

**AGENDA**  
 Executive Committee Meeting  
 CSUSM Academic Senate  
 Wednesday ~ February 9, 2011 ~ 12 – 2 p.m. ~ Kellogg 5207

[Send an email to the voting EC members' listserv.](#)

- I. **Approval of Agenda**
- II. **Approval of Minutes of 01/26/2011 & 02/02/2011**
- III. **Chair's Report, Rika Yoshii**
- IV. **Secretary's Report, Mohammad Oskoorouchi** *The administration has responded to the following Senate item:*
  - SAC Faculty Management of Student Course Records *Approved w/minor editorial change\**
- V. **Old Business**
  - NEAC Constitutional Changes *attached*
- VI. **New Business**
  - A. APC Excess units seniors *attached*
  - B. FAC Misconduct in scholarship *attached*
- VII. **Provost's Report, Emily Cutrer**
- VIII. **ASCSU Report, Brodowsky/Montanari**
- IX. **CFA Report, Don Barrett**
- X. **ASI Board Meeting Report, Fang Fang**
- XI. **Brief Oral Committee Reports** As needed.
- XII. **EC Members' Concerns & Announcements**
  - Executive Committee course releases - Officers

\*The following editorial change was recommended by the administration and accepted by the SAC chair and Senate officers:

- I. G. Do not at any time use the entire ID Number of a student in a public posting of grades or any other student records. To ensure students' anonymity, it is suggested that the list not be sorted alphabetically.

**Hot Topics** For more information, visit the [Senate website](#)

Restructuring proposal	Early Start program
Diversity	SB 1440
Next Steps Workload Committee	Graduation Initiative
Temecula campus / Self support	

*Next meeting: 2/16/11 ~ 12-2 pm ~ Kellogg 5207*

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NEAC

<i>Rationale:</i>	<i>This change to the Constitution and Bylaws was prompted by a recommendation by Past Chair Janet McDaniel that NEAC consider changing the Vice Chair/Chair-Elect office so that the Vice Chair does not automatically assume the role of Chair. NEAC discussed this recommendation after checking the constitutions of all other CSUs. Almost all other CSU Academic Senates use the Chair/Vice-Chair model. Both officers are elected each year, and have the possibility of re-election. The Chair may serve for a second term, thereby capitalizing on the experience gained during the first term. The Vice Chair has the opportunity to run for the office of Chair but will no longer be committed to serving as Chair. We hope that more faculty will be willing to try out the Vice Chair role knowing that it doesn't commit them to assume the Chair seat.</i>
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**Article 5.3: Senate Officers**

The Officers of the Senate shall consist of a Chair, Vice-Chair/~~Chair-Elect~~, and Secretary. ~~The Vice-Chair serves as Chair-elect prior to becoming Chair.~~ The officers of the Senate shall be voting members of the Senate. For election procedures, see the Academic Senate Election Rules and [GuidelinesProcedures\[naa1\]](#).

**Article 5.3.1: Senate Officers' Terms**

The Officers of the Senate shall serve one-year terms. ~~The Chair and Vice-Chair may be re-elected to serve one additional consecutive term.~~ The Secretary may be re-elected to serve ~~an~~ additional term~~m(s)~~. In the event the Chair becomes unable to serve, the Vice-Chair/~~Chair-Elect~~ shall assume the role of Chair for the remainder of the term, ~~as well as the term for which s/he was elected,~~ and an election will be conducted by NEAC for Vice-Chair/~~Chair-Elect~~. If the Vice-Chair/~~Chair-Elect becomes is~~ unable to ~~serve his/her term as~~fill the vacant Chair ~~seat,~~ NEAC ~~will~~ shall conduct an election for Chair in accordance with the Academic Senate Election Rules and [GuidelinesProcedures](#). ~~If the Vice-Chair or the Secretary are unable to serve in their roles, NEAC shall conduct an election in accordance with the Academic Senate Election Rules and Procedures.~~

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NEAC

<i>Rationale:</i>	<i>This change to the Election Rules and Procedures is to make them consistent with the suggested changes to the Constitution and Bylaws.</i>
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IV. PROCEDURES FOR ELECTION OF SENATE OFFICERS

- A. Nominees for officers of the Senate must be either current voting members of the Senate or eligible faculty who have served on the Senate in any capacity for two of the past three years. Nominees for ~~Chair-Elect~~[Chair and Vice-Chair](#) must be tenured at the time of nomination.
- B. Each spring, NEAC will distribute a Call for Senate Officers to full time (tenure line and temporary) faculty.

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1. The Call will request that nominations for ~~secretary and chair-elect~~ Chair, Vice-Chair, and Secretary of the Senate be sent to the Senate Office.
  2. The Call will request that faculty obtain permission of nominees prior to submitting their names.
- C. A sample ballot will be provided, and faculty will have one week to review and respond. Faculty may make additional nominations or may request that their name be removed from the ballot.
- D. The Official Ballot for the Election of Senate Officers will be provided to the current Senate members and Senators will have one week to vote.
- E. Senate Officers will be announced at the penultimate Senate meeting of the spring semester.
- F. In the event that the Chair becomes unable to serve, the Vice Chair/~~chair-elect~~ shall assume the position of Chair.
- ~~G. In the event that the vice chair becomes unable to serve, NEAC shall conduct an election for vice chair/chair-elect.~~
- G. If the Vice-Chair is unable to fill the vacant Chair seat, NEAC shall conduct an election for Chair.
- H. If the Vice-Chair or the Secretary are unable to serve in their roles, NEAC shall conduct an election.

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**NEAC**

<i>Rationale:</i>	<i>This change to the Constitution and Bylaws was prompted by the fact that a few Academic Senators have not attended regular meetings yet have not given up their seats. In addition, standing committee chairs have requested that a mechanism be put into place to deal with committee members who do not attend meetings and/or do not perform their assigned duties.</i>
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64 **Article 5.1: Senate Membership**

65 Voting members of the Senate shall consist of those members of the Faculty and the representative of

66 the part-time temporary faculty who have been duly elected or appointed to the Senate according to

67 this Constitution and Bylaws of the University Faculty and the Academic Senate; the CSUSM

68 representatives to the Academic Senate of the California State University; the Associated Students,

69 Incorporated, representative; and the staff representative; together with the Chairs of the Academic

70 Policy Committee; Budget and Long-Range Planning Committee; Faculty Affairs Committee; General

71 Education Committee; Library and Academic Technology Advisory Committee; Nominations, Elections,

72 Appointments, and Constitution Committee; Program Assessment Committee; Student Affairs  
73 Committee; and University Curriculum Committee, if they were not otherwise elected to a Senate seat.

74 **Article 5.1.1: Representative Proportion of Membership**

75 The Senate shall be representative of the full-time faculty in proportion to the number of full-time  
76 eligible faculty in each College/School not within a College (hereafter, School)/Library/Student Services  
77 Professionals - Academic Related (hereafter, SSP-AR). The number of seats for each  
78 College/School/Library/SSP-AR will be that unit's proportion of the total eligible faculty (not including  
79 lecturers, and each faculty member may only be counted for one college), multiplied by 50. Fractional  
80 seats will be rounded up if they are .5 or greater and rounded down otherwise, except that each unit  
81 will be guaranteed a minimum of one seat.

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83 **IV. Article 5.1.2: Terms of Membership**

84 Senate terms of office run concurrently with the academic year. Senators shall serve staggered two-  
85 year terms. For election procedures, see the Academic Senate Election Rules and Guidelines. ~~A Senator  
86 who does not attend or have an alternate attend, without excuse or notification, three consecutive  
87 Academic Senate meetings will be replaced by an election by the appropriate constituency to serve out  
88 the remainder of the term.~~ A Senator who does not attend three consecutive Academic Senate meetings  
89 will be replaced. NEAC will solicit nominations for a replacement to serve out the remainder of the  
90 term.

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92 **V. Article 6.1: Standing Committee Membership**

93 Faculty voting members of the Standing Committees of the Senate will be drawn from the Faculty  
94 eligible for the Senate according to the Academic Senate Election Rules and Guidelines. Faculty  
95 Committee members shall serve staggered two-year terms except for the members of the Executive  
96 Committee, which draws its membership from current chairs of the standing committees. The chair of  
97 each standing committee shall be elected by the voting members of the committee from the eligible  
98 faculty on the committee. Student members and staff members shall serve one-year terms, with the  
99 exception of staff members of the Library and Academic Technology Advisory Committee, who will serve  
100 two-year terms.

101  
102 Colleges or schools in development with fewer than ten full-time tenure track faculty members will be  
103 represented as voting members in standing committees in the following way: the faculty of colleges/  
104 schools in development may choose, before the Spring election, the standing committees to which they  
105 will send one representative. The chosen committees shall be reported to the Academic Senate Office  
106 by March 15. The selection of the committees should be conducted by the college/ school by voting. The  
107 voting should be anonymous and a simple majority is sufficient. The election of the representatives will  
108 be conducted according to the Academic Senate Election Rules and Guidelines.

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110 Colleges or schools in development must send representatives to a minimum number of committees;  
111 however, the maximum number of committee seats is restricted by the number of eligible faculty (see  
112 the following table).

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Number of eligible faculty members of the college/school	Number of committee seats for the college/school
1	1-2
2	2-4
3	3-6
4	4-8
5	5-10
6	6-10
7	7-10
8	8-10
9	9-10

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Once a college or school in development has ten or more eligible faculty members, its representation in all standing committees will be guaranteed by a change to the Constitution and Bylaws.

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**Article 6.1.1: Standing Committee Member Absences and Replacement**

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If a member of an Academic Senate committee cannot complete the term for any reason, or is absent from three regularly scheduled committee meetings, the chair of the committee may request that NEAC solicit nominations for a replacement to serve out the remainder of the term. If a member of an Academic Senate standing committee repeatedly does not perform assigned committee duties, the chair or any member of the committee may call for a vote to request that NEAC solicit nominations for a replacement to serve out the remainder of the term.

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**NEAC**

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139 event the Chair becomes unable to serve, the Vice-Chair shall assume the role of Chair for the remainder  
140 of the term, and an election will be conducted by NEAC for Vice-Chair. If the Vice-Chair is unable to fill  
141 the vacant Chair seat, NEAC shall conduct an election for Chair in accordance with the Academic Senate  
142 Election Rules and Procedures. If the Vice-Chair or the Secretary are unable to serve in their roles, NEAC  
143 shall conduct an election in accordance with the Academic Senate Election Rules and Procedures.  
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145 **NEAC**

146 <i>Rationale:</i>	147 <i>This change to the Election Rules and Procedures is to make them consistent with the suggested changes to the Constitution and Bylaws.</i>
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154 Nominees for Chair and Vice-Chair must be tenured at the time of nomination.  
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  - 156 B. Each spring, NEAC will distribute a Call for Senate Officers to full time (tenure line and  
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    - 159 1. The Call will request that nominations for Chair, Vice-Chair, and Secretary of the Senate be  
160 sent to the Senate Office.
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162 names.  
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  - 164 C. A sample ballot will be provided, and faculty will have one week to review and respond. Faculty  
165 may make additional nominations or may request that their name be removed from the ballot.  
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  - 167 D. The Official Ballot for the Election of Senate Officers will be provided to the current Senate  
168 members and Senators will have one week to vote.  
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  - 170 E. Senate Officers will be announced at the penultimate Senate meeting of the spring semester.  
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  - 172 F. In the event that the Chair becomes unable to serve, the Vice Chair shall assume the position of  
173 Chair.  
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241 Academic Senate standing committee repeatedly does not perform assigned committee duties, the chair  
242 or any member of the committee may call for a vote to request that NEAC solicit nominations for a  
243 replacement to serve out the remainder of the term.  
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**Rationale:** *The Chancellor’s Office has asked each campus to have a policy on excess-units seniors (aka. Super Seniors) to better manage our enrollment. This policy increases access for students by redirecting enrollment from students who already have earned over 150 units to students who are trying to make progress toward graduation, and it can also increase the number of prospective students that the University can admit.*

**Definition:** This policy defines the term “excess-units seniors”, outlines the procedure for facilitating graduation of such students, and gives a policy to prevent “excess-units seniors.”

**Scope:** All CSUSM undergraduate students seeking a first baccalaureate degree.

**Authority:** The President of the University.

#### I. EXCESS-UNITS SENIORS

The term “excess-units senior” will be used in this document to describe students seeking a first baccalaureate degree who have earned 150<sup>i</sup> or more units and who have not yet graduated. There are two different groups of excess-units seniors: the first group has already applied for graduation, and the second group has not applied for graduation. For both groups, intrusive advising shall be used to facilitate their graduation.

#### II. EXCESS-UNITS SENIORS WHO HAVE APPLIED FOR GRADUATION

- A. Advisors shall review the student’s Degree Progress Report to determine the student’s graduation status and determine if the student is on track and will be able to graduate on time.
- B. If the student has all the courses needed to graduate with their declared major(s)/minor(s); the advisor will notify the Registrar who will automatically graduate the student at the earliest opportunity (see V for the appeal procedure).
- C. If it is determined that it will not be possible for the student to graduate as planned, the following procedure shall be followed.
  - 1. The advisor shall review the student’s records for possible course substitution approvals from appropriate departments or programs to graduate the student on time.
  - 2. The student shall be given the earliest priority registration date to facilitate enrollment in outstanding course requirements.
  - 3. The advisor will change the student’s expected graduation term to keep the student in the graduation review process.
  - 4. A special notation shall be placed on the student record indicating to the student that their graduation has been changed to the expected semester of completion; and an email will be sent to the student encouraging the student to complete the requirements on time, and to utilize advising services as a resource for planning a timely graduation.

50 III. EXCESS-UNITS SENIORS WHO HAVE NOT APPLIED FOR GRADUATION

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52 For students who have not applied for graduation the following procedure shall be followed:

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- 54 A. Advisors shall review the student's Degree Progress Report to determine the student's  
55 graduation status.
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  - 57 B. If the student already has all the courses needed in his/her declared major(s)/minor(s) to  
58 graduate; advisors will notify the Registrar who will automatically graduate the student at the  
59 earliest opportunity (see V for the appeal procedure).
  - 60
  - 61 C. If the student has remaining requirements to complete, an email shall be sent urging the  
62 student to review their Degree Progress Report and come in for an advising session for timely  
63 graduation planning.
    - 64 o An advisor will create a graduation completion plan outlining necessary courses by  
65 semester. This plan shall be emailed to the student and a copy shall be kept in the  
66 student's file.
    - 67 o The advisor will apply automatically for the student's expected graduation term. The  
68 Advisor will change student's expected graduation term as necessary to keep the  
69 student in the graduation review process.
    - 70 o A hold will be placed on the student which will be removed by the student submitting a  
71 signed copy of the graduation completion plan.

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73 IV. PREVENTION OF EXCESS-UNITS SENIORS

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75 Students with more than 120<sup>ii</sup> attempted units may only change their majors if the change of major  
76 allows for graduation at a date no later than the earliest date possible with current major. Similarly,  
77 students with more than 120 attempted units may only declare additional major(s) or minor(s) if the  
78 additional major(s) or minor(s) allow for graduation at a date no later than the earliest date possible  
79 with first major. In these cases, approval from a staff advisor in Advising Services will be needed.  
80 Exceptions to the 120 units limit can be granted by an appropriate faculty advisor such as the  
81 department chair or designee.

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83 V. APPEALS PROCEDURES

84 Students choosing to appeal their graduation must submit a Degree Conferral Appeal. The appeal must  
85 include a narrative statement elaborating how excess units were accumulated, their educational intent,  
86 and completion timelines. The appeal will be reviewed by a committee consisting of Dean or Designee  
87 from the College of the student's major, a designated academic advisor from the student's major, and an  
88 appropriate faculty representative from the student's academic department/program.  
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1 **FAC: Misconduct in Research**

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3 **Rationale:** *This set of policy and procedures are intended to carry out our institution’s responsibilities under the Public Health Service (PHS) Policies on Research Misconduct, 42 CFR Part 93. This policy applies to allegations of research misconduct (fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results) in research including research that is governed by federal funding regulations.<sup>1</sup>*

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6 **Definition** A policy for investigating allegations of possible misconduct in all research including research funded by external sponsors administered by the University.

7 **Authority** The President of the University.

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9 **Scope** This set of policy and procedures apply to individuals at CSUSM engaged in research projects including those governed by federal funding regulations. This policy applies to any person paid by, under the control of, or affiliated with CSUSM, such as scientists, trainees, technicians and other staff members, students, fellows, guest researchers, or collaborators.

10 I. Purpose

11 A. It is the policy of California State University, San Marcos (“University”) to adhere to and promote the highest ethical standards of conduct in research and creative activities. Despite extremely rare occurrences, misconduct in research can have a significant impact on the reputation and credibility of the University, its faculty and students, and therefore it cannot be tolerated. The purpose of this policy is to provide the University with a set of procedures for investigating and reporting instances of alleged or apparent misconduct in research and creative activity.

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14 This policy is also intended to conform to the requirements of the appropriate funding agencies (e.g., Health and Human Services [HHS], National Science Foundation [NSF], National Institutes for Health [NIH]) pursuant to the United States Office of Research Integrity (ORI) [45 CFR, Part 689] and the Public Health Service (PHS) Policies on Research Misconduct [42 Code of Federal Regulations (CFR) 93].

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17 This policy shall apply to University administrators, faculty, and staff, ~~and students~~ [13] conducting any research including research funded by external sponsors administered by the University.

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22 Every effort has been made to ensure compliance with current Collective Bargaining Agreements for University employees. No part of this policy should be considered as a substitute for any part of the Agreements. Collective Bargaining Agreements do not supplant [14] 42 CFR Part 93 requirements.

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28 II. Definitions

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<sup>1</sup> This policy was largely informed by the Senate approved Cal Poly Pomona Misconduct in Research Policy. In its creation, FAC has worked collaboratively with the AVPR of CSUSM and the AVPR of Cal Poly Pomona. This policy is aligned with expectations suggested by the Office of Research Integrity (ORI).

29 | A. Research misconduct is defined as fabrication, falsification, plagiarism, in proposing, or  
30 | reviewing research, or in reporting research results. Fabrication is making up data or results or  
31 | recording or reporting them. Falsification is manipulating research materials, equipment, or  
32 | processes, or changing or omitting data or research results such that research is not accurately  
33 | represented in the research record. Plagiarism is the appropriation of another person’s ideas,  
34 | processes, results, or words without giving appropriate credit. Misconduct does not include  
35 | honest error or honest differences in opinion.

36 |  
37 | A.B. Preponderance [15] of the evidence means proof by information that, compared with that  
38 | opposing it, leads to the conclusion that the fact at issue is more probably true than not (42 CFR  
39 | 93.219).

### 40 | 41 | III. General Provisions

42 | A. The University shall make a good faith effort to protect the privacy of all individuals involved in  
43 | research misconduct proceedings. Disclosure of identity of those involved in the proceedings shall be  
44 | limited, to the extent possible, to those who need to know, consistent with a thorough, competent,  
45 | objective and fair research misconduct proceeding, and as allowed by law. Misconduct of externally  
46 | funded research must be reported to the relevant funding agency. The University must disclose the  
47 | identity of individuals against whom allegations of research misconduct are made and complainants  
48 | of research misconduct related to PHS supported activities to the United States Office of Research  
49 | Integrity (“ORI”). To the extent permitted by the applicable laws, confidentiality shall also be  
50 | maintained for any record or evidence from which research subjects might be identified and  
51 | disclosure of the record or evidence shall be limited to those who have a need to know to carry out  
52 | the research misconduct proceeding.

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54 | B. Finding of research misconduct under this policy requires that:

- 55 | 1. There be a significant departure from accepted practices of the relevant research
- 56 | community; and
- 57 | 2. The misconduct be committed intentionally, knowingly, or recklessly; and
- 58 | 3. The allegation(s) be proven by a preponderance of the evidence.

59 |  
60 | C. The University has the burden of proof for making a finding of research misconduct. The  
61 | destruction, absence of, or failure by the individual against whom allegations are made to provide  
62 | research records adequately documenting the questioned research is evidence of misconduct only if  
63 | the University establishes by a preponderance of evidence that:

- 64 | 1. the individual against whom allegations are made intentionally, knowingly, or recklessly
- 65 | had such records and destroyed them; or
- 66 | 2. had the opportunity to maintain the records but did not do so; maintained the records
- 67 | and failed to produce them in a timely manner;
- 68 | 3. and that the individual’s conduct constitutes a significant departure from accepted
- 69 | practices of the relevant research community.

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71 | D. The person against whom allegations of research misconduct are made has the burden of proving  
72 | by a preponderance of evidence, any and all defenses raised. The determination of whether the  
73 | burden of proof is met shall give due consideration to admissible, credible evidence of honest error  
74 | or difference of opinion.

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76 | E. The person against whom allegation of research misconduct is made has the burden of going  
77 | forward with and proving by a preponderance of evidence any mitigating factors that are relevant to  
78 | a decision to impose administrative actions following a research misconduct proceeding.

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80 F. The University shall undertake all reasonable and practical efforts, if requested, and appropriate,  
81 to restore the reputation of individuals alleged to have engaged in research misconduct but against  
82 whom no finding of research misconduct is made.

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84 G. The University shall undertake all reasonable and practical efforts to protect, restore the position  
85 and reputation, and to counter potential or actual retaliation against those individuals who, in good  
86 faith, make allegations of research misconduct and other participants in part of a research  
87 misconduct proceeding.

88  
89 H. The University shall take all necessary precautions to ensure that individuals responsible for  
90 carrying out any part of the research misconduct proceedings are selected based on scientific  
91 expertise that is pertinent to the matter and do not have unresolved personal, professional, or  
92 financial conflicts of interest with the individual against whom allegations are made, the individual(s)  
93 making the allegation, or witnesses participating in the proceedings. Any conflict, which a reasonable  
94 person would consider to demonstrate potential bias, shall disqualify the individual from selection.

95  
96 I. Whenever necessary and appropriate to ~~insure~~ensure a thorough, competent, objective and fair  
97 evaluation of all the evidence during an inquiry or investigation, individuals with special expertise will  
98 be consulted.

99  
100 J. The University will notify the appropriate funding agency, where applicable, of any decision to  
101 terminate an inquiry or investigation before completion of the process outlined here or required by  
102 law. The notice will include the reasons for such early termination. The procedural requirements of  
103 funding agencies do vary, and the investigating body is cautioned to review the current legal  
104 requirements at the time of any inquiry or investigation under this policy.

#### 105 106 IV. Responsibility

107  
108 A. The University shall be responsible for all of the following actions:

- 109 1. Taking all necessary actions to foster a research environment that promotes research  
110 integrity and discourages research misconduct;
- 111 2. Taking all reasonable and practicable steps to ensure the cooperation of those against  
112 whom the allegations are directed and other members of the University with research  
113 misconduct proceedings, including, but not limited to, their providing information, research  
114 records, and evidence;
- 115 3. Cooperating with funding agencies during any research misconduct proceeding or  
116 compliance review and provide administration and enforcement of actions imposed by the  
117 agency on the University;
- 118 4. Filing the required assurances of compliance and aggregated information on research  
119 misconduct proceedings as required by the funding agency;
- 120 5. Establishing and maintaining appropriate policies and procedures for monitoring  
121 compliance with the provisions of this policy and upon request, and as appropriate, provide  
122 compliance information to funding agencies and members of public, informing University  
123 faculty and administrative staff of this policy;
- 124 6. Informing ~~the any~~ research project team members on externally funded projects of the  
125 policies and procedures of the funding agency for responding to allegations of research  
126 misconduct, and the University's commitment to comply with the funding agency's policies  
127 and procedures;
- 128 7. Taking immediate action in accordance with the provisions of this policy as soon as

- 129 misconduct on the part of employees or individuals within the University's control is  
130 suspected or alleged;
- 131 8. Directing the maintenance and custody of and access to documents, evidence, reports,  
132 research records, and any other materials generated in the course of research misconduct  
133 proceedings;
- 134 9. Notifying the ORI or the appropriate funding agency if it is ascertained at any stage of an  
135 inquiry or investigation of a project funded by a specified funding agency that any of the  
136 following conditions exist:
- 137 a. Health or safety of the public is at risk, including an immediate need to protect  
138 human or animal subjects,
  - 139 b. Agency resources or interest are threatened,
  - 140 c. Research activities should be suspended,
  - 141 d. There is a reasonable indication of violations of civil or criminal law,
  - 142 e. Federal action is required to protect the interest of those involved in the research  
143 misconduct proceedings,
  - 144 f. There is a belief that the research misconduct proceedings may be made public  
145 prematurely, so that appropriate steps may be taken to safeguard evidence and  
146 protect the rights of those involved,
  - 147 g. There is a belief that the research community or public should be informed.
- 148
- 149 10. Taking appropriate interim actions at any time during a research misconduct proceeding,  
150 to protect public health, federal funds and equipment, and the integrity of the PHS  
151 supported research process. The necessary actions will vary according to the circumstances  
152 of each case, but examples of actions that may be necessary include delaying the publication  
153 of research results, providing for closer supervision of one or more researchers, requiring  
154 approvals for actions relating to the research that did not previously require approval,  
155 auditing pertinent records, or taking steps to contact other institutions that may be affected  
156 by an allegation of research misconduct.
- 157
- 158 11. Reporting to appropriate federal agencies any proposed settlements, admissions of  
159 research misconduct, or institutional findings of misconduct that arise at any stage of a  
160 misconduct proceeding involving federally-funded research, including the allegation and  
161 inquiry stages.

## 162 V. Allegations of Misconduct in Research

163 A. Any individual who alleges that an act of misconduct in research has occurred or is occurring by an  
164 employee of the University or [University Auxilliary Research Services Corporation \(UARSC\) California](#)  
165 [State University San Marcos Foundation](#) shall disclose such allegations through any means of  
166 communication to the Associate Vice President for Research and Graduate Studies (AVPR) and  
167 Provost to determine whether the allegation warrants an investigation. Upon receipt of any  
168 allegation of misconduct in research or creative activity, the AVPR shall promptly [\(within 5 working](#)  
169 [days?\)](#) assess the allegation to determine if an inquiry is warranted. An inquiry is warranted if the  
170 allegation: (1) meets the definition of research misconduct in [section 11.16](#) of this policy; [and](#) (2) is  
171 sufficiently credible and specific so that potential evidence of research misconduct may be identified,  
172 and (3) for externally funded research it satisfies the external agencies' research misconduct  
173 applicability requirements.

174 [Should a student be referred to the Dean of Students instead of going through this process?](#)  
175  
176  
177  
178

179 | C. B. If the AVPR determines that an inquiry is warranted, they [17] shall immediately prepare a  
180 | written description of the allegations and notify the individual(s) against whom the allegations  
181 | are asserted. The notification shall include a copy of the description of the allegations together  
182 | with a copy, or reference, to this policy statement. In addition the individual(s) against whom the  
183 | allegations are asserted shall be advised in writing that they have the right to union  
184 | representation and legal counsel.

185 | Should we attach a copy of the timetable for this policy?

## 186 | VI. The Inquiry

187 | A. Upon determination that an inquiry is warranted the AVPR shall immediately begin an inquiry into  
188 | the allegations. The purpose of the inquiry is an initial review of the evidence to determine if the  
189 | criteria for conducting an investigation are met.

190 | B. The AVPR on or before the notification date of the individual(s) against whom allegations are  
191 | made or the initiation of the inquiry, whichever occurs earlier, shall promptly take all reasonable and  
192 | practical steps to obtain custody of all the research records and evidence needed to conduct the  
193 | research misconduct proceedings, inventory the records and evidence, and sequester them in a  
194 | secure manner, except that where the research record or evidence encompass scientific instruments  
195 | shared by a number of users, custody may be limited to copies of the data or evidence on such  
196 | instruments, so long as those copies are substantially equivalent to the evidentiary value of the  
197 | instruments. The same steps shall be taken regarding the custody of additional research records and  
198 | evidence discovered during the course of the research misconduct proceeding, including at the  
199 | inquiry and investigation stages, or if new allegations arise.

200 | C. Within 15 working days of notification of the individual(s) against whom allegations of research  
201 | misconduct is made, the AVPR and the chair of the Academic Senate shall jointly appoint a panel of  
202 | three members, with appropriate expertise [18] under provisions of sections 3.8 and 3.9 [19] of this  
203 | policy, to conduct the inquiry. A minimum of two members of the panel shall be full-time tenured  
204 | faculty members of the University. Whenever possible at least one committee member shall  
205 | represent the field or discipline from which allegations of research misconduct is made.

206 | D. Changes to the membership of the inquiry panel shall be made only through joint decision of the  
207 | AVPR and the Academic Senate Chair.

208 | E. The inquiry, including submission of the inquiry report and giving the individuals(s) against whom  
209 | allegations were asserted a reasonable opportunity (~~minimum of [110]~~ 10 working days) to comment  
210 | on it, shall be completed within 60 calendar days of its initiation unless circumstances clearly warrant  
211 | a longer period. If the inquiry takes longer than 60 calendar days to complete, documentation of the  
212 | reasons for delay shall be included in the inquiry record.

213 | F. A written inquiry report shall be prepared that states:

- 214 | 1. The name and position of those against whom allegations of misconduct was asserted;
- 215 | 2. A full description of the allegations of research misconduct
- 216 | 3. The basis for recommending that the alleged actions does or does not warrant an  
217 | investigation;
- 218 | 4. Any comments on the report by the person(s) making the allegation and those against  
219 | whom the allegations were asserted;
- 220 | 5. Any additional agency requirement for externally funded projects.

229 G. An investigation is warranted if there is:  
230 1. a reasonable basis for concluding that the allegation falls within the definition of research  
231 misconduct and  
232 2. preliminary information-gathering and preliminary fact-finding from the inquiry indicates  
233 that the allegation may have substance.  
234

235 H. The final inquiry report shall be provided to the AVPR for review, who will make a written  
236 determination of whether an investigation is warranted. If a determination is made that an  
237 investigation is warranted the AVPR shall within 30 calendar days:  
238 1. report the findings to the Associate Vice President for Academic Resources (when the  
239 respondent is a faculty member), appropriate unit administrator[I11] (e.g., College Dean),  
240 and to the Provost;  
241 2. provide written notification to the individuals against whom allegations of research  
242 misconduct are raised of the specific allegations to be investigated. The notification shall  
243 include a copy of the inquiry report and include a copy or reference to this policy statement;  
244 for comment within 10 days[I12].  
245 3. on a need to know basis, contact the Dean/Director or Unit Head regarding the inquiry  
246 results. For PHS supported activities, within 30 days of finding that an investigation is  
247 warranted; the AVPR shall provide ORI with a written finding and a copy of the inquiry  
248 report.  
249

250 I. The AVPR may notify those who made the allegations whether the inquiry found that an  
251 investigation is warranted and may provide a copy of the relevant portions of the inquiry report to  
252 them.  
253

254 J. For externally funded projects the AVPR shall: follow the reporting and notification and disclosure  
255 requirements of the agency and comply with agency requirements for maintenance and transfer of  
256 records to the funding agency.  
257

## 258 VII. Investigation

259  
260 A. An investigation is the formal development of a factual record and the examination of that record  
261 leading to a decision not to make a finding of research misconduct or to a recommendation for a  
262 finding of research misconduct, which may include a recommendation for other appropriate actions  
263 including administrative actions.  
264

265 B. Within 15 working days after the determination that an investigation is warranted the AVPR and  
266 the Chair of the Academic Senate shall jointly appoint a panel of five members, with appropriate  
267 expertise [I13] subject to provisions of III. H. and III. I.[I14]. of this policy, to conduct the investigation.  
268 None of the members of the inquiry panel are eligible to serve on the investigation panel. A  
269 minimum of three members of the panel shall be full-time tenured faculty members of the  
270 University.  
271

272 C. Changing the membership of the investigation panel shall be made only through joint decision of  
273 the AVPR and the Academic Senate Chair.  
274

275 D. An investigation following inquiry must be undertaken within 30 calendar days of the completion  
276 of the inquiry. All aspects of an investigation must be completed within 120 calendar days of  
277 beginning it, including conducting the investigation, preparing the report of findings, providing draft  
278 report for comments, and incorporation of all comments received. If it becomes apparent that the



279 investigation cannot be completed within 120 calendar days, the reasons for delay shall be  
280 documented and included in the final report of the investigation. For externally funded projects, the  
281 external agency requirements for requesting extension to investigation period shall be followed.  
282

283 E. The individual(s) against whom allegations of misconduct were directed shall be given written  
284 notice of any new allegations raised during the investigations within a reasonable time (5 working  
285 days) after determining to pursue allegations not addressed in the inquiry or the initial notice of the  
286 investigation.  
287

288 F. In conducting the investigation, the investigation panel shall:

289 1. make diligent efforts to ensure that the investigation is thorough and sufficiently  
290 documented and includes examination of all research records and evidence relevant to  
291 reaching a decision on the merits of the allegation;  
292

293 2. t~~ake reasonable steps to ensure an impartial and unbiased investigation to the maximum~~  
294 extent practical<sup>[115]</sup>;

295 ~~3.~~ interview both the individual(s) making the allegation and those against whom the  
296 allegations were made and any other available person who has been reasonably identified  
297 as having information regarding any relevant aspect of the investigation, providing the  
298 recording or transcript to the interviewee for correction, and include the recording or  
299 transcript in the record of investigation;

300 ~~4.~~ pursue diligently all significant issues and leads discovered that are determined relevant  
301 to the investigation, including any evidence of additional instances of possible research  
302 misconduct, and continue the investigation to completion; and

303 ~~5.~~ for externally funded research, comply with all requirements of the supporting agency  
304 for conducting research misconduct investigation.  
305

306 G. The panel shall notify the individual(s) being investigated sufficiently (minimum of 10 working  
307 days) in advance of the scheduled interview date so that the individual(s) may adequately prepare  
308 for the interview and arrange for the attendance of legal counsel if desired.  
309

310 H. Within 90 calendar days of initiation of the investigation, the draft investigation report should be  
311 submitted to the AVPR.  
312

313 I. The individual(s) who raised the allegation may be given a copy of the draft investigation report or  
314 relevant portions of the report. If a written comment is submitted within 30 calendar days, the  
315 comment shall be made part of the final investigation report.  
316

317 J. A copy of the draft investigation report shall be provided to the individual(s) being investigated and  
318 concurrently a copy of, or supervised access to, the evidence on which the report is based. Any  
319 comments by the individual(s) being investigated that are submitted within 30 calendar days  
320 following the receipt of the draft investigation report shall be made a part of the final investigation  
321 report.  
322

323 K. The final investigation report shall:

- 324 1. describe the nature of the allegations of research misconduct;  
325 2. describe the specific allegations of research misconduct considered in the investigation;  
326 3. identify and summarize the research records and evidence reviewed, and identify  
327 evidence taken into custody but not reviewed. The report shall also describe any relevant  
328 records and evidence not taken into custody and explain why;

- 329 4. provide a finding as to whether research misconduct did or did not occur for each  
330 separate allegation of research misconduct identified during the investigation, and if  
331 misconduct was found,  
332 a. identify it as falsification, fabrication, or plagiarism and whether it was  
333 intentional, knowing, or in reckless disregard,  
334 b. summarize the facts and the analysis supporting the conclusion and consider the  
335 merits of any reasonable explanation, evidence and rebuttal evidence provided by  
336 those against whom the allegations were asserted,  
337 c. identify any external or internal support in conducting the research,  
338 d. identify any publications that need correction or retraction;  
339 e. identify the person(s) responsible for the misconduct,  
340 f. list any current support or known applications or proposals for support that the  
341 person responsible for misconduct has pending with external agencies or internal  
342 university units;  
343 5. include and consider any comments made by those who made the allegations and the  
344 persons against whom allegations were made.  
345

346 L. Copies of the final investigation report shall be provided to the AVPR and the individual(s) against  
347 whom allegations of research misconduct were raised. The AVPR shall review the report to ensure  
348 that it complies with the provisions of this policy.  
349

350 M. The AVPR shall make recommendations [116] for corrective measures, if any, and forward the final  
351 investigation report to the Associate Vice President for Academic Resources, the Provost, and the  
352 College Dean/Unit Director. The final decision is to be made by the Provost, / President, or  
353 President designee or Dean of Students if the respondent is a student?  
354

355 N. For externally funded projects, the external agency requirements for the maintenance and  
356 provision of relevant research records and records of the University's research misconduct  
357 proceedings, including results of all interviews and the transcripts or recordings of such interviews  
358 shall be followed.  
359

#### 360 VIII. Cooperation with ORI

361 A. The University shall cooperate with ORI during its oversight review under 42 CFR 93.400 et seq. or  
362 any subsequent administrative hearings or appeals under 42 CFR 93.500 et seq. with respect to  
363 research integrity and misconduct issues related to PHS supported activities. This includes providing  
364 all research records and evidence under the University's control, custody, or possession and access  
365 to all persons within its authority necessary to develop a complete record of relevant evidence.  
366  
367

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<sup>i</sup> This limit does not apply to Nursing, and Integrated Credential Program students

<sup>ii</sup> This limit does not apply to Nursing, and Integrated Credential Program students