



UC San Diego

Policy & Procedure Manual

[Search](#) | [A–Z Index](#) | [Numerical Index](#) | [Classification Guide](#) | [What's New](#)

I&R POLICY AND ORGANIZATION

Section: 100-4

Effective: XX/XX/2025

Supersedes: 10/04/2018

Review Date: XX/XX/2028

Issuance Date: XX/XX/2025

Issuing Office: [Office of Research and Innovation](#)

UNIVERSITY OF CALIFORNIA SAN DIEGO

Policy on Research Misconduct (Fabrication, Falsification, and Plagiarism)

I. POLICY

- A1. University of California San Diego (“UC San Diego”) is committed to promoting the integrity of research. All UC San Diego Researchers are expected to maintain intellectual integrity. A part the University’s commitment is the review of Allegations of Research Misconduct and meeting the obligations defined by extramural funding agencies. This Policy is based on the principle that quality research requires adherence to the highest standards of integrity in proposing, conducting, reviewing, and reporting research. All UC San Diego Researchers are subject to this Policy and are expected to be aware of and to comply with all applicable policies and procedures of the University, campus, and departments, as well as the rules and regulations required by external entities funding their research. This policy applies only to Allegations of Research Misconduct, which is defined as Fabrication, Falsification, or Plagiarism in proposing, performing, or reviewing research, or in reporting research results, and only to allegations that relate to the work of Researchers performed in the course and scope of their employment with UC San Diego.
- A2. Individuals affiliated with UC San Diego have a responsibility to act if they suspect Research Misconduct has occurred. Appropriate actions may include raising questions, seeking perspective from peers or more experienced individuals (including campus ombudspersons), or making an Allegation of Research Misconduct to the Research Integrity Officer or the Department Head to forward to the Research Integrity Officer.
- A3. Individuals associated with UC San Diego are required to cooperate with Research Integrity Officers and other institutional officials in the review of Allegations of Research Misconduct and the conduct of Inquiries and Investigations into such Allegations, including providing evidence or materials relevant to the Allegations. It is the policy of UC San Diego to respond fully and fairly to all Allegations of Research Misconduct and to comply with the reporting requirements of applicable funding agencies.
- A4. This policy applies to Allegations of Research Misconduct that occurred within six (6) years of the date UC San Diego received the allegation, subject to the exceptions in federal regulations including (a) if the Respondent continues or renews any incident of alleged research misconduct through use, republication, or citation to the portion(s) of the research record of alleged misconduct for the potential benefit of the Respondent; or (b) if it is determined that the alleged misconduct would have a substantial adverse effect on the health or safety of the public.
- A5. This policy does not address all possible improper practices in connection with Research that could be considered misconduct under other University policies including, but not limited to, guidelines relating to conflict of interest, export control, intellectual property, biosafety, use of human and/or animal subjects, use of University facilities, outside professional activities of faculty members, and teacher-student relations.

II. DEFINITIONS

Allegation. An Allegation is a disclosure of possible Research Misconduct through any means of communication and brought directly to the attention of the Research Integrity Officer.

Complainant. A Complainant is an individual who in makes an allegation of Research Misconduct.

Conflict of Interest. A Conflict of Interest exists when any potential, perceived, or actual personal, professional, or financial relationship between a decision-maker and the Complainant, the Respondent, Witness(es), or the Research that is the subject of an Allegation would compromise decision-making in the judgment of the Deciding Official.

Department Head. A Department Head is the head of the Academic Unit in which Research Misconduct is alleged to have occurred.

Deciding Official (DO). The Deciding Official makes the final determinations on Allegations of Research Misconduct and any actions. The Vice Chancellor for Research and Innovation is the Deciding Official for UC San Diego.

DO. See "Deciding Official."

Fabrication. Fabrication is making up data or results and recording or reporting them.

Falsification. 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.

Good Faith. As applied to a Complainant or Witness, Good Faith means having a reasonable belief in the truth of one's allegation or testimony, based on the information known to the individual at the time. An allegation or cooperation with a Research Misconduct proceeding is not in Good Faith if made with knowledge of or reckless disregard for information that would negate the allegation or testimony. As applies to an institutional or committee member, Good Faith means impartially carrying out the duties assigned for the purpose of helping the University meet its responsibilities under this Policy. An institutional or committee member does not act in Good Faith if their acts or omissions during the Research Misconduct proceedings are dishonest or influenced by personal, professional, or financial Conflicts of Interest with those involved in the Research Misconduct proceeding.

Inquiry. An Inquiry is the preliminary information-gathering and preliminary fact-finding following a determination that an Allegation merits further review.

Intentional. To act Intentionally means to act with the conscious aim of carrying out the act or producing a desired outcome; to act "on purpose."

Investigation. An Investigation is the formal collection of facts and evidence to determine whether an Allegation of Research Misconduct is true or false.

Knowingly. To act Knowingly means to act with awareness of the nature of the conduct even if the outcome of the act itself is not specifically intended.

Plagiarism. Plagiarism is the appropriation of another person's ideas, processes, results, or words, without giving appropriate credit. It includes the unattributed verbatim or nearly verbatim copying of sentences and paragraphs from another's work that materially misleads the reader regarding the contributions of the author. It does not include the limited use of identical or nearly identical phrases that describe a commonly used methodology. Plagiarism does not include self-plagiarism or authorship or credit disputes, including disputes among former collaborators who participated jointly

University of California San Diego Policy – PPM 100 – 4
PPM 100 – 4 Policy on Research Misconduct (Fabrication, Falsification, and Plagiarism)

in the development or conduct of a research project. Self-plagiarism and authorship disputes do not meet the definition of Research Misconduct.

Policy. The Policy is the U C San Diego “Policy on Research Misconduct (Falsification, Fabrication, and Plagiarism).”

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

Probable Cause. Probable cause is a reasonable belief based on evidence such that would lead a person of ordinary caution or prudence conscientiously entertain a strong suspicion that a violation may have occurred.

Recklessly. To act Recklessly means to act with indifference to a known risk.

Research. Research means a systematic experiment, study, evaluation, demonstration, or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research) by establishing, discovering, developing, elucidating, or confirming information. Activities that meet this definition constitute Research for purposes of this Policy, whether they are conducted or supported under a program that is considered research for other purposes. Research can be funded or unfunded.

Researcher. A Researcher is any person who is engaged in the design, conduct, review, or reporting of Research at or for UC San Diego.

Research Integrity Officer (RIO). The RIO is responsible for administering the Policy and procedures for addressing allegations of Research Misconduct. The Director of Research Integrity and Oversight is the RIO for UC San Diego. General oversight of the Policy is the responsibility of the Vice Chancellor for Research and Innovation.

Research Misconduct. Research Misconduct means intentional, knowing, or reckless Fabrication, Falsification, or Plagiarism in proposing, performing, or reviewing Research, or in reporting Research results. Research Misconduct does not include honest error or differences of opinion.

Research Records. Research Records are the records of data or results that embody the results from scientific inquiry. Research Records may be in physical or electronic form. Examples of items, materials, or information that may be considered Research Records include, but are not limited to: Research proposals, raw data, processed data, clinical research records, laboratory records (including notes), study records, laboratory notebooks, progress reports, manuscripts, abstracts, theses, records of oral presentations, online content, lab meeting reports, and journal articles.

Respondent. A Respondent is the individual against whom an Allegation of Research Misconduct is directed or who is the subject of a Research Misconduct proceeding. The Respondent is required to cooperate with the conduct of an Inquiry and Investigation.

Responsible Academic Official. The Responsible Academic Official is the Department Head or Institute or Unit Director that has direct supervision of the Researcher (or shared supervision in the case of joint appointments).

Responsible Academic Unit. The Responsible Academic Unit is the Department, Institute, or Unit of the Responsible Academic Official.

Retaliation. Retaliation means an adverse action taken against a Complainant, Witness, or Committee member by the University or its employees in response to (a) a Good Faith allegation of Research Misconduct or (b) Good Faith cooperation with a Research Misconduct proceeding. Retaliation does not include disciplinary or other adverse action taken by the University in the event a person’s conduct in connection with the matter was in violation of University policy or not conducted in Good Faith.

RIO. See "Research Integrity Officer."

Standing Committee. The (Standing) Committee consists of a pool of faculty selected for disciplinary breadth in consultation with the Academic Senate. Committee members will serve on the Inquiry Committee and/or the Investigation Committee, as assigned. Members of the Committee are guided by this Policy and University Guidelines for Conducting an Inquiry and/or an Investigation.

III. PROCEDURES FOR RESPONDING TO ALLEGATIONS OF RESEARCH MISCONDUCT

A. OBJECTIVES AND GENERAL PROVISIONS

A1. Objectives: In dealing with Allegations under these procedures, UC San Diego shall be guided by the following general objectives:

A1.1 UC San Diego is committed to ensuring integrity in Research.

A1.2 Appropriate and timely action shall be taken to review and address all Allegations.

A1.3 Funding agency requirements for timely notification shall be followed.

A1.4 These Procedures shall be administered in a manner that fairly protects: (i) the due process rights of the Respondent; (ii) the interests of Complainants and those serving as witnesses in the Investigation of Research Misconduct; and (iii) the public interest in preserving the integrity of Research.

A2. General Provisions: The following are generally applicable to Allegations, Inquiries, and Investigations under these Procedures:

A2.1 Confidentiality. Except as otherwise authorized by law or by this Policy or by other University policy, the Research Integrity Officer (RIO), Deciding Official (DO), and all committee members will limit disclosure of the identity of Respondents and Complainants and the disclosure of any records or evidence collected during the processes described in this Policy to those who need to know in order to carry out a thorough, competent, objective and fair Research Misconduct proceeding, make appropriate reports to Research sponsors and/or Research collaborators, ensure appropriate oversight of University activities including compliance with laws and University policies, pursue or impose discipline or corrective actions, and/or protect the public or the Research community. The Complainant, the Respondent, and the witnesses, shall be encouraged to maintain the confidentiality of the proceedings to preserve the integrity of the Research Misconduct proceedings. Only the chairs of the committees or the RIO or his/her designee should contact potential witnesses. Further, interviews of witnesses outside of the University should occur only after consultation with the RIO to assure the necessity of such interviews and the development of an appropriate approach to maximize the confidentiality of the Inquiry or Investigation.

A2.2 Sequestration of Records. On or before the date on which the Respondent is notified and whenever additional items become known or relevant to the Inquiry or Investigation, the RIO shall take reasonable and practical steps to obtain all Research Records and other evidence needed to conduct the Research Misconduct proceeding. The RIO shall inventory the Research Records and other evidence and sequester them in a secure manner. Research Records belong to the University and those involved in an Allegation must be surrendered to the RIO or their designee upon request. The RIO may engage Audit & Management Advisory Services to take possession of potentially relevant evidence. Failure to surrender Research Records upon request is a serious violation of this Policy and may result in discipline.

A2.3 Risk of Loss or Abuse of Funds, Equipment, or Materials. If, in the judgment of the RIO, there appears to be a risk of loss or misuse of funds from circumstances relating

to an Allegation, or a risk of destruction or abuse of University property, or equipment or materials purchased with University funds, the RIO will initiate administrative actions to protect those funds, equipment, or materials, and all Researchers shall have a duty to cooperate with such administrative actions.

A2.4 Rights and Roles of Complainant.

A2.4.1 Confidentiality of Complainant's Identity. The Complainant may request that their identity be kept confidential, and in that case, efforts shall be made to protect the identity of the Complainant, but confidentiality cannot be assured. For example, it may be necessary for the Complainant to testify before one or more faculty committees in the course of an Inquiry or Investigation and his or her identity may be subject to disclosure under various State and Federal laws.

A2.4.2 Disclosure of Allegations. Complainants are encouraged to raise Allegations through these Procedures rather than through public disclosure.

A2.4.3 Complainant as Witness. After making an Allegation, the Complainant's role is to serve as a witness if needed.

A2.5 Retaliation against Complainants or Other Persons. University of California employees may not take adverse actions against Complainants, witnesses, or Committee members because of their Good Faith participation in making, investigating, or acting upon Allegations of Research Misconduct. An "adverse action" is an action that could reasonably be expected to deter a person of ordinary firmness from participating in the Research Misconduct resolution process. Reports of retaliation should be made to the RIO. The RIO will work with the Locally Designated Official to make all reasonable and practical efforts to prevent or mitigate improper adverse actions.

A2.6 Duty to Respond. After receiving an Allegation, the University must undertake an Inquiry if the RIO determines that an Inquiry is warranted (Section B2).

A2.7 Duty to Cooperate. All employees of the University of California have a duty to cooperate with any inquiry or investigation and with any efforts to preserve or sequester evidence in connection with an Allegation of Research Misconduct. Failure to cooperate includes unreasonable delay in responding to requests for action or information.

A2.8 Respondent's Separation from University. The resignation or termination of employment, enrollment, or appointment of a Respondent shall not, in itself, result in the dismissal of a proceeding hereunder, although it may affect the imposition of discipline.

A2.9 Delays. The failure to complete an Inquiry, Investigation, or other process within the time frames prescribed in these Procedures shall not be grounds for the dismissal of an Allegation.

A2.10 Retention of Records. At the closure of a case under this Policy, the case file consisting of the Allegation, the reports of the Inquiry and/or Investigation committees, correspondence, transcripts, and other records related to the case shall be maintained by the RIO. The Institutional record and all sequestered evidence shall be kept for seven (7) years after completion of the proceeding. Records shall be retained as required by federal policies as applicable.

A2.11 Legal Advice. Throughout the process of handling an Allegation, the RIO, the DO, and committee members shall consult with Campus or University Counsel, as needed, for advice and to ensure compliance with these Procedures. Complainants, Respondents, and witnesses may be accompanied by an advisor during any interview, but only for

the purposes of observation and advice. Advisors may only advise their advisee. They may not directly participate in or interfere with any proceeding under this Policy.

- A2.12 RIO Discretion. In the interest of fairness and consistent with the requirements of external funding agencies and other University policies, the RIO has the discretion to extend time frames, expand the scope of the Inquiry or Investigation, or take other action he or she deems appropriate in applying these Procedures. If the RIO expands the scope of the Inquiry or Investigation, the affected Respondent will be provided notice of the expanded scope and offered the opportunity to submit additional documents.

B. ALLEGATIONS OF MISCONDUCT

- B1. Reporting Suspected Misconduct. Allegations of Research Misconduct may be directed to the RIO or made to a Department Head to forward to the RIO. Allegations of Research Misconduct must be made in Good Faith. If an individual is unsure whether a suspected incident falls within the definition of Research Misconduct, they may meet with or contact the RIO to discuss the suspected Research Misconduct informally, which may include discussing it anonymously and/or hypothetically. If the circumstances described by the individual do not meet the definition of Research Misconduct, the RIO may refer the individual to other offices or officials with responsibility for resolving the problem or may notify other offices or officials directly of the concerns. Reports from outside the University should always be directed to the RIO.
- B2. Initial Assessment of Allegation. The Department Head receiving an Allegation shall notify the RIO and only take such further action as directed by the RIO. The RIO receiving an Allegation shall perform an initial assessment of the Allegation as provided in this Section.
- B2.1 Allegations of Research Misconduct. Upon receiving an Allegation of Research Misconduct, the RIO will assess and document the Allegation to determine whether it is sufficiently credible and specific so that potential evidence of Research Misconduct may be identified, and whether the Allegation falls within the definition of Research Misconduct. An Inquiry must be conducted if these criteria are met. If the Complainant has not placed the Allegation in writing, then the RIO shall do so. If the RIO believes that the Allegation is clearly groundless (i.e., either not credible, not sufficiently specific, or not Research Misconduct within the purview of this Policy), the RIO shall prepare and maintain a memorandum and may inform the Complainant of the decision not to proceed. In such a case, the Respondent does not need to be informed of the Allegation.
- B2.2 Dispute about Research Practices, including Authorship and Data Ownership, which do not Involve Research Misconduct. If the Allegation does not involve Research Misconduct, the RIO may refer the matter to the Department Head or another appropriate University official or may close the matter with no further action.
- B2. 3 Multiple Policies Involved. If an Allegation gives rise to investigative responsibilities under more than one University policy, the RIO shall consult with other appropriate administrative offices to coordinate a consistent and effective review of the facts under this and related policies.

C. INQUIRY

- C1. Initiating an Inquiry. The RIO, upon determining that an Inquiry is warranted, shall take the following actions:
- C1.1 Convene the Inquiry Committee. Within fourteen (14) calendar days, of accepting an Allegation under Section B2.1, the RIO shall convene the Inquiry Committee for Integrity of Research consisting of one (1) or more academic scholars from the Standing Committee and such other members as the RIO deems appropriate. The

RIO and the members of the Inquiry Committee shall require proposed Inquiry Committee members to disclose any possible conflicts. Members of the committee from the same Academic Unit as the Respondent or Complainant, or who have a Conflict of Interest shall recuse themselves from the proceedings. The RIO will prepare a charge letter for the committee that describes the Allegation, states the purpose of the Inquiry, directs the committee to prepare a written report for review and sets forth the timeline for completion of the Inquiry. The RIO will provide the committee with material about the Allegation and instructions for carrying out the Inquiry as the RIO deems necessary or appropriate.

- C1.2 Identification of Funding Sources. The RIO shall identify all relevant research grants and funding agencies involved in the Research that is the subject of the Allegation, if any.
- C1.3 Notification of Interested Parties. Immediately after convening the Inquiry Committee, the RIO shall provide written notification of the Allegation and the membership of the Inquiry Committee to the Respondent. The RIO may also notify others with a need to know, including the Complainant and the Respondent's Department Head and/or Dean. If the Respondent is an academic appointee, then the Executive Vice Chancellor, shall be notified and, if it is the judgment of the RIO, the Appropriate Vice Chancellor and Graduate/Undergraduate Deans (when appropriate) may also be notified. If required by law or agency requirements, or contract or funding agreement, or if in the judgment of the RIO it is necessary, then the RIO will inform the appropriate external agencies or private sponsors that an Inquiry is being undertaken. Another institution will be notified only if the RIO has reason to believe that the alleged Research Misconduct occurred at that institution or if the Respondent has a joint appointment at the institution and notification is required by an inter-institutional agreement or to conduct a full and fair review of the Allegation. The RIO shall provide the Respondent with a copy of this Policy.
- C2. Time Limit. The Inquiry process from the convening of the Inquiry Committee to the DO's determination shall normally be completed within ninety (90) calendar days following the first meeting of the Inquiry Committee. Any extension of this time limit must be documented in the final Inquiry report and should comply with the applicable requirements of external funding agencies
- C3. Responsibilities of the Inquiry Committee.
- C3.1 Fact-Finding. The Inquiry Committee shall examine and evaluate relevant Research Records and materials and conduct sufficient interviews and preliminary fact-finding to determine whether there is Probable Cause that Research Misconduct may have occurred and an Investigation is warranted.
- C3.2 Interviews. The Inquiry Committee may interview the Complainant and other key witnesses with respect to the Allegation, but it is not required to do so.
- C3.3 Respondent. The Inquiry Committee shall provide an opportunity for the Respondent to respond to the Allegation, both in writing and orally during one or more interviews conducted at the UC San Diego campus. The Respondent should be given the opportunity to admit that Research Misconduct occurred and that he or she committed the Research Misconduct. The RIO may terminate the review of an Allegation that has been admitted, if acceptance of the admission and any proposed settlement is supported and permitted by applicable external funding agency policies.
- C3.4 Prepare Report. The Inquiry Committee shall prepare a report of its findings within 60 calendar days of the date of its initial meeting.
- C4. Report of the Inquiry Committee. The written Inquiry report shall include the composition of the committee members and experts consulted by the committee, if any; the Allegation and

the named Respondents; the funding sources for the Research; how and from whom relevant information was obtained; an inventory of sequestered records and a list of the Research Records reviewed; transcripts of any transcribed interviews with any corrections; timeline and procedural history; any scientific or forensic analyses conducted; and a determination that Probable Cause exists or does not exist as to each Allegation that Research Misconduct may have occurred. The report shall note if there is potential evidence of honest error or difference of opinion. The Inquiry report may also comment on Research practices that the committee deems questionable even if those practices do not constitute Research Misconduct.

C5. Finalizing the Report of the Inquiry Committee.

C5.1 RIO Review. The RIO shall review the Inquiry report within seven (7) calendar days of his or her receipt to ensure that: (i) the committee has completed its charge; (ii) the report provides sufficient information to justify the committee's findings; (iii) the report does not include information that is inappropriate; and (iv) the report is in proper form. If the report is inadequate in any of these respects, the RIO shall ordinarily request the necessary modifications. If the committee fails to make the necessary changes, then at his or her discretion, the RIO may accept the report as is or initiate a new Inquiry with different committee members.

C5.2 Revisions by Committee. If the report has been referred back to the Inquiry Committee for modification or revision, the committee shall submit a final, signed report, satisfactory to the RIO, within seven (7) calendar days of such request. If additional time is needed to revise the report or conduct further Inquiry, then the committee shall request an extension of time from the RIO.

C5.3 Review and Response by Respondent. The RIO shall provide the Respondent with a copy of the report and make available a copy of or supervised access to the evidence on which the report is based. The Respondent shall submit their written comments or requested corrections of any factual errors to the RIO within seven (7) calendar days of receipt of the report. Upon receipt, the RIO shall promptly forward the response to the Inquiry Committee, which may revise the report. The response shall become part of the record of the Inquiry.

C5.4 Determination by the DO. The RIO will transmit the final Inquiry report and any comments to the DO. Within seven (7) calendar days of his or her receipt of the final report, the DO shall determine whether Probable Cause exists that Research Misconduct may have occurred and if an Investigation is warranted.

C6. Notifications and Actions. Upon the DO's acceptance of the final report of Inquiry, the RIO shall promptly take action as follows:

C6.1 Notification of Respondent. The RIO shall provide the Respondent with the final Inquiry Committee report and DO's determination as to whether Probable Cause exists that Research Misconduct may have occurred, warranting an Investigation. The Respondent may comment in writing within fifteen (15) calendar days, and such response shall become part of the record of the Inquiry.

C6.2 Notification of Interested Parties. At his or her discretion, the RIO may provide Complainants, witnesses, Department Heads, Deans, and other University officials with a written summary of the Inquiry Committee's findings and the DO's determination in the case.

C6.3 Actions.

C6.3.1 Finding that an Allegation Lacks Substance. If the DO determines that Probable Cause does not exist to believe Research Misconduct occurred, then the DO shall, in consultation with the Respondent, make efforts to restore the Respondent's reputation if it has been affected by the Allegation.

If the DO makes a finding that the Allegation was not made in Good Faith, then the DO may take appropriate administrative action.

C6.3.2 Finding of Violations other than Research Misconduct. If the DO determines that Probable Cause does not exist to believe that Research Misconduct occurred, but finds that the Respondent may have violated other Research standards or other University policies, then the RIO may refer such possible violations in a separate summary memorandum to the appropriate administrative officer (who may be the RIO) and/or the Researcher's supervisor for action or discipline. If appropriate, such information may be considered in the applicable performance review or promotion process.

C6.3.3 Finding that Research Misconduct May Have Occurred. If the DO determines that there is Probable Cause to believe that Research Misconduct may have occurred, then the RIO will proceed with an Investigation (Section D).

C7. Process for Re-Opening an Inquiry of the Report of Inquiry Committee

C7.1 The RIO may re-open an Inquiry if, after finding that an Allegation lacks substance, the RIO subsequently determines that: (i) substantial new evidence has been discovered; (ii) appropriate procedures were not properly followed; or (iii) one or more committee members had a Conflict of Interest. If the RIO re-opens an Inquiry, the RIO will reconvene the Inquiry Committee and specify the issues to be addressed and persons to be interviewed. The Inquiry Committee will prepare a new report in accordance with Section C5.

D. INVESTIGATION

D1. Initiating an Investigation. The RIO, upon determining that an Investigation is required, shall take the following actions:

D1.1 Appointment of Committee. Within thirty (30) calendar days of the DO determining that Probable Cause exists to believe Research Misconduct occurred, the RIO shall appoint an Investigation Committee consisting of, at least, three (3) or more academic scholars from the Standing Committee and such other members as the RIO deems appropriate. Individuals appointed to the Investigation committee may also have served on the Inquiry committee.

D1.1.1 Membership. The Investigation Committee must include at least one member with relevant scientific expertise to evaluate the evidence and issues related to the Allegation and Research in question. The members of the Investigation Committee must be free from Conflicts of Interest and should not be from the same Academic Unit as the Respondent unless the RIO determines that service on the committee from a Researcher from the same Academic Unit will promote the full and fair resolution of the Allegation, for example because of availability, expertise, or some other good reason. Academic scholars from other research institutions may be asked to serve on the committee.

D1.1.2 Conflicts of Interest. Prior to appointing members to the committee, the RIO shall request that proposed members of the committee disclose any Conflicts of Interest and shall notify the Respondent of the proposed committee membership. If the Respondent submits a written objection within seven (7) calendar days to any proposed member of the Investigation Committee, the DO will, in his or her discretion, either overrule the objection or replace the challenged member with a qualified substitute. If the Respondent does not object in a timely fashion, he or she will be deemed to have accepted the proposed committee membership.

- D1.2 Instructions. The RIO shall provide the committee with written instructions for carrying out the Investigation. The purpose of the Investigation is to develop a factual record by exploring the Allegations in detail and examining the evidence in depth, leading to recommended findings on whether Research Misconduct has been committed, by whom, and to what extent. The Investigation will also determine whether there are additional instances of possible Research Misconduct that would justify broadening the scope beyond the initial Allegations. If additional allegations are raised, the Respondent must be notified in writing of the additional allegations raised against them.
- D1.3 Notification of Interested Parties. Immediately after appointing an Investigation Committee, the RIO shall provide written notification of the Allegation, the appointment of the Investigation committee, and its membership to the Respondent and the Appropriate Vice Chancellor. The RIO may also notify others who need to know, including the Complainant and the Respondent's Department Head and/or Dean, and the Graduate/Undergraduate Deans (when appropriate). If the Respondent is an academic appointee, then the Executive Vice Chancellor, Academic Affairs shall be notified. Affiliated institutions in which the Respondent has a joint appointment shall be notified as required by inter-institutional agreements. The RIO shall inform the appropriate funding agencies, consistent with law, agency requirements, and contractual agreements, that an Investigation is being undertaken.
- D2. Time Limit. The Investigation process shall normally be completed within one-hundred eighty (180) calendar days following the appointment of the Investigation Committee. Any extension of this time limit must be documented in the final Investigation report and should comply with the applicable requirements of external funding agencies. If UC San Diego is unable to complete the Investigation within the time period required by any applicable external agency, the RIO shall submit a written request to the agency requesting an extension to comply with its regulations; such a request must include an explanation for the delay that includes an interim report on the progress to date and estimated dates of completion of the report and other necessary steps.
- D3. Responsibilities of the Investigation Committee. The Investigation Committee shall take the following actions:
- D3.1 Evidence. Examine all Research Records and relevant information to determine if Research Misconduct, by a Preponderance of the Evidence, has occurred and who is responsible.
- D3.2 Interviews. Interview Complainant, Respondent, and other witnesses having information regarding any relevant aspects of the Investigation, including witnesses identified by the Respondent. Interviews should be recorded and transcribed. Transcripts of the interviews with any corrections from the relevant interviewee should be included in the record of the Investigation. If any person refuses to be interviewed or unduly delays sitting for an interview, the committee may proceed to reach its conclusions without interviewing that person and also may refer that person, if employed by UC San Diego, for discipline for failure to cooperate with the investigation.
- D3.3 Expertise. Secure additional necessary and appropriate expertise in consultation with the RIO.
- D3.4 Prepare Report. The Investigation Committee shall prepare a report of its findings within 120 calendar days of the date of its appointment.
- D4. Report of the Investigation Committee. The report of the Investigation Committee shall contain:

- D4.1 Background. Composition of committee, a clear description of the Allegation and the named Respondents, the funding sources for the Research; how and from whom relevant information was obtained; an inventory of sequestered records and a list of the Research Records reviewed; transcripts of transcribed interviews with any corrections; the procedures followed by the committee to arrive at its findings, and a summary of records compiled.
- D4.2 Findings. A statement of findings for each allegation of Research Misconduct identified during the Investigation. Each finding must indicate that the Preponderance of the Evidence indicates that (a) Research Misconduct has occurred, or (b) a violation other than Research Misconduct has occurred, or (c) the Allegation is not supported.

If the committee recommends a finding that Research Misconduct has occurred, each finding must identify the individual(s) who committed the Research Misconduct, indicate whether the Research Misconduct was falsification, fabrication, and/or plagiarism, indicate whether the Research Misconduct was committed Intentionally, Knowingly, or Recklessly and must summarize the facts and the analysis that support the conclusion. A finding of Research Misconduct requires that there is a significant departure from accepted practices of the relevant research community.

If the committee does not recommend a finding of Research Misconduct, the Investigation Report must provide a detailed rationale.

- D4.3 Evidence. Any scientific or forensic analyses conducted. A discussion of the documentary or other physical evidence, testimony, and reasoning that supports the committee's decision.

D5. Finalizing the Report of the Investigation Committee.

- D5.1 RIO Review. RIO review shall follow the same process as that set forth in Section C5.1 above.
- D5.2 Initial Revisions by Committee. If the report has been referred back to the Investigation Committee for modification or revision, the Committee shall submit a signed report, satisfactory to the RIO, within seven (7) calendar days of such request. If additional time is needed for revisions or further Investigation, then the Committee may request an extension of time from the RIO. After revisions satisfactory to the RIO have been made, a final signed report shall be submitted to the RIO.
- D5.3 Review and Response by Respondent. The RIO shall provide the Respondent with a copy of the report and make available a copy of or supervised access to the evidence on which the report is based. The Respondent shall submit his or her written comments or requested corrections of any factual errors to the RIO within fourteen (14) calendar days of receipt of the report. Upon receipt, the RIO shall promptly forward the response to the Investigation Committee, which may revise the report. The response shall become part of the record of the Investigation.
- D5.4 Final Revisions by Committee. A final, signed report, satisfactory to the RIO, shall be submitted within seven (7) calendar days of receipt of the response from the Respondent. If additional time is needed to review the Respondent's response, conduct additional Investigation, or correct any factual errors, then the Committee shall request an extension of time from the RIO.
- D5.5 Determination by DO. The RIO will transmit the report and any comments to the DO. Within fourteen (14) calendar days of his or her receipt of the final report, the DO shall determine whether a Preponderance of Evidence supports a finding of Research Misconduct and, if so, who committed the misconduct. If this determination varies from the findings of the Investigation Committee, the DO will, as part of his/her written determination, explain in detail the basis for rendering a decision different from the

findings of the Investigation Committee. Alternatively, the DO may return the report to the Investigation Committee with a request for further fact-finding or analysis.

D6. Notifications and Actions. Upon the DO's acceptance of the final report of Investigation, the RIO shall promptly take the following actions.

D6.1 Notification of Respondent. The RIO shall provide the Respondent with a final copy of the Investigation report and his or her determination about whether Research Misconduct has occurred.

D6.2 Notification of Interested Parties. If the Respondent is an academic appointee, then the Executive Vice Chancellor, Academic Affairs shall be notified. At his or her discretion, the RIO may provide Complainants, witnesses, Department Heads, Deans, and other University officials with a written summary of the Investigation Committee's findings and the RIO's determination in the case.

D6.3 Actions. Depending on the findings, the RIO shall take appropriate actions.

D6.3.1 Finding that an Allegation is not Supported. If the DO finds that the Allegation is not supported by a Preponderance of the Evidence, then the RIO shall, in consultation with the Respondent, make efforts to restore the Respondent's reputation if affected by the Allegation..

D6.3.2 Finding of Violations other than Research Misconduct. If the DO finds that Research Misconduct did not occur, but finds that the Respondent may have violated commonly accepted Research standards or other University policies, then the RIO may refer such possible violations in a separate summary memorandum to the appropriate administrative officer (who may be the RIO) and/or the Researcher's supervisor for action or discipline. If appropriate, such information may be considered in the applicable performance review process.

D6.3.3 Finding of Research Misconduct. If the DO finds that Research Misconduct has occurred, then he or she shall initiate disciplinary action (Section E) and, in consultation with Campus or University Counsel, shall take any necessary corrective steps, including correction of the published record. The RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies. If a finding of Research Misconduct is made, the confidentiality limit no longer applies.

D7. Submission of Final Report. Within seven (7) calendar days after the DO's determination as to whether Research Misconduct has occurred, the RIO shall provide a copy of the final report to the appropriate funding agency and to affiliated institutions, in compliance with regulations or contractual agreements. The final report shall include the actual text or an accurate summary of the views of any Respondent found to have engaged in Research Misconduct, as well as a description of any sanctions taken against such individual.

D8. Appeals. Neither the findings of an Investigation Committee, nor the DO's determination regarding Research Misconduct, shall be subject to further appeal by any party.

E. CLOSING OF A RESEARCH MISCONDUCT PROCEEDING

E1. Discipline. Upon a finding of Research Misconduct, the DO will notify the Chancellor and refer the matter to the appropriate offices for the imposition of discipline, consistent with applicable UC San Diego University policy and collective bargaining agreements, and the DO will take steps to ensure that appropriate corrective actions and sanctions are implemented.

E2. Notification to External Agencies. If the case is subject to review by an external agency, then the RIO may report the final disposition to interested parties at that external agency. The RIO

is responsible for maintaining and providing to the sponsoring agency records of Research Misconduct proceedings as required by law, regulation, agency policy, or contract. The RIO is responsible for maintaining records of Research Misconduct proceedings in a secure manner for the period of 7 seven years or such other time period as may be required by federal and state law, University policy, and the sponsoring agency, unless advised in writing otherwise. Findings of Research Misconduct by an external agency are separate from any findings of Research Misconduct at UC San Diego.

REVISION HISTORY

2018-09-20 Policy revised.

2018-10-04 Grammar and formatting edits made to policy and Appendix B.

2021-07-02 The policy was reviewed as part of the 3-year policy review cycle. Edits were made to weblinks and formatting. Policy reissued.

2025-12-XX Policy revised.

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UC San Diego

Policy & Procedure Manual

[Search](#) | [A–Z Index](#) | [Numerical Index](#) | [Classification Guide](#) | [What's New](#)

I&R POLICY AND ORGANIZATION

Section: 100-4 APPENDIX A

Effective: XX/XX/2025

Supersedes: 09/20/2018

Review Date: XX/XX/2028

Issuance Date: XX/XX/2025

Issuing Office: [Office of Research and Innovation](#)

Appendix A

Other Policies and Disciplinary Procedures Relevant to Integrity of Research

University of California Integrity of Research Policy

- University of California Policy on Integrity of Research: <https://policy.ucop.edu/doc/2500496/IntegrityInResearch>

Academic Appointee Discipline and Grievances

- University of California Faculty Code of Conduct, Academic Personnel Manual: https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf
- University of California Policy on Faculty Conduct and the Administration of Discipline, Academic Personnel Manual 016: https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-016.pdf
- University of California Policy on Corrective Action and Dismissal of Non-Senate Academic Appointees, Academic Personnel Manual 150: https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-150.pdf
- UC San Diego Policy on Grievances of Non-Senate Academic Appointees, PPM 230-5: <http://adminrecords.ucsd.edu/PPM/docs/230-5.HTML>

Student Integrity of Scholarship Policy

- UC San Diego Policy on Integrity of Scholarship (this policy applies to academic course work for both undergraduate and graduate students): <http://senate.ucsd.edu/Operating-Procedures/Senate-Manual/Appendices/2>

Student Discipline and Grievances

- University of California Policies Applying to Campus Activities, Organizations, and Students, Section 100.00 Student Conduct and Discipline: <https://policy.ucop.edu/doc/2710530/PACAOS-100>
- UC San Diego Student Conduct Procedures: <http://adminrecords.ucsd.edu/ppm/docs/160-10.html>
- UC San Diego Graduate Student Appeals, Graduate Student Handbook, Conflict Resolution and Student Appeals: <http://gradlife.ucsd.edu/health-wellbeing/conflict-resolution/index.html>

Postdoctoral Scholars Discipline and Grievances

- UC San Diego Policy on Postdoctoral Scholar Corrective Action and Discipline (see section 390-50): https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-390.pdf
- UC San Diego Policy on Postdoctoral Scholar Grievances (see section 390-40): https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-390.pdf

Employee Discipline and Grievances

- Procedures for administration of discipline for staff employees in accordance with applicable personnel policies
 - Bargaining Units and Contracts are available at: <https://ucnet.universityofcalifornia.edu/labor/bargaining-units/index.html>
 - Personnel Policies for Staff Members are available at: <https://policy.ucop.edu/manuals/personnel-policies-for-staff-members.html>

Extramural Agency Policies

- Applicable policies or regulations concerning research fraud and unethical conduct issued by federal, State, and private agencies from which UC San Diego has accepted research funding. Such regulations include Public Health Service (PHS) Policies on Research Misconduct (42 CFR Part 93) (<https://www.federalregister.gov/d/2024-20814>), and the National Science Foundation regulations on Misconduct in Science and Engineering Research (45 CFR Part 689) (<https://www.nsf.gov/oig/regulations/>)

Whistleblower Policy

- University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities: <https://policy.ucop.edu/doc/1100171/Whistleblower>
- University of California Policy for Whistleblowers Protection: <https://policy.ucop.edu/doc/1100563/WPP>
- Protection of Whistleblowers from Retaliation UC San Diego Implementing Procedure: <http://adminrecords.ucsd.edu/ppm/docs/200-14.html>

Professional Society Statements of Professional Ethics and Responsibility

- In considering Allegations of Research Misconduct, the University will, if it deems it to be appropriate, consider the statements of professional ethics and responsibility of the professional society of which a Respondent is a member.

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UC San Diego

Policy & Procedure Manual

[Search](#) | [A-Z Index](#) | [Numerical Index](#) | [Classification Guide](#) | [What's New](#)

I&R POLICY AND ORGANIZATION

Section: 100-4 Appendix B

Effective: XX/XX/2025

Supersedes: 10/04/2018

Review Date: XX/XX/2028

Issuance Date: XX/XX/2025

Issuing Office: [Office of Research and Innovation](#)

Appendix B Instructions for the RIO and the Committee

The following is a suggested timeline for completion of the **Inquiry** process following receipt of an Allegation by the RIO:

| Task | Time (calendar days) |
|--|-------------------------|
| RIO Convenes Inquiry Committee | 14 |
| Inquiry Committee submission of report to RIO | 60 |
| Review of report by RIO; When acceptable, report provided to Respondent | 7 |
| Respondent submission of response to report to RIO | 7 |
| Revision of report by Inquiry Committee, if necessary; Inquiry committee submission of signed report to RIO | 7 |
| Decision Official's decision to accept Inquiry Committee report as final and determination as to whether Research Misconduct may have occurred; and notification of interested parties of determination by RIO | 7 |

The following is a suggested timeline for completion of the **Investigation** process following the RIO's decision to accept the Inquiry committee report as final:

| Task | Time (calendar days) |
|---|-------------------------|
| Appointment of Investigation Committee by RIO | 30 |
| Investigation Committee submission of report to RIO | 120 |
| Review of report by RIO; when acceptable, report provided to Respondent | 7 |
| Respondent submission of response to report to RIO | 14 |
| Revision of report by Investigation Committee; Investigation Committee submission of signed report to RIO | 7 |
| Decision Official's decision to accept Investigation Committee report as final and determination as to whether Research Misconduct has occurred; and notification of interested parties of determination by RIO | 14 |
| Submission of final report to appropriate external agency by RIO | 7 |