

---

## **UCLA Policy 993: Responding to Allegations of Research Misconduct**

---

Issuing Officer: Executive Vice Chancellor & Provost

Responsible Dept: Office of the Vice Chancellor for Research and Creative Activities

Effective Date: June 17, 2022

Supersedes: UCLA Policy 993, dated 10/27/2010

---

### **I. PURPOSE & SCOPE**

### **II. DEFINITIONS**

### **III. POLICY STATEMENT**

### **IV. PROCEDURES**

### **V. REFERENCES**

### **VI. ATTACHMENTS**

## **I. PURPOSE & SCOPE**

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 only the avoidance of wrong doing but also the rigor, carefulness, and accountability that are hallmarks of good scholarship.

This Policy implements this commitment and outlines the procedures for reporting and responding to Allegations of Research Misconduct, and is also intended to satisfy the requirements of the U.S. Department of Health and Human Services (DHHS), the National Science Foundation, and other federal agencies.

This Policy applies to:

1. All academic appointees, postdoctoral scholars, and staff, who held appointments at UCLA at the time of the alleged Research Misconduct; and
2. Others at UCLA (including paid and unpaid students) working on externally (including federally) sponsored Research projects or being supported by externally (including federally) funded Research training grants when Research Misconduct involving their supported work was alleged to have occurred, if the external sponsor requires a process for responding to Allegations of Research Misconduct that is similar to, or based on the federal Research Misconduct regulations.

This policy does *not* apply to:

3. Students (including those preparing Master's or Ph.D. theses), except as included in section 1. and 2., above; and
4. Faculty teaching activities, such as the preparation and presentation of classroom lectures, examinations, or websites.

## **II. DEFINITIONS**

**Allegation** refers to any oral or written report of suspected Research Misconduct.

**Complainant** is a person who makes an Allegation.

**Good Faith** as applied to a Complainant or witness, means that the Complainant or witness believes that the Allegation made or the testimony given is true based on the facts as that individual understands them at the time. As applied to a committee member, Good Faith means cooperating with the Research Misconduct Proceeding by carrying out duties impartially.

**Initial Assessment** is an evaluation of an Allegation by the Research Integrity Officer to decide whether an Inquiry is warranted.

**Inquiry** refers to preliminary information-gathering and fact-finding to conclude whether an Allegation warrants an Investigation.

**Investigation** is the formal development of a factual record and the examination and evaluation of that record to find if Research Misconduct has occurred and, if so, to determine the responsible person(s).

**Preponderance of the Evidence** is the standard used in determining whether Research Misconduct occurred: i.e., proof by information that leads to the conclusion that Research Misconduct was more likely to have occurred than not.

**Research** refers to, in any academic discipline, 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.

**Research Integrity Officer (RIO)** refers to the institutional official responsible for administering this Policy. At UCLA, the Vice Chancellor for Research and Creative Activities (VCR) serves as the RIO, except that the Vice Chancellor, Academic Personnel will serve instead if, in a particular Research Misconduct Proceeding, the VCR has a conflict of interest or is unavailable.

**Research Misconduct** is the 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 is not a dispute among collaborators about authorship or credit.

**Research Misconduct Investigator** is a person designated by the RIO to assist in conducting a Research Misconduct Proceeding.

**Research Misconduct Proceeding** refers to any formal University action (or other action by a Research Sponsor with regulatory responsibility) related to an Allegation, including but not limited to UCLA's receipt of an Allegation, Initial Assessment, Inquiry, Investigation or determination by the RIO.

**Research Record** is 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, books, 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** is 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 that 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** is a person against whom an Allegation of Research Misconduct is directed or who is the subject(s) of a Research Misconduct Proceeding.

**Retaliation** refers to 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.

### III. POLICY STATEMENT

- A. All persons engaged in Research at UCLA are responsible for adhering to the highest standards of intellectual honesty and integrity. Those who supervise Research have a responsibility to create an environment that encourages those high standards through open publication and discussion, emphasis on Research quality, appropriate supervision, maintenance of accurate and detailed Research procedures and results, and suitable assignment of credit and responsibility for Research.
- B. 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 interference with a Research Misconduct Proceeding.
- C. The RIO, on behalf of UCLA, assumes primary responsibility for: 1) assessing Allegations; 2) conducting Inquiries and Investigations and making determinations of whether Research Misconduct occurred; 3) reporting the results of Inquiries and Investigations to Research Sponsors as required; 4) 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; 5) filing an annual report with ORI; 6) taking reasonable steps to ensure the cooperation of Respondents and others at UCLA with Research Misconduct Proceedings; and 7) initiating retractions and corrections of any publications, if appropriate.

UCLA is also responsible for determining and implementing sanctions and discipline where appropriate. [See item IV. G.2., below].

### IV. PROCEDURES

#### **A. Reporting Allegations of Research Misconduct**

Anyone may report, either orally or in writing, suspected Research Misconduct against one or more persons. Such Allegations should be reported to the RIO. If an Allegation is received by another University administrator, it should be promptly reported to the RIO.

If an Allegation is identified in the course of another University process, such as an audit, it should immediately be reported to the RIO who will promptly initiate a Research Misconduct Proceeding regardless of the conduct or outcome of the other process.

Not all wrongdoing related to Research is Research Misconduct, but it may still violate other University policies (e.g., the Faculty Code of Conduct, the UCLA Student Conduct Code, 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.

#### **B. Initial Assessment**

1. **Receipt of an Allegation.** Upon receiving an Allegation, the RIO will, if possible within two (2) weeks, make an Initial Assessment to decide whether an Inquiry is warranted.

An Inquiry is warranted if there is a reasonable basis for concluding that: a) the Allegation falls within the definition of Research Misconduct; b) the Allegation is sufficiently serious, credible and specific so that potential evidence or witnesses may be identified; c) the Allegation is made against a person to whom this Policy applies; and d) the alleged Research Misconduct occurred within a limitation period, as defined below.

2. **Decision That an Inquiry Is Warranted.** If the RIO decides that an Inquiry is warranted, the RIO will initiate an Inquiry, as provided in section IV.E. If, however, there is sufficient evidence because the Allegation

arose out of another process, such as an audit of a clinical trial, the RIO may use that evidence to initiate an Investigation without an Inquiry.

In addition:

- If the Respondent is an academic appointee, the RIO will notify the Vice Chancellor, Academic Personnel;
  - If the Respondent is a student, the RIO will 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, the RIO will notify the appropriate academic dean, with concurrent notice to the Dean of the Graduate Division and the Associate Vice Chancellor, Campus Human Resources;
  - If the Respondent is a staff member, the RIO will notify the Associate Vice Chancellor, Campus Human Resources.
3. Decision That the Research Misconduct Proceeding Should Be Closed. If the RIO decides that an Inquiry is not warranted, the RIO will close the case pursuant to section IV.H. Prior to closing the case, the RIO will include in the file: a) written documentation summarizing the Allegation, b) identification of the source of Research support, and c) explanation, in light of the relevant criteria, of the reasons for the determination in sufficient detail so that if a Research Sponsor subsequently reviews the case file, they understand why the decision was made.

The RIO may refer the matter to other campus officers, as appropriate.

4. Notice to Respondent. Within a reasonable time period and prior to the start of an Inquiry, if any, the RIO will provide the Respondent with written notice of the Allegation and a copy of this Policy.

The unavailability of a Respondent for any reason, including voluntary or involuntary separation from affiliation with UCLA, will not preclude or in any way delay the initiation or continuation of a Research Misconduct Proceeding.

5. Limitation Period. An Inquiry and Investigation will *not* be initiated if the Allegation is received more than six (6) years after the alleged Research Misconduct occurred, *unless*: a) 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; b) 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; or c) the Research Sponsor's policy provides an alternative limitation period.

### **C. Securing of Evidence**

With the assistance of a Research Misconduct Investigator, representatives from Audit & Advisory Services, Campus Counsel, the Inquiry Committee or others, the RIO will 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. To the extent possible, this will be done before Respondents are notified of Allegations of Research Misconduct. 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. Research data generated during the course of UC research is owned by The Regents regardless of where it resides or its form (electronic or hard copy).

At each stage of these proceedings, those responsible for conducting the Inquiry and Investigation will notify the RIO if and when additional evidence is identified that needs to be secured and retained (see section IV.D.2.).

The RIO will securely maintain such data and evidence, as well as the records of an Initial Assessment and the Inquiry and Investigation Committees, for seven (7) 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. The Respondent will receive copies of, or supervised reasonable access to, the Research Record to prepare a response and continue conducting Research.

#### **D. General Standards for Inquiry and Investigation Committees and Administrators**

1. **Selection Criteria.** An Inquiry Committee (see section IV.E.1) and an Investigation Committee (see section IV.F.1) will consist of individuals with the appropriate scientific expertise to evaluate the evidence and issues related to the Allegation, but will not include, if practicable, the Respondent's chair or division chief, others who are directly responsible for the Respondent's work, and those who have unresolved personal, professional, or financial conflicts of interest with persons involved with the Inquiry or Investigation. Individuals appointed to the Investigation Committee may also have served on the Inquiry Committee.
2. **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 notify the RIO under section 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 (see section IV.H.); and
  - Assure thorough, competent, objective, and fair Inquiries and Investigations, which may include interviewing available principals and key witnesses.
3. **Notify the RIO.** Notify the RIO if there is 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 or animal subjects; 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; the Research Misconduct Proceeding may be made public prematurely, and 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.
4. **Confidentiality.** To the extent possible, UCLA and all participants in a Research Misconduct Proceeding should 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 consistent with University policy and the law. Except as may otherwise be prescribed by applicable law and University policy, and as necessary to conduct a Research Misconduct Proceeding, confidentiality must be maintained (e.g., through the use of redaction) for any records or evidence from which Research subjects may be identified.

#### **E. Inquiry**

1. **Appointment of Inquiry Committee.** Following a decision to initiate an Inquiry (see section IV.B.), the RIO will 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, Campus Counsel, or others for assistance.
2. **Notice to the Respondent.** At the time of or before initiating an Inquiry, the RIO will make a reasonable effort to provide a written notice about the decision to initiate an Inquiry. That notification will include the identification of those who will conduct the Inquiry. The RIO will advise that to their knowledge, those

conducting the Inquiry do not have unresolved personal, professional, or financial conflicts of interests with Respondent. Respondents who disagree may submit a written description of the conflict or bias that they believe exists, and any evidence supporting that assertion, within five (5) business days of receiving the notice. The RIO will make the final determination about the composition of the Committee.

3. Conduct of an Inquiry Committee. An Inquiry Committee must complete its work, including the preparation of and transmittal to the RIO of its preliminary and final reports, within sixty (60) days of its appointment unless an alternative time period is specified in the Research Sponsor’s policies or the RIO grants an extension of the time period in response to a written request from the Inquiry Committee stating the basis for request for an extension.

The following table lists the sequential actions to be taken in conducting an Inquiry and the individual or group with responsibility for each action:

RESPONSIBILITY	ACTION
RIO	Appoints an Inquiry Committee, see IV. E. and charges the Committee in writing and, if appropriate, also in person. Provides Respondent written notice of the decision to initiate the inquiry.
Inquiry Committee	Engages in preliminary information-gathering and fact-finding, as provided in sections IV.C. & D and may, but is not required to, conduct interviews of available principals and key witnesses. If interviews are conducted, each interview will be recorded or transcribed, a copy of which will be provided to the interviewee for annotation and correction, which in turn will be included in the record of the Investigation.  If, based upon that fact-finding, the Committee concludes that: 1) there is a reasonable basis for concluding that the Allegations fall within the definition of Research Misconduct, and 2) the Allegations may have sufficient substance, then the Committee will recommend to the RIO that an Investigation is warranted.  Prepares a Preliminary Inquiry Report for the RIO that includes: <ul style="list-style-type: none"> <li>• the name and position of the Respondent;</li> <li>• a description of the Allegations;</li> <li>• the basis for concluding whether an Investigation is warranted; and</li> <li>• 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).</li> </ul> Within sixty (60) days of appointment, forwards a copy of the Preliminary Inquiry Report to the RIO.
RIO	Transmits the Preliminary Inquiry Report to the Respondent.
Respondent	Within two (2) weeks of its receipt, may submit to the RIO a written response to the Preliminary Inquiry Report for transmittal to the Committee.
RIO	May prepare comments as to whether the Committee’s actions and Preliminary Inquiry Report satisfy this Policy, and transmit those comments (if any) to the Inquiry Committee along with any written response that the Respondent submitted.
Inquiry Committee	Considers any comments provided by the Respondent and RIO, making changes as the Committee feels appropriate, and submits to the RIO its final Inquiry Report with the Respondent’s response attached.
RIO	Within two (2) weeks of receiving the Inquiry Report, issues a written decision on whether to accept the Committee’s conclusion as to whether an Investigation is warranted.

RESPONSIBILITY	ACTION
RIO (con't)	Provides the Respondent a copy of that written decision and 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).
	After notifying the Research Sponsor, if required (see section IV.I.), initiates an Investigation (section IV.F.) or closes the Proceeding (see section IV.H.).

**F. Investigation**

1. Appointment of Committee. Within thirty (30) days of the RIO's decision to conduct an Investigation, the RIO will appoint an Investigation Committee to determine whether Research Misconduct has occurred, pursuant to the appropriate evidentiary standards.

In appointing the Committee, the RIO will consult with: a) the appropriate chair, director or dean, and b) the 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 will be as follows:

- If Respondent is a member of the Academic Senate, the Committee will consist of three (3) 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 (2) or three (3) members of the University of California Academic Senate or more if warranted in the view of the RIO. The RIO has the discretion to appoint an additional member from the Respondent's peer group (e.g., non-Senate academic appointee, visiting scholar, post-doctoral scholar, staff, student, etc.).
2. Notice to Respondent. The RIO will notify the Respondent in writing about the decision to initiate a formal Investigation. The notice will include the identification of those who will conduct the investigation and advise that to the RIO's knowledge, none have unresolved personal, professional, or financial conflicts of interests. Respondents who disagree may submit a written description of the conflict or bias that they believe exists, and any evidence supporting that assertion, within five (5) business days of receiving the notice. The RIO will make the final determination about the membership of the committee.
  3. Conduct of the Investigation. The Investigation Committee will take reasonable steps to: ensure an impartial, unbiased, and thorough Investigation, including sufficiently documenting the Investigation; comply with section IV.C&D; diligently pursue all significant and relevant issues and leads; and examine all relevant Research Records and evidence, including evidence of additional Allegations.

During the Investigation, the Respondent has the right to be represented, but the right of the Respondent and a representative to attend meetings of the Committee is limited to those occasions when the Respondent is being interviewed. If the Respondent elects to have legal counsel, Campus Counsel will also be invited to participate.

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 unless the Research Sponsor specifies an alternate time period within its policies. The RIO may extend that time period, provided that a Research Sponsor, if it so required, has assented in writing.

4. Evidentiary Standards. A finding of Research Misconduct requires finding that the alleged Research Misconduct: a) represents a significant departure from accepted practices of the relevant Research community; b) was committed intentionally, knowingly, or with reckless disregard of the facts; and c) was proven by a Preponderance of the Evidence.

Evidence of Research Misconduct may include showing, by a Preponderance of the Evidence, that: a) the Respondent intentionally, knowingly, or recklessly destroyed Research Records, 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 b) such actions constitute a significant departure from accepted practices of the relevant Research community.

The Respondent has the burden of proving by a Preponderance of the Evidence any and all affirmative defenses raised, including proof of honest error or that a difference of opinion occurred. The Respondent also has the burden of going forward with and proving, by a Preponderance of the Evidence, any mitigating factors that are relevant to a decision to take administrative actions, including sanctions and discipline, following a Research Misconduct Proceeding.

The following table lists the sequential actions to be taken in conducting an Investigation and the individual or group responsible for each action:

RESPONSIBILITY	ACTION
RIO	Appoints an Investigation Committee, see section IV.F., and charges the Committee in writing and, if appropriate, also in person.
Investigation Committee	<p>Conducts an Investigation, as provided in sections IV.D. &amp; F.</p> <p>Conducts interviews of each Respondent, Complainant, and other available persons who have been reasonably identified as having relevant information, including witnesses and co-authors. Each interview will be recorded or transcribed, a copy of which will be provided to the interviewee for annotation and correction, which in turn will be included in the record of the Investigation.</p> <p>Considers the arguments and evidence submitted by the Respondent.</p> <p>With the concurrence of the RIO, may ask a Research Misconduct Investigator, Campus Counsel, or others for help in information-gathering and presenting evidence.</p> <p>Prepares a Preliminary Investigation Report for the RIO that includes:</p> <ul style="list-style-type: none"> <li>• The specific Allegations being considered in the Investigation, and a list of all Allegations made;</li> <li>• Identification and summaries of the Research Records and evidence reviewed, as well as identification of evidence taken into custody but not reviewed;</li> <li>• For each Allegation, 1) a finding (based on the appropriate evidentiary standard) 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; and 2) a summary of the facts and analysis that support each such finding, including a consideration of any explanation by the Respondent;</li> <li>• For each Allegation, identification of any publications that need to be corrected or retracted;</li> <li>• For each Allegation, 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.</li> </ul>
RIO	Provides the Respondent with a copy of the Preliminary Investigation Report and a copy of, or supervised access to, the evidence upon which the Preliminary Investigation Report is based.



RESPONSIBILITY	ACTION
Respondent	Within thirty (30) days of its receipt, may submit to the RIO a written response to the Preliminary Investigation Report for transmittal to the Committee and provide oral testimony and argument before the Committee.
RIO	May prepare comments as to whether the Committee's actions and Preliminary Inquiry Report satisfy this Policy, and transmits those comments (if any) to the Investigation Committee along with any written response that the Respondent may have provided.

## **G. RIO's Determination of Research Misconduct**

### **1. After reviewing the Investigation Report, the RIO:**

- Decides (a) whether to return the Report to the Committee for further fact-finding or analysis, or to accept the Report as complete; and (b) if complete, whether to accept some or all of its findings.
- After accepting an Investigation Report as complete, determines on the basis of that report whether Research Misconduct has occurred and documents that decision in writing in the form of a memorandum to the Chancellor. That 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.
- Provides the Respondent with a copy of the Investigation Report and written notification of the determination about whether Research Misconduct occurred.

### **2. After determining whether Research Misconduct has occurred, the RIO:**

- If any related matter is pending before the Charges or Privilege and Tenure Committee of the UCLA Academic Senate, may forward to that Committee a copy of that determination and of the Investigation Report.
- If the Respondent is no longer affiliated with UCLA, for the purpose of making a notation and including that determination and the Investigation Report in the Respondent's personnel or student file, notifies the Respondent in writing of this intended action and of the right to submit a written response for inclusion in the file.
- Takes steps to ensure that retractions and corrections of any publications are completed, if appropriate.
- Forwards that written determination and a copy of the Investigation Report (with any necessary redactions) to the following:
  - 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 and the Associate Vice Chancellor, Campus Human Resources;
  - Associate Vice Chancellor, Campus Human Resources for appropriate action in coordination with the authorized organization head, if the Respondent holds a staff or management position;
  - Appropriate administrator if the Respondent has some other affiliation with UCLA; and/or

- Notifies the relevant academic dean and others who have a need to know.

3. If determining that Research Misconduct was not found, the RIO:

- If requested by the Respondent, makes reasonable efforts to restore the position and reputation of Respondent, including making diligent efforts to make known the outcome of the Research Misconduct Proceeding to appropriate individuals and organizations identified in consultation with the Respondent.
- Forwards a copy of that determination and a copy of the Investigation Report to others with a need to know (such as the Vice Chancellor, Academic Personnel and the Chair of the Charges Committee of the Academic Senate, Office of the Dean of Students, Dean of the Graduate Division, and Associate Vice Chancellor, Campus Human Resources).

**H. RIO's Closing of a Research Misconduct Proceeding**

The RIO will assure that each Research Misconduct Proceeding is completed pursuant to this Policy. A Research Misconduct Proceeding will be closed after the RIO's:

1. Initial Assessment that an Allegation does not warrant an Inquiry (see section IV.B.);
2. Acceptance of an Inquiry Report's conclusion that there is insufficient specific and credible evidence to warrant an Investigation or that the alleged acts do not fall within the scope of this Policy (see section E.);
3. Determination that Research Misconduct occurred, following an Investigation (see sections IV.F & G.);
4. Acceptance of Respondent's written and signed admission of wrongdoing specifically identifying the data in the Research Record that was Falsified, Fabricated and/or Plagiarized, and acknowledging that this constitutes Research Misconduct, following the RIO's prior consultation with the Research Sponsor if so required; or
5. Negotiation, at any time during the Research Misconduct Proceeding, of a settlement agreement with the Respondent, following prior: a) consultation with Research Sponsor if so required; b) consultation with appropriate administrators; and c) compliance with UC policies on settlement agreements.

Following the RIO's acceptance of an admission of wrongdoing or a settlement agreement, if any, the RIO will implement, where appropriate, provisions of section IV.G., including determining that Research Misconduct has occurred and taking steps to ensure that retractions and corrections of any publications are completed.

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

1. Preserve and maintain evidence and the record of the Research Misconduct Proceeding (see section IV.C.);
2. Protect participants in the Proceeding;
3. Communicate and cooperate with Research Sponsors (see section IV.I.) including, at their request, reopening a closed Proceeding when necessary;
4. Cooperate with other University officials to ensure the imposition of sanctions and discipline, if any (see section IV.G.).

**I. RIO's Obligation 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, which arise immediately upon receipt of an Allegation and continue during and after a Research Misconduct Proceeding.

1. Reporting and Implementation Duties to Research Sponsors

The RIO will advise Research Sponsors as required by federal regulations and Research Sponsor policy:

- a. Of an Inquiry Committee's conclusion that an Investigation is warranted; of an Investigation Report's findings, of the RIO's determination whether Research Misconduct occurred; of pending or completed University actions resulting from that determination; and of information requested by Research Sponsors;
- b. Prior to closing a case if the Respondent has admitted wrongdoing, a settlement has been tentatively reached with the Respondent, or for any other reason but not when the RIO closes a case at the Initial Assessment or Inquiry stage on the basis that an Investigation is not warranted (see sections IV.B. & H.);
- c. Of a need for an extension of time to complete an Investigation, upon determining that an Investigation cannot be completed within one hundred twenty (120) days of its initiation unless the Research Sponsor specifies an alternate time period within its policies;
- d. Immediately if at any time there is reason to believe as a result of a Research Misconduct Proceeding 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 Proceeding 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;
- e. Other information as a Research Sponsor may lawfully request.

## 2. Cooperating with Other Institutions

The RIO will coordinate UCLA's Research Misconduct Proceeding with that of any other institution that has a duty to investigate the same or related Allegation of Research Misconduct 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 (see sections IV.G. & H.).

## 3. Deferring to Governmental Processes

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

## V. REFERENCES

1. UC Policy on Integrity in Research, June 19, 1990;
2. UCLA Policy 910, Management of Sponsored Projects;
3. Code of Federal Regulations, Title 42, Part 93: Public Health Services Policies on Research Misconduct, as modified, effective June 16, 2005.
4. [UCLA Policy 410 – Non-Consensual Access to Electronic Communications Records](#)

**VI. ATTACHMENTS**

- A. Other Related Policies, Procedures and Resources.

**Issuing Officer**

**/s/ Michael Levine**

---

**Interim Executive Vice Chancellor Research & Provost**

---

**Questions concerning this policy or procedure should be referred to  
the Responsible Department listed at the top of this document.**

---

**Other Related Policies, Procedures and Resources**

## University of California

1. University of California Standards of Ethical Conduct.
2. University [of California] Policy on Faculty Conduct and the Administration of Discipline (APM 016).
3. The Faculty Code of Conduct (APM 015).
4. Non-Senate Academic Appointees/Corrective Action & Dismissal (APM 150).
5. Appointment and Promotion - Postdoctoral Scholars, Corrective Action & Dismissal (APM 390-50).
6. Academic Senate Manual, Los Angeles Division: Appendix XII- Campus Procedures for Implementation of University Policy on Faculty Conduct and the Administration of Discipline.
7. University of California Policies Applying to Campus Activities, Organizations, and Students: Section 100.00, Policy on Student Conduct and Discipline; and Section 130.00, Policies Applying to the Disclosure of Information from Student Records.
8. UCLA Student Conduct Code.
9. For exclusively represented employees, procedures of the appropriate Memorandum of Understanding, where applicable.
10. University of California Personnel Policies for Staff Members. Policy 62 - Corrective Action - Professional and Support Staff, and related campus implementing procedures.
11. University of California Policy on Settlement of Litigation, Claims, and Separation Agreements.

Other

1. Report of the Association of American Universities Committee on the Integrity of Research, 1982.
2. Framework for Institutional Policies and Procedures to Deal with Fraud in Research, issued by Association of American Universities, National Association of State Universities and Land-Grant Colleges, and Council of Graduate Schools, November 4, 1988.