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**Policy and Procedures for Dealing with and Reporting  
Possible Misconduct in Science**

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Attached is a copy of interim policy and procedures for dealing with and reporting possible misconduct in science. The federal government requires such policy of all institutions that apply for or receive funding from the U.S. Public Health Service. (At Dominguez Hills, we currently receive more than \$400,000 from the agency.)

To meet the deadline of January 1, 1990, established by the federal government, the policy and procedures are effective immediately. This document is to be reviewed during the coming year, however, and, with the help of the Academic Senate, a more permanent policy adopted.

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**Introduction**

Scientific research is a major focus in the life of the university. Faculty are involved in a number of projects designed to add to our knowledge, provide students with the latest findings in a field, and/or explore solutions to problems we find in the world around us. A recent report of the Association of American Medical Colleges (AAMC) points out:

Guiding...researchers in their pursuit of scientific truths have been the basic and universally-accepted tenets of the process of scientific inquiry and investigation. Key elements of the process are the objective and accurate reporting of data accumulated in the course of experimentation, and verification of research findings to assure valid conclusions. In addition, generally-sanctioned standards of conduct and propriety, when followed, not only assure the integrity of the scientific profession, but engender public support for, and lend credibility to, the scientific endeavor as a whole.<sup>[1]</sup>

In recent years, a few violations of these principles have brought public scrutiny to the research process. The U.S. Public Health Service issued a set of "interim policies" concerning "**Misconduct in Science**" in 1986<sup>[2]</sup> Finally, PHS issued a "Final Rule" on August 8, 1989, which "sets forth the responsibilities of PHS awardee and applicant institutions for dealing with and reporting alleged or suspected misconduct in science..."<sup>[3]</sup> Under the new regulations, a formal assurance (PHS Form 6315) must be filed with the agency's Office of Scientific Integrity (OSI) no later than January 1, 1990.

This set of Policy and Procedures is written to apply the new requirements set down by the Public Health Service within the framework of the university. It is designed to deal with any possible allegations of misconduct on the part of campus researchers while protecting their rights and privacy throughout the process. Furthermore, the document takes into account relevant provisions of the collective bargaining agreement between the CSU and the California Faculty Association.<sup>[4]</sup>

### **Definitions**<sup>[5]</sup>

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

**"Inquiry"** means information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

**"Investigation"** means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

**"OSI"** means Office of Scientific Integrity, a component of the Office of the Director of the National Institutes of Health.

### **Underlying Principles**

The AAMC lists a set of "imperatives that should guide any institutional process for dealing with allegations of misconduct..."<sup>[6]</sup> They can be translated into a set of underlying principles that meet federal requirements within the CSUDH environment:

- The university should ensure that the process used to resolve allegations of misconduct does not damage science itself.
- The university should provide vigorous leadership in the pursuit and resolution of all charges.
- All parties should be treated with justice, fairness, and sensitivity for their reputations and vulnerabilities.
- Procedures should preserve the highest attainable degree of confidentiality compatible with an effective and efficient response to allegations of misconduct.
- The integrity of the process should be maintained by painstaking avoidance of real or apparent conflict of interest.
- Procedures should be as expeditious as possible leading to resolution of allegations in a timely manner.
- Pertinent facts and actions should be documented at each stage of the process.

The policies and procedures set out in the following sections are based on these principles.

### **Allegations of Misconduct**

Allegations of misconduct in science must be submitted in writing to the Dean of Faculty Affairs\*. Any individual considering filing an allegation may meet confidentially with the Dean of Faculty Affairs\* prior to preparation of the written document to determine whether the concerned activity falls

within the definition of misconduct or whether it is more appropriate to first bring it to the attention of the department chair or other official responsible for oversight of the research in question.

When a formal written allegation of misconduct in science is filed, it is the responsibility of the Dean of Faculty Affairs\* to initiate an **inquiry** as outlined below.

In a case where an individual has discussed a concern with the Dean of Faculty Affairs\* which appears to contain sufficient cause to warrant an inquiry, but the individual does not file a formal allegation, an inquiry should be initiated even without a "complainant." In all cases, every attempt should be made to maintain confidentiality for those who submit allegations of misconduct in science.

### **Inquiry**

An inquiry is initiated by the Dean of Faculty Affairs\* following receipt of an allegation of misconduct in research. As stated by the AAMC, during an inquiry:

...factual information is gathered and expeditiously reviewed to determine if an investigation of the charge is warranted....

**\* Current title is Associate Vice President for Faculty Affairs.**

(It) is not a formal hearing; it is designed to separate allegations deserving of further investigation from frivolous, unjustified, or clearly mistaken allegations.<sup>[7]</sup>

For purposes of the inquiry, the Dean of Faculty Affairs\* shall appoint a three-member ad hoc Allegation of Misconduct Review Committee consisting of

- Dean of the School of the faculty member against whom the allegation has been filed;
- one faculty member from the discipline in which the research is being conducted; and
- one faculty member from another discipline (recommended by the Academic Senate).

The designated Dean shall Chair the inquiry which must be completed within 60 calendar days unless a written request for extension has been approved by the Dean of Faculty Affairs\*.

The Dean of Faculty Affairs\* shall notify all parties to the allegation in writing as to the nature of the charges and provide them with copies of any documentation submitted by the complainant. All documents and allegations must be held confidential at the inquiry stage.

The Ad Hoc Committee is charged with making a determination whether or not a formal **investigation** is warranted. Committee recommendations should be made to the Dean of Faculty Affairs\* and documented in writing. Both the respondent and the complainant should be informed promptly whether there will be any further investigation. If an investigation is warranted, the allegation of misconduct along with supporting documentation and the report of the Ad Hoc Committee shall be forwarded to the Investigation Committee as outlined in the section below. In conforming to federal regulations, the agency sponsoring the research in question should be notified at this point.

In recognizing the serious and sensitive nature of any allegations of misconduct in scientific research, the AAMC states:

If an allegation is found to be unsupported but has been submitted in good faith, no further formal action, other than informing all involved parties, should be taken. The proceedings of an inquiry, including the identity of the respondent, should be held in strict confidence to protect the parties involved. If confidentiality is breached, the institution should take reasonable steps to minimize the damage to reputations that may result from inaccurate reports.

The institution should seek to protect the complainant against retaliation, including protecting anonymity whenever possible...<sup>[8]</sup>

**\*Current title is Associate Vice President for Faculty Affairs**

### **Investigation**

If an **investigation** is warranted, it shall begin within 30 days of its recommendation by the Ad Hoc Committee.

The purpose of an investigation is to explore further the allegations and determine whether misconduct has been

committed....The investigation should focus on accusations of misconduct and examine the factual materials of each case.<sup>[9]</sup>

Investigations shall be conducted by a standing committee, the Committee on Research Standards (CORS). The Committee shall have 11 members, appointed by the Dean of Faculty Affairs\* in consultation with the Academic Senate, as follows:

- Dean of Science, Mathematics and Technology\*\*;
- Dean of Social and Behavioral Sciences\*\*;
- Dean of Professional Health Programs\*\*\*;
- One (1) public member from a field with either legal or ethical expertise; and
- Seven (7) faculty members as follows;
  - o Two (2) from the School of Science, Mathematics and Technology\*\*;
  - o Two (2) from the School of Social and Behavioral Science\*\*;
  - o One (1) from the Professional Health Programs\*\*\*; and
  - o Two (2) drawn from the School of Education, School of Humanities and Fine Arts\*\*, and School of Management.

Members shall be appointed for two-year terms with the terms of faculty and public members being staggered. A full term of office (following the initial appointment of members) shall begin on July 1 and run two years ending on June 30. The Dean of Faculty Affairs\* shall annually designate one of the Dean members as Chair of the Committee for the following year beginning July 1.

Investigations shall be initiated by the Dean of Faculty Affairs\* by written notification to the Chair of CORS accompanied by all documentation from the inquiry. Investigation procedures should be in line with those outlined in the AAMC's Framework for Institutional Policies and Procedures to Deal with Misconduct in Research.<sup>[10]</sup>

The complainant and respondent shall be notified of the investigation with all involved parties invited to provide information related to the allegation of misconduct. All relevant information shall be presented to the respondent in a manner allowing for full preparation of a

**\*Current title is Associate Vice President for Faculty Affairs.**

**\*\* These former schools now part of the College of Arts and Sciences, with the Dean of Arts and Sciences its head.**

**\*\*\* Now, the Division of Health Sciences in the School of Health.**

response to the charges. The respondent must be accorded the opportunity to "address the charges and evidence in detail." While the function of the investigation is **fact finding**,

the respondent may choose to retain legal counsel for the purposes of advice.

If deemed to be necessary and recommended by CORS, interim administrative action may be taken to: 1) Protect human subjects involved in the research under review (as provided in the campus Human Subjects policy); 2) protect animal subjects in the research under review (as provided in the campus Animal Subjects Assurance); or 3) prevent inappropriate expenditure of funds on the research under review.

The following excerpts from federal regulations are pertinent to the conduct of an investigation of alleged misconduct in science:<sup>[11]</sup>

(7)...The investigation normally will include examination of all documentation, including but not necessarily limited to relevant research data and proposals, publications, correspondence, and memoranda of telephone calls. Whenever possible, interviews should be conducted of all individuals involved either in making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key aspects of the allegations; complete summaries of these interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.

(8) Securing necessary and appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence....

(9) Preparing and maintaining the documentation to substantiate the investigation's findings...

(10) Taking interim administrative actions, as appropriate, to protect Federal funds and insure that the purposes of the Federal financial assistance are carried out.

(11) Notifying the OSI [Office of Scientific Integrity] of the final outcome of the investigation.

The Committee on Research Standards should complete its investigation "within 120 days of its initiation. This includes conducting the investigation, preparing the report of

**\* Current title is Associate Vice President for Faculty Affairs.**

findings, making the report available for comment by the subjects of the investigation, and submitting the report...<sup>[12]</sup> If the investigation cannot be completed within the 120 day limit, a written request for an extension must be submitted to OSI. The request must include "an explanation for the delay that includes an interim report on the progress to date and an estimate for the date of completion of the report...<sup>[13]</sup>

The findings of CORS must be submitted in writing to the Dean of Faculty Affairs\*. The findings should be retained in a confidential file. An investigation of misconduct may result in any one of several outcomes, including:<sup>[14]</sup>

1. A finding of misconduct;
2. A finding that no culpable conduct was committed, but serious scientific errors were discovered;
3. A finding that no fraud, misconduct or serious scientific error was committed. Notification of the findings and recommendations of CORS shall be provided to all parties to the investigation and the agency funding the research.

Disciplinary Action

If the findings of the investigation suggest that there may be cause for disciplinary action against either the respondent or a complainant whose allegations were "maliciously motivated," the Dean of Faculty Affairs\* should initiate a disciplinary action proceeding in line with the provisions of the current Collective Bargaining Agreement.<sup>[15]</sup>

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