect the public health, if there is an immediate health hazard involved (e.g. biohazardous materials, volatile human, or animal subjects) and inform the relevant funding agency if there are external funds or funded equipment involved.
 3. The Research Integrity Officer will assess the research misconduct allegation to determine whether there is sufficient evidence to warrant an inquiry. If, during the Preliminary Assessment, the Research Integrity Officer finds evidence that administrative actions may be warranted, he/she will refer the matter to the Deciding Official, who may take immediate administrative actions to protect the University and/or research participants from further harm.
 4. The Research Integrity Officer will appoint the inquiry and investigation committees and ensure that necessary and appropriate expertise is secured to carry out a thorough and authoritative evaluation of the relevant evidence in an inquiry or investigation. The Research Integrity Officer will attempt to ensure that confidentiality is maintained.
 5. The Research Integrity Officer will assist inquiry and investigation committees and all institutional personnel in complying with these procedures and with applicable standards imposed by government or external funding sources. The Research Integrity Officer is also responsible for maintaining files of all documents and evidence and for the confidentiality and the security of the files.
 6. The Research Integrity Officer will report and keep the appropriate funding agency (if applicable) apprised of any developments during the course of the inquiry or investigation that may affect current or potential funding for the individual(s) under investigation, to ensure appropriate use of those funds, or to otherwise protect the public interest.
 7. The Research Integrity Officer is responsible for ensuring that the inquiry/investigation process and all other steps required by this instruction are completed even in those cases where the respondent leaves CSU Stanislaus after allegations are made.
- B. Complainant
1. The complainant will have an opportunity to testify before the inquiry and investigation committees, to review portions of the inquiry and investigation reports pertinent to his/her allegations or testimony, to be informed of the results of the inquiry and investigation, and to be protected from retaliation. Also, if the Research Integrity Officer has determined that the complainant may be able to provide pertinent information on any portions of the draft report, these portions will be made available to the complainant for comment.
 2. The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with an inquiry or investigation.
- C. Respondent
1. The respondent will be informed of the allegations when an inquiry is opened and notified in writing of the final determinations and resulting actions. The respondent will also have the opportunity to be interviewed by and present evidence to the inquiry and

investigation committees, and to review the draft inquiry and investigation reports.

2. The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry or investigation. If the respondent is not found guilty of research misconduct, he or she has the right to receive institutional assistance in restoring his or her reputation.
- D. Deciding Official
1. The Deciding Official will receive the Research Integrity Officer's Preliminary Assessment Report and determine whether administrative or disciplinary actions are warranted. The Deciding Official will also receive the inquiry and/or investigation report and any written comments made by the respondent or the complainant on the draft report. S/he will consult with the Research Integrity Officer or other appropriate officials and will determine whether to conduct an investigation, whether misconduct occurred, whether to impose administrative or disciplinary actions, in accordance with the terms of the respondent's employment bargaining unit. The Deciding Official shall serve as the "president's designee" for disciplinary action and may be the "appropriate administrator" for administrative actions.

VII. General Responsibilities and Principles

A. Responsibility to Report Research Misconduct

1. All employees or individuals associated with California State University, Stanislaus will report research misconduct to the Research Integrity Officer. The Research Integrity Officer will promptly engage in an assessment of the allegation to determine whether it falls within the definition of research misconduct, involves funding support, and provides sufficient information to proceed with an inquiry.
2. At any time, an employee may have confidential discussions and consultations about concerns of possible research misconduct with the Research Integrity Officer and will be counseled about appropriate procedures for reporting allegations.

B. Protecting the Complainant

1. The Research Integrity Officer will monitor the treatment of individuals who bring allegations of research misconduct, and those who cooperate in inquiries or investigations. The Research Integrity Officer will ensure that these persons will not be retaliated against in the terms and conditions of their employment or other status at the institution and will review instances of alleged retaliation for appropriate action.
2. The identity of the complainant will be protected to the maximum extent possible. If an investigation is launched following an inquiry, it may become necessary to reveal the identity of the complainant to the respondent.
3. CSU Stanislaus employees who receive or learn of an allegation of research misconduct will treat the complainant with fairness and respect, and when the allegation has been made in good faith, will take reasonable steps to protect the position and reputation of the complainant and other individuals who cooperate with the institution against retaliation. Employees should immediately report any alleged or apparent retaliation to the Research Integrity Officer.

- C. Protecting the Respondent
1. Inquiries and investigations will be conducted in a manner that will ensure fair treatment to the respondent(s) in the inquiry or investigation and confidentiality to the extent possible without compromising public health and safety.
 2. CSU Stanislaus employees who receive or learn of an allegation of research misconduct will treat the respondent with fairness and respect. Employees will report significant deviations from these instructions to the Research Integrity Officer. The Research Integrity Officer will report any allegation not made in good faith to the Deciding Official for appropriate action.
- D. Employee Cooperation
- CSU Stanislaus employees will cooperate with the Research Integrity Officer and other institutional officials in the review of allegations and the conduct of inquiries and investigations. Employees have an obligation to provide relevant evidence to the Research Integrity Officer or other institutional officials on misconduct allegations.
- E. Employee Confidentiality
- CSU Stanislaus employees who make, receive, or learn of an allegation of research misconduct will protect, to the maximum extent possible, the confidentiality of information regarding the complainant, the respondent, and other affected individuals. The Research Integrity Officer may establish reasonable conditions to ensure the confidentiality of such information.

VIII. Timeline for Responding to Allegations of Research Misconduct

- Allegation of research misconduct brought to the Research Integrity Officer
- Assessment of allegation by Research Integrity Officer
- Referral of any allegation which may require interim administrative actions to the Deciding Official for action

Inquiry Phase

Appointment of Inquiry Committee by Research Integrity Officer (up to 10 calendar days)

Notification to Respondent of Inquiry Committee Members (within 5 calendar days)

Objection by Respondent to Inquiry Committee Membership (within 5 calendar days)

First meeting of the Inquiry Committee (within 10 calendar days)

Inquiry – (60 calendar day period between the *first* inquiry committee meeting and the submission of the final report by the Research Integrity Officer to the Deciding Official)

- Inquiry Process (up to 40 calendar days)
- Respondent Comment Period (up to 15 calendar days)
- Final Report by Research Integrity Officer to the Deciding Official (up to 5 calendar days)

Inquiry Decision by Deciding Official (up to 30 calendar days)

The Inquiry normally takes no more than 120 calendar days to complete, unless the Research Integrity Officer approves an extension for good cause.

Investigation Phase

Appointment of Investigation Committee by Research Integrity Officer (to be initiated within 30 calendar days of the completion of Inquiry)

Notification to Respondent of Investigation Committee Members (within 5 calendar days)
Objection by Respondent to Investigation Committee Membership (within 5 calendar days)
First meeting of the Investigation Committee (within 10 calendar days)
Investigation – (120 calendar day period between *first* investigation committee meeting and the submission of the final report by the Research Integrity Officer to the Deciding Official)

- Investigation Process (up to 90 calendar days)
- Respondent Comment Period (up to 20 calendar days)
- Final Report by Research Integrity Officer to the Deciding Official (up to 10 calendar days)

Investigation Decision by Deciding Official (up to 30 calendar days)
The Investigation normally takes no more than 200 calendar days to complete, unless the Research Integrity Officer approves an extension for good cause.

IX. Preliminary Assessment of Allegations

- A. Within ten calendar days upon receiving a written and signed allegation of research misconduct, the Research Integrity Officer will assess the allegation to determine whether:
- a. The allegation falls under the definition of research misconduct;
 - b. Federal, state, or other funding is involved;
 - c. There is sufficient evidence to merit an inquiry.

The respondent(s) will be provided a signed and dated statement of the allegation(s) and will be accorded an adequate opportunity to respond to the allegation(s). If the Research Integrity Officer determines that there is no basis for the allegation, he/she will prepare a written finding for the temporary research misconduct file, send written notification of the decision to the complainant and to the respondent, and the Preliminary Assessment shall end. If the Research Integrity Officer determines that the allegation is not substantive enough to warrant an inquiry, but an administrative action may be warranted, s/he will refer the matter to the Deciding Official to determine the necessary administrative action.

Records of Preliminary Assessments that do not proceed to Inquiry or Investigation will not be part of the respondent's personnel file.

- B. Following the preliminary assessment, if the Research Integrity Officer determines that the allegation provides sufficient information, falls under the definition of research misconduct, and merits further proceedings, he or she will immediately initiate the inquiry process. In initiating the inquiry, the Research Integrity Officer will identify clearly the original allegation and any related issues that should be evaluated.

X. Sequestration of the Research Records

- A. At the onset of the Preliminary Assessment, the Research Integrity Officer must ensure that all original research records and materials relevant to the allegation are secured.
1. Immediate Sequestration
The Research Integrity Officer will immediately locate, collect, inventory, and secure them to prevent the loss, alteration, or fraudulent creation of records.
 2. Institutional Access
Research records will be sequestered with the Research Integrity Officer for the duration

of the research inquiry and/or investigation. Under contracts, certain research records may belong to the federal or state agency, but the institution will be provided access to contract records in the custody of the institution for purposes of reviewing misconduct allegations.

3. Original Records

The documents and materials to be sequestered will include all the original items (or copies if originals cannot be located) that may be relevant to the allegations.

4. Sequestration of the Records from the Respondent

The Research Integrity Officer will notify the respondent that an inquiry is being initiated simultaneously with the sequestration so that the respondent can assist with location and identification of the research records. If the respondent is not available, the Research Integrity Officer will obtain the assistance of the respondent's supervisor and institutional counsel in this process, as necessary. In addition to securing records under the control of the respondent, the Research Integrity Officer will need to sequester records from other individuals, such as coauthors, collaborators, or complainants. As soon as practicable, a copy of each sequestered record will be provided to the individual from whom the record is taken.

5. Inventory of the Records

A dated receipt will be signed by the sequestering official and the person from whom an item is collected, and a copy of the receipt will be given to the person from whom the record is taken. If it is not possible to prepare a complete inventory list at the time of collection, one will be prepared as soon as possible, and then a copy will be given to the person from whom the items were collected.

6. Security and Chain of Custody

The Research Integrity Officer will store records and materials in a secure location. The persons from whom items are collected will be provided with a copy of any item. Where feasible, that person will have access to his or her own original items under the direct and continuous supervision of an institutional official. This will ensure that the original records are kept intact and unmodified. Questions about maintaining the records will be referred to the institutional counsel.

XI. Inquiry Notification of the Respondent

A. Contents of Notification

The Research Integrity Officer will notify the respondent in writing of the opening of the inquiry. The notification will identify the research project in question and the specific allegations, define research misconduct, identify the funding agency (if applicable), list the names of the members of the inquiry committee (when appointed) and experts (if any), explain the respondent's opportunity to challenge the appointment of a member of the committee or expert for bias or conflict of interest, to be assisted by personally retained counsel, to be interviewed, to present evidence to the committee, and to comment on the inquiry report; address the respondent's obligation as an employee of the institution to cooperate; describe the institution's policy on protecting the complainant against retaliation and the need to maintain the complainant's confidentiality during the inquiry and any subsequent proceedings.

B. Potential Respondents

If no specific respondent has been identified at this stage of the process, the Research Integrity Officer in close consultation with institutional counsel will notify each potential respondent that an inquiry will be undertaken (e.g., each coauthor on a questioned article or each investigator on a questioned grant application).

XII. Conducting the Inquiry

A. Purpose and Initiation of the Inquiry

The purpose of the inquiry is to make a preliminary evaluation of the available evidence and testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation. The purpose of the inquiry is **not** to reach a final conclusion about whether research misconduct definitely occurred or who was responsible. The findings of the inquiry must be set forth in an inquiry report.

B. Appointment of the Inquiry Committee

The Research Integrity Officer, in consultation with other institutional officials as appropriate, will appoint a faculty inquiry committee of at least three faculty members and a faculty committee chair within 10 calendar days of the initiation of the inquiry using the following procedures:

1. Committee Membership

The inquiry committee will consist of faculty who are tenured, of rank no less than that of the respondent and complainant, and who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry. These individuals may be researchers, subject matter experts, or other qualified faculty.

2. Experts

The inquiry committee, in consultation with the Research Integrity Officer, will determine whether additional experts other than those appointed to the committee need to be consulted during the inquiry to provide special expertise to the committee regarding the analysis of specific evidence. In this case, the experts provide a strictly advisory function to the committee; they do not vote and generally do not interview witnesses. The experts chosen may be from inside or outside of the institution.

3. Conflict of Interest or Bias

The Research Integrity Officer will take reasonable steps to ensure that the members of the committee and experts have no bias or personal or professional conflict of interest with the respondent, complainant, or the case in question. In making this determination, the Research Integrity Officer will consider whether the individual (or any members of his or her immediate family):

- a. has any financial involvement with the respondent or complainant;
- b. has been a coauthor on a publication with the respondent or complainant;
- c. has been a collaborator or co-investigator with the respondent or complainant;
- d. has been a party to research controversy with the respondent or complainant;

- e. has a supervisory or mentor relationship with the respondent or complainant;
- f. has a special relationship, such as a close personal friendship, or kinship with the respondent or complainant; or
- g. falls within any other circumstance that might appear to compromise the individual's objectivity in reviewing the allegations.

4. Objection by the Respondent

The Research Integrity Officer will notify the respondent of the proposed committee membership within 5 calendar days of the committee formation. The respondent has 5 calendar days to submit, to the Research Integrity Officer, a written objection about any appointed member of the inquiry committee. Upon receipt of the written objection, the Research Integrity Officer will determine whether to replace any challenged faculty member.

5. Confidentiality

Members of the committee and experts will agree in writing to observe the confidentiality of the proceeding and any information or documents reviewed as part of the inquiry. Outside of the official proceedings of the committee, they will not discuss the proceedings with the respondent, complainant, witnesses, or anyone not authorized by the Research Integrity Officer to have knowledge of the inquiry.

C. Provision of Assistance

The Research Integrity Officer, in consultation with the institutional counsel, will provide staff assistance and guidance to the committee and the experts on the procedures for conducting and completing the inquiry, including procedures for maintaining confidentiality, conducting interviews, analyzing evidence, and preparing the inquiry report.

D. Charge to the Committee and the First Meeting

1. The Research Integrity Officer will prepare a charge for the inquiry committee that describes the allegations and any related issues identified during the allegation assessment and states that the purpose of the inquiry is to make a preliminary evaluation of the evidence and testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation. The purpose is not to determine whether research misconduct definitely occurred or who was responsible.
2. At the committee's first meeting, the Research Integrity Officer will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The Research Integrity Officer and institutional counsel will be present or available throughout the inquiry to advise the committee as needed.

E. Inquiry Process

The inquiry committee will normally interview the complainant, the respondent, and key witnesses, as well as examine relevant research records and materials. Then the inquiry committee will evaluate the evidence and testimony obtained during the inquiry. After consultation with the Research Integrity Officer and institutional counsel, the committee

members will decide whether there is sufficient evidence of possible research misconduct to recommend further investigation. The scope of the inquiry does not include deciding whether research misconduct occurred or conducting exhaustive interviews and analyses.

F. General Approaches to Conducting the Inquiry Interview

1. Purpose of the Inquiry Interview

The purpose of an inquiry interview is to allow each respondent, complainant, or witness to tell his or her side of the story. The committee will not disclose information obtained from others interviewed unless this is necessary and can be done without identifying the source of the information.

2. Issues to Cover

Before an interview, the committee will provide each witness with a summary of the matters or issues intended to be covered at the interview. If the committee raises additional matters, the witness will be given an opportunity to supplement the record in writing or in another interview. The witness will be informed that his or her cooperation and truthful answers are expected.

3. Confrontation

Witnesses will not be told at this stage whether other testimony conflicts with theirs, although questions may be asked for purposes of clarifying the testimony.

4. Using Experts

The committee may request that experts attend or participate in interviews to assist in its evaluation of the allegations and related issues. If the committee determines that such participation is not appropriate, it may ask an expert to prepare questions for the committee to use at the interview. Any expert retained to assist the committee may read the transcripts or summaries of the interviews.

5. Transcribing Interviews

Interviews with the respondent will be transcribed or recorded. Interviews with anyone else will be summarized, recorded, or transcribed. A transcript or summary of the interview will be provided to each witness for review and correction of errors. Witnesses may add comments or information. Changes to the transcript or summary will be made only to correct factual errors. Interviews and recordings will be transcribed by an analyst or staff member with an appropriate level of confidential employment status.

6. Confidentiality of Interviews

Witnesses will be advised that the proceedings are confidential and that they should not discuss the inquiry or their interview with anyone else other than their counsel or adviser.

7. Access to Counsel

Witnesses may be accompanied and advised by legal counsel or by a non-legal adviser who is not a principal or witness in the case. However, the counsel or adviser may only advise the witness and may not participate directly in the interview. Witnesses will respond directly to the interview questions.

8. Order of Interviews

The inquiry committee will interview, if possible, the complainant, key witnesses, and the respondent, in that order. Witnesses will be asked to provide, in advance if possible, any relevant evidence including their own notes, manuscripts, research records, or other documents that were not sequestered previously but are relevant to the allegation.

9. Interviewing the Complainant

In interviewing the complainant, the inquiry committee will attempt to obtain as much additional evidence regarding the substance of the allegation as possible and to determine the complainant's view of the significance and impact of the alleged misconduct. However, it is not the complainant's responsibility to prove his or her allegations.

10. Interviewing the Respondent

The respondent will be asked to provide his or her own response to the allegations, including any analysis of the primary data. If the respondent claims that an honest error or difference of professional judgment occurred, he or she will provide any evidence to support that claim. If he or she requests, the respondent may make a closing statement at the end of the interview.

11. Recording Admissions

If the respondent admits to the research misconduct, the respondent will be asked immediately to sign a statement attesting to the occurrence and extent of the misconduct. Normally, an admission is a sufficient basis to proceed directly to an investigation. However, the admission may not be a sufficient basis for closing a case. Further investigation may be needed to determine the extent of the misconduct or to explore additional issues.

12. Committee Deliberations

The inquiry committee will evaluate the evidence and testimony obtained during the inquiry. The Inquiry Committee will decide whether there is sufficient evidence of possible research misconduct to recommend further investigation.

The scope of the inquiry does not include deciding whether research misconduct occurred or conducting exhaustive interviews and analyses. Committee deliberations will not be held in the presence of the interviewee. During the interview, the committee members will not debate among themselves or with witnesses over possible scientific interpretations. These questions will be reserved for private discussions among the inquiry committee members and expert consultants.

XIII. The Inquiry Report

A. Elements of the Inquiry Report

A written inquiry report must be prepared that states the name and title of the committee members and experts, if any; the allegations; funding support (if applicable); a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; a description of the evidence in sufficient detail to demonstrate whether an

- investigation is warranted; the committee's determination as to whether an investigation is recommended and whether any other action should be taken if an investigation is not recommended. Institutional counsel will review the report for legal sufficiency.
- B. **Comments on the Draft Report by the Respondent and the Complainant**
The Research Integrity Officer will make available to the respondent a copy of the draft inquiry report for comment and rebuttal and will make available to the complainant portions of the draft inquiry report that address the complainant's role and opinions in the inquiry.
1. **Confidentiality**
The Research Integrity Officer may establish reasonable conditions for review to protect the confidentiality of the draft report.
 2. **Receipt of Comments**
Within 15 calendar days of their receipt of the draft report, the complainant and respondent will provide their comments, if any, to the inquiry committee. Any comments that the complainant or respondent submits on the draft report will become part of the final inquiry report and record. Based on the comments, the inquiry committee may revise the report as appropriate.
- C. **Inquiry Decision and Notification**
1. **Decision by Deciding Official**
The Research Integrity Officer will transmit the final report and any comments to the Deciding Official, who will make the determination of whether findings from the inquiry provide sufficient evidence of possible research misconduct to justify conducting an investigation.
 2. **Notification**
The Research Integrity Officer will notify both the respondent and the complainant in writing of the Deciding Official's decision of whether to proceed to an investigation and will remind them of their obligation to cooperate in the event an investigation is opened. The Research Integrity Officer will also notify all appropriate institutional officials of the Deciding Official's decision. Records regarding Inquiries that do not proceed to Investigations will not be part of the respondent's personnel file and will be maintained by the Research Integrity Officer for three years.
- D. **Time Limit for Completing the Inquiry Report**
The inquiry committee will normally complete the inquiry and submit its report in writing to the Research Integrity Officer no more than 60 calendar days following its first meeting, unless the Research Integrity Officer approves an extension for good cause. If the Research Integrity Officer approves an extension, the reason for the extension will be entered into the records of the case and the report. The respondent also will be notified of the extension.

XIV. Sequestration of Additional Research Records

If an investigation is warranted, the Research Integrity Officer will immediately sequester any additional pertinent research records that were not previously sequestered during the inquiry. This sequestration will occur before or at the time the respondent is notified that an investigation has begun. The need for additional sequestration of records may occur for any number of

reasons, including the institution's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

XV. Investigation Notification to the Respondent

Contents of Notification

The Research Integrity Officer will notify the respondent in writing of the opening of the Investigation. The notification will identify the research project in question and the specific allegations, define research misconduct, identify the funding agency (if applicable), list the names of the members of the investigation committee (when appointed) and experts (if any), explain the respondent's opportunity to challenge the appointment of a member of the committee or expert for bias or conflict of interest, to be assisted by counsel, to be interviewed, to present evidence to the committee, and to comment on the inquiry report; address the respondent's obligation as an employee of the institution to cooperate; describe the institution's policy on protecting the complainant against retaliation and the need to maintain the complainant's confidentiality during the inquiry and any subsequent proceedings.

XVI. Conducting the Investigation

A. Purpose and Initiation of the Investigation

The purpose of the investigation is to explore in detail the allegations, to examine the evidence in depth, and to determine specifically whether misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations.

The investigation will normally involve examination of all documentation including, but not necessarily limited to, relevant research records, computer files, proposals, manuscripts, publications, correspondence, memoranda, and notes of telephone calls. Whenever possible, the committee should interview the complainant(s), the respondents(s), and other individuals who might have information regarding aspects of the allegations. Interviews of the respondent should be tape recorded or transcribed. All other interviews should be transcribed, recorded, or summarized. Summaries or transcripts of the interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.

The investigation committee will be appointed and the process initiated within 30 calendar days of the completion of the inquiry, if findings from that inquiry provide a sufficient basis for conducting an investigation.

B. Appointment of the Investigation Committee

1. Committee Membership

The Research Integrity Officer, in consultation with other institutional officials as appropriate, will appoint a faculty investigation committee and the faculty committee chair within 30 calendar days of the completion of the inquiry. The faculty investigation committee will consist of at least three faculty members and a faculty committee chair, who are tenured, of rank no less than that of the respondent and

complainant, who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegations, interview the principals and key witnesses, and conduct the investigation. These individuals may be researchers, subject matter experts, or other qualified faculty. If the committee identifies the need for additional outside expertise, they reserve the right to seek advice from an appropriate expert. Outside experts provide a strictly advisory function to the committee. Individuals appointed to the investigation committee may also have served on the inquiry committee.

2. Experts

The investigation committee, in consultation with the Research Integrity Officer, will determine whether additional experts other than those appointed to the committee need to be consulted during the inquiry to provide special expertise to the committee regarding the analysis of specific evidence. In this case, the experts provide a strictly advisory function to the committee; they do not vote and generally do not interview witnesses. The experts chosen may be from inside or outside of the institution.

3. Bias or Conflict of Interest

The Research Integrity Officer will take reasonable steps to ensure that the members of the committee and the experts have no bias or personal or professional conflict of interest with the respondent, complainant, or the case in question.

4. Objection by the Respondent

The Research Integrity Officer will notify the respondent of the proposed committee membership within 5 calendar days of the committee formation. The respondent has 5 calendar days to submit, to the Research Integrity Officer, a written objection about any appointed member of the investigation committee. Upon receipt of the written objection, the Research Integrity Officer will determine whether to replace any challenged faculty member.

5. Confidentiality

Members of the committee and experts will agree in writing to observe the confidentiality of the proceeding and any information or documents reviewed as part of the inquiry. Outside of the official proceedings of the committee, they may not discuss the proceedings with the respondent, complainant, witnesses, or anyone not authorized by the Research Integrity Officer to have knowledge of the inquiry.

C. Provision of Assistance

The Research Integrity Officer, in consultation with the institutional counsel, will provide staff assistance and guidance to the committee and the experts on the procedures for conducting and completing the inquiry, including procedures for maintaining confidentiality, conducting interviews, analyzing data, and preparing the inquiry report.

D. Charge to the Investigation Committee and the First Meeting

1. Charge to the Committee

The Research Integrity Officer will define the subject matter of the investigation in a written charge to the committee that describes the allegations (and related issues identified during the inquiry), defines research misconduct, and identifies the name of the respondent. The charge will state that the committee is to evaluate the

evidence and testimony of the respondent, complainant, and key witnesses to determine whether, based on clear and convincing evidence, research misconduct occurred and, if so, to what extent, and who was responsible.

During the investigation, if additional information becomes available that substantially changes the subject matter of the investigation or would suggest additional respondents, the committee will notify the Research Integrity Officer, who will determine whether it is necessary to notify the respondent of the new subject matter or to provide notice to additional respondents.

2. The First Meeting

The Research Integrity Officer, with the assistance of institutional counsel, will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan.

E. Developing an Investigation Plan

At the initial meeting, the committee will begin development of its investigative plan and complete it as soon as reasonably possible. The investigation plan will include an inventory of all previously secured evidence and testimony; a determination of whether additional evidence needs to be secured; what witnesses need to be interviewed, including the complainant, respondent, and other witnesses with knowledge of the research or events in question; a proposed schedule of meetings, briefing of experts, and interviews; anticipated analyses of evidence (scientific, forensic, or other); and a plan for the investigative report.

F. General Approaches to Conducting the Investigation

During the investigation, the committee will take the following steps:

1. Avoid Bias or Conflict of Interest:

All necessary steps must be taken to avoid bias or conflict of interest between the committee and experts and the respondent, complainant, and witnesses.

2. Refer Other Issues:

The Research Integrity Officer must be advised of any necessary interim actions to protect the research funds, human or animal subjects, or other steps required by regulation and policy. This includes any intermediary corrective and/or protective action necessary to ensure animal or human subject protection. This may also include notification and reporting procedures to the appropriate funding agency for oversight as required by that funding agency's policy on research misconduct.

3. Consult with the Research Integrity Officer and institutional counsel:

The Research Integrity Officer and institutional counsel will be consulted throughout the investigation on compliance procedures and regulations, appropriate investigatory and interviewing methods and strategies, legal issues, and the standard of proof. The Research Integrity Officer and institutional counsel will be present or available throughout the investigation to advise the committee.

G. Reviewing the Evidence

The investigation committee will obtain and review all relevant documentation and perform or cause to be performed necessary analyses of the evidence, including scientific, forensic, statistical, or other analyses as needed. The Investigation Committee may expand the investigation to include other projects with which the respondent(s) is or has been involved where the investigation thus far (a) suggests a substantive link between the project under investigation and other projects; (b) establishes that the same research team was or may have been involved with other projects; (c) indicates a pattern or practice of misconduct; (d) reveals other appropriate circumstances under which review should be expanded.

H. Conducting Investigation Interviews

The investigation committee will conform to the following guidelines:

1. Conducting the Interviews

The investigation committee will conduct the interviews as described in the inquiry, except that at the investigative stage interviews will be in depth and all significant witnesses will be interviewed. Each witness will have the opportunity to respond to inconsistencies between his or her testimony and the evidence or other testimony, subject to the need to take reasonable steps to maintain the confidentiality of the testimony of the respondent and other witnesses.

2. Preparing for Interviews

The investigation committee will prepare carefully for each interview. All relevant documents and research data will be reviewed in advance and specific questions or issues that the committee wants to cover during the interview will be identified. The committee will appoint one individual to take the lead on each interview. If significant questions or issues arise during an interview that requires committee deliberation, the committee will take a short recess to discuss the issues. Committee deliberations will never be held in the presence of the interviewee.

3. Objectivity

The investigation committee will conduct all interviews in a professional and objective manner, without implying guilt or innocence on the part of any individual.

4. Transcribing Interviews

Any interview with the respondent will be transcribed or recorded. Interviews with anyone else will be summarized, recorded, or transcribed. A transcript or summary of the interview will be made available to each witness for review and correction of errors. Witnesses may add comments or additional information, but changes to the transcript or summary will only be made to correct factual errors. Interviews and recordings will be transcribed by an analyst or staff member with an appropriate level of confidential employment status.

5. Recording Admissions

If the respondent admits to the misconduct, he or she will be asked immediately to sign a statement attesting to the occurrence and extent of the misconduct, acknowledging that the statement was voluntary, and stating that the respondent was advised of his or her right to seek the advice of counsel. The committee will consult with the

institutional counsel on the specific form and procedure for obtaining this statement. The admission may not be used as a basis for closing the investigation unless the committee has adequately determined the extent and significance of the misconduct and all procedural steps for completion of the investigation have been met. The investigation should not be closed unless the respondent has been appropriately notified and given an opportunity to comment on the investigative report.

I. Committee Deliberations

1. Burden and Standard of Proof

In reaching a conclusion on whether there was research misconduct and who committed it, the burden of proof is on the institution to support its conclusions and findings by clear and convincing evidence.

2. Definition of Research Misconduct

The committee will consider whether fabrication, falsification, or plagiarism, in proposing, performing, or reviewing research or reporting research occurred.

3. Sufficient Evidence

The committee will consider whether there is sufficient evidence of misconduct committed intentionally, or knowingly, or recklessly such that the institution can meet its burden of proving research misconduct by clear and convincing evidence. The committee will also consider whether the respondent has presented substantial evidence of honest error or honest differences in interpretations or judgments of data, such that research misconduct cannot be proven by clear and convincing evidence.

XVII. The Investigation Report

A. Standard Outline of the Investigation Report:

1. Background

- Chronology of events

2. Allegations

3. Funded Support (if applicable)

4. Institutional Inquiry: Process

- Composition of committee

- Individuals interviewed

- Evidence sequestered and reviewed

5. Institutional Investigation: Process

- Composition of committee

- Individuals interviewed

- Evidence sequestered and reviewed

6. Institutional Investigation: Analysis

For each allegation:

- Background

- Analysis of all the relevant evidence and specific identification of evidence supporting the finding

- Conclusion: research misconduct or no research misconduct

7. Recommended Institutional Actions

8. Attachments (Significant documentary evidence)

B. Annotated Outline for an Investigation Report

1. Background

Include sufficient background information to ensure a full understanding of the issues under the definition of research misconduct. This section will detail the facts leading to the institutional inquiry, including a description of the research at issue, the persons involved in the alleged misconduct, and the role of the complainant. All relevant dates and chronology will be included.

2. Allegations

List all the allegations of research misconduct raised by the complainant and any additional research misconduct allegations that arose during the inquiry and investigation. The source and basis for each allegation or issue will be cited except to the extent that the confidentiality of a complainant requesting anonymity is compromised or where the identity of the source is irrelevant or unnecessary. The allegations identified in this section will form the structure or context in which the subsequent analysis and findings are presented.

3. Funded Support (if applicable)

For each allegation of research misconduct, identify the funding agency support for the research or report (*e.g.*, publication) at issue or the application containing the falsification/fabrication or plagiarism.

4. Institutional Inquiry: Process

Summarize the inquiry process, including the composition of the committee (names, degrees, departmental affiliation, and expertise), and the charge to the committee. List the persons interviewed, the evidence secured and reviewed and the measures taken to ensure its security, the policies and procedures used, and any other factors that may have influenced the proceedings.

5. Institutional Investigation: Process

Summarize the investigation process, including the composition of the committee (names, degrees, departmental affiliation, and expertise), and the charge to the committee. List the persons interviewed, the evidence secured and reviewed and the measures taken to ensure its security, the policies and procedures used (or citation to the pertinent section of the institution's policies and procedures), and any other factors that may have influenced the proceedings.

6. Institutional Investigation: Analysis

For each allegation:

Background

Describe the particular matter (*e.g.*, experiment or component of a clinical protocol) in which the alleged misconduct occurred and why and how the issue came to be under investigation.

Analysis

The analysis will take into account all the relevant statements, claims (*e.g.*, a claim of a significant positive result in an experiment), rebuttals, documents,

and other evidence, including circumstantial evidence, related to the issue. The source of each statement, claim, or other evidence will be cited.

Any use of additional expert analysis should be noted (forensic, statistical, or special analysis of the physical evidence, such as similarity of features or background in contested figures). Summarize or quote relevant statements, including rebuttals, made by the complainant, respondent, and other pertinent witnesses and reference/cite the appropriate sources.

Summarize each argument that the respondent raised in his or her defense against the research misconduct allegation and cite the source of each argument. Any inconsistencies among the respondent's various arguments will be noted.

Describe any evidence that shows that the respondent acted with intent, that is, any evidence that the respondent knowingly engaged in the alleged falsification, fabrication, plagiarism, or a significant departure from accepted practice of the relevant research community with regard to proposing, conducting, or reporting research. Similarly, describe the evidence supporting the possibility that honest error or differences of scientific opinion occurred with respect to the issue.

Conclusions

a. Findings of Research Misconduct or No Research Misconduct

Concisely state the investigation committee's finding for each identified issue. A finding of research misconduct will be supported by clear and convincing evidence.

If the investigation committee finds research misconduct on one or more issues, the report should identify the type of misconduct for each issue.

The report will indicate the extent and significance of the research misconduct including its effect on research findings, publications, research subjects, and the laboratory or project in which the misconduct occurred.

If the investigation committee determines that the respondent committed research misconduct by seriously deviating from "other commonly accepted practices," the report will thoroughly document the commonly accepted practice of the relevant professional community at the time the misconduct occurred and indicate the extent of the respondent's deviation from that standard.

Publications, standards of the institution or relevant professional societies, State and Federal regulations, expert opinion, and other sources should be described and cited as the basis for the commonly accepted practice. The serious deviation will be described in detail, indicating why the alleged act was a serious deviation.

b. Research Misconduct under the Institution's Policies

The investigation committee may determine that an action does not constitute research misconduct. Any issue that the investigation committee determines to be research misconduct solely under the institution's own definition will be identified.

7. Recommended Institutional Actions

Based on its findings, the investigation committee will recommend actions that it believes the institution will take consistent with its policies and procedures. The institution will also identify any published research reports or other sources of scientific information (such as databases) that will be retracted or corrected and take steps to ensure that appropriate officials who can effect these corrections or retractions are notified.

8. Attachments

Copies of all significant documentary evidence that is referenced in the report will be appended to the report, if possible (relevant notebook pages or other research records, relevant committee or expert analyses of data, transcripts or summary of each interview, respondent and complainant responses to the draft report(s), manuscripts, publications or other documents, including grant progress reports and applications, etc.).

C. Documenting the Investigation File

1. Index of Evidence

The investigation committee will maintain an index of all the relevant evidence it secured or examined in conducting the investigation, including any evidence that may support or contradict the report's conclusions. Evidence includes, but is not limited to, research records, transcripts or recordings of interviews, committee correspondence, administrative records, grant applications and awards, manuscripts, publications, and expert analyses.

2. Purpose of Documentation

The purpose of the documentation is to substantiate the investigation's findings.

3. Record Retention

After completion of a case and all ensuing related actions, the Research Integrity Officer will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the Research Integrity Officer or committees. The Research Integrity Officer will keep the file for seven years after completion of the case.

D. Comment on the Draft Report

1. Respondent

The Research Integrity Officer will make available to the respondent a copy of the draft investigation report for comment and rebuttal. The respondent will be allowed 20 calendar days to review and comment on the draft report. The respondent's comments will be attached to the final report. The findings of the final report will

take into account the respondent's comments in addition to all the other evidence.

2. Complainant

During the same time period, the Research Integrity Officer will make available to the complainant those portions of the draft investigation report that address the complainant's role and opinions in the investigation. The complainant will be allowed 20 calendar days to review and comment. The complainant's comments will be attached to the final report. The findings of the final report will take into account the complainant's comments in addition to all the other evidence.

3. Institutional Counsel

The draft investigation report will be transmitted to the institutional counsel for a review of its legal sufficiency. Revisions from counsel should be incorporated into the report as deemed appropriate by the faculty Investigation Committee.

4. Confidentiality

The Research Integrity Officer will inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality.

E. Time Limit for Completing the Investigation Report

The final investigation report will be submitted to the Deciding Official within 120 calendar days of the first meeting of the investigation committee, unless the Research Integrity Officer approves an extension for good cause. If the Research Integrity Officer approves an extension, the reason for the extension will be entered into the records of the case and the report. The respondent also will be notified of the extension. All attachments to the final report will be submitted with the report.

F. Institutional Review and Decision

Based on clear and convincing evidence, the Deciding Official will make the final determination whether to accept the investigation report, its findings, and the recommended institutional actions. If this determination varies from that of the investigation committee, the Deciding Official will explain in detail the basis for rendering a decision different from that of the investigation committee. The Deciding Official may also return the report to the investigation committee with a request for further fact-finding or analysis.

When a final decision on the case has been reached, the Research Integrity Officer will notify both the respondent and the complainant in writing. In addition, the Deciding Official will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The Research Integrity Officer is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

XVIII. Institutional Actions

CSU Stanislaus will take appropriate actions against individuals when an allegation of misconduct has been substantiated.

If the Deciding Official determines that the alleged misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken, after consultation with the Research Integrity Officer.

XIX. Other Considerations

A. Termination of Institutional Employment or Resignation Prior to Completing Inquiry or Investigation

The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the misconduct procedures.

If the respondent, without admitting to the misconduct, elects to resign his or her position prior to the initiation of an inquiry, but after an allegation has been reported, or during an inquiry or investigation, the inquiry or investigation will proceed. If the respondent refuses to participate in the process after resignation, the committee will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's failure to cooperate and its effect on the committee's review of all the evidence.

B. Restoration of the Respondent's Reputation

If a finding of research misconduct is subsequently overturned, after consulting with the respondent, the Research Integrity Officer will undertake reasonable efforts to restore the respondent's reputation. Depending on the particular circumstances, the Research Integrity Officer will notify those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in forums in which the allegation of research misconduct was previously publicized, and expunge all reference to the research misconduct finding from the respondent's personnel file. Any institutional actions to restore the respondent's reputation must first be approved by the Deciding Official.

C. Protection of the Complainant and Others

Regardless of whether the institution determines that research misconduct occurred, the Research Integrity Officer will undertake reasonable efforts to protect complainants who made allegations of research misconduct in good faith and others who cooperate in good faith with inquiries and investigations of such allegations. Upon completion of an investigation, the Deciding Official will determine, after consulting with the complainant, what steps, if any, are needed to restore the position or reputation of the complainant. The Research Integrity Officer is responsible for implementing any steps the Deciding Official approves.

D. Allegations Not Made in Good Faith

If relevant, the Deciding Official will determine whether the complainant's allegations of research misconduct were made in good faith. If an allegation was not made in good faith, the Deciding Official will refer the matter to the proper institutional or government office for action.

XX. Referral of Other Issues

If the research misconduct proceeding identifies non-research misconduct issues, the RIO should refer these matters to the proper institutional or government office for action.

Since definitions of misconduct and standards of proof may vary with differing issues, each such non-research misconduct issue may necessitate a wholly separate investigation. Those separate investigations are not covered by this policy.

Academic Senate approved on April 24, 2007

President approved on May 22, 2007