

[Oct 9, 2008](#)

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: [JBD](#)

Supersedes: [June 16, 2006](#)



[Printable View](#)

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

[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

Allegation: Any oral or written report of suspected Research Misconduct.

Complainant: Person who makes an Allegation.

Initial Assessment: Evaluation of an Allegation by the Research Integrity Officer to determine whether an Inquiry is warranted.

Inquiry: Preliminary information-gathering and fact-finding to determine whether an Allegation 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).

Preponderance of the Evidence: The standard used in determining whether Research Misconduct occurred, to wit: based on the evidence, whether Research Misconduct was more likely to have occurred than not.

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.

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Research Integrity Officer (RIO): The institutional official at UCLA responsible for [administering this policy](#). At UCLA, the Vice Chancellor for Research (VCR) serves as the [RIO](#), 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.

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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 [RIO](#) to assist in conducting a Research Misconduct Proceeding.

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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 [UCLA's receipt of an Allegation](#), Initial Assessment, Inquiry, or Investigation [or determination by the RIO](#).

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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.

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Retaliation: [An adverse action against someone \(including a Complainant, witness, or committee member\) taken in response to that person's good faith participation in a Research Misconduct Proceeding.](#)

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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, and its RIO, assume primary responsibility for: 1) assessing Allegations of Research Misconduct; 2) conducting Inquiries and Investigations into Allegations and making a determination of whether Research Misconduct occurred; 3) reporting the results of Inquiries and Investigations 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) filing an annual report with ORI; 7) taking reasonable steps to ensure the cooperation of Respondents and others at UCLA with Research Misconduct Proceedings; and 8) restoring the integrity of the Research Record as needed if Research Misconduct is found.

All members of the UCLA community are expected to cooperate in reporting suspected Research Misconduct and in responding to Allegations by acting in good faith, providing Research Records and other relevant information, participating in Research Misconduct Proceedings, and refraining from Retaliation or interfering with a Research Misconduct Proceeding.

IV. PROCEDURES

A. Applicability

This policy applies to all individuals with a formal affiliation with UCLA, including but not limited to academic appointees, staff, postdoctoral scholars, visiting scholars, visiting scientists, registered volunteers, clinicians with hospital privileges, and the following categories of students: graduate students engaged in the preparation of Masters or Ph.D. theses, and graduate or undergraduate students, 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.

This policy does not apply to a faculty member's classroom activities such as the preparation and presentation of classroom lectures, examinations or websites. 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.

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This procedure applies to a faculty member's creation of scholarly work (including creative works) in any discipline. (OPTIONAL – NEED SENATE input).

Voluntary or involuntary separation of a Respondent from affiliation with UCLA (or lack of participation with a Research Misconduct Proceeding) shall not preclude or in any way delay the initiation or continuation of a Research Misconduct Proceeding.

Some actions related to Research are not Research Misconduct, but may be violations of other University policies (e.g., the Faculty Code of Conduct, the UCLA Student Code of Conduct, or the UC Personnel Policies for Staff Members) including misuse of University funds, facilities and resources, misuse of human subjects, breach of confidentiality, conflicts over authorship, conflicts of interest, conflicts of commitment, misuse of animals, etc.

This policy applies to all Research for which UCLA has responsibility, whether or not the Research is supported by an external Research Sponsor. This policy is also specifically intended to satisfy the requirements of the U.S. Department of Health and Human Services (DHHS), and other federal agencies for federally-funded Research.

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 be addressed to the RIO, but if an Allegation is received by another University administrator it shall be promptly forwarded to the RIO.

If an Allegation of Research Misconduct arises in the course of another University process, it shall immediately be reported to the RIO who shall promptly initiate a Research Misconduct Proceeding regardless of the conduct or outcome of the other process.

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C. Initial Assessment

Receipt of an Allegation. Upon receiving an Allegation, the RIO shall promptly, usually within two weeks, make an Initial Assessment to determine whether the alleged facts satisfy the following three criteria in that there is a reasonable basis for concluding that: 1) the Allegation falls within the definition of Research Misconduct; 2) the Allegation is sufficiently serious, credible and specific so that potential evidence may be identified; and 3) the alleged Research Misconduct occurred within the 6-year limitation period, as defined below.

Determination That an Inquiry is Warranted. If the RIO determines that these three criteria satisfied, the RIO shall initiate an Inquiry, as provided in IV.F. If however, there is sufficient evidence already at hand because the Allegation arose out of another process, such as an audit of a clinical trial, the RIO may use those findings to initiate an Investigation without conducting an Inquiry. In addition the RIO:

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- If the Respondent is an academic appointee, shall notify the Vice Chancellor, Academic Personnel who may temporarily stay any pending personnel action involving the Respondent;
- If the Respondent is a student, shall 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, shall notify the appropriate academic dean, with concurrent notice to the Dean of the Graduate Division;
- If the Respondent is a staff member, shall notify the Associate Vice Chancellor – Campus Human Resources; and
- If the Respondent has some other UCLA formal affiliation, shall notify the appropriate administrator.

Determination that the Research Misconduct Proceeding should be closed. If the RIO determines that an Inquiry is not warranted, because the three criteria listed above are not satisfied, the RIO will close the case pursuant to Section VI. I., after including in the file a brief written note summarizing the Allegations, identifying the source of research support, and explaining the reasons for the determination by reference to the criteria set forth above. The RIO may refer the matter to other campus officers, as appropriate.

Notice to Respondent. Within a reasonable time and no later than the commencement of an Inquiry, if any, the RIO shall provide the Respondent with written notice of the Allegation and this policy.

Limitation Period. An Inquiry shall be initiated if the Allegation is received more than six years after the alleged Research Misconduct occurred, unless 1) for potential benefit, the Respondent has continued or renewed any alleged Research Misconduct through the citation, re-publication or other use of the Research Record at issue; or 2) if the Research Sponsor or UCLA, in consultation with the Research Sponsor, determines that the alleged Research Misconduct would possibly have a substantial adverse effect on the health or safety of the public.

D. Securing of Evidence

With the assistance of a Research Misconduct Investigator, representatives from Audit & Advisory Services, Campus Counsel, the Director, Administrative Policies and Compliance, the Inquiry Committee, or others, the RIO shall take reasonable, practical and prompt steps to obtain custody of, inventory, and securely sequester all Research Records and evidence required to conduct the Inquiry and Investigation. If this includes data on instruments shared among a number of users, copies of that data may be secured instead, provided that those copies are substantially equivalent to the evidentiary value of the instruments.

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At each stage of these proceedings, those responsible for conducting the Inquiry and Investigation shall notify the RIO when and if additional evidence is identified that needs to be secured and retained (see Section IV.E.).

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The RIO 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.

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Where appropriate the Respondent shall be given copies of or reasonable supervised access to the Research Records.

E. General Standards for Committees and Administrators

Selection Criteria. In appointing individuals to conduct an Inquiry (see IV.F.) or Investigation (see IV.G.) of one or more Respondents, the RIO 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. Individuals who are in the same discipline, school, or department may be appointed, except for those who are responsible for the laboratory or research project in which the Research Misconduct is alleged to have occurred, or who are participants in the same research.

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Continuing Obligations. Inquiry and Investigation Committees are under a continuing obligation to:

- Identify and secure any unsecured evidence relevant to the Inquiry or Investigation and to so notify the RIO under IV.D.;
- Notify the RIO if additional Allegations or additional Respondents are identified;
- Notify the RIO if the Respondent makes an admission of guilt, or wishes to enter into settlement discussions;
- Assure thorough, competent, objective, and fair Inquiries and Investigations; and
- Notify the RIO if they have reason to believe that as a result of the alleged Research Misconduct 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 the protect the rights of those involved; or the research community or public should be informed.

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.

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F. Inquiry

Following a decision to initiate an Inquiry (see IV.C.), the RIO 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 RIO, this Committee may ask a Research Misconduct Investigator, the Director, Administrative Policies and Compliance, or Campus Counsel, or others 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:

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RESPONSIBILITY	ACTION
<u>RIO</u>	Appoints an Inquiry Committee of one or more persons <u>and charges the Committee in writing and, if appropriate, also in person.</u>
Inquiry Committee	Engages in preliminary information gathering and fact-finding. If <u>the Committee determines</u> , based upon that fact-finding, that: 1) there is a reasonable basis for concluding that the allegations fall within the definition of Research Misconduct, and (2) the <u>Allegations may have sufficient substance</u> , then the Committee shall recommend to the <u>RIO</u> that an Investigation is warranted. Prepares a <u>Preliminary Inquiry Report</u> that includes: the name and position of the Respondent; a description of the <u>Allegations</u> ; the basis for determining whether an Investigation <u>is warranted</u> , 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 <u>Preliminary Inquiry report</u> to the <u>RIO</u> for transmittal to the Respondent who may return written comments within two weeks.
<u>RIO</u>	May provide comments as to whether the Committee's actions and <u>Preliminary Inquiry Report satisfy</u> this policy, and transmits the comments (if any) of the Respondent and <u>RIO</u> to the Inquiry Committee.
Inquiry Committee	Within sixty (60) days of its appointment (unless the <u>RIO</u> concurs in writing that the circumstances warrant an extension of time), considers any comments provided by the Respondent and <u>RIO</u> , and submits to the <u>RIO</u> its Inquiry report with the Respondent's comments attached.
<u>RIO</u>	Within two weeks of receiving the Inquiry report, <u>notifies the Respondent in writing as to</u> whether <u>the Inquiry Committee found that</u> an Investigation is warranted, <u>and transmits a copy of the Inquiry Report along with references to this policy and as appropriate, the Research Sponsor's policy on Research Misconduct (e.g., PHS Policies on Research Misconduct, 42 CFR Part 93).</u>

<p><u>RIO</u> After notifying Research Sponsor if required (Section IV. J.), initiates an Investigation (Section IV. G.) or closes the Proceeding (Section IV.I).</p>	

G. Investigation

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

In appointing an Investigation Committee, the RIO shall consult with 1) the appropriate chair, director or dean, and 2) Chair of the Charges Committee of the UCLA Academic Senate, if the Respondent is an academic appointee; the Associate Vice Chancellor – Campus Human Resources, if a staff member; the Dean of Students, if a student; the appropriate academic dean, if a postdoctoral scholar or visiting scholar; or an appropriate administrator if the Respondent has some other UCLA affiliation. 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 RIO), and at the discretion of the UCLA Academic Senate Charges Committee, a representative designated by that Committee.
- In all other cases, 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 RIO has the discretion to appoint an additional member from the respondent's peer group (i.e. non-Senate academic appointee, visiting scholar, post-doctoral scholar, staff, student, etc.).

Conduct of the Investigation. The Investigation Committee shall take reasonable steps to: ensure an impartial and unbiased Investigation; comply with Section IV E; 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.

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.

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

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Evidentiary Standards. A finding of Research Misconduct requires finding that the alleged Research Misconduct: 1) represents a significant departure from accepted practices of the relevant Research community; 2) was committed intentionally, knowingly, or recklessly; and 3) was proven by a Preponderance of the Evidence.

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Evidence of Research Misconduct may include showing, by a Preponderance of the Evidence, that: 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 RIO 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 and providing 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 actions, sanctions, or discipline following a Research Misconduct Proceeding.

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

RESPONSIBILITY	ACTION
<u>RIO</u>	<u>Appoints an Investigation Committee, as provided in Section IV.G., and charges the Committee in writing, and if appropriate, also in person.</u>
Investigation Committee	<u>Conducts an Investigation, as provided in Sections IV. E. & G.</u> <u>Conducts</u> interviews of each Respondent, <u>Complainant</u> and other available persons who have relevant information, including witnesses reasonably identified by the Respondent. 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. 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. Considers the arguments and evidence submitted by the Respondent.

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	<p>With the concurrence of the <u>RIO</u>, may ask a Research Misconduct Investigator, Campus Counsel, or others for help in information-gathering and presenting evidence.</p> <p>Prepares a <u>Preliminary Investigation Report</u> for the <u>RIO</u> that includes:</p> <ul style="list-style-type: none"> • The specific <u>Allegations</u> 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 <u>Allegation</u>, 1) a finding (<u>based on the applicable evidentiary standard</u>) 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; 2) and a summary of the facts and analysis that support each such finding, including a consideration of any explanation by the Respondent; • For each <u>Allegation</u>, identification of all Research Records that need to be corrected or retracted; • For each <u>Allegation</u>, 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.
<u>RIO</u>	<p>Provides the Respondent with a copy of the <u>Preliminary Investigation Report</u> and a copy of, or supervised access to, the evidence upon which it is based.</p> <p>May prepare written comments for the Committee on whether its actions and preliminary Investigation report conform to this policy.</p>
Respondent	<p>Within thirty (30) days, may submit to the <u>RIO</u> a written response to the <u>Preliminary Investigation Report</u> for transmittal to the Committee and provide oral testimony and argument before the Committee.</p>
Investigation Committee	<p>Within one hundred and twenty (120) days of its appointment, unless otherwise extended for good reason by the <u>RIO</u> in writing, submits to the <u>RIO</u> 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.</p>

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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
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<p><u>RIO</u></p>	<p><u>Reviews the Investigation Committee Report</u></p> <p>Determines <u>in writing</u> whether to <u>return the Report to the Committee for further fact-finding or analysis, to accept the Report and its findings, or to accept the Report as complete, but reject some or all of its findings. The RIO's written determination shall also identify whether there is a need to correct the Research Record, and to take any administrative actions.</u></p> <p><u>After accepting an Investigation Report as complete, whether Research Misconduct has occurred.</u></p> <p><u>This determination constitutes, UCLA's final finding as to whether Research Misconduct occurred, for all purposes including satisfying its responsibility to Research Sponsors, except for the purpose of imposing sanctions or discipline or correcting the Research Record.</u></p> <p><u>Takes steps to ensure that appropriate retractions and corrections of the Research Record are completed if necessary.</u></p> <p><u>Notifies the Respondent(s) in writing of the determination.</u></p> <p><u>Forwards that written determination and a copy of the Investigation Committee Report (with any necessary redactions) to the:</u></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• <u>Associate Vice Chancellor – Campus Human Resources</u> for appropriate action in coordination with the authorized organization head, if the Respondent holds a staff or management position,• <u>An appropriate administrator if the Respondent has some other affiliation with UCLA.</u> <p><u>If the Respondent is no longer affiliated with UCLA, makes a notation of and includes the finding in the Respondent's file, and notifies the Respondent in writing of this action and of a right to submit a written response for inclusion in the file.</u></p> <p><u>Promptly complies with all external reporting duties (Section IV. J.)</u></p> <p>If requested, makes reasonable efforts to restore the positions and reputations of: 1) <u>Respondent, if there is no determination that</u></p>
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Respondent committed, Research Misconduct; 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.

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I. Closing a Research Misconduct Proceeding

The RIO shall assure that each Research Misconduct Proceeding is completed pursuant to this policy.

A Research Misconduct Proceeding shall be closed after the RIO's:

- Initial Assessment that an Allegation does not warrant an Inquiry;
- An Inquiry Report's conclusion that there is insufficient specific and credible evidence to warrant an Investigation;
- Determination that Research Misconduct occurred, following an Investigation'
- Acceptance of a Respondent's written and signed admission of wrongdoing specifically identifying the data in the Research Record that was falsified, fabricated and/or plagiarized, following prior consultation with ORI or other Research Sponsor, if so required; or
- Negotiation of a settlement agreement with the Respondent, following prior: 1) consultation with ORI or other Research Sponsor if so required; 2) consultation with appropriate administrators; and 3) compliance with UC policies on settlement agreements.

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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. ¶
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.

The RIO has a continuing duty, following the closure of a Research Misconduct Proceeding, to:

- Preserve and maintain evidence and the record of the Research Misconduct Proceeding, Section IV.D.;
- Correct the Research Record (Section IV.H.);
- Protect participants in the Proceedings (section IV.H.);
- Communicate and cooperate with ORI and other Research Sponsors (section IV.I.) including, at its request, reopening a closed Proceeding when necessary;
- Cooperate with other University officials to ensure the imposition of discipline or sanctions at UCLA for Research Misconduct (Section IV.H.)

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J. RIO's Obligations to Report and Respond to External Agencies throughout a Research Misconduct Proceeding

Of equal importance to the RIO's duty to administer this policy at UCLA are duties to external institutions, including Research Sponsors and ORI, that arise immediately upon receipt of an Allegation and continue during and after a Research Misconduct Proceeding.

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1. Reporting and Implementation Duties with ORI and Research Sponsors

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The RIO shall advise ORI and other Research Sponsors as required by federal regulations and Research Sponsor policy:

- 1) Of an Inquiry Committee's finding that an Investigation is warranted; 2) of an Investigation Report's findings, of the RIO's determination whether Research Misconduct occurred, and of pending or completed University actions resulting

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from those findings; and 3) of information requested by ORI or other Research Sponsors;

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- Prior to closing a case if the Respondent has admitted guilt; a settlement has been tentatively reached with the Respondent; or for any other reason, except when the RIO closes a case at the Initial Assessment or Inquiry stage on the basis that an Investigation is not warranted (Section IV. I.);

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- Of a need for an extension of the time needed to complete an Investigation upon determining that an Investigation cannot be completed with 120 days of its initiation;

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- Immediately and at any time during and as a result of a Research Misconduct Proceeding if: there is reason to believe that; 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.

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- Of such other information as ORI or a Research Sponsor may lawfully request.

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2. Cooperating with Other Institutions.

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The RIO shall coordinate UCLA's Research Misconduct Proceeding with that of any other institution that has a duty to investigate an Allegation of Research Misconduct (or related allegation) or otherwise has some jurisdiction over the Research, such as: an institution that employs individuals who have UCLA academic appointments, administers UCLA research support, or provides space, facilities, and/or regulatory oversight of UCLA Research. Such coordination includes, if reasonable and practical: upon receipt of an Allegation, determining whether another institution may have a duty to investigate; notifying the RIO's counterpart at the other institution; conducting a joint Inquiry and investigation, with, where feasible, one institution taking the lead pursuant to its applicable policy and procedure; and giving and obtaining timely notice of all steps in the joint Research Misconduct Proceeding including final outcomes and any appeals. However, UCLA must follow its own procedure for making a final determination of Research Misconduct and taking appropriate actions based thereon (Sections IV. H. & I.).

3. Deferring to Governmental Processes.

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After consultation with ORI or other Research Sponsor if required, the RIO shall suspend a Research Misconduct Proceeding if a governmental authority indicates that its continuation may interfere with the government's action.

| [Oct 9, 2008](#)

V. ATTACHMENTS

A. Other Related Policies, Procedures and Resources

Issuing Officer

| /s/ [Scott Waugh](#)

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Executive Vice Chancellor & Provost
