

## Policy on Misconduct in Research

As part of applying for a grant from the National Institutes of Health (NIH), we are required by the Public Health Service (PHS) Act to maintain a research misconduct assurance.

This assurance has two major requirements. First, we are required to establish a misconduct policy that complies with the Federal regulation 42 CFR Part 93. Second, we must submit an annual report of misconduct related activities to ORI.

The policy outlines the processes the university will follow if an allegation is made. Should that happen, the policy should be used in conjunction with the full federal regulation at 42 CFR Part 93 that outlines the requirements in detail.

**Can the policy be more general and /or broader?** – The policy is written to satisfy the requirements of the PHS Act. Other sponsors (governmental and private) may have sponsor-specific requirements. It is possible for the university to apply this policy to unfunded research.

**In reference to section IIIA of the draft policy, can CFA be notified when an allegation of research misconduct is made?** Sec. 93.108, *Confidentiality*, of the regulation requires the institution to limit disclosure of the identities of the respondents and complainants to those with a need to know, “consistent with a thorough, competent, objective and fair research misconduct proceeding.” The university would not notify CFA.

**Do other CSU campuses have similar policies? If so, have they been vetted by CFA?** (esp recently) Several other CSU, e.g., SFSU, SJSU, Chico, Northridge, etc. have similar policies. It’s not apparent if they have been shared with CFA.

**In reference to section IV.A of the draft policy, when are faculty informed?** Section IVA states “At the time of or before beginning an inquiry, the RIO must make a good faith effort to notify the respondent in writing, if the respondent is known.”

**To what does this policy apply?** This policy applies to HHS funded research.

**Should the title of the policy change to reflect the HHS requirements? Is this policy meant to apply to all grants?** As stated above, it is possible for the university to apply this policy to unfunded research. It may be possible to apply the policy to non-HHS funded grants, but that would depend on the requirements of each sponsor.