ADDING RISC TO THE RULES—version November 2026

3335-5-04 Procedures for complaints of failure to meet academic responsibilities, post-tenure review, and misconduct made against faculty members.

(A) This rule shall apply to all formal complaints of failure to meet academic responsibilities, post-tenure review, and misconduct against faculty members as defined in rule 3335-5-19(A) and (B). Complaints may be filed under this rule against any individual with a faculty appointment, including administrators who hold such appointments.

1. Complaints about the performance of administrators in their administrative capacity must be brought pursuant to applicable rules or policies for those administrative positions; all complaints against administrators who hold faculty appointments relating to the violation of applicable law, university policies or rules, or unit governance documents (other than those related to the performance of the administrator's duties) must be brought under this rule.

(B) Complaints shall proceed under the general procedures set forth in this rule and the specific procedures set forth in the following five subsections based on the nature of the allegations.

1. Complaints involving allegations of failure to meet academic responsibilities, complaints arising from the investigatory process set forth in the Campus Free Speech policy, and complaints arising from the DEI, Intellectual Diversity, and Controversial Beliefs Under the Advance Ohio Higher Education Act policy shall proceed under rule 3335-5-04.1. A faculty member may be disciplined under this rule and may be terminated if the conduct constitutes serious failure to meet academic responsibilities for violations established under rule 3335-5-04.1(A) or a violation of the Campus Free Speech policy or the DEI, Intellectual Diversity, and Controversial Beliefs Under the Advance Ohio Higher Education Act policy.
2. Complaints involving allegations of research misconduct shall proceed under rule 3335-5-04.2. A faculty member may be disciplined up to and including termination for violations established under this rule.

3. Complaints involving allegations of sexual misconduct, workplace violence, whistleblower retaliation, discrimination, harassment, and retaliation based on protected status shall proceed under rule 3335-5-04.3. A faculty member may be disciplined up to and including termination for violations established under this rule.

4. Complaints involving allegations of violations of applicable law, university policies or rules, or unit governance documents shall proceed under rule 3335-5- 04.4, unless they fall under rules 3335-5-04.1, 3335-5-04.2 or 3335-5-04.3. A faculty member may be disciplined under this rule and may be terminated if the conduct constitutes grave misconduct or non-trivial financial fraud for violations established under rule 3335-5-04.4(A)(1)–(2).

5. Complaints arising out of the post-tenure review process set forth in section 3345.453 of the Revised Code and the Faculty Annual Review, Post-Tenure Review, and Reappointment policy shall proceed under rule 3335-5-04.5. A faculty member may be disciplined up to and including termination for violations established under this rule.

(C) Conflicts:

1. No administrator may act in their administrative capacity in the consideration of any complaint naming them as respondent. If a complaint names a department chair, school director, or a dean as respondent, the executive vice president and provost (hereinafter "provost") shall appoint an equivalent rank administrator from another department or college to perform the responsibilities of the named official under this rule. If a complaint names the provost as respondent, the president shall appoint an individual to perform the responsibilities of the provost. If a complaint names the president as respondent, the Board of Trustees shall appoint an individual to perform the responsibilities of the president.

2. If any individual with responsibilities under this rule has a conflict of interest with a complainant or respondent, such that the individual stands to benefit personally or incur personal harm depending on the outcome, or otherwise has a relationship with the faculty member against whom the complaint is made (hereafter "respondent") that creates a bias, or otherwise could not fairly and impartially perform those responsibilities, the individual shall not participate in this process, and a replacement shall be named in accordance with Section (C)(1) of this rule. In the event that a member of an investigation or sanctioning committee has such a

conflict, that individual shall be replaced in accordance with the applicable procedures for that committee.

(D) If the provost determines that a faculty member's presence on campus is detrimental to the safety and well-being of the university community or university property, the provost may reassign the faculty member off campus with pay pending completion of the process set forth in this rule.

(E) At each step of the process, individuals with responsibilities under this rule may use informal dispute resolution to resolve the complaint to their satisfaction as well as that of the complainant and the respondent in accordance with applicable policy. The appropriateness of an informal resolution in any case will depend on the circumstances of each particular case. All such resolutions must be reported to the Office of Academic Affairs for review and approval before being finalized. In addition, reports must be made to the Office of Research (for proceedings under Faculty Rule 3335-5-04.2), or the Office of Institutional Equity or Office of Human Resources (for proceedings under Faculty Rule 3335-5-04.3) as may be applicable.

(F) Complainants and respondents may expressly or implicitly relinquish their rights to participate in any step of this process, including but not limited to by failing to respond to reasonable attempts to schedule required meetings, or by failing to appear for scheduled sessions. If a complainant or respondent relinquishes their rights of participation at any step, that relinquishment does not prevent that individual from exercising any rights that may be applicable at any other step of the process. To the extent not specified in this rule, complainants and respondents shall be entitled to all rights required by state and federal law that are applicable to these proceedings.

(G) All records of proceedings under this rule shall be maintained by the Office of Academic Affairs. Such records shall be afforded the same privacy and confidentiality afforded to comparable records of other university employees, subject to public records laws and other disclosures within and external to the university in accordance with applicable law and the need to know such information to support university operations.

(H) The term "day" as used in this rule means "calendar day." If the last day of a designated time period falls on a weekend or a day on which the university is closed, the time period shall expire at the close of business on the next succeeding business day.

(I) Complainants and respondents shall be given written notice of decisions required by this rule. Any notice shall be sent by certified mail and by email. The time period for any action to be taken after delivery of the notice shall begin to run on the date on which the notice is mailed.

(J) At each step of the process set forth in this rule, complainants and respondents may be accompanied by one support person of their choosing (including but not limited to personal legal counsel). Except as otherwise provided in rules 3335-5-04.1 through 3335-5-04.4, though, such individual shall only be entitled to appear with the respondent and shall not be entitled to participate in or delay the process in any way.

(K) The timelines set forth in this rule and in rules 3335-5-04.1 through 3335-5-04.4 are mandatory. However, the provost or designee may grant defined extensions of any time period on an as-needed basis upon written request. The timelines set forth in rule 3334-5-05 are mandatory, and the president shall hold sole authority to grant a single, two-month extension to complete the review process.

(L) Should a faculty member facing a complaint under this rule resign or retire from their university employment while a complaint is pending, the provost may elect in their discretion to pause the proceedings under this rule once that resignation or retirement becomes effective. If such proceedings are paused, they will resume immediately should the faculty member return to university employment at any point. However, the provost may not pause complaints of research misconduct brought under rule 3335-5-04.2 of sexual misconduct, workplace violence, whistleblower retaliation, discrimination, harassment, and retaliation based on protected status brought under rule 3335-5-04.3 unless an investigation has been completed and a violation has been found under those processes and the only remaining issue is what sanction to impose for such violations.

(Board approval dates: 4/4/1997, 12/4/1998, 2/4/2000, 6/7/2005, 7/8/2005, 9/9/2013, 6/5/2015, 8/6/2020, 2/25/2021, 5/16/2024, 8/20/2025)

NEW LANGUAGE**(M) Research Integrity Standing Committee.** The research integrity standing committee (RISC) is responsible for conducting investigations and recommending sanctions for policy violations related to research misconduct as defined in rule 3335-13-08 of the Administrative Code and in the research misconduct policy; and for policy violations related to research compliance as defined in 3335-5-04.1(B) (2) (a) and 3335-5-04.4(B) (2) (a) of the Administrative Code.

1. The research integrity standing committee shall consist of a pool of at least fifty tenured members of the faculty selected from multiple disciplines.
2. To serve on the RISC, faculty must be recommended for membership by the university research integrity officer in consultation with the individual's dean and appointed by the university research committee as defined in rule 3335-5-48.14 of the Administrative Code in consultation with the executive committee of faculty council.

3. RISC members shall serve three-year terms, renewable at the discretion of the research integrity officer in consultation with the university research committee and the executive committee of faculty council.

4. Prior to serving as an expert during the inquiry as defined in the research misconduct policy or serving on an investigation and sanctioning committee as defined in rule 3335-5-04.1D, 3335-5-04.2C and 3335-5-04.4D of the Administrative Code, each member of the research integrity standing committee must participate in training sessions provided by the Office of Research Compliance on research misconduct and research compliance.

5. Members of the research integrity standing committee appointed to serve on an investigation and sanctioning committee for cases alleging research misconduct shall follow procedures as defined in rule 3335-5-04.2(C) of the Administrative Code and the research misconduct policy.

6. Members of the research integrity standing committee appointed to serve on an investigation and sanctioning committee for cases alleging research non-compliance shall follow procedures as defined in rule 3335-5-04.1(D) and/or 3335-5-04.4(D) of the Administrative Code.

7. On an annual basis, the research integrity officer shall make a report to Faculty Council or to the Senate Steering Committee about trends in research misconduct and research compliance, with the goal of improving transparency and promoting best practices.