

**SAN JOSE STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSE, CA 95192**

**Amendment A to University Policy F12-5, Responding to
Allegations of Research Misconduct**

Effective: Immediately

Legislative History:

At its meeting of February 8, 2021, the Academic Senate approved Amendment A to University Policy F12-5 presented by Senator Sasikumar for the Organization and Government Committee. Amendment A designates the Vice President for Research and Innovation (VPRI) as the backup for the Associate Vice President for Research when responding to allegations of research misconduct (F12-5). University Policy F12-5 was approved and signed by President Mohammad Qayoumi on November 26, 2012.

ACTION BY UNIVERSITY PRESIDENT:

**Signed and approved by
Mary A. Papazian,
President,
San José State University on
March 10, 2021.**

**Amendment A to University Policy F12-5
Responding to Allegations of Research Misconduct**

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

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

Whereas: The search for a new AVPR is expected to take several months, during which time research oversight will continue, creating the need for a replacement for the AVPR in responding to allegations of research misconduct (F12-5), and

- Whereas:** A backup for the AVPR should be created in policy to maintain continuity in the future, and
- Whereas:** The Senate Executive Committee passed a time-limited amendment to F12-5 at its meeting of January 11, 2021 that was later signed by President Papazian to allow for the university to remain in compliance with federal regulations, and
- Whereas:** The time-limited amendment is set to expire on the date that the Senate holds a final vote on the amendment of F12-5, therefore be it
- Resolved:** That the following sentence be added in Section I (B) designating the Vice President for Research and Innovation (VPRI) as the backup for the AVPR: “When an allegation is made and an inquiry (preliminary assessment) is warranted, the Associate Vice President for Research (AVP Research) will act as the Research Integrity Officer (RIO) and recommend to the Deciding Officer (DO, the campus President) who will determine if the inquiry will be investigated (formal development of a factual record to determine whether research misconduct has been committed, by whom, and to what extent). If the RIO is unavailable to carry out these duties, the VPRI will serve as SJSU’s RIO,” and be it further
- Resolved:** That the following sentence be added in Section II designating the Vice President for Research and Innovation (VPRI) as the backup for the AVPR: “Research Integrity Officer (RIO) means the institutional official responsible for: (1) assessing allegations of research misconduct to determine if they fall within the definition of research misconduct, are covered by 42 CFR Part 93, and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified; (2) overseeing inquiries and investigations; and (3) the other responsibilities described in this policy. For this policy, the RIO is the Associate Vice President for Research (AVP Research), unless otherwise designated by the President. If the RIO is unavailable to carry out these duties, the VPRI will serve as SJSU’s RIO,” and further be it
- Resolved:** That a sentence be added in Section III (A) designating the Vice President for Research and Innovation (VPRI) as the backup for the AVPR: “The Associate Vice President for Research (AVP Research) will serve as the RIO. The RIO will have primary responsibility for implementation of the University’s policies and procedures on research misconduct. If the RIO is unavailable to carry out these duties, the VPRI will serve as SJSU’s RIO.”

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

Approved: February 1, 2021

Vote: 9-0-2

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

Absent: Maciejewski

Financial impact: None

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