



# California Health Sciences University

## RESEARCH MISCONDUCT POLICY

### I. APPLICABILITY

This policy applies to all individuals who are engaged in the design, conduct or reporting of research whether or not the research is funded. The policy also applies to anyone engaged in the design, conduct or reporting of research through a sponsored program administered through CHSU either in whole or in collaboration with other institutions.

### II. DEFINITIONS

The following definitions apply:

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

**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. The research record is the record of data or results that embody the facts resulting from scientific inquiry, and includes, but is not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports and journal articles.

**Plagiarism** is defined by the University's policy on Academic Freedom and Integrity, or as otherwise required by law.

### III. FINDINGS OF RESEARCH MISCONDUCT

A finding of research misconduct requires that there be a significant departure from accepted practices of the relevant research community, and that the misconduct be committed intentionally or knowingly or recklessly, and the allegation be proven by a preponderance of evidence.

### IV. PROCEDURES

#### A. Reporting

Any accusation of research misconduct from any source should be reported to the Provost's Office either verbally or in writing. The Provost shall make a determination as to whether the accusations constitute good faith allegations of research misconduct and warrant further



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investigation. The Provost should also notify the accused party(s) in writing that an accusation has been made and whether or not an investigation will be initiated. Any person bringing an accusation of research misconduct is protected from retaliation by University policy; the University prohibits any such retaliation. Any person who knowingly brings a fraudulent accusation of research misconduct may be subject to discipline, up to and including dismissal or termination of employment.

### **B. Investigation**

Should the Provost determine that further investigation is warranted, the Provost will select a single neutral investigator external to the University. This investigator will make findings of fact regarding the allegations based on a preponderance of the evidence.

Generally, the investigator will conduct the necessary business and issue a report to the Provost within thirty (30) calendar days of their appointment, unless more time is required to complete a thorough investigation. Both the accused and the accuser will receive copies of the investigator's findings, but the full investigation report is confidential and neither party has a right to that document. Following the investigation, the Provost may appoint an internal adjudicating panel to review the findings and make recommendations to the Provost as to an appropriate outcome. If an internal adjudicating panel is used, the Provost will make the final determination after reviewing the panel's recommendations. If no internal adjudicating panel is used, the Provost alone will be responsible for making a final determination based on the investigator's findings.

### **C. Reporting to Federal Agencies**

The University will notify the funding agency (or agencies in some cases) of an allegation of research misconduct if (1) the allegation involves Federally funded research (or an application for Federal funding) and meets the Federal definition of research misconduct given above, or (2) as otherwise required by law or requirements of the grant funding such research. The University will provide any such documentation and information to the funding agency(ies) as required by law.

Notwithstanding the above, at any time during an investigation, the institution will immediately notify the appropriate Federal agency if public health or safety is at risk; if agency resources or interests are threatened; if research activities should be suspended; if there is reasonable indication of possible violations of civil or criminal law; if Federal action is required to protect the interests of those involved in the investigation; if the research institution believes the inquiry or investigation may be made public prematurely so that appropriate steps can be taken to



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safeguard evidence and protect the rights of those involved; or if the research community or public should be informed.

### **D. Investigation Outcome and Disciplinary Procedures**

The accused and complaining party will be notified by the Provost of the outcome of the complaint. If research misconduct is found to occur, the accused may be subject to discipline up to and including dismissal or termination of employment. The Provost's decision shall be final.

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- Policy Owner: VP for Research
  - Effective Date: 3/21/2019
  - Approval by Provost Date: 4/02/2019
  - Approval by the President Date: 4/04/2019