



HUMBOLDT STATE UNIVERSITY
UNIVERSITY MANAGEMENT LETTER 92-2

Office of the President

HUMBOLDT STATE UNIVERSITY

POLICY FOR PROTECTION AGAINST MISCONDUCT IN SCIENTIFIC RESEARCH

Preamble:

The Statement of Mission and Goals for Humboldt State University recognizes the value of research at our institution. Scholarly activity is guided and governed by various policy documents including Appendix U of the Faculty Handbook; Executive Memorandum on Policy for the Protection of Human Subjects in Research; Executive Memorandum on Policy for Animal Welfare (89-6), Executive Memorandum on Externally Funded Grants and Contracts (92-1) as well as Article 19 of the Memorandum of Understanding between the Board of Trustees of the California State University and the California Faculty Association, and Section 89535-89539 of the Education Code of the State of California.

It is the policy of Humboldt State University that scientific research be conducted according to the highest ethical and professional standards. It is the responsibility of faculty and staff researchers to instruct and supervise students in proper research ethics both through normal modes of instruction and by example. It is the responsibility of the University to foster an environment that encourages high ethical and professional standards and discourages misconduct in all research, and to deal forthrightly with possible misconduct associated with all research conducted by or at the institution, whether unfunded, funded by institutional sources, or funded from extramural sources. In instances where research is funded by federal agencies, especially the Department of Health and Human Services or the National Science Foundation, this policy assures compliance with applicable Codes of Federal Regulations (DHHS-42 CFR 50.101 - 50.103, NSF - 45 CFR 689).

Definition of Misconduct

We adopt the federal definitions of misconduct for use at HSU. Misconduct, with respect to scientific research, is defined by the Federal Department of Health and Human Services as:

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 data.

The National Science Foundation adds the following two areas to its definition:

- 1) material failure to comply with federal requirements for the protection of researchers, human subjects, or the public or for ensuring the welfare of laboratory animals; or
- 2) failure to meet other material legal requirements governing research.

For the purposes of implementation of this policy, this definition applies equally to material failure to comply with University regulations and policy as well as state and local requirements for the protection of researchers, human subjects, or the public or for ensuring the welfare of laboratory animals.

Misconduct involving misappropriation of funds from internal or external sources administered by the HSU Foundation shall be treated according to existing HSU Foundation policies.

Assurance of Compliance with Federal Regulations

Every case of alleged scientific misconduct is different and must be treated individually. Where necessary, the following procedures will be adapted to the specific conditions of the case. Specifically, when research involves a proposal for or work funded by the National Science Foundation, 45 CFR 689 will be referenced and followed. Research involving a proposal for or work funded by the Department of Health and Human Services, will follow 42 CFR 50.101 - 50.103.

The following procedures have been designed in compliance with federal regulations. As federal regulations change, these procedures will be modified to maintain compliance.

As part of the implementation of this policy, the University will submit assurance of protection against misconduct in science when needed or requested by potential funding agencies.

Procedures:

Allegations of Misconduct

To ensure that allegations of misconduct are made when founded, this policy shall periodically be issued to all faculty, staff and students involved in scientific research. Allegations of misconduct in scientific research shall be referred to the appropriate college dean or unit administrator. (The appropriate college dean or unit administrator is defined as the dean or director of the unit in which the accused person works. The appropriate vice president is defined as the vice president of the area in which the person works.)

Confidentiality

To protect to the maximum extent possible the privacy of those who in good faith report apparent misconduct, these procedures will be considered confidential throughout initial inquiry and subsequent investigation. Confidentiality will also be afforded the affected individual to avoid unwarranted damage to his/her reputation. Breach of confidentiality is considered unethical conduct and subject to disciplinary action.

Initial Inquiry

All initial reports, allegations, or charges of misconduct shall be directed in writing to the appropriate college dean or unit administrator (the administrator of the unit to which the person accused of misconduct reports) for a preliminary review to determine if the allegations should be the subject of a thorough investigation. An initial inquiry must be completed within 60 calendar days of the filing of the allegations unless circumstances clearly warrant a longer period. The appropriate college dean or unit administrator will designate an impartial expert, or team of experts, to conduct the preliminary inquiry. No person with either a real or apparent conflict of interest will be assigned the task of conducting the preliminary inquiry. Conflict of interest is defined as a personal, professional or financial interest in the outcome of the investigation.

A written report shall be prepared that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusions of the inquiry, and shall be conveyed to the appropriate college dean or unit administrator, who shall convey a copy of the report to the individual(s) against whom the allegation was made. If the accused individual(s) chooses to comment on that report, his/her (their) comments must be received within 10 working days of receipt of the report and will be made a part of the record. If the inquiry takes longer than 60 days to complete, the record of the inquiry shall include documentation of the reasons for exceeding the 60-day period.

The appropriate college dean or unit administrator, after reviewing the report of inquiry and any response, shall decide if further investigation is warranted, and shall notify all involved individuals and the vice president of the area in which the accused individual(s) work.

Investigation

An investigation will be undertaken within 30 days of the completion of the inquiry, if findings from that inquiry provide sufficient basis for conducting an investigation. The

Investigation will be undertaken by an appropriate committee (e.g., in Academic Affairs, the Academic Vice President in consultation with the Senate Professional Ethics Committee, will appoint an ad hoc committee charged with the responsibility of conducting a formal investigation). The membership of the committee shall consist of no less than four knowledgeable individuals including one representative from the department, administrator or auxiliary unit of the involved faculty or staff member(s) and three other members from related departments or areas. Where appropriate, the General Manager of the Humboldt State University Foundation (or designee) and/or additional members from inside or outside the University may be appointed to broaden the expertise of the committee. At the request of the accused individual(s), an off-campus expert in the discipline may be added to the committee.

Membership of any ad hoc committee will be appointed with careful consideration given to assuring the avoidance of real or apparent conflict of interest.

At the commencement of the formal investigation, the appropriate vice president shall notify the accused individual(s) of the allegations and of the function of the committee. In consultation with the appropriate college dean or unit administrator and where appropriate, the General Manager of the HSU Foundation, the research activities of the involved researcher(s) may be restricted or monitored during the course of the investigation. The appropriate vice president shall also notify the President, the appropriate college dean or unit administrator, the department chair or supervisor, and where appropriate, the General Manager of the HSU Foundation and the appropriate project officer(s) of the funding agency(ies) that a formal investigation involving allegations of misconduct in scientific research has been initiated.

The appropriate vice president shall convene the committee, appoint one of the members to serve as chair, present the allegations, and discuss University and Foundation policies and procedures pertinent to the investigation. The chair of the committee shall meet with the appropriate personnel officers (e.g. General Manager of the HSU Foundation, Director of Personnel, Contract Manager) to discuss existing procedure and safeguards to protect the rights and reputations of all parties involved before carrying out the investigation. The committee shall begin its investigation promptly and shall provide a written report of its findings to the appropriate vice president no later than 60 days after the initiation of the formal investigation.

The investigation normally will include examination of all documentation, including but not necessarily limited to relevant research data and proposals, publications, correspondence, memoranda, and telephone calls. Whenever possible, interviews will be conducted of all individuals involved either in making

Sanctions may include, but are not limited to, written censure, termination of current research activity, public disassociation of the University from any future unauthorized research activity, restriction from future research activity for some period of time, special prior review and approval requirements in future research activities, and debarment from intramurally funded research programs (e.g. HSU Foundation Small Grants, Research Scholarship and Creative Activity Awards, Nielson Grants, McIntire-Stennis Grants, Enrichment Awards and other similar programs). The President may also determine if the matter warrants disciplinary action pursuant to appropriate memoranda of understanding, and sections of the California State Education Code, or should be referred to the cognizant auxiliary organization for appropriate action.

If, on the basis of the report and recommendations of the committee, the appropriate vice president determines that there is evidence of misconduct, then he/she shall report this conclusion, as well as recommendations regarding the imposition of sanctions and/or disciplinary action to the President. The President shall make the final determination regarding the appropriateness of the recommendations.

If, on the basis of the findings and recommendations of the committee, the appropriate vice president determines that no misconduct occurred, all parties shall be notified accordingly. The appropriate administrator shall exercise extreme discretion in providing information of the findings to protect to the extent possible the confidentiality of individuals who provided information during the proceedings. The appropriate vice president shall undertake all necessary efforts to restore fully, the reputation and credibility of the individual(s) under investigation. All interim restrictions on research activity shall be removed. The protection of confidentiality throughout the inquiry and investigation is viewed as a mechanism by which to minimize damage to the reputation of both the accuser and the accused.

The appropriate vice president may accept the report or return it to the committee for further information or clarification. Upon acceptance of the committee report, the appropriate vice president will convey a copy to the subject(s) of the investigation.

the allegation or against whom the allegation is made, as well as aspects of the allegations; complete summaries of the interviews shall be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file. Where appropriate, research facilities may be inspected by members of the committee. Notes taken at the time of inspection shall provide documentation, and shall be included as part of the investigatory file.

Recommended favorably by Research Advisory Board 2/5/92
 Recommended favorably by Council of Deans 2/21/92
 Recommended favorably by Academic Senate 9/1/92
 Recommended favorably by Executive Committee 10/1/92

Distribution: All Faculty and Campus Directors

It is the responsibility of the Dean for Research and Graduate Studies to maintain compliance of this policy with federal regulations, and to periodically review the policy and procedures to assure that they remain current with respect to University organization, and other policies and procedures. In the event that this policy requires amendment, the Dean for Research and Graduate Studies shall consult with the Advisory Board for Research, Scholarship and Creative Activities for their advice. The Advisory Board may recommend that the changes also be considered by the Academic Senate, or other appropriate consultative groups. After appropriate consultation, the Dean for Research and Graduate Studies shall forward the recommended changes to the President and Executive Committee for adoption.

Procedure for Amendment

Complete written records of initial inquiries and investigations shall be maintained by the President's Office for a period not less than three years. For cases involving fraud, records shall be maintained a minimum of five years.

Record Keeping

The President or his designee shall be the official spokesperson for the University in matters regarding the disclosure of information about the charges, the investigation, or their disposition, which may be released to the public, the press, or specific parties, i.e., editors of journals in which papers or reports of the research in question may have appeared. In cases involving externally funded scientific research, the sponsoring agency will be notified of the findings of the investigation and the final disposition of any sanctions and/or disciplinary action, or restitution to be made. Disciplinary action may be appealed according to the relevant memoranda of understanding, if applicable, or through other institutional appeal procedures for non-represented employees.