



Ohio Administrative Code

Rule 3344-28-05 Inquiry.

Effective: September 13, 1997

(A) Purpose of the inquiry

Cleveland state university shall inquire immediately into an allegation or other evidence of possible academic research misconduct. The purpose of the inquiry is to evaluate the situation to determine whether there is sufficient evidence of possible academic research misconduct to warrant an investigation. The purpose of the inquiry is not to reach a final conclusion of whether misconduct occurred or who was responsible.

(B) Appointment of inquiry committee

If the research integrity officer decides that an inquiry should be conducted, the research integrity officer shall initiate the process by appointing an inquiry committee within ten days of determining that an inquiry is necessary. The inquiry committee shall consist of two or more individuals who have no real or apparent conflicts of interest in the case, are unbiased, and have appropriate qualifications to evaluate the issues raised and to interview the principals and the key witnesses as well as to conduct the inquiry. Individuals chosen to serve on the inquiry committee may be scientists, subject matter experts, or other qualified persons, and they may be from inside or outside the university. The inquiry committee selects its own chair.

(C) The research integrity officer shall notify the respondent of the proposed committee membership within ten days of making the determination that an inquiry is required. If the respondent submits a written objection to any appointed member of the inquiry committee based on bias or conflict of interest within five working days of receiving the names of the inquiry committee members, the research integrity officer shall determine whether to replace the challenged member with a qualified substitute. The respondent retains the right to lodge a written objection to any substitute within two working days of receipt of notice.

(D) Charge to inquiry committee



The charge to the inquiry committee should specifically limit its scope, as required by the "PHS" regulation, to evaluating the facts to determine only whether there is sufficient evidence of academic research misconduct to warrant an investigation.

(E) The research integrity officer shall define the subject matter of the inquiry in a written charge to the inquiry committee that describes the allegations and any related issues identified during the allegation assessment, defines academic research misconduct, and identifies the name of the respondent. The charge shall state that the purpose of the inquiry committee is to make a preliminary evaluation of the evidence and testimony of the respondent, complainant, and key witnesses to determine only whether there is sufficient evidence of academic research misconduct to warrant an investigation. The purpose is not to determine whether academic research misconduct definitely occurred or who was responsible.

(F) A copy of the charge to the inquiry committee shall be sent to the respondent.

(G) At the inquiry committee's first meeting, the research integrity officer shall review the charge with the committee and shall discuss the allegation(s), any related issues, and the appropriate procedures for conducting the inquiry. It is the responsibility of the research integrity officer to assist the inquiry committee with plans for organizing the inquiry and to answer any questions raised by the inquiry committee members. The research integrity officer and university legal counsel shall be present or available throughout the inquiry process to advise the inquiry committee as needed. The committee also has the right to consult any additional experts it deems necessary.

(H) During the inquiry, if additional information becomes available that substantially changes the subject matter of the inquiry or would suggest additional respondents or require a modification of the initial charge, the inquiry committee shall notify the research integrity officer, who shall determine whether it is necessary to notify the respondent of the new subject matter or to provide notice to additional respondents, to modify the original charge, or to initiate a new inquiry rather than continuing the one currently underway. The respondent shall be notified of any significant change.

(I) Inquiry process



An inquiry normally shall involve interviewing the complainant, the respondent, all the key witnesses, as well as examining relevant research records and materials. At the beginning of the inquiry process, the inquiry committee normally shall invite the respondent to prepare a brief written response to the allegations received from the complainant.

(J) Time limit for completing inquiry report

The inquiry committee normally shall complete the inquiry and submit its report in writing to the research integrity officer and the respondent no more than sixty calendar days following the initiation of the inquiry process, with the initiation being defined as the date upon which the committee first meets. If the research integrity officer approves an extension of this time limit, the reason for the extension shall be entered into the records of the case and the report. The respondent and complainant also shall be notified of the extension and its justification.

(K) Inquiry report contents

A written report shall be prepared that states: the name and title of each of the inquiry committee members and additional experts consulted, if any; the allegations; the "PHS" or other external support; the initial charge; a summary of the inquiry process used; a list of the research records reviewed; summaries of interviews; a description of the evidence in sufficient detail to demonstrate whether an investigation is recommended and whether any other actions should be taken if an investigation is not recommended; the comments to the first draft from the complainant and respondent; and the final report.

(L) Comments by respondent and complainant

(1) The individual(s) against whom the allegation was made is to be given a copy of the report by the research integrity officer. If their identity is known, the person(s) who raised the

(2) Allegation shall be provided with only those sections of the report that address their role and opinions in the inquiry as well as a summary of the inquiry findings. Any comments that the complainant and/or the respondent submit on the report shall become part of the inquiry record.



(M) Confidentiality

The research integrity officer may establish reasonable conditions for review to protect the confidentiality of the draft report insofar as is permitted by the laws of the state of Ohio.

(N) Receipt of comments

Within fourteen calendar days of their receipt of the draft report, the complainant and the respondent shall provide their comments. Any comments that the complainant or respondent submits on the draft report shall become part of the final inquiry report and record. Based on the comments received, the inquiry committee may revise the report as appropriate within ten days of receipt of comments.

(O) Inquiry decision and notification

After receipt of both the final inquiry report and the written comments of the respondent and the complainant, if any are made, a determination shall be made whether to conduct an investigation, drop the matter, or to take some other appropriate action(s).

(P) Decision by deciding official.

The research integrity officer shall transmit the final report and any comments to the deciding official, who shall make the determination of whether findings from the inquiry provide sufficient evidence of possible academic research misconduct to justify conducting an investigation. The inquiry process is completed when the deciding official makes the determination.

(Q) Notification.

Within five working days, the research integrity officer shall notify both the respondent and the complainant in writing of the deciding official's decision of whether to proceed to an investigation and shall remind them of their obligation to cooperate in the event that an investigation is opened. The research integrity officer shall also notify all appropriate institutional officials of the deciding



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official's decision.