MINUTES OF THE RESEARCH SUBCOMMITTEE

CALIFORNIA STATE UNIVERSITY, FRESNO

5200 N. Barton Avenue, M/S ML 34   
Fresno, California, 93740-8014

Office of the Academic Senate

Ext. 8-2743

November 10, 2022, 10:03 a.m.

**Members present**: Sankha Banerjee, Rhett Billen, David Drexler, Tamás Forgács, Joy Goto, Jonathan Pryor, Aaron Shuelke, Martha Vungkhanching, Cliff Yu

**Members absent**: Jenna Kieckhaefer, Monique Bell

(1) Approval of agenda (MSC).

(2) Approval of the minutes of 10/12/22   
(3) Communications and Announcements

(a) Reminder - Laval Applications are still accepted, we will want to review those

and make a decision during our December meeting – Forgas.

The committee will review the applications and make a decision during our December meeting. The review process will be a standard process (based on NSF and NIH review methodologies) where each committee member will be assigned about 3 proposals and then the reviews will be discussed in the committee. If any applicant wants an explanation of the rejection of their proposal, the committee will provide and share a summary of their review. (Dr. Forgács)

Additional Announcements: Dean Goto has invited all the committee members to the Claude Laval presentation on Thursday, November 17, 2022, at 2:00 pm at the Fresno State Library 2206.

(4) Discussion items

(a) APM 510 revision: Second reading of the draft was conducted. One of the issues that were discussed was related to the deceptive journal list. Can the library be used as a resource and serve as an outside authority?

APM 510 will be redirected to APM 325 for revision on language on “deceptive journals and conferences”.

Proposed rewording of paragraph 1. under section VII in APM510: "*Under circumstances not involving Public Health Service or National Science Foundation or other regulated funding agencies, the university will make information regarding any adjudicated research misconduct allegation available to the public upon request, to the extent which the requestor is entitled to such information under state and federal law*."

The following sections were also reviewed for approving final changes:

SCOPE – "*This policy and the associated procedures apply to any person paid by, under the control of, or affiliated with the institution, such as faculty, students, scientists, trainees, technicians and other staff members, fellows, guest researchers, or collaborators at Fresno State. Research includes the creation of proposals, projects, books and papers, as well as the dissemination of results (written and oral) and performances in all fields of academia, and is not limited to science, engineering, mathematics, and education. While sexual harassment and misconduct, and the creation of a hostile work and research environments can coexist with, and lead to research misconduct, the allegation and investigation of these should be made through the established campus protocols (Title IX coordinator, Human Resources), as this policy is specific to allegations and the reporting of research misconduct.”*

*“The PHS regulation at 42 C.F.R. Part 93, Subpart A applies to any grant*

*proposal submitted to the PHS, any research funded by the PHS, or any results reported to the PHS. The NSF regulation at 45 C.F.R. Part 689 applies to any grant proposal submitted to the NSF, any research funded by the NSF, or any results reported to the NSF.*”

REPORTING RESPONSIBILITY –

“1*. Any individual or review committee who believes or has knowledge that an act of research misconduct is occurring or has*

*occurred has a reporting responsibility and shall notify the Research Integrity Officer orally or in writing. The oral or written allegation(s) shall include a description of the nature of the perceived misconduct and any evidence in support of such claims. No anonymously delivered allegations will be acted upon.*

*2. The Research Integrity Officer shall immediately notify Provost\* of any allegations that are under inquiry.*

*3. The Dean of the Division of Research and Graduate Studies (DDRGS)\* shall advise all levels of review with regard to research issues, including government policies and regulations of the relevant funding agency. The DDRGS\* serves as the Research Integrity Officer.*

*4. The Associate Vice President for Faculty Affairs\* shall be consulted with regard to due process rights of the respondent and other procedural questions*.”

PRELIMINARY INQUIRY –

“ *1. Upon receipt of an allegation of research misconduct the Research Integrity Officer shall immediately initiate the inquiry process and shall so inform the Provost\*. The purpose of the inquiry is to make a preliminary evaluation of the available factual evidence and testimony of the respondent, whistleblower, and key witnesses to determine whether the presented evidence of possible research misconduct warrants an investigation. The purpose of the inquiry is not to reach a final conclusion about whether misconduct definitely occurred or who was responsible. The findings of the inquiry must be set forth in an inquiry report.*

*2. Should the Research Integrity Officer have a real or apparent conflict of interest with the case, the Provost\* shall designate another university administrator to conduct the preliminary inquiry.*

*3. The preliminary inquiry shall be carried out by the Research Integrity Officer and governed by the procedures*

*identified below.*

*Inquiry Process*

*The respondent will be provided with written notification of the allegation. The Research Integrity Officer will interview the whistleblower, the respondent, and key witnesses as well as*

*Examine relevant research records and materials. The research Integrity Officer will*

*evaluate the evidence and testimony obtained during the inquiry. After consultation with*

*the institutional counsel, the Research Integrity Officer will decide whether there is sufficient evidence of possible research misconduct to recommend further investigation. The scope of the inquiry does not include deciding whether misconduct occurred or conducting exhaustive interviews and analyses.*”

NOTIFICATION TO EXTERNAL AGENCIES – “*Under circumstances not involving Public Health Service or National Science Foundation or other regulated funding agencies, the university will make information regarding any adjudicated research misconduct allegation available to the public upon request, to the extent which the requestor is entitled to such information under state and federal law.”*

*Termination of an Investigation – “PHS will be notified prior to Fresno State accepting an*

*admission of guilt from the respondent and therefore terminating the investigation. PHS retains the right to investigate the matter further on its own.*”

The definition of the whistleblower has been updated to include the whole committee rather than the committee chair. Also, “Any individual or review committee who believes or has knowledge that an act of research misconduct is occurring or has occurred has a reporting responsibility and shall notify the Research Integrity Officer orally or in writing.  The oral or written allegation(s) shall include a description of the nature of the perceived misconduct and any evidence in support of such claims.”

“Notwithstanding any other provision in these procedures, and regardless of the stage at which the matter is being handled, the Research Integrity Officer shall be informed immediately if any of the following circumstances are discovered: a) an immediate health hazard”, was discussed. There was a discussion on whether this should be reported to EH&S. A question was raised on who will do the reporting. It was modified that the reporting will be done by the committee review process.

VI - Formal Investigation, “At the Investigation Panel’s first meeting, the chair will discuss the allegation(s) with the Investigation Panel, any related issues, and the appropriate procedures for conducting the investigation, and answer any questions raised by the Investigation Panel. The Research Integrity Officer, Provost\*, and/or institutional counsel will be present or available throughout the inquiry to advise the Investigation Panel as needed” was also discussed.”

VII. NOTIFICATION TO EXTERNAL AGENCIES “*will make the decision whether information about the charges and their disposition will be disclosed publicly or to specific parties, including the research sponsor”, was also discussed. It was discussed whether the investigation by the committee will be made public or not. A revised version will be sent out to the committee.*”

5. Termination of an Investigation -

“*PHS will be notified prior to Fresno State accepting an admission of guilt from the respondent and therefore terminating the investigation. PHS retains the right to investigate the matter further on its own*.”

(5) Adjournment 10:57 a.m.