



# SAN DIEGO COMMUNITY COLLEGE DISTRICT

## THE SAN DIEGO COMMUNITY COLLEGE DISTRICT POLICY REGARDING THE DISPOSITION OF ALLEGATIONS OF MISCONDUCT IN RESEARCH AND SIMILAR EDUCATIONAL ACTIVITIES

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### 1. GENERAL STATEMENT OF POLICY

A fundamental purpose of the District is to foster an environment that promotes the responsible conduct of research and similar educational activities (collectively, “research”), discourages Research Misconduct, and deals promptly with any allegations or evidence of possible Research Misconduct. (Definitions of “Research Misconduct” and other terms in this Policy that appear with initial capital letters are set forth in Section 8 below.) It is the District’s basic expectation that all research conducted by members of the District community will adhere to the highest ethical and moral standards. This Policy describes the procedures to be followed by the District in connection with any allegation that District faculty, classified professionals, managers, and/or other principal investigator, whether paid by the District or through other funding sources, may have engaged in Research Misconduct.

This Policy is based primarily on the regulations codified in the Final Rule regarding Public Health Service Policies on Research Misconduct issued by the U.S. Department of Health and Human Services, effective on June 16, 2005. Like the Final Rule, this Policy applies only to allegations of Fabrication, Falsification, and Plagiarism in research; as such terms are defined in Section 8 below, and not to other kinds of academic misconduct or dishonesty. This Policy applies to all research conducted by District faculty, classified professionals, managers, and/or other principal investigator, regardless of the academic discipline of the researcher or the sponsorship or source of support for the research. This Policy does not supersede or establish an alternative to any existing District or governmental regulations, procedures, or policies regarding fiscal improprieties, conflicts of interest, ethical treatment of human or animal subjects, or criminal matters, all of which remain in effect.

Sections 2, 3, and 4 of this Policy establish the procedures for the initial evaluation (Section 2), Inquiry (Section 3), and Investigation (Section 4) of allegations of Research Misconduct involving District faculty, classified professionals, managers, and/or other principal investigator. Section 5 sets forth the District’s responsibility to notify federal agencies and other sponsors of research, if any, of certain circumstances that may arise during a Research Misconduct Proceeding, and Section 6 sets forth certain general considerations in connection with the implementation of this Policy. Section 7 sets forth the obligation of each District faculty, classified professionals, managers, and/or other principal investigator to report to the District any inquiry or investigation by a federal agency or other sponsor of research concerning allegations of Research Misconduct involving him or her. This Policy replaces any and all District’s

Interim Policy and Procedure Statements regarding the Disposition of Allegations of Misconduct in Research in Science.

## 2. INITIAL EVALUATION

2.1. The President of each College within the District, after consulting with the appropriate governance body at the College, will designate a **Research Integrity Officer** to receive allegations of Research Misconduct involving faculty, classified professionals, managers, and/or other principal investigator at the College. The Research Integrity Officer will be an administrator or tenured faculty member at the College with experience in research and will be provided appropriate training to carry out his or her responsibilities under this Policy. The Research Integrity Officer will notify the subject of the allegations, the President, the Director of Institutional Research for the District, and, if the research involved in the allegations is supported by a grant or contract from a federal agency or other sponsor, the Lead administrator for the campus Institutional Research efforts, of any allegations that have been filed. The Research Integrity Officer will then conduct an evaluation of the allegations in order to determine whether an Inquiry is warranted. All efforts should be made to complete the evaluation as expeditiously as possible.

2.2. An Inquiry is warranted if: (1) there is a reasonable basis for concluding that any of the allegations falls within the definition of Research Misconduct in Section 8.15; and (2) such allegation is sufficiently credible and specific so that potential evidence of Research Misconduct may be identified.

2.3. The evaluation of allegations of Research Misconduct will be conducted by the Research Integrity Officer of the College where the subject of the allegations has an appointment. In cases where the subject of the allegations is a faculty member with joint appointments, the evaluation will be conducted by the Research Integrity Officer of the “home College”, as determined in accordance with the District’s Joint Appointment Guidelines.

2.4. After the evaluation, the Research Integrity Officer will make a recommendation to the President of the College as to whether an Inquiry is warranted, and the President, in consultation with the Research Integrity Officer, will make the decision as to whether to begin an Inquiry. The President will also consult with the Director of Institutional Research for the District and, if the research involved in the allegations is supported by a grant or contract from a federal agency or other sponsor, the Lead administrator for the campus Institutional Research efforts before making a decision not to begin an Inquiry. If the President of the College decides that no Inquiry is warranted, the Research Integrity Officer will notify the subject of the allegations of this decision in writing.

2.5. If the President decides that an Inquiry is warranted, the Research Integrity Officer will notify the subject of the allegations, the Director of Institutional Research for the District, and, if

the research involved in the allegations is supported by a grant or contract from a federal agency or other sponsor, the Lead administrator for the campus Institutional Research efforts, in writing at the time of or before the beginning of the Inquiry. The Research Integrity Officer will prepare a summary of the results of the evaluation for use in the Inquiry and provide a copy of the summary to the subject of the allegations, the President, the Director of Institutional Research for the District, the Lead administrator for the campus Institutional Research efforts (if applicable), and the Inquiry Staff, as appointed pursuant to Section 3.1.

### 3. INQUIRY

3.1. If the President decides that an Inquiry of the allegations of Research Misconduct is warranted, the President will, after consulting with the Director of Institutional Research for the District and the Lead Administrator for the campus Institutional Research efforts, appoint one tenured faculty member actively involved in research in the same field as the subject of the allegations or a related field to serve with the Research Integrity Officer as members of an Inquiry Staff to conduct the Inquiry. The additional member of the Inquiry Staff need not be a member of the faculty of the College where the Inquiry will be conducted.

3.2. The purpose of the Inquiry is to conduct an initial review of the evidence to determine whether any of the allegations warrant an Investigation. An Investigation is warranted if: (1) there is a reasonable basis for concluding that any of the allegations fall within the definition of Research Misconduct in Section 8.15; and (2) preliminary information-gathering and preliminary fact-finding from the Inquiry indicate that such allegation may have substance.

3.3. Upon completion of the Inquiry, the Inquiry Staff will prepare and submit a **preliminary Inquiry report to the President**, the Director of Institutional Research for the District, and, the Lead administrator for the campus Institutional Research efforts, including a recommendation by the majority of the Inquiry Staff as to whether the President should find that an Investigation is warranted. The President will then make the decision whether an Investigation is warranted; provided, however, that the President will consult with the Director of Institutional Research for the District and (if applicable) the Lead administrator for the campus Institutional Research efforts before making a decision that an Investigation is not warranted. The President will notify the Inquiry Staff, the Director of Institutional Research for the District, and (if applicable) the Lead administrator for the campus Institutional Research efforts, of the decision in writing.

3.4. The Inquiry Staff will complete the preliminary Inquiry report described in Section 3.3 within 45 calendar days of the first meeting of the Inquiry Staff unless circumstances warrant a longer period. The President will make a decision whether to proceed to an Investigation within 15 calendar days of receipt of the preliminary Inquiry report from the Inquiry Staff unless circumstances warrant a longer period. If the Inquiry takes longer than a total of 60 calendar days to complete, the record of the Inquiry will include documentation of the reasons for exceeding the 60-day period.

3.5. If the President decides that an Investigation is not warranted, the matter will be closed and all records of the proceedings treated as confidential pursuant to Section 6.4 to respect the rights and protect the reputations of all parties involved. All reasonable and practical efforts, if requested and as appropriate, will be undertaken to protect or restore the reputation of a subject alleged to have engaged in Research Misconduct when it is determined that an Investigation of the allegations against the subject is not warranted.

3.6. If the President decides that an Investigation is warranted, the Inquiry Staff will prepare a final Inquiry report that includes the following information: (1) the name and position of the subject of the allegations; (2) a description of the allegations of Research Misconduct; (3) the federal agency or other sponsor support, if any, including, for example, grant or contract numbers, grant or contract applications, grants or contracts, and publications listing the support; and (4) the basis for recommending that the alleged actions warrant an Investigation.

3.7. The Research Integrity Officer will notify the subject of the allegations in writing whether the President has decided that an Investigation is warranted. If the President has decided that an Investigation is warranted, the notice will include a copy of the final Inquiry report and a copy of or reference to this Policy and, if applicable, the Final Rule. In such a case, the notice and copies of documents will be given before the date the Investigation begins, in sufficient time to provide the subject of the allegations an opportunity to review and comment on the final Inquiry report. The Inquiry Staff will attach any comments received from the subject to the final Inquiry report.

3.8. The Inquiry Staff may notify the individual who made the allegations whether the President has decided that an Investigation is warranted and, if the President has decided that an Investigation is warranted, may provide relevant portions of the final Inquiry report to such individual for comment. Any comments received from such individual will be attached to the final Inquiry report.

3.9. If the research involved in the allegations is supported by a grant or contract from a federal agency or other sponsor, within 30 calendar days of the President's decision that an Investigation is warranted (but before the date the Investigation begins), the Director of Institutional Research for the District will provide the applicable federal agency or other sponsor and the Lead administrator for the campus Institutional Research efforts with the written decision by the President and a copy of the final Inquiry report with any comments on the report from the subject of the allegations and the individual making the allegations attached.

#### 4. INVESTIGATION

4.1. If the President decides that an Investigation of the allegations of Research Misconduct is warranted, he or she will notify the Director of Institutional Research for the District, who will then appoint at least three members of District staff and tenured faculty to an Investigation

Committee to conduct the Investigation. In making the appointments, the Director of Institutional Research for the District will consult with the President of the College and the Lead administrator for the campus Institutional Research efforts.

4.2. The Investigation will begin within 30 calendar days after the President's decision that an Investigation is warranted. The Investigation Committee will give the subject of the allegations written notice of any new allegations of Research Misconduct not addressed during the Inquiry or in the initial notice of the Investigation within a reasonable amount of time after a determination to pursue such new allegations.

4.3. The District will take reasonable steps to ensure an impartial and unbiased Investigation to the maximum extent practicable. The Investigation Committee will use diligent efforts to ensure that the Investigation is thorough and sufficiently documented and that it includes an examination of all research records and evidence relevant to reaching a decision on the merits of the allegations.

4.4. Upon completion of the Investigation, the Investigation Committee will prepare a draft Investigation report and provide the subject of the allegations an opportunity to review and comment on the draft Investigation report and, concurrently, a copy of or supervised access to the evidence on which the draft Investigation report is based. The comments of the subject of the allegations on the draft Investigation report, if any, must be submitted within 30 calendar days of the date on which the subject received the draft report. The Investigation Committee may also provide the individual who made the allegations a copy of the draft Investigation report or relevant portions of the draft report, and the comments of such individual, if any, must be submitted within 30 calendar days of the date on which he or she received the draft report or relevant portions of it.

4.5. The Investigation Committee will promptly review any comments on the draft Investigation report by the subject of the allegations and the individual who made the allegations and either decide not to make a finding of Research Misconduct or recommend that the Chancellor make a finding of Research Misconduct. If the Investigation Committee decides not to make a finding of Research Misconduct, it will promptly notify the President, the Research Integrity Officer, the Director of Institutional Research for the District, the subject of the allegations, the individual who made the allegations, and, if the research involved in the allegations is supported by a grant or contract from a federal agency or other sponsor, the Lead administrator for the campus Institutional Research efforts.

4.6. If the Investigation Committee recommends a finding of Research Misconduct, it will submit to the Chancellor a copy of the draft Investigation report and any comments on it by the subject of the allegations and the individual who made the allegations, and the Chancellor will decide whether to accept the Investigation Committee's recommendation. The Chancellor will notify the Investigation Committee of the decision, and the Investigation Committee will promptly notify the President, the Research Integrity Officer, the Director of Institutional Research for the

District, the subject of the allegations, the individual who made the allegations, and, if the research involved in the allegations is supported by a grant or contract from a federal agency or other sponsor and the Lead administrator for the campus Institutional Research efforts.

4.7. Promptly following the Investigation Committee's decision not to make a finding of Research Misconduct, or the decision by the Chancellor as to whether to accept the Investigation Committee's recommendation of a finding of Research Misconduct, the Investigation Committee will prepare a final Investigation report. The final Investigation report will be in writing and will:

- (1) describe the nature of the allegations of Research Misconduct;
- (2) describe and document the federal agency or other sponsor support, if any, including, for example, any grant or contract numbers, grant or contract applications, grants or contracts, and publications listing the support;
- (3) describe the specific allegations of Research Misconduct for consideration in the Investigation;
- (4) if not already provided to the federal agency or other sponsor with the Inquiry report, include the District policies and procedures under which the Investigation was conducted;
- (5) identify and summarize the research records and evidence reviewed, and identify any evidence taken into custody but not reviewed;
- (6) for each separate allegation of Research Misconduct identified during the Investigation, provide a finding as to whether Research Misconduct did or did not occur, and if so: (a) identify whether the Research Misconduct was Falsification, Fabrication, or Plagiarism, and if it was intentional, knowing, or in reckless disregard, as such terms are used in the Final Rule; (b) summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the subject of the allegations; (c) identify the specific federal agency or other sponsor support, if any; (d) identify whether any publications need correction or retraction; (e) identify the person(s) responsible for the Research Misconduct; and (f) list any current support or known applications or proposals for support that the subject of the allegations has pending with any federal agencies or other sponsors;
- (7) include and consider any comments made by the subject of the allegations and the individual making the allegations on the draft Investigation report; and
- (8) maintain and provide to the federal agency or other sponsor, if any, upon request, all relevant research records and records of the Research Misconduct Proceeding.

4.8. If the research involved in the allegation is supported by a grant or contract from a federal agency or other sponsor, the Director of Institutional Research for the District will give the federal agency or other sponsor of the research and the Lead administrator for the campus Institutional Research efforts: (1) a copy of the final Investigation report and all attachments; (2) a statement of whether the Investigation resulted in a finding of Research Misconduct, and if so, who committed the Research Misconduct; (3) a statement of whether the District accepts the findings of the Investigation; and (4) a description of any pending or completed administrative action by any federal agency against the subject of the allegations to the extent such action relates to the subject matter of the sponsored research.

4.9. All aspects of the Investigation, including conducting the Investigation, preparing the draft Investigation report and providing it for comment in accordance with Section 4.4, deciding whether or not to make a finding of Research Misconduct in accordance with Sections 4.5 and 4.6, preparing the final Investigation report in accordance with Section 4.7, and sending the final Investigation report to the federal agency or other sponsor, if any, in accordance with Section 4.8, will be completed within 120 calendar days of the beginning of the Investigation.

4.10. If, upon the conclusion of an Investigation, it is determined that the subject of the allegations has not committed any Research Misconduct, the matter will be closed and all records of the proceedings will be treated as confidential pursuant to Section 6.4 to respect the rights and protect the reputations of all parties involved. All reasonable and practical efforts, if requested and as appropriate, will be undertaken to protect or restore the reputation of a subject alleged to have engaged in Research Misconduct but against whom no finding of Research Misconduct is made.

4.11 If the Chancellor finds Research Misconduct as a result of the Investigation, the District may conduct a disciplinary proceeding in connection with the finding in accordance with applicable collective bargaining agreements, the District Bylaws, and/or other applicable policies of the District.

## 5. NOTIFYING FEDERAL AGENCIES AND OTHER SPONSORS OF SPECIAL CIRCUMSTANCES

The Director of Institutional Research for the District will immediately notify any federal agency or other sponsor providing support for research that is the subject of an allegation of Research Misconduct, as well as the Lead administrator for the campus Institutional Research efforts, if, at any time during any related Research Misconduct Proceeding, the District has reason to believe that any of the following conditions exist:

(1) health or safety of the public is at risk, including an immediate need to protect human or animal subjects;

(2) federal agency or other sponsor resources or interests are threatened;

- (3) research activities should be suspended;
- (4) there is reasonable indication of possible violations of civil or criminal law;
- (5) federal or other governmental action is required to protect the interests of those involved in the Research Misconduct Proceeding;
- (6) the District believes the Research Misconduct Proceeding may be made public prematurely, so that the federal agency or other sponsor may take appropriate steps to safeguard evidence and protect the rights of those involved; and
- (7) the research community or the public should be informed.

## 6. GENERAL CONSIDERATIONS

6.1. When being interviewed by the Inquiry Staff or appearing before the Investigation Committee, the subject of an allegation of Research Misconduct may be accompanied by an adviser, who may be a union representative and/or legal counsel. However, neither the Inquiry nor the Investigation is a trial-type proceeding, and the adviser may not actively participate in the proceeding, such as by directing questions or answers or offering argument on behalf of the subject of the allegations.

6.2. The subject of an allegation of Research Misconduct may be suspended or removed from work under a research grant or contract by the President of the College, in consultation with the Director of Institutional Research for the District and the Lead administrator for the campus Institutional Research efforts, any time following the commencement of an Inquiry regarding such allegation if, in the judgment of the President of the College, such suspension or removal is warranted by the circumstances. Depending on developments in the Inquiry or Investigation, the President of the College may, in consultation with the Director of Institutional Research for the District and the Lead administrator for the campus Institutional Research efforts, restore the subject of the allegation to the work under the research grant or contract. The Director of Institutional Research for the District will notify the federal agency or other sponsor of the research of any suspension, removal, or restoration decision under this section.

6.3. If the subject of an allegation of Research Misconduct admits the accuracy of the allegation in the course of an evaluation, Inquiry, or Investigation, the matter will be directly forwarded to the President for appropriate action, which may include disciplinary action under applicable collective bargaining agreements, the District Bylaws, or other applicable policies of the District.

6.4. In order to protect the privacy and reputation of innocent parties and good faith accusers, all Research Misconduct Proceedings will be conducted in a fashion designed to maintain confidentiality. Knowledge of the Research Misconduct Proceedings and the disclosure of the identity of the subjects of allegations and the individuals making them, will be limited, to the

extent possible, to those who need to know, consistent with a thorough, competent, objective and fair Research Misconduct Proceeding, and as allowed by law. Except as otherwise prescribed by applicable law, confidentiality will be maintained for any records or evidence from which research subjects might be identified, and disclosure of such records or evidence will be limited to those who have a need to know to carry out a Research Misconduct Proceeding.

6.5. Allegations that are brought in good faith may not be the basis of any retaliation against the individual making them, even if the allegations are not substantiated upon Inquiry or Investigation. All reasonable and practical efforts will be undertaken, if requested and as appropriate, to protect or restore the position and reputation of any individual making allegations in good faith as well as any witness or other individual involved in a Research Misconduct Proceeding, and to counter potential or actual retaliation against such individuals.

6.6. The Research Integrity Officers, any other members of the Inquiry Staff, members of the Investigation Committee, all others responsible for carrying out any part of a Research Misconduct Proceeding, the Director of Institutional Research for the District, and the Lead administrator for the campus Institutional Research efforts will take precautions to ensure that they do not have real or apparent personal, professional, or financial conflicts of interest with any subject of allegations, any individual making the allegations, or any witness in a Research Misconduct Proceeding.

6.7. The Research Integrity Officers, any other members of the Inquiry Staff, members of the Investigation Committee, all others responsible for carrying out any part of a Research Misconduct Proceeding, the Director of Institutional Research for the District, and the Lead administrator for the campus Institutional Research efforts will at all times conduct their activities related to the implementation of this Policy in a fashion that is consistent with their obligations under applicable federal, state, and local laws, rules, and regulations.

6.8. The Research Integrity Officers, any other members of the Inquiry Staff, members of the Investigation Committee, all others responsible for carrying out any part of a Research Misconduct Proceeding, the Director of Institutional Research for the District, and the Lead administrator for the campus Institutional Research efforts may request the assistance of legal counsel from the District's Office of the General Counsel during the course of their activities related to the implementation of this Policy.

6.9. The District has a continuing obligation under this Policy to ensure that it maintains adequate records of a Research Misconduct Proceeding. Therefore, the Research Integrity Officer will:

- (1) either before or when he or she notifies the subject of the allegations of an Inquiry and/or Investigation, promptly take all reasonable and practical steps to (a) obtain custody of all the research records and evidence needed to conduct the Research Misconduct Proceeding, (b) inventory the records and evidence, and (c) sequester them in a secure manner; except that where the research records or evidence encompass

scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as 5 of those copies are substantially equivalent to the evidentiary value of the instruments. Whenever possible, custody of the research records and evidence will be taken before or at the time the subject is notified of the allegations, and whenever additional items become known or relevant to an Inquiry or Investigation;

(2) where appropriate, give the subject of the allegations copies of, or reasonable, supervised access to, the research records;

(3) undertake all reasonable and practical efforts to take custody of additional research records or evidence discovered during the course of a Research Misconduct Proceeding; except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments; and

(4) maintain in a secure manner sufficiently detailed documentation of the Research Misconduct Proceeding for seven years after completion of the Research Misconduct Proceeding or the completion of any federal agency or other sponsor proceeding involving the Research Misconduct allegations, whichever is later, in order to permit a later assessment by the federal agency or other sponsor or otherwise.

## 7. FACULTY AND STAFF OBLIGATIONS REGARDING INQUIRIES OR INVESTIGATIONS CONDUCTED BY A FEDERAL AGENCY OR OTHER SPONSOR

If a District faculty or classified professionals, managers, and/or other principal investigator becomes the subject of an inquiry or investigation of any kind conducted by a federal agency or other sponsor of research concerning allegations of Research Misconduct by him or her, such individual must report the existence of the inquiry or investigation immediately in writing to the Vice President of Instruction of his or her College. Upon receiving such notification, the Vice President of Instruction will notify the Director of Institutional Research for the District and the Lead administrator for the campus Institutional Research efforts about the pending inquiry or investigation. Failure to disclose a pending inquiry or investigation pursuant to this Section 7 may subject the District faculty, classified professionals, managers, and/or other principal investigator to disciplinary action or other appropriate action.

## 8. DEFINITIONS

- 8.1. "Chancellor" means the Chancellor of the District or her/his designee.
- 8.2. "College" means an educational unit of the District, including all colleges and Continuing Education.
- 8.3. "Fabrication" means making up data or results and recording or reporting them.
- 8.4. "Falsification" means 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.
- 8.5. "Final Rule" means the Final Rule regarding Public Health Service Policies on Research Misconduct issued by the U.S. Department of Health and Human Services, effective on June 16, 2005 (42 CFR Parts 50 and 93).
- 8.6. "Inquiry" means preliminary information-gathering and preliminary fact-finding to determine whether an allegation of Research Misconduct may have substance and warrants an Investigation.
- 8.7. "Inquiry Staff" means the Research Integrity Officer and one tenured faculty member actively involved in research in the same field as the subject of the allegations or a related field who are appointed by the President of a College to conduct an Inquiry into particular allegations of Research Misconduct against District faculty, classified professionals, managers,, and/or other principal investigator. Additional classified professionals or managers may be appointed to the Inquiry Staff where appropriate.
- 8.8. "Investigation" means the formal development of a factual record and the examination of that record leading to a decision not to make a finding of Research Misconduct or to a recommendation for a finding of Research Misconduct, which may include a recommendation for other appropriate actions.
- 8.9. "Investigation Committee" means the committee consisting of at least three members of District staff or tenured faculty actively involved in research in the same field as the subject of the allegations or a related field who are appointed by the Director of Institutional Research for the District to investigate charges of Research Misconduct against faculty, classified professionals, managers and/or other principal investigator.
- 8.10. "Plagiarism" means the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- 8.11. "Policy" means this District Policy regarding the Disposition of Allegations of Misconduct in Research and Similar Educational Activities.

8.12. Except for the Lead administrator for the campus Institutional Research efforts, “President” means the President of each College, as applicable. For purposes of this Policy, the Chancellor will be deemed to be the President of the District’s Central Office. 8.13. “Office of Institutional Research and Planning” means the designated office responsible for the institutional research and planning efforts at each campus and the district office within the San Diego Community College District.

8.14. “Research Integrity Officer” means the official at each College designated by the President of the College to be responsible for receiving allegations of Research Misconduct, making recommendations as to whether such allegations warrant Inquiries, serving on any Inquiry Staff, and assisting in Investigations at the College.

8.15. “Research Misconduct” means 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. A finding of Research Misconduct made under this Policy requires that: (1) there be a significant departure from accepted practices of the relevant research community; (2) the misconduct be committed intentionally, knowingly, or recklessly; and (3) the allegation be proven by a preponderance of the evidence, as such terms are used in the Final Rule.

8.16. “Research Misconduct Proceeding” means any action related to alleged Research Misconduct taken under this Policy, including but not limited to, evaluations of allegations, Inquiries, Investigations, federal oversight reviews, hearings, and administrative appeals.

8.17. “District” means The San Diego Community College District.

8.18. “Director of Institutional Research for the District” means the Director of Institutional Research for the District or, except with respect to Sections 2.4, 3.3, 4.1, 6.2, and 7, his or her designee. The Director of Institutional Research for the District will be responsible for monitoring the implementation of this Policy, cooperating with and making all reports to federal agencies and other sponsors and governmental bodies as required by law, and acting as the Research Integrity Officer for employees of the District’s Central Office. If there is a vacancy at any time in the position of Director of Institutional Research for the District, the District’s Vice Chancellor of Student Services or his or her designee will assume the responsibilities assigned to the Director of Institutional Research for the District under this Policy.