

3335-13-08 Research misconduct.

The university shall have a policy on research misconduct (“the policy”) issued and maintained by the university research committee. “Research misconduct” means fabrication, falsification or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest error or differences of opinion.

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(C) Confidentiality.

To the extent possible within the law and in accordance with the need to conduct a thorough inquiry, all participants in the actions initiated pursuant to the policy shall keep confidential all information regarding allegations and proceedings until the university process, including any disciplinary action, has concluded and all avenues of appeal under the university rules (if pursued) have been exhausted. ~~The vice president for research~~ ~~The research integrity officers, in consultation with the institutional deciding official,~~ shall be the university officials responsible for determining when a release of information is necessary or appropriate.

(D) Administration of the policy.

1. ~~The vice president for research~~ ~~The research integrity officers~~ shall be responsible for disseminating the policy to the research community and handling all allegations of research misconduct. In order to foster broad familiarity with the policy, as well as its flexibility regarding changing standards external to the university, the full policy document shall be publicized by the office of academic affairs, the graduate school, the office of human resources, ~~the enterprise for research, innovation and knowledge~~, the office of research, the university research committee, the office of undergraduate research ~~and creative inquiry~~, and the university senate.
2. ~~The vice president for research~~ ~~The institutional deciding official~~ shall designate the ~~research integrity officers as the responsible officials for a coordinator to assist in~~ administering the policy. ~~The person appointed as coordinator~~ ~~The research integrity officers~~ shall not be university counsel acting in that capacity, but shall consult with university counsel to ensure that the requirements of the law and university policy are being satisfied.

E) Administrative Actions.

~~The vice president for research~~ ~~The institutional deciding official~~ may, during proceedings under the policy or any subsequent investigation, take whatever administrative actions that are in their judgment needed to ensure the integrity of the investigation and to protect research funds, ~~material, or equipment, or records~~, or the legitimate interest of ~~research subjects~~, patients, ~~or~~ clients, ~~or~~ research animals.

3335-5-04.2 Procedures for complaints of research misconduct made against faculty members.

(A) This rule applies to complaints involving research misconduct made against faculty members. A faculty member may be disciplined up to and including termination for violations established under this rule. Research misconduct is defined in rule 3335-13-08 and the Research Misconduct policy.

(B) **Preliminary aAessment and inquiry.**

7. Complaints alleging research misconduct must be filed with or referred to the Office of Research **Compliance**.
8. The Office of Research **Compliance** shall ensure that an **preliminary** assessment is performed in accordance with the Research Misconduct policy to determine whether the complaint alleges research misconduct as defined in the policy and is sufficiently credible and specific so that research misconduct may be identified.
9. If the **preliminary** assessment concludes that the allegations in the complaint meet the definition of research misconduct and are sufficiently credible and specific so that potential evidence of research misconduct may be identified, the Office of Research **Compliance** shall proceed to an inquiry review in accordance with the Research Misconduct policy to determine whether the allegations have sufficient substance to warrant an investigation.
10. If the inquiry concludes that the allegations have sufficient substance and that an investigation is warranted in accordance with the Research Misconduct policy, an investigation shall be initiated as set forth in section (C) of this rule. All other procedural steps, including but not limited to appeals, shall be performed in accordance with the Research Misconduct policy.
11. In both the **preliminary** assessment and inquiry steps, complainants and respondents shall be afforded procedural rights, including but not limited to the rights to review documentary evidence, submit evidence, be accompanied by an advisor, review and file a written response to reports, and make appeals, as specifically defined in the Research Misconduct policy.

(C) Investigation and sanctioning.

1. If a complaint is referred for investigation, the Office of Research **Compliance** shall convene an investigation and sanctioning committee consisting of a minimum of three voting members from the Research Integrity Standing Committee in accordance with the Research Misconduct policy.
2. The committee shall examine all the documentation and conduct formal interviews, when possible, of the respondent, the complainant, and others who may have information relevant to the complaint, but shall strive to maintain the confidentiality of the proceedings.

3. The respondent shall be given copies of any documentary evidence provided to the committee as part of the investigation and be given an opportunity to respond to all such documentation.
4. At the conclusion of the investigation, the committee shall prepare a preliminary report in accordance with this rule and the Research Misconduct policy. Findings and conclusions shall be based on the preponderance of the evidence standard. The respondent shall have ~~fourteen~~ ~~thirty~~ days to respond and to identify any alleged errors or omissions in the preliminary report.

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7. After receipt of any comments from the respondent, the committee shall complete its investigation and submit its final report to the **Institutional** Deciding Official set forth in the Research Misconduct policy in accordance with that policy. If the committee concludes that research misconduct occurred, the respondent shall have the right to submit an appeal of that decision to the **Institutional** Deciding Official in accordance with the Research Misconduct policy.
 - a. If a finding of research misconduct is confirmed following review of the report and any appeals by the **Institutional** Deciding Official, the case shall be referred to the respondent's dean for further proceedings under section (D) of this rule. If no finding of research misconduct is made following such review, the case shall be dismissed.