



Ohio Administrative Code

Rule 3342-10-07.1 Administrative policy and procedures regarding allegations and instances of misconduct in research and scholarship.

Effective: July 1, 2019

(A) Purpose. Recognizing a responsibility for the proper and ethical conduct of research and scholarship by all its personnel and students, and further recognizing that allegations or instances of conduct inconsistent with accepted standards may occur, the university is committed to providing maximal opportunity for fairness and due process. Toward this end the procedures stated herein shall be applied when research misconduct is alleged against any university employee. Students accused of cheating and plagiarism will normally be subjected to rule 3342-03-01.8 Administrative Code regarding student cheating and plagiarism. However, if a student is accused of research misconduct associated with externally funded research, then the procedures stated herein shall be applied.

(B) Requirement. As a recipient of federal grants and contracts, particularly from the national science foundation (NSF) and the public health service (PHS), including the national institutes of health, the university is bound by regulations requiring that procedures be established for inquiry into and investigation of alleged or apparent misconduct in scientific activities conducted, funded, or regulated by these agencies. In order to establish a consistent and comprehensive procedure for the university, the procedures set forth below shall apply to all instances of alleged or apparent misconduct in research, scholarly and creative activities regardless of funding or source.

(C) Definitions. The following key definitions apply to the implementation of the requirement in paragraph (B) of this rule.

(1) "Misconduct" fabrication, falsification, or plagiarism, in proposing, conducting, or reviewing research and other forms of scholarship, or in reporting research results.

Any finding of research misconduct shall fulfill three requirements:

(a) There shall be a significant departure from accepted practices of the relevant research community;
and



(b) The misconduct shall be committed intentionally, knowingly, or recklessly, and

(c) The allegation shall be proven by a preponderance of the evidence.

(2) Fabrication means making up data or results and recording them.

(3) Falsification means manipulating research materials, equipment, or failure to meet other material legal requirements governing research and scholarship processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

(4) Plagiarism means the appropriation of another persons ideas, processes, results, or words, or artistic works, without giving appropriate credit, or the republication of ones own previously published work without appropriate acknowledgement.

(5) "Inquiry" means preliminary information-gathering and preliminary fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation, or other measure, such as referral to the faculty senate ethics committee when appropriate.

(6) "Investigation" means a formal collection and examination of the relevant factual record to determine whether or not misconduct has occurred, and if, following an inquiry pursuant to paragraph (E)(3) of this rule, potential misconduct has been discovered, to assess its extent and consequences and/or determine appropriate action. An investigation may be conducted simultaneously with an inquiry if circumstances warrant.

(7) Research Record means the record of data or results that embody the facts resulting from scientific or other scholarly inquiry, including but not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, or other publications.

(D) Confidentiality. Subject to applicable law and administrative rules, disclosure of the identity of respondents and complainants in research misconduct proceedings is limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective, and fair research



misconduct proceeding, and as is allowed by law. Subject to applicable law, confidentiality shall be maintained for any records or evidence from which research subjects might be identified.

(E) Procedures.

(1) Accusation. All accusations of misconduct in research or scholarship shall be lodged by the accuser in writing with the chairperson/director/dean of the respondent's academic unit. All accusations shall be submitted with supporting evidence.

(2) Notification. Upon reception of a complaint, the chairperson/director/dean shall immediately notify the vice president for research and sponsored programs, the appropriate undergraduate and graduate dean(s), and the provost. (a) should a chairperson or director be the respondent, the dean of the college shall be the first point of contact and shall notify the vice president of research and sponsored programs, the appropriate graduate dean, and the provost. (b) should an independent school director, collegial dean, regional campus dean, or dean of university libraries be the respondent, the first point of contact shall be the vice president for research and sponsored programs.

(3) Inquiry. The vice president for research and sponsored programs (after appropriate consultation with the chairperson/director/dean, and the faculty advisory committee or two or more senior faculty of the respondents academic unit) shall select an inquiry committee of no less than three tenured faculty members who have no direct interest in the case but who are otherwise closest in specialty to the area of work of the respondent. The inquiry committee shall be impaneled to identify and review supporting potential evidence of research misconduct and to determine whether an investigation is warranted. This process shall be conducted in the strictest of confidence.

(a) No later than seven business days after being notified of the complaint, the vice president of research and sponsored programs shall notify the respondent in writing and provide the respondent with any materials supportive of the complaint. Any subsequently identified additional respondents shall also be notified in writing and provided any materials supportive of the complaint within seven business days of the identification of such respondents.

(b) The inquiry committee shall promptly undertake all reasonable and practicable 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. The respondent(s) may submit a written response or responses to such complaint to the inquiry committee for its review and consideration.

(c) The inquiry committee shall use the following criteria to determine whether an allegation warrants an investigation:

(i) A reasonable basis for concluding that an allegation that falls under the definition of research misconduct exists; and

(ii) Preliminary information-gathering and fact-finding indicate that the allegation may have substance.

(d) The inquiry committee shall prepare a written report of the inquiry to submit to the relevant granting authority if required by law or regulation.

(e) The inquiry committee shall provide the respondent an opportunity to review and comment on the inquiry report and shall attach any comments received from the respondent to the report.

(f) The inquiry shall be completed within sixty calendar days of its initiation unless circumstances clearly warrant a longer period. If the inquiry takes longer than sixty calendar days to complete, then the inquiry report shall contain documentation of the reasons for exceeding this period.

(g) If the inquiry committee decides not to investigate, then the vice president for research and sponsored programs shall preserve sufficiently detailed documentation of the inquiry proceedings.

(4) Notice. The vice president for research and sponsored programs shall notify the respondent whether the inquiry found that an investigation is warranted no later than seven business days from the completion of the inquiry. The notice shall include a copy of the inquiry report and a copy of university policies regarding research misconduct.

The university shall notify the complainant whether the inquiry committee found that an



investigation is warranted no later than seven calendar days from the completion of the inquiry.

(5) Investigation. Should the majority of the inquiry committee agree that research misconduct is clearly plausible, then the provost, in consultation with the vice president for research and sponsored programs, and other appropriate members of the university community, shall form an investigation committee from within, and if necessary and/or appropriate, from without the university.

(a) The investigation committee shall consist of at least five full-time university employees with faculty rank:

(i) One of which shall be the vice president for research and sponsored programs as convener;

(ii) One of which shall be a representative of the undergraduate or graduate dean of the respondent;

(iii) And at least two of which shall be ordinarily chosen from the membership of or upon the recommendation of the university research council.

(iv) Additional members may be appointed to provide scientific, legal, or other scholarly expertise required by the nature of the research or scholarship under investigation.

(6) Duties of the investigation committee.

(a) The committee shall begin the investigation within thirty calendar days after the inquiry committee determined that an investigation was warranted.

(b) The investigation committee shall notify the relevant federal authority of the decision to begin the investigation on or before the beginning of the investigation.

(c) The investigation committee shall notify the respondent in writing of the allegations within seven business days after beginning the investigation.

(d) The investigation committee shall make diligent efforts to ensure the thorough and sufficient documentation of all research records and evidence relevant to reaching a decision on the merits of



the allegations.

(e) The investigation committee shall take all reasonable steps to ensure an impartial and unbiased investigation.

(f) The investigation committee shall interview the respondent, the complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation. Each interview shall be recorded or transcribed, the record or transcription shall be provided to the interviewee for correction, and the interview shall be included in the record of the investigation.

(g) The investigation committee shall complete all aspects of the investigation within one hundred twenty calendar days of beginning it, including conducting the investigation, preparing the report of findings, providing a draft report for comment to the respondent, and sending the final report to the relevant federal authority.

(h) If unable to complete the investigation in one hundred twenty calendar days, the report shall include an explanation for the extension.

(i) The investigation committee shall provide a written draft of the investigation report to the respondent, who shall be permitted to submit comments within thirty calendar days from its reception.

(j) A final institutional investigation report shall be submitted to the relevant federal authorities and shall:

(i) Describe the nature of the allegations of research misconduct;

(ii) Describe and document the type of federal support received including relevant information such as grant numbers, grant applications, contracts, and publications listing federal support;

(iii) Describe the specific allegations of research misconduct for consideration in the investigation;



- (iv) Include a copy of the university policies and procedures under which the investigation was conducted;
 - (v) Identify and summarize the research records and evidence reviewed, and identify any evidence taken into custody but not reviewed;
 - (vi) 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:
 - (a) Identify whether the research misconduct was falsification, fabrication, or plagiarism, and whether it was intentional, knowing, or in reckless disregard;
 - (b) Summarize the facts and analyses which support the conclusion and consider the merits of any reasonable explanation by the respondent;
 - (c) Identify the specific federal support received;
 - (d) Identify whether any publications need correction or retraction;
 - (e) Identify the person(s) responsible for the misconduct; and
 - (f) List any current support or known applications or proposals for support that the respondent has pending with other federal agencies;
 - (vii) Include and consider any comments made by the respondent and the complainant on the draft investigation report;
 - (viii) Maintain and provide records to the relevant federal agency upon request: all relevant research records and records of the institutions research misconduct proceeding, including results of all interviews and the transcripts or recordings of each interview.
- (F) Employee sanctions. Upon completion of its deliberations and in accord with the sanctions for cause provisions of the appropriate current collective bargaining agreement, the investigating



committee may recommend sanctions against the employee(s) found responsible for research misconduct.

(1) A recommendation of sanctions along with the investigation report shall be provided in writing to the provost as well as to the faculty or staff member(s) to whom the recommended sanctions would apply.

(2) Possible sanctions recommended by the investigating committee may include:

(a) A letter of concern;

(b) Direct the vice president for research and sponsored programs to:

(i) Terminate a research grant or contract involved in the misconduct;

(ii) Withdraw research grants or contract proposals connected with the research misconduct;

(iii) Suspend academic year or summer research/creative activity appointments to the faculty member;

(iv) Deny, permanently or temporarily, access to research services and facilities of the office of research and sponsored programs;

(v) Deny access for the purposes of university approved research to human subjects or laboratory animals;

(vi) Notify appropriate federal, state and local agencies as may be required;

(vii) Notify journal editors, book publishers, etc., as appropriate and necessary.

(c) Direction to the dean of the appropriate graduate school to conduct an immediate review of the faculty member's graduate faculty status;



(d) Direction to the dean of the appropriate collegial/independent school/campus unit to:

(i) Place the employee(s) on appropriate probation;

(ii) Reduce pay and/or benefits;

(iii) Suspend the employee(s);

(iv) Initiate termination of employment.

(3) If adopted, all of these recommended sanctions are to be carried out in accord with the sanctions for cause article of the appropriate current collective bargaining agreement and the appropriate paragraphs of this policy register and the Administrative Code.

(G) Student sanctions. Upon completion of its deliberations the investigating committee may recommend sanctions against the student(s) found responsible for research misconduct.

(1) Possible sanctions recommended by the investigating committee may include those applicable sanctions specified in paragraph (F) of this rule and/or applicable academic sanctions set forth in rule 3342-3-01.8 of the Administrative Code.

(2) A recommendation of any such sanctions along with the investigation report shall be provided in writing to the dean of students as well as to the student(s) to whom the recommended sanctions would apply. The dean of students shall determine which, if any, sanctions to apply to a student found responsible for research misconduct.

(H) Appeals.

(1) Employee appeals. Employee subjects of investigation who are found guilty of research misconduct may appeal the findings of the committee of investigation to the provost within ten business days of receipt of the decision and recommendations of the investigation committee. Upon completion of the appeal, the vice president for research and sponsored programs shall report the final results to any relevant agency as appropriate and the provost shall take final action in the case,



as appropriate.

(2) Student appeals. Student subjects of investigation who are found responsible for research misconduct may appeal the findings of the committee of investigation in writing to the dean of students within ten business days of receipt of the decision and recommendations of the investigation committee. Upon completion of the appeal, the dean of students shall take final action in the case and impose sanctions as appropriate. Within five business days of receipt of any notice of sanctions from the dean of students, students may appeal such sanctions to the vice president for student affairs. Upon completion of such appeal, the vice president for research and sponsored programs shall report the final results to any relevant agency as appropriate