

Policy on Scientific Misconduct

1.0 Purpose

USC faculty, staff and students are expected to conduct research in accordance with the highest ethical standards. The university does not tolerate misconduct in any aspect of research, and will promptly investigate all such allegations.

This document defines the behaviors that constitute research misconduct and describes the university's policies and procedures for investigating such allegations, including actions the university may take depending on the outcome. The policies and procedures in this document adhere to federal requirements of our research sponsors as well as the university's due process considerations.

This policy supersedes an earlier USC policy dated June 12, 2003: "Policy on Scientific Misconduct."

2.0 Scope

This policy applies to all university faculty members (including part-time and visiting faculty), staff and other employees, (such as postdoctoral scholars) who propose, conduct, or report research on behalf of the university regardless of funding source.

In addition, USC subcontractors, collaborators, and other third parties are expected to comply with their respective policies and procedures for investigating scientific misconduct allegations. Such policies should comply with federal regulations and be consistent with USC's policy.

This policy does not address and specifically excludes fiscal improprieties, issues concerning the ethical treatment of human or animal subjects, authorship disputes, sexual harassment or discrimination, general matters not within the definition of scientific misconduct, and criminal matters.

3.0 Definitions

3.1 Research

Research includes all basic, applied, and demonstration research, including but not limited to all fields of science, medicine, engineering, mathematics and social sciences and encompassing research training, applications or proposals for support of research or research training regardless of whether an application or proposal resulted in a grant, contract, cooperative agreement, or other form of support, and related research activities.

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3.2 Research Misconduct

Research misconduct is defined as fabrication, falsification, plagiarism in proposing, performing, or reviewing research, or in reporting research results. It does not include honest error or honest differences of opinion.

- (a) *Fabrication* is making up data or results and recording or reporting them.
- (b) *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.
- (c) *Plagiarism* is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

3.3 Research Record

The Research Record is defined as the record of data or results that embody the facts resulting from scientific inquiry, including, for example, laboratory records, research proposals, reports, abstracts, theses, oral presentations, journal articles, and any documents or materials provided to the university by the subject of the allegations in the course of a research misconduct proceeding.

The Research Record also includes all records secured in connection with a Preliminary Inquiry or Investigation; documentation of the determination of irrelevant or duplicate records not retained; the Preliminary Inquiry report and final documents produced in the course of preparing that report; and the Investigation report and all records (other than drafts of the report) in support of that report, including the recordings or transcriptions of interviews conducted in the course of an Investigation.

4.0 Process

4.1 Receipt of an Allegation

- 4.1.1 **Making an Allegation.** An individual with an allegation of research misconduct involving a USC faculty member, staff, or student employee must bring the allegation to either the Vice Provost for Research Advancement or the University Compliance Officer. The Vice Provost for Research Advancement will determine whether the allegation is sufficiently credible and falls within the scope of this policy. The Vice Provost for Research Advancement should ensure that he or she does not have an actual or potential personal, professional, or financial conflict of interest with the complainant, respondent, or witnesses. If the Vice

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Provost for Research Advancement determines that he or she does have such a conflict, he or she shall disclose such actual or potential conflicts to the Provost, who shall determine whether someone other than the Vice Provost for Research Advancement should assume the responsibilities assigned to the Vice Provost for Research Advancement under this policy.

The university will provide confidentiality, to the extent possible and allowed by law, to those who in good faith report apparent misconduct, to the subject of a research misconduct allegation(s), and to research subjects identifiable from research records or evidence, by limiting disclosure of their identities to those who need to know, consistent with a thorough, competent, objective, and fair research misconduct proceeding.

- 4.1.2 Contents of Allegation. An allegation of research misconduct must include a detailed description of the alleged misconduct, the individual(s) who is (are) the subject(s) of the allegation, as well as supporting evidence or documentation, if available. An allegation may be made orally or in writing.
- 4.1.3 Pursuit of Allegations. Inquiries and Investigations begun in response to an allegation will continue even if the subject of the allegation leaves the University before the process is completed. The University has the authority to obtain all relevant documentation, data and other records in connection with the allegations of research misconduct, and to request that the appropriate department, unit or school sequester all such materials.
- 4.1.4 Duty to Cooperate and Provide Evidence. The subject(s) of an allegation has the duty to furnish data, records, and other documents as requested by the University so that a thorough review can be completed. The destruction, absence of, or any failure to provide research records adequately documenting the questioned research at any point in the process is evidence of research misconduct where it is established by a preponderance of the evidence that the subject(s) of an allegation intentionally, knowingly, or recklessly had research records and destroyed them, had the opportunity to maintain the records but did not do so, or maintained the records and failed to produce them in a timely manner, and that the subject's conduct constitutes a significant departure from accepted practices of the relevant research community.

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4.2 Step 1 – Preliminary Inquiry

Should the Vice Provost for Research Advancement determine that an allegation falls within the scope of this policy and is sufficiently credible and specific so that potential evidence of research misconduct may be identified, he or she will refer the matter to the appropriate Dean who has the responsibility to promptly initiate a Preliminary Inquiry (and appoint a Preliminary Inquiry Committee) into the allegation or other evidence of possible misconduct in scientific research. The purpose of the Preliminary Inquiry is to determine whether a formal investigation into the allegation is warranted.

The Dean shall forward to the Provost the Preliminary Inquiry Committee's report, conclusions, and recommendations, any comments submitted by the complainant and/or subject of the allegations, the documentation of the Preliminary Inquiry, and the Dean's comments on the Committee's recommendations. The Committee's report is only a recommendation to the Provost. The Provost will complete the Preliminary Inquiry by determining whether or not to affirm the recommendations of the Preliminary Inquiry Committee, or to take different action.

The procedures and conditions of a Preliminary Inquiry are described in Appendix 2.

4.3 Step 2 – Investigation

Should the Provost decide to proceed with an Investigation, the Vice Provost for Research Advancement will appoint a special committee to investigate the allegations. The purpose of the Investigation is the formal development of a record, and the examination of that record to determine whether to recommend a finding that research misconduct occurred.

A finding of research misconduct requires that:

- (a) There be a significant departure from accepted practices of the relevant research community for maintaining the integrity of the research record;
- (b) The misconduct be committed intentionally, knowingly, or recklessly;
and
- (c) The allegation be proven by a preponderance of the evidence.

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The Vice Provost for Research Advancement will forward the Investigation Committee's report to the Provost. The Committee's report is only a recommendation to the Provost. The Provost will complete the Investigation by determining whether or not to affirm the recommendation(s) by the Investigation Committee, or to take different action.

The procedures and conditions of an Investigation are described in Appendix 3.

4.4 Step 3 – Resolution

Resolution of an Investigation by the Provost may involve a finding that either the allegation(s) of misconduct cannot be substantiated or further action is necessary, and that disciplinary action, up through and including formal proceedings for dismissal, should commence. The nature of the disciplinary action taken will take into account the seriousness of the misconduct, including but not limited to:

- (a) The degree to which the misconduct was knowing, intentional, or reckless;
- (b) Whether the misconduct was an isolated event or part of a pattern; and/or
- (c) If the misconduct had a significant impact on the research record, research subjects, other researchers, institutions, or the public welfare.

The nature of disciplinary actions taken will also depend on whether the subject of the allegation(s) is a faculty member, staff or other non-faculty employee, postdoctoral fellow, or student. The respective actions and formal proceedings for dismissal or application of other sanctions are described in Appendix 4.

If the Provost or President determines, following a Preliminary Inquiry, Investigation or Hearing, that there has been a failure to substantiate an allegation of research misconduct, the University will make appropriate and reasonable efforts to protect the reputations of the persons alleged to have engaged in the misconduct.

In all cases, the University will undertake reasonable and appropriate efforts to seek to protect the positions and reputations of those persons who, in good faith, make allegations, submit evidence, or otherwise participate in the process. The university will also seek to appropriately discipline any member of the university community who retaliates against someone who makes allegations of research misconduct, gives evidence, or participates in the proceedings.

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5.0 Reporting to Government

5.1 Notification

When the University receives an allegation of research misconduct that involves federally funded research (or an application for federal funding) the Provost will:

- (a) Upon completion of the Preliminary Inquiry through the Provost's action, notify the relevant federal agency (or agencies) in writing within the required time frames of the agency (or agencies), including but not limited to the Office of Research Integrity (ORI), if the allegation meets the definition of research misconduct above, and there is sufficient evidence to proceed to an Investigation.
- (b) Upon completion of the Investigation through the Provost's action, forward to the relevant agency (or agencies) a copy of the Investigation report and the University's action.
- (c) Upon completion of the adjudication phase through a Hearing and the President's action, forward the University's decision and notify the agency (or agencies) of any corrective action taken or planned.

The Provost is also responsible for notifying the appropriate government agency (or agencies) within the agency's required time frames if he/she ascertains at any stage of the Preliminary Inquiry, Investigation, or Hearing that any of the following conditions exist:

- (a) There is an immediate public safety or health risk involved, including an immediate need to protect human or animal subjects;
- (b) There is an immediate need to protect Federal funds or equipment;
- (c) There is a need to suspend research activities;
- (d) There is a need for Federal action to protect the interests of those involved in the research misconduct proceeding;
- (e) It is probable that the alleged incident is going to be reported prematurely to the public, so that appropriate steps are needed to safeguard evidence and protect the rights of those involved;
- (f) The research community or public should be informed; or
- (g) There is a reasonable indication of possible violations of civil or criminal law.

5.2 Final Reporting

The final report submitted by the Provost to the government shall address each of the items set forth in Appendix 3 of this Policy.

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5.3 Additional Sanctions

The relevant federal agency has the right under federal regulations to impose additional sanctions, beyond those applied by the institution, upon investigators or institutions, if it deems such action appropriate in situations involving funding from the agency.

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Appendix 1 Web Resources

Additional resources regarding this subject include the following:

USC Resources

USC Faculty Handbook

SCampus

Staff Hiring and Employment Policies

Misappropriation of University Assets

<http://policies.usc.edu>

Office of Research Advancement

<http://www.usc.edu/research/>

Conflict of Interest in Research

<http://policies.usc.edu/policies/conflictresearch110102.pdf>

Office for Protection of Research Subjects

<http://www.usc.edu/admin/provost/oprs/>

University Park Campus Institutional Review Board

<http://www.usc.edu/admin/provost/oprs/upirb/>

Health Sciences Campus Institutional Review Board

<http://www.usc.edu/admin/provost/oprs/hsirb/>

Office of Technology and Licensing (OTL)

<http://www.usc.edu/academe/otl/>

Government Resources

Office of Research Integrity

<http://ori.dhhs.gov/misconduct/>

Office of Science and Technology Policy

http://www.ostp.gov/html/001207_3.html

Public Health Service (PHS Regulations issued in 2005)

http://ori.hhs.gov/documents/42_cfr_parts_50_and_93_2005.pdf

National Science Foundation (scientific misconduct policy)

<http://www.nsf.gov/oig/resmisreg.pdf>

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Appendix 2 Procedures and Conditions of a Preliminary Inquiry of Research Misconduct

A.2.1 Notification of External Funding Source. Upon initiation of a Preliminary Inquiry, the Vice Provost for Research Advancement or his or her designee will determine whether there is any outside funding source(s) for the research that is the subject of the Preliminary Inquiry. The Vice Provost for Research Advancement will advise the Provost if it is necessary to notify the appropriate government agency as set forth in Section 5.0 of this policy.

A.2.2 Discussion with Subject. At the time of or before beginning the Preliminary Inquiry, the Dean or his or her designee will make a good faith effort to notify the subject(s) of the allegations against them. The Dean or his or her designee will also make a good faith effort to meet with the subject(s) to discuss the University process for inquiring into and investigating the allegation(s). If the Preliminary Inquiry subsequently identifies additional subject(s) of allegation(s) of research misconduct, the Dean shall, in the same manner as with the original subject(s) of allegation(s) of research misconduct, make a good faith effort to notify such additional subject(s) of the allegations against them. The Dean or his or her designee will also make a good faith effort to meet with any such additional subject(s) and discuss the University process for inquiring into and investigating the allegation(s). If needed, the Dean should consult with the Vice Provost for Research Advancement for assistance.

A.2.3 Custody of the Research Record. On or before the date on which the subject is notified of the allegations or when the Preliminary Inquiry begins, whichever is earlier, the Dean or his or her designee will promptly take all reasonable and practical steps to obtain custody of all research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence, and 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 those copies are substantially equivalent to the evidentiary value of the instruments themselves. The Dean or his or her designee will also take all reasonable and practical steps to take custody of additional research records or evidence discovered during the course of a research misconduct proceeding. If needed, the Dean should consult with the Vice Provost for Research Advancement for assistance.

A.2.4 Preliminary Inquiry Committee Appointment. The Dean will designate a faculty standing or ad hoc committee under the practices of that school with the appropriate expertise to conduct a Preliminary Inquiry into the allegations. If the subject of the allegation is a faculty member with tenure or whose contract or

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term of appointment has not yet expired, the faculty committee may include a faculty member from outside the school drawn from either the Faculty Rights and Responsibilities Committee or the University Committee on Faculty Tenure and Privileges Appeals, to the extent appropriate. The Dean should consult with the Vice Provost for Research Advancement for assistance. The Dean shall take reasonable steps to confirm that neither he or she nor the members of the Preliminary Inquiry Committee have an actual or potential personal, professional, or financial conflict of interest with the complainant, respondent, or witnesses. The members of the Preliminary Inquiry Committee will be reminded of the importance of strict confidentiality during the Preliminary Inquiry and the right to privacy for those under Investigation.

A.2.5 Preliminary Inquiry Process. The purpose of the Preliminary Inquiry is to gather relevant information to determine if the allegations appear to have substance and if an Investigation is warranted. An Investigation is warranted if there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct, and preliminary information-gathering and fact-finding from the Preliminary Inquiry indicates that the allegation may have substance. A Preliminary Inquiry does not require a full review of all the evidence related to an allegation.

Any individuals with information relevant to the Preliminary Inquiry, including the individual(s) who raised the concern and the subject of the allegations, should be interviewed if possible. Witnesses should be reminded of the importance of strict confidentiality during the Preliminary Inquiry and the right to privacy for those under investigation.

The Vice Provost for Research Advancement, the Office of General Counsel and the Office of Compliance are available to provide administrative and legal support to the faculty committee conducting the Preliminary Inquiry. The Vice Provost for Faculty Affairs and the President of the Academic Senate also are available resources if faculty members are involved.

A.2.6 Rights of the Subject. The Preliminary Inquiry Committee should inform the subject of the allegation of the content of the allegations and should provide the subject with an opportunity to comment on the allegations. The Preliminary Inquiry Committee should also assure the subject(s) of an allegation that their rights are protected and that an allegation in itself will not be the basis for disciplinary action.

In the event that the subject of the allegation is a faculty member with tenure or whose term of appointment or contract has not yet expired, the chair of the

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Academic Senate Committee on Faculty Rights and Responsibilities is available to the Dean and faculty member for consultation. In the event that the accused is a student employee, the Dean shall notify the Vice President for Student Affairs or his or her designee of the allegation.

A.2.7 Preliminary Inquiry Report. The Preliminary Inquiry Committee shall prepare a written report to the Dean that includes the following information:

- (a) The name and position of the subject of the complaint;
- (b) A description of the allegations of research misconduct;
- (c) A description of the federal support (if any), including, for example, grant numbers, grant applications, contracts, and publications listing federal support;
- (d) A summary of what evidence was reviewed;
- (e) A summary of information obtained from relevant interviews; and
- (f) The recommendations of the Preliminary Inquiry committee and the basis for them.

The Preliminary Inquiry report should include sufficiently detailed documentation to permit a later assessment, if necessary, of the reasons for determining that an Investigation was or was not warranted. The Preliminary Inquiry Committee may also consider whether the allegations were made in good faith and may include its recommended findings on that issue in the Preliminary Inquiry report.

After receiving a copy of the Preliminary Inquiry Report, the Dean must make a good faith attempt to notify the subject in writing of the findings of the Preliminary Inquiry Committee, and must include a copy of its Preliminary Inquiry report with any such notice. The Dean must provide an opportunity for the subject to submit written comments on the Preliminary Inquiry report and attach any comments received to it. The Dean also may notify the complainant who made the allegation of the findings of the Preliminary Inquiry, and may provide relevant portions of the Preliminary Inquiry report to the complainant for comment. Any comments on the report by the complainant should be included in the Preliminary Inquiry report.

A.2.8 Completion of the Preliminary Inquiry. The Preliminary Inquiry should be completed within 60 days (or within the time frames established by the relevant federal agency), including conducting the Preliminary Inquiry, preparing a report of findings, and obtaining comments. If the Committee determines that it will not be able to complete the Preliminary Inquiry within the applicable time frames, the Committee must notify the Dean as soon as possible and request a reasonable extension. If the Dean grants an extension, the Preliminary Inquiry

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record must document the reasons for exceeding the applicable time frames. If federal funds are involved, the Provost may be required to seek an extension from the relevant federal agency.

Within 30 days of any finding that an Investigation is warranted, the Provost will provide ORI with the written finding and a copy of its Preliminary Inquiry report if the possible research misconduct relates to federally supported research.

The Office of the Provost shall secure the research record of the Preliminary Inquiry for a period of at least seven years after termination of the Preliminary Inquiry, including sufficiently detailed documentation of inquiries where the university decides not to conduct an investigation, and upon request, provide them to ORI or other authorized HHS personnel.

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Appendix 3 Procedures and Conditions of an Investigation of Research Misconduct

A.3.1 Investigation Committee. The Investigation Committee shall be appointed by the Vice Provost for Research Advancement and consist of no fewer than three individuals with appropriate expertise to investigate the allegations. No more than one person from the Preliminary Inquiry Committee can serve on the Investigation Committee. If the subject of the allegation is a faculty member, the Vice Provost for Research Advancement will consult with the President of the Academic Senate regarding the membership of the committee. The Vice Provost for Research Advancement shall take reasonable steps to confirm that neither he or she nor the members of the Investigation committee have an actual or potential personal, professional, or financial conflict of interest with the complainant, respondent, or witnesses, and that the Investigation Committee has an appropriate level of scientific expertise to competently analyze the allegations. The members of the Investigation Committee will be reminded of the importance of strict confidentiality during the Investigation and the right to privacy for those under Investigation.

A.3.2 Process for Investigation. The Investigation should begin within 30 calendar days following completion of the Preliminary Inquiry, and should examine all available relevant documentation, including but not necessarily limited to research data and proposals, publications, correspondence, and memoranda of telephone calls.

To the extent it has not been done at the allegation or Preliminary Inquiry stages, the Investigation Committee shall take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence, and 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 those copies are substantially equivalent to the evidentiary value of the instruments themselves. Whenever possible, the Investigation Committee must take custody of the records either before or at the time the University notifies the subject of the allegations, or whenever additional items become known or relevant to the Investigation.

The Committee should interview any individuals who have been reasonably identified as having information regarding any relevant aspects of the Investigation, including both the individual(s) who raised the allegation(s) and the subject of the allegations, if possible. Witnesses should be reminded of the importance of strict confidentiality during the Investigation and the right to privacy for those under Investigation.

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Each interview conducted should be recorded or transcribed. Each such recording or transcription should be provided to the interviewee for correction, and included in the record of the Investigation. The Committee is expected to pursue Investigations diligently, and carry its Investigations through to completion. It is important that the Investigation Committee consider whether the allegations were made in good faith.

The Vice Provost for Research Advancement, the Office of General Counsel and the Office of Compliance are available to provide administrative and legal support to the Investigation Committee. The Vice Provost for Faculty Affairs and the President of the Academic Senate also are available resources if faculty members are involved.

A.3.3 Rights of the Subject of the Allegation and Complainant. Within a reasonable amount of time after determining that an Investigation is warranted, but before the Investigation begins, the Vice Provost for Research Advancement, or his or her designee, shall notify the subject in writing of the allegations against him or her.

The Committee must also give the subject of the allegations written notice of any new allegations of research misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the Preliminary Inquiry or in the initial notice of Investigation.

During the course of the Investigation, the Committee shall provide the subject(s) with an opportunity to address the Committee. The Committee shall also provide the subject(s) with either copies of, or supervised access to, the data and other evidence supporting the allegation, as well as an opportunity to respond to the allegation and supporting evidence. In addition, the Committee shall make its entire report available for comment by the subject(s) of the allegation prior to its final submission to the Provost. Any comments by the subject(s) must be submitted within 30 days of the date on which the subject(s) received the draft Investigation report. The Investigation Committee will consider and address the comments before issuing its final report.

The person(s) who raised the allegation may be provided with those portions of the report that address their role and opinions in the Investigation, and given the opportunity to submit comments. If a draft copy of the report is provided to the complainant, the comments of the complainant, if any, must be submitted within 30 days of the date on which the complainant received the draft investigation report or relevant portions of it.

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A.3.4 Investigatory Report. The Investigation Committee shall prepare a written report of its recommended findings for the Provost. If the Investigation Committee decides to recommend a finding of misconduct, it should also make recommendations concerning:

- (a) The seriousness of the misconduct, including (but not limited to) consideration of the degree to which the misconduct was knowing, intentional or reckless;
- (b) Whether it was an isolated event or part of a pattern; or
- (c) Whether it had significant impact on the research record, research subjects, other researchers, institutions, or the public welfare.

The final report shall:

- (a) Describe the nature of the allegations of misconduct, as well as the specific allegations of misconduct that were considered in the investigation;
- (b) Describe and document any federal support for the research at issue, including, for example, any grant numbers, grant applications, contracts, and publications listing federal support;
- (c) To the extent not provided with the Preliminary Inquiry report, include the institutional policies and procedures under which the Investigation was conducted;
- (d) Identify and summarize the research records and evidence reviewed, and identify any evidence taken into custody but not reviewed;
- (e) 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:
 - (1) Identify whether research misconduct was falsification, fabrication, or plagiarism, and if it was intentional, knowing, or in reckless disregard;
 - (2) Summarize the facts and the analysis which support the conclusion and consider the merits of any reasonable explanation by the respondent;
 - (3) Identify the specific federal support, if any;
 - (4) Identify whether any publications need correction or retraction;
 - (5) Identify the person(s) responsible for the misconduct; and
 - (6) List any current support or known applications or proposals for support that the respondent has pending;
- (f) Include and consider any comments made by the respondent and complainant on the draft Investigation report.

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The Investigation Committee may also consider whether the allegations were made in good faith and may include its recommended findings on that issue in its report.

A.3.5 Completion of Investigation. Completion of the Investigation includes conducting the Investigation, preparing the report of findings, obtaining comments, and sending the final Investigation report to ORI if the possible research misconduct relates to federally supported research. If the Committee determines that it will not be able to complete the Investigation in 120 calendar days of its initiation or within the relevant federal agency's time frame if federal funding is involved, the Investigation Committee must notify the Provost as soon as possible and request a reasonable extension.

When federal funding is involved, and the Provost deems an extension necessary, he/she will submit:

- (a) A written request to the relevant federal agency (or agencies) for an extension as appropriate;
- (b) An explanation for the delay; and
- (c) An estimate for the date of completion of the report and other necessary steps.

The Provost will notify ORI in advance if he or she plans to close a case at the Preliminary Inquiry or Investigation stage on the basis that the subject of the allegations has admitted guilt, a settlement with the subject has been reached, or for any other reason, except the closing of a case at the Preliminary Inquiry stage on the basis that an Investigation is not warranted or a finding of no misconduct at the Investigation stage. As to findings of no misconduct at the Investigation stage, the University will notify ORI within the required time frame after making such a finding.

The Office of the Provost shall secure the records of the Investigation for a period of at least seven years after termination of the Investigation.

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Appendix 4 Formal Actions and Proceedings for Employee Scientific Misconduct

A.4.1 Faculty. In the case of a faculty member with tenure or whose contract or appointment has not expired, if the Provost determines that formal proceedings for dismissal should commence, the Provost will make a formal statement of charges and a hearing by the University Committee on Faculty Tenure and Privileges Appeals will be held as provided in the Faculty Handbook. The burden of proof on dismissal shall be as stated in the Faculty Handbook. If the Provost determines that discipline short of dismissal should be imposed, the subject of the allegation may obtain a review through the grievance procedures of the University Committee on Faculty Tenure and Privileges Appeals under Section 7 of the Faculty Handbook. All reports of the University Committee on Faculty Tenure and Privileges Appeals are recommendations to the President of the University. The President shall retain ultimate decision-making authority and the discretion to accept or reject panel recommendations.

A.4.2 Staff or Other Non-Faculty Employee. In the case of a staff member or other non-faculty employee (e.g., postdoctoral research associate) whom the Provost finds following the Investigation to have committed research misconduct, the Provost will refer the findings to the Associate Senior Vice President for Administrative Operations who will prescribe the remedial or disciplinary action, up to and including termination, and will notify both the department and the non-faculty employee of the prescribed action. Departments are required to implement the remedial or disciplinary action prescribed by the Associate Senior Vice President of Administrative Operations. A non-faculty employee may file a written appeal with the Senior Vice President for Administration within ten business days of his or her receipt of notice of the disciplinary action. The Senior Vice President for Administration must respond to the employee's appeal within twenty (20) business days.

A.4.3 Postdoctoral Fellow. In the case of a postdoctoral fellow who the Provost finds following the Investigation to have committed research misconduct, the Provost will take appropriate disciplinary action, up to and including termination of the postdoctoral appointment. Alternatively, the Provost, at his or her discretion, can refer the matter to the Dean for a determination regarding the appropriate disciplinary action.

A.4.4 Students. In the event the Provost finds, following the Investigation, that a graduate, professional or other student employee to whom this policy applies has committed research misconduct, the matter shall be referred to the Office of Student Conduct for resolution pursuant to the procedures identified in SCampus. Alternatively, in the case of a graduate or professional student, the Provost, at his

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or her discretion, can refer the matter to the Dean for a determination regarding the appropriate disciplinary action.

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