

UCLA Policy 993: Responding to Allegations of Research Misconduct

Issuing Officer: Executive Vice Chancellor & Provost

Responsible Dept: Office of the Vice Chancellor for Research

Effective Date: June 16, 2006

Supersedes: UCLA Policy 993, dated 7/1/1998; and
UCLA Procedure 993.1, dated 7/1/1997



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[References] [Definitions] [General Policy] [Procedures] [Attachments]

I. REFERENCES

1. UC Policy on Integrity in Research, June 19, 1990;
2. UCLA Policy 910, Management of Contract and Grant Projects;
3. Code of Federal Regulations, Title 42, Part 93: Public Health Services Policies on Research Misconduct, as modified, effective June 16, 2005).

II. DEFINITIONS

Initial Assessment: Initial evaluation of allegations of Research Misconduct by the Research Integrity Officer.

Inquiry: Preliminary information gathering and fact-finding to determine whether an allegation of Research Misconduct warrants an Investigation.

Investigation: The formal development of a factual record and the examination and evaluation of that record to determine if Research Misconduct has occurred and, if so, to determine the responsible person(s).

Research: A systematic experiment, study, evaluation, demonstration or survey designed to develop or contribute to general knowledge (basic Research) or specific knowledge (applied and demonstration Research) by establishing, discovering, developing, elucidating or confirming information about or the underlying mechanism relating to, causes, functions or effects.

Research Integrity Officer: The institutional official at UCLA responsible for coordinating campus actions taken in response to allegations of Research Misconduct. At UCLA, the Vice Chancellor for Research (VCR) serves as the Research Integrity Officer,

except that the Vice Chancellor, Academic Personnel shall serve instead of the VCR if, in a particular Research Misconduct Proceeding, the VCR has a conflict of interest.

Research Misconduct: Fabrication, falsification, or plagiarism in proposing, performing, or reviewing Research, or in reporting Research results. It does not include honest error or differences of opinion.

- **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.
- **Plagiarism** is the appropriation of another person's ideas, processes, results, or words, without giving appropriate credit, but not a dispute among collaborators about authorship or credit.

Research Misconduct Investigator: A person designated by the VCR to assist in conducting a Research Misconduct Proceeding.

Research Misconduct Proceeding: Any formal University action (or other action by a Research Sponsor with regulatory responsibility) related to an allegation of Research Misconduct, including but not limited to an Initial Assessment, Inquiry, or Investigation.

Research Record: The record of data or results that embody the facts resulting from Research, including but not limited to Research proposals, laboratory records (both physical and electronic), progress reports, abstracts, theses, oral presentations, databases, internal reports, and journal articles, as well as any documents and materials provided to the Research Sponsor or to UCLA, or its employees, by a Respondent in the course of a Research Misconduct Proceeding.

Research Sponsor: A governmental or non-governmental entity that funds Research (such as the Public Health Service, the National Science Foundation, or the American Cancer Society) or has oversight responsibility for Research Misconduct, such as the Office of Research Integrity of the U.S. Department of Health and Human Services (ORI).

Respondent: The person or persons against whom an allegation of Research Misconduct is directed or who is the subject of a Research Misconduct Proceeding.

III. GENERAL POLICY

UCLA is committed to maintaining the integrity of scholarship and Research and to fostering a climate conducive to Research integrity in accordance with the University's Policy on Integrity in Research. Such integrity includes not just the avoidance of wrong doing, but also the rigor, carefulness and accountability that are hallmarks of good scholarship. All persons engaged in Research at

UCLA are responsible for adhering to the highest standards of intellectual honesty and integrity. Faculty and other supervisors of Research have a responsibility to create an environment that encourages those high standards through open publication and discussion, emphasis on quality of Research, appropriate supervision, maintenance of accurate and detailed Research procedures and results, and suitable assignment of credit and responsibility for Research.

UCLA assumes primary responsibility for: 1) assessing allegations of Research Misconduct; 2) conducting Inquiries and Investigations; 3) reporting the results to Research Sponsors as required; 4) determining and implementing disciplinary action as appropriate; 5) cooperating with Research Sponsors, such as ORI, during Research Misconduct Proceedings and assisting in administering and enforcing any federal administrative actions imposed upon UCLA or persons at UCLA; 6) having in place an active assurance of compliance with ORI; and 7) taking reasonable steps to ensure the cooperation of Respondents and others at UCLA with Research Misconduct Proceedings.

Some practices (including but not limited to matters involving misuse of University funds, facilities and resources, use of human subjects, confidentiality, authorship, conflicts of interest, conflicts of commitment, misuse of animals, etc.) are not Research Misconduct, but may be violations of other University policies, such as the Code of Faculty Conduct, the UCLA Student Code of Conduct, or Personnel Policies for Staff Members.

This policy is intended to satisfy the requirements of the U.S. Department of Health and Human Services (DHHS), and other federal agencies. However, this policy also applies to all Research conducted under the responsibility of UCLA, whether or not the Research is supported by an external sponsor.

IV. PROCEDURES

A. Applicability

This policy is applicable to all individuals with an appointment or formal affiliation with UCLA, including: faculty; staff; postdoctoral scholars; visiting scholars; graduate students engaged in the preparation of Masters or Ph.D. theses; and students (either graduate or undergraduate) while satisfying requirements (such as paid or unpaid internships in Research laboratories or summer employment incidental to their student status) or while supported by funds from Research training grants, except that it does not apply to a student's classroom actions such as assignments.

This policy does not apply to a faculty member's classroom actions such as the preparation and presentation of classroom lectures, examinations or websites. Scholarly activities that do not fall specifically within the definition of Research remain governed by the Faculty Code of Conduct and other University of California and UCLA policies.

B. Allegations of Research Misconduct

Any individual (whether faculty, staff, student, or individual outside the University community) may report, either orally or in writing, suspected Research Misconduct against one or more persons. Such an allegation should normally be addressed to the Respondent's chair, director, or dean. Whoever receives such an allegation shall promptly notify the Research Integrity Officer [the Vice Chancellor for Research (VCR)].

C. Initial Assessment

Upon receiving an allegation of Research Misconduct, the VCR shall promptly make an Initial Assessment to determine whether the alleged facts are: 1) within the definition of Research Misconduct; 2) sufficiently serious, credible and specific so that potential evidence of Research Misconduct may be identified; and 3) within the limitation period.

If the VCR determines that these criteria have been met, the VCR shall initiate an Inquiry, as provided in IV.F below, and shall:

- if the Respondent is an academic appointee, notify the Vice Chancellor, Academic Personnel who may temporarily stay any pending personnel action involving the Respondent;
- if the Respondent is a student, notify the Dean of Students, who may temporarily withhold a diploma or transcript, with concurrent notice to the Dean of the Graduate Division in the case of a graduate student;
- if the Respondent is a postdoctoral scholar or visiting scholar, notify the appropriate academic dean, with concurrent notice to the Dean of the Graduate Division; and
- if the Respondent is a staff member, notify the Assistant Vice Chancellor – Campus Human Resources.

If the VCR determines that an Inquiry is not warranted, the case will be closed, although the matter may be referred to other campus officers, as appropriate.

Notice to Respondent. Whether or not an Inquiry is initiated, within a reasonable time and no later than the commencement of an Inquiry, if any, the VCR shall notify the Respondent of the allegation in writing, and reference this policy.

Limitation Period. No Inquiry shall be initiated more than six years after the receipt of an allegation of Research Misconduct, unless 1) for potential benefit, the Respondent has continued or renewed any incident of alleged Research Misconduct through the citation, re-publication or other use of the Research Record at issue; 2) the alleged Research Misconduct would possibly have a substantial adverse effect on the health or safety of the public; or 3) the allegation was made prior to June 16, 2005, the date on which the current Public Health Service regulations became effective.

D. Securing of Evidence

With the assistance of a Research Misconduct Investigator, representatives from Audit and Advisory Services, Campus Counsel, and/or the Inquiry Committee (see IV.F, below), the VCR shall take reasonable and practical steps to obtain custody of, inventory, and securely sequester all Research Records and evidence required to conduct the Inquiry and Investigation. This may include either data on instruments that are shared among a number of users or copies of that data, provided that those copies are substantially equivalent to the evidentiary value of the instruments.

1. At each stage of these proceedings, those responsible for conducting the Inquiry and Investigation shall notify the VCR when and if additional evidence is identified that needs to be secured and retained hereunder.
2. The Respondent shall receive copies of, or reasonably supervised access to, the Research Record to prepare a response and to continue Research.
3. The VCR shall securely maintain such data and evidence as well as the records of the Inquiry and Investigation Committees for seven years after the completion of a UCLA Research Misconduct Proceeding, unless custody of the records has been transferred to a Research Sponsor or a Research Sponsor has notified UCLA that the records are no longer needed.

E. General Standards for Committees and Administrators

In appointing persons to conduct an Inquiry (see IV.F, below) or Investigation (see IV.G, below), the VCR shall assure, to the extent practicable, that such persons: 1) have appropriate scholarly expertise; and 2) do not have any unresolved personal, professional or financial conflicts of interest with the complainant, Respondent or principal witnesses involved in a Research Misconduct Proceeding, although they may be members of the Respondent's, complainant's or witness' departments, schools or disciplines and may have collaborated with any of them in the past.

The VCR and the members of the Inquiry and Investigation Committees shall assure a thorough, competent, objective and fair Inquiry and Investigation. A Committee may investigate more than one Respondent.

An Inquiry or Investigation Committee is under a continuing obligation to identify and secure any unsecured evidence relevant to the Inquiry or Investigation and to so notify the VCR under IV.D, above.

Confidentiality. To the extent possible, UCLA and all participants in Research Misconduct Proceedings shall limit disclosure of the identity of Respondents and complainants to those who need to know, provided that this limit is consistent with a thorough, competent, objective and fair Research Misconduct Proceeding and with law. Except as may otherwise be prescribed by applicable law and University policy, and as necessary to conduct Research Misconduct Proceedings, confidentiality must be maintained for any records or evidence from which Research subjects may be identified.

Settlement. At any time during or after an Initial Assessment, the VCR may settle, in writing, and close a Research Misconduct

Proceeding, after consultation with the appropriate campus administrators and with a Research Sponsor if required, and subject to any UC policies on settlement agreements.

F. Conducting an Inquiry

Following a decision to initiate an Inquiry (see IV.C, above), the VCR shall appoint an Inquiry Committee consisting of one or more persons to conduct preliminary information gathering and fact-finding with respect to the allegations. With the concurrence of the VCR, this Committee may ask the Research Misconduct Investigator or Campus Counsel for assistance.

The following table lists the sequential actions to be taken in conducting an Inquiry and the person(s) with responsibility for each action:

RESPONSIBILITY	ACTION
VCR	Appoints an Inquiry Committee of one or more persons.
Inquiry Committee	Engages in preliminary information gathering and fact-finding. If, based upon that fact-finding, the Committee determines that: 1) there is a reasonable basis for concluding that the allegations fall within the definition of Research Misconduct, and (2) the allegations may have sufficient substance, then the Committee shall recommend to the VCR that an Investigation is warranted. Prepares a draft Inquiry report that includes: the name and position of the Respondent; a description of the allegations; the basis for determining whether to recommend that the Respondent's alleged actions warrant an Investigation; and a description of any extramural support for the Research at issue (e.g., the proposal, grant or contract number, or publications that cite such support). Forwards a copy of this draft Inquiry report to the VCR for transmittal to the Respondent who may return written comments within two weeks.
VCR	May provide comments as to whether the Committee's actions and draft Inquiry report conform to this policy, and transmits the comments (if any) of the Respondent and VCR to the Inquiry Committee.
Inquiry Committee	Within sixty (60) days of its appointment (unless the VCR concurs in writing that the circumstances warrant an extension of time), considers any comments provided by the Respondent and VCR, and submits to the VCR its Inquiry report with the Respondent's comments attached.
VCR	Within two weeks of receiving the Inquiry report, decides whether to accept the Committee's determination as to whether an Investigation is warranted.
	Sends a copy of the Inquiry report and the VCR's written determination to the Respondent, along with references to this policy and the policies on Research Misconduct of the Research Sponsor (e.g., PHS Policies on Research Misconduct, 42 CFR Part 93).

G. Conducting an Investigation

1. Appointment of Committee

Within thirty (30) days of the determination that an Investigation is warranted, the VCR shall appoint an Investigation Committee to determine whether Research Misconduct has occurred. The VCR shall so notify the Respondent.

In appointing an Investigation Committee, the VCR shall consult with 1) the appropriate chair, director or dean, and 2) if the Respondent is an academic appointee, the Chair of Charges; if a staff member, the Assistant Vice Chancellor – Campus Human Resources; if a student, the Dean of Students; or, if a postdoctoral scholar or visiting scholar, the appropriate academic dean.

The composition of an Investigation Committee shall be as follows:

- If Respondent is a member of the Academic Senate, the Committee will consist of three members of the University of California Academic Senate, or more if warranted in the view of the VCR, and at the discretion of the UCLA Academic Senate Charges Committee, a representative designated by that Committee.
- If Respondent is an academic appointee who is not a member of the Academic Senate, a staff member or a student, the Committee will consist of two or three members of the University of California Academic Senate, or more if warranted in the view of the VCR. The VCR has the discretion to appoint an additional member from the respondent's peer group (non-Senate academic appointee [e.g., professional researcher, adjunct faculty, visiting scholar or post-doctoral scholar]; staff or student).

2. Investigation

The Investigation Committee shall take reasonable steps to: ensure an impartial and unbiased Investigation; comply with IV.D & E, above; diligently pursue all significant and relevant issues and leads; ensure that the Investigation is thorough and sufficiently documented; and examine all relevant Research Records and evidence, including evidence of additional allegations of Research Misconduct and evidence reasonably identified by the Respondent.

During the Investigation, the Respondent shall have the right to be represented, but the right of the Respondent and a representative to attend meetings of the Committee is limited to those times when the Respondent is being interviewed. If the Respondent elects to have legal counsel, Campus Counsel will also be invited to participate.

An Investigation Committee must complete its work, including the formal development of a factual record and the preparation of and transmittal to the VCR of its preliminary and final reports within one hundred and twenty (120) days of its appointment. The VCR may extend that time period, provided that a Research Sponsor, if it so requires, has assented in writing.

The following table lists the sequential actions to be taken in conducting an Investigation and the entity with responsibility for each action:

RESPONSIBILITY	ACTION
Investigation Committee	<p>Interviews each Respondent, complainant and other available persons who have relevant information, including witnesses reasonably identified by the Respondent.</p> <p>Each interview shall be recorded or transcribed, a copy of which shall be provided to the interviewee for annotation and correction, which in turn shall be included in the record of the Investigation.</p> <p>With respect to papers, proposals, grant applications and the like at issue, all co-authors shall be deemed to have relevant information; and co-authors may offer as evidence any of their statements (to journals, in personnel actions, and the like) regarding their individual responsibility for the Research Record.</p> <p>Considers the arguments and evidence submitted by the Respondent.</p> <p>If new allegations arise that were not addressed by the Inquiry or the initial notice to the Respondent, notifies the VCR who shall so notify the Respondent in writing.</p> <p>With the concurrence of the VCR, may ask a Research Misconduct Investigator or Campus Counsel for help in information-gathering and presenting evidence.</p> <p>Prepares a preliminary Investigation report for the VCR that should include:</p> <ul style="list-style-type: none"> • The specific allegations being considered in the Investigation, and a list of all allegations made; • Identification and summaries of the Research Records and evidence reviewed, as well as identification of evidence taken into custody but not reviewed; • For each allegation, a finding of whether Research Misconduct occurred, whether it involved Falsification, Fabrication, or Plagiarism, and whether it was intentional, knowing or in reckless disregard of the facts; and a summary of the facts and analysis that support each such finding, including a consideration of any explanation by the Respondent; • For each allegation, identification of all Research Records that need to be corrected or retracted; • For each allegation, a description and documentation of extramural support and known applications or proposals for support, including the proposal, contract or grant number, Research Sponsor, or publications listing extramural support.
VCR	<p>Provides the Respondent with a copy of the preliminary Investigation report and a copy of, or supervised access to, the evidence upon which it is based.</p>

	May prepare written comments for the Committee on whether its actions and preliminary Investigation report conform to this policy.
Respondent	Within thirty (30) days, may submit to the VCR a written response to the preliminary Investigation report for transmittal to the Committee and provide oral testimony and argument before the Committee.
Investigation Committee	Within one hundred and twenty (120) days of its appointment, unless otherwise extended for good reason by the VCR in writing, submits to the VCR an Investigation report that: satisfies the criteria for the preliminary Investigation report set forth above; takes into account the Respondent's response; and attaches to it the Respondent's written response.

3. Evidentiary Requirements for Findings of Research Misconduct

A finding of Research Misconduct requires that 1) there be a significant departure from accepted practices of the relevant Research community; 2) the misconduct be committed intentionally, knowingly, or recklessly; and 3) the allegation be proven by a preponderance of the evidence.

Evidence of Research Misconduct may include showing, by a preponderance of the evidence, that both: (1) the Respondent had Research Records and intentionally, knowingly or recklessly destroyed them, had the opportunity to maintain them but did not do so, or maintained them and failed to produce them to the VCR in a timely manner; and (2) such actions constitute a significant departure from accepted practices of the relevant Research community.

The Respondent has the burden of going forward with and proving by a preponderance of the evidence: any and all affirmative defenses raised, proof of honest error or difference of opinion; and any mitigating factors relevant to a decision to impose administrative sanctions following a Research Misconduct Proceeding.

Preponderance of the evidence means proof by information that, compared with information opposing it, leads to the conclusion that the fact at issue is more probably true than not.

H. VCR's Determination of Research Misconduct

The following table lists the sequential actions to be taken subsequent to the submission of an Investigation report and the person(s) with responsibility for each action:

RESPONSIBILITY	ACTION
VCR	Determines whether to accept all or part of the Investigation report, and its findings, which determination shall constitute, solely for the purpose of satisfying its responsibility to Research Sponsors, UCLA's determination as to whether Research Misconduct has occurred.

<p>Forwards to Research Sponsor(s), as appropriate: said determination; a copy of the Investigation report (with any necessary redactions); and notice of any pending or completed related administrative actions.</p> <p>Upon finding that Research Misconduct has occurred, forwards that determination and a copy of the Investigation Committee report (with any necessary redactions) to the:</p> <ul style="list-style-type: none"> • Vice Chancellor, Academic Personnel and the Charges Committee of the Academic Senate, and thereby files charges in accordance with APM-016 and UCLA Academic Senate Manual, Appendix XII, if the Respondent is a member of the Academic Senate; • Vice Chancellor, Academic Personnel for appropriate action under APM-150, if the Respondent has an academic appointment but is not a member of the Academic Senate; • Office of the Dean of Students (and, in the case of a graduate student, the Graduate Division) for appropriate action, if the Respondent is a student; • Dean of the Graduate Division for appropriate action under APM 390, if the Respondent is a postdoctoral scholar; or • Assistant Vice Chancellor – Campus Human Resources for appropriate action in coordination with the authorized organization head, if the Respondent holds a staff or management position. <p>Following the completion of an aforementioned disciplinary process, ensures that appropriate retractions and corrections of the Research Record have been completed.</p>	<p>If requested, makes reasonable efforts to protect or restore the positions and reputations of: 1) persons alleged to have engaged in Research Misconduct but against whom no determination of Research Misconduct is made; and 2) any complainant, witness, Committee member or other person involved in Research Misconduct Proceedings who has acted in good faith, in order to counter potential or actual retaliation against them.</p> <p>For the purposes of this policy, retaliation means an adverse action against someone (including a complainant, witness or Committee member) taken on account of that person's good faith participation in a Research Misconduct Proceeding.</p> <p>Good faith means having the belief in the truth of one's allegation or testimony, which belief a reasonable person in the position of complainant or witness could have based on the information known by that person at the time; knowing or reckless disregard of information that would negate the allegation or testimony is inconsistent with acting in good faith. As applied to a member of either an Inquiry Committee or an Investigation Committee, good faith means cooperating with the Research Misconduct Proceeding by carrying out the duties assigned with impartiality; participating in a Proceeding involving a complainant, Respondent, or principal witness with whom the committee member has a personal, professional, or financial conflict of interest that is not disclosed to the VCR is inconsistent with acting in good faith.</p>
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I. VCR's Other Notification Responsibilities

- Advises a Research Sponsor, pursuant to its requirements, of such other information as it may lawfully request.
- Notifies ORI, or other Research Sponsors as required, before closing a case if an Inquiry or Investigation ends prior to completion because: the Respondent has admitted guilt; a settlement has been reached with the Respondent; or for any other reason, except the closing of a case at the Initial Assessment or Inquiry stage on the basis that an Investigation is not warranted.
- As required, immediately notifies a Research Sponsor at any time during Research Misconduct Proceedings if there is reason to believe that any of the following conditions exist: the health or safety of the public is at risk; there is an immediate need to protect human subjects or animals; federal resources or interests are threatened; Research activities should be suspended; there is reasonable indication of a possible violation of civil or criminal law; federal action is required to protect the interests of those involved in the Research Misconduct Proceeding; UCLA believes that, because the Research Misconduct hearing may be made public prematurely, notice would afford the Federal government the opportunity to take appropriate steps to safeguard the evidence and protect the rights of those involved; or the Research community or public should be informed.

V. ATTACHMENTS

A. Other Related Policies, Procedures and Resources

Issuing Officer

/s/ Daniel M. Neuman

Executive Vice Chancellor & Provost

Questions concerning this policy or procedure should be referred to the Responsible Department listed at the top of this document.

[Attachment A]

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June 19, 1990

**CHANCELLORS
LABORATORY DIRECTORS
SENIOR VICE PRESIDENT--ADMINISTRATION
VICE PRESIDENT--AGRICULTURE AND NATURAL RESOURCES**

Dear Colleagues:

Enclosed is the University Policy on Integrity in Research. This Policy, which is effective immediately, applies to all employees and students who engage in research activities in the University of California.

The Policy reaffirms the University's commitment to integrity in research and calls for local guidelines and procedures for addressing allegations of misconduct in research. When extramural funds support research activities, local guidelines and procedures should ensure compliance with conditions of the award, including applicable regulations issued by the sponsor of the research. Additionally, local guidelines and procedures also may address issues such as the responsibilities of research supervisors, assignment of credit for publications, training of research apprentices, education on research ethics, requirements for recordkeeping of experimental procedures, and data retention.

The Policy has been developed through extensive review with the campuses, the Laboratories, and the Academic Senate, including the opportunity for employees and employee organizations to comment. Discussions with the Academic Senate should continue at the campus level during the development and implementation of local guidelines and procedures.

Employees and students involved in research should be informed of this Policy and of the applicable regulations of the sponsoring agencies.

Thank you for your advice and cooperation in developing this Policy.

Sincerely,

David Pierpont Gardner

Enclosure

cc: Members, President's Cabinet
Academic Council Chair Spiess
Associate Vice President Moore
Assistant Vice President Cox
Assistant Vice President Levin

1456

Director Rogin
Principal Officers of The Regents

University of California
Office of the President
June 19, 1990

UNIVERSITY POLICY ON INTEGRITY IN RESEARCH

Policy

It is longstanding policy of the University of California to encourage and maintain the highest ethical standards in research. This Policy reaffirms the University's commitment to integrity in research.

Integrity in research includes not just the avoidance of wrongdoing, but also the rigor, carefulness, and accountability that are hallmarks of good scholarship. All persons engaged in research at the University are responsible for adhering to the highest standards of intellectual honesty and integrity in research. Faculty and other supervisors of research activities have a responsibility to create an environment which encourages those high standards and integrity in research. Open publication and discussion, emphasis on quality of research, appropriate supervision, maintenance of accurate and detailed research procedures and results, and suitable assignment of credit and responsibility for research and publications are essential for fostering intellectual honesty and integrity in research.

University policies set forth expectations for high standards of ethical behavior for faculty and students involved in research and provide procedures for addressing allegations of misconduct in research. Those policies and procedures are set forth in the Bylaws of the Academic Senate, the University Policy on Faculty Code of Conduct and the Administration of Discipline, and University Policies Applying to Campus Activities, Organizations, and Students--Part A, Student Conduct and Discipline. Procedures for administration of discipline also exist for other academic and staff employees in accordance with applicable personnel policies and collective bargaining agreements. (A list of University of California policies which pertain to integrity in research is attached.)

Misconduct means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scholarly and scientific community for proposing, conducting, or reporting research. Misconduct does not include honest error or honest differences in interpretations or judgments of data.¹

The University will continue to take prompt and vigorous action to investigate and address allegations of misconduct in research, based on the following principles:

- Institutional and academic responsibility for self-regulation;
- Mechanisms to protect to the greatest extent possible the due process rights of the accused, the interests of those making allegations, and the public interest;
- The highest degree of confidentiality compatible with an effective response and applicable sponsor reporting requirements; and
- Precautions against real or apparent conflict of interest.

Campus and Laboratory Implementation

Campuses and Laboratories shall have necessary guidelines and procedures to provide appropriate responses to allegations of misconduct in research. Such guidelines and procedures should specify how pertinent University policies and procedures will be used to address allegations of misconduct in research by faculty, students, and staff. When extramural funds are involved, local guidelines and procedures also should comply with conditions of the award, including applicable regulations issued by the sponsor of the research. Such regulations include, but are not limited to, the Responsibilities of PHS Awardee and Applicant Institutions for Dealing with and Reporting Possible Misconduct in Science (42 CFR, Part 50, Subpart A) and the National Science Foundation regulations on Misconduct in Science and Engineering Research (45 CFR, Part 689). Among their requirements, these regulations require specific reports to the sponsoring agency.

Chancellors and Laboratory Directors, or their designees, shall be responsible for implementation of this Policy, which may include the consideration of initial reports of misconduct and, when necessary, the referral or initiation of formal investigations. Local guidelines and procedures should clarify available mechanisms for imposing appropriate sanctions or discipline on individuals when the allegation of misconduct has been substantiated. Chancellors and Laboratory Directors, or their designees, shall refer to the University Policy and Procedures for Reporting Improper Governmental Activities and Protection Against Retaliation for Reporting Improper Activities to ensure coordination of allegations of misconduct which may be reported under that Policy and to advise on the procedures to protect against retaliation.

Copies of local guidelines and procedures shall be sent to the Senior Vice President--Academic Affairs for review as to compliance with this Policy.

FOOTNOTE

¹The definition of misconduct is based upon the regulations of the Public Health Service, Department of Health and Human Services (Responsibilities of PHS Awardee and Applicant Institutions for Dealing with and Reporting Possible Misconduct in Science, 42 CFR, Part

50, Subpart A), and it is consistent with the ethical principles and types of unacceptable conduct regarding scholarship listed in the Faculty Code of Conduct and with the types of misconduct specified in the University Policy on Student conduct and Discipline.

University of California Policies which Pertain to Integrity in Research

1. University Policy on Faculty Conduct and the Administration of Discipline (June 14, 1974), including the Faculty Code of Conduct (August 26, 1988).
2. University Policy on Disclosure of Financial Interest in Private Sponsors of Research (April 26, 1984).
3. Policy on Outside Professional Activities of Faculty Members (April 13, 1979).
4. Standing Order of The Regents of the University of California 103.1(b), Special Provisions Concerning Officers, Faculty Members, and Employees of the University, Service Obligations.
5. University Policy on the Use of Animals in Research and Teaching (October 15, 1984).
6. University Policy on the Protection of Human Subjects in Research (September 2, 1981).
7. Guidelines on University-Industry Relations (May 17, 1989).
8. University Regulation No. 4, Special Services to Individuals and Organizations, Academic Personnel Manual, Section 020, (June 23, 1958).
9. University Policies Applying to Campus Activities, Organizations, and Students -- Part A, Student Conduct and Discipline (October 31, 1983).
10. Business and Finance Bulletin G-39, Conflict of Interest Policy and Compendium of Specialized University Policies, Guidelines, and Regulations Related to Conflict of Interest (Revised April 15, 1986 and June 15, 1989).
11. Guidelines for Disclosure and Review of Principal Investigators' Financial Interest in Private Sponsors of Research (April 27, 1984).
12. University of California Patent Policy (November 18, 1985 and revised in part on April 16, 1990).
13. University Copyright Policy (August 1, 1975).

14. University Policy and Procedures for Reporting Improper Governmental Activities and Protection Against Retaliation for Reporting Improper Activities (January 1, 1990).