

1 **SAN JOSÉ STATE UNIVERSITY**
2 **Academic Senate**
3 **Organization and Government Committee**
4 **February 8, 2021**
5 **Final Reading**

AS 1799

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7 **POLICY RECOMMENDATION**
8 **Amendment A to University Policy F12-5,**
9 **Responding to Allegations of Research Misconduct**

10
11 **Amends:** University Policy F12-5

12 **Effective:** Immediately

13 **Whereas:** Federal and state regulations require continuity in university oversight of
14 research, and

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16 **Whereas:** The Associate Vice President in the Office of Research (AVPR) retired at
17 the end of December 2020, and

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19 **Whereas:** The search for a new AVPR is expected to take several months, during
20 which time research oversight will continue, creating the need for a
21 replacement for the AVPR in responding to allegations of research
22 misconduct (F 12-5), and

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24 **Whereas:** A backup for the AVPR should be created in policy to maintain continuity
25 in the future, and

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27 **Whereas:** The Senate Executive Committee passed a time-limited amendment to
28 F12-5 at its meeting of January 11, 2021 that was later signed by
29 President Papazian to allow for the university to remain in compliance with
30 federal regulations, and

31 **Whereas:** The time-limited amendment is set to expire on the date that the Senate
32 holds a final vote on the amendment of F12-5, therefore be it

33 **Resolved:** That the following sentence be added in Section I (B) designating the Vice
34 President for Research and Innovation (VPRI) as the backup for the
35 AVPR: "When an allegation is made and an inquiry (preliminary
36 assessment) is warranted, the Associate Vice President for Research
37 (AVP Research) will act as the Research Integrity Officer (RIO) and
38 recommend to the Deciding Officer (DO, the campus President) who will
39 determine if the inquiry will be investigated (formal development of a
40 factual record to determine whether research misconduct has been
41 committed, by whom, and to what extent). If the RIO is unavailable to

42 carry out these duties, the VPRI will serve as SJSU's RIO," and be it
43 further

44 **Resolved:** That the following sentence be added in Section II designating the Vice
45 President for Research and Innovation (VPRI) as the backup for the
46 AVPR: "Research Integrity Officer (RIO) means the institutional official
47 responsible for: (1) assessing allegations of research misconduct to
48 determine if they fall within the definition of research misconduct, are
49 covered by 42 CFR Part 93, and warrant an inquiry on the basis that the
50 allegation is sufficiently credible and specific so that potential evidence of
51 research misconduct may be identified; (2) overseeing inquiries and
52 investigations; and (3) the other responsibilities described in this policy.
53 For this policy, the RIO is the Associate Vice President for Research (AVP
54 Research), unless otherwise designated by the President. If the RIO is
55 unavailable to carry out these duties, the VPRI will serve as SJSU's RIO,"
56 and further be it

57 **Resolved:** That a sentence be added in Section III (A) designating the Vice President
58 for Research and Innovation (VPRI) as the backup for the AVPR: "The
59 Associate Vice President for Research (AVP Research) will serve as the
60 RIO. The RIO will have primary responsibility for implementation of the
61 University's policies and procedures on research misconduct. If the RIO is
62 unavailable to carry out these duties, the VPRI will serve as SJSU's RIO."

63 **Rationale:** Having a backup for the AVPR will allow for the continuous operation of
64 the mechanism to respond to allegations of research misconduct, and
65 maintain compliance with federal regulations.

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67 **Approved:** February 1, 2021

68 **Vote:** 9-0-2

69 **Present:** Altura, Birrer, de Bourbon, Grosvenor, Higgins, McClory, Millora,
70 Okamoto, Sasikumar, Thompson, Taylor

71 **Absent:** Maciejewski

72 **Financial impact:** None

73 **Workload impact:** Additional workload for the VPRI, when the AVPR is unable to carry
74 out their duties.

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