



# California Health Sciences University

## UNIVERSITY ETHICAL CONDUCT IN RESEARCH POLICY

### PURPOSE

CHSU students and faculty are expected to conduct research activities consistent with ethical requirements and principles. This policy defines what constitutes ethical misconduct in research and scholarship and describes the University policies and procedures for handling allegations of ethical research misconduct, and the rights of the person accused, and actions that the University may take in response to misconduct.

### SCOPE

This policy applies to all individuals employed by or enrolled as a student at, CHSU who are engaged in the design, conduct or reporting of research regardless of whether the research is funded.

### DEFINITIONS

- 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. 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.
- C. Plagiarism** is defined by the University's policy on Academic Freedom and Integrity or law.

### POLICY STATEMENT

University employees and students are expected to conduct research in accordance with the highest degree of ethical standards and to report concerns of potential research misconduct. The University does not tolerate misconduct in any aspect of research and will promptly investigate all allegations, protecting the confidentiality of the investigation and the parties to the extent possible.



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## INFORMATION AND PROCEDURES IN RESPONSE TO ETHICAL MISCONDUCT

### A. 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.

### B. Procedures

#### 1. Reporting

Any accusation of research misconduct from any source should initially be reported to the Vice President of Research either verbally or in writing. The Vice President of Research will notify the Dean of college or Director of a program and shall determine whether the accusations constitute good faith allegations of research misconduct and warrant further investigation. The Vice President of Research should also notify the accused party(s) and their Dean or program Director in writing that an accusation has been made and whether an investigation will be initiated. Any person bringing an accusation of research misconduct in good faith 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.

#### 2. Investigation

Should the Vice President of Research determine that further investigation is warranted, they will work with the Provost to select a single neutral investigator external to the University. The Provost has the discretionary authority to determine when there are concerns that make the use of an external investigator appropriate. 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 Vice President of Research and Provost<sup>1</sup>. Both the accused and the accuser and Dean or program

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<sup>1</sup> 1 The report would typically be issued within thirty (30) calendar days, although more time may be required to complete a complex investigation.



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Director will receive copies of the investigator's findings, but the full investigation report is confidential and neither party has rights to those documents. Following the investigation, the Vice President of Research may recommend 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 Vice President of Research and Provost will make the final determination after reviewing the panel's recommendations. If an internal adjudicating panel is not used, the Vice President of Research and Provost alone will be responsible for making a final determination based on the investigator's findings.

### **3. Reporting to Federal Agencies**

The Provost or designee will notify the funding agency(ies) 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 grantor funding such research. The University will provide any such documentation and information to the funding agency(ies) as required by law or the terms and conditions of the grant.

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

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

The accused and complaining party and Dean or program Director will be notified by the VP of Research Provost or designee 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. If research misconduct is committed by a student, the Provost in conjunction with the Dean or program Director may choose to report the misconduct to the Student Progress Committee.

In the event the SPC finds a violation of CHSU policy, the student's appeal rights following the SPC's review and recommendation shall be in accordance with CHSU existing policies.



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## **RESPONSIBILITIES**

A. Vice President of Research

## **HISTORY**

### **Approval Date:**

10/4/2023

April 5, 2023

### **Revision Date(s):**

September 18, 2023

March 21, 2019

April 4, 2019

### **Reviewed Date(s):**

March 20, 2023

**R:** Provost

**A:** VP of Research, OSR

**C:** College Deans, RSC, College Directors of Scholarly Activity, Program Directors, Legal Counsel

**I:** CHSU Campus Community

### REPORTING

Any allegation of research misconduct should be reported **verbally or in writing** to the Provost's Office. The Provost must decide whether the complaints are good faith allegations of research misconduct and warrant further investigation. The accused person will be notified of the accusation and whether an investigation will be launched.

If further investigation is warranted.

### INVESTIGATION

The Provost will appoint a single neutral investigator external to the University. The investigator shall complete an investigation and submit a report to the Provost generally within 30 days. Copies of the investigator's findings will be provided to both parties.

Panel not appointed

Panel appointed

### FINAL DETERMINATION

The Provost will make the final determination

### INTERNAL ADJUDICATION PANEL

The Provost may appoint an internal adjudicating panel to review the findings and make recommendations.

### REPORTING TO FEDERAL AGENCIES

The Provost or designee will notify the funding agency of an allegation of research misconduct if (1) it involves Federally funded research (or an application for Federal funding) and meets the Federal definition of research misconduct outlined above, or (2) it is otherwise required by law or the grantor funding such research.

### INVESTIGATION OUTCOME AND DISCIPLINARY PROCEDURES

The Provost or designee will notify the accused and complaining parties of the outcome of the complaint. If research misconduct is discovered, the accused may face discipline ranging from dismissal to termination of employment. The decision of the Provost is final. If a student commits research misconduct, the Provost may opt to report the misbehavior to the Student Progress Committee.