

Why is this change needed?

In 2021, the University Senate approved a major overhaul of University Faculty Rule 3335-5-04 (the “04” Rule), transforming what had been a single pathway that failed to account for individualized needs in certain types of cases (e.g., sexual misconduct, research misconduct) and often led to extremely lengthy processes that could take years to resolve, into four dedicated tracks with procedures that vary depending on the type of allegation involved in the case. The processes in each new track are better tailored to the allegations at issue, and allow for better training for all involved and more thoughtful processes overall. For example, one of these new tracks, Track 2 (Faculty Rule 3335-5-04.2), was created to focus on Research Misconduct, which is narrowly defined under federal law as allegations of “fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.” Previously, such cases were investigated by college investigation committees assembled by colleges in accordance with their own procedures. Because of the complexity and sensitivity of research misconduct cases, though, the 2021 revisions changed that practice to instead send such cases to a committee of trained faculty research experts (Research Integrity Sanctioning Committee—RISC) to conduct the investigation. This allows for greater training of committee members and a more focused process overall. The goal in all the changes was to maintain and support due process while ensuring that cases were managed in a timely and fair manner for all involved, including complainant, respondent, and the impacted university communities, and overall, the new processes have fulfilled this goal. However, the university has recently had several cases relating to research compliance issues (i.e., non-research misconduct that nonetheless relate to compliance with complex research regulations and related conduct), and those cases have been facing some of the challenges that had been seen prior to the 04 revisions in terms of delay and lack of investigatory expertise.

These cases are difficult to resolve expeditiously under the current structure, which assigns them to general faculty investigatory committees that may or may not include faculty with research experience or relevant training (under Tracks 1 or 4 of the current 04), causing significant stress for all parties involved, including the members of the college investigation committees assigned these cases. Further, because these cases tend to be extremely sensitive and could potentially jeopardize the university’s research mission by risking debarment from federal funding

agencies, it is essential to find a more effective process to manage them. After significant review, including consultation with individuals who have relevant experience with these cases, the Rules Committee has proposed that these cases should also be investigated by the RISC group that investigates research misconduct cases in accordance with the existing processes for Track 1 and 4 cases. In other words, the current process would remain the same, but instead of assigning these cases to a general faculty panel for investigation, they would instead go to a group of faculty with research experience and training for investigation.

What is RISC?

- The Research Integrity Standing Committee (RISC) consists of a pool of around 50 senior faculty members serve as experts for the Inquiry and on Investigation Committees, with expertise and training to participate in in proceedings involving research misconduct. RISC currently has 64 active faculty members.
- RISC members are selected by the University Research Committee in consultation with the deans of various colleges and the Senate Executive Committee.
- The RISC shall meet for training sessions provided by the Office of Research Compliance, as required, related to the University Research Misconduct Policy and the federal regulations regarding Research Misconduct. This process and annual training is overseen by the Office of Research Compliance with ERIK Research Integrity.
- More details about RISC are available at go.osu.edu/risc.

How will RISC investigation committees be empaneled for cases under 3335-5-04.1 and 3335-5-04.4?

Under the [Research Misconduct policy](#), the deciding official (DO, generally the vice president for research) delegates the authority to form an investigation committee to the research integrity officer (RIO), in consultation with the DO and relevant college dean(s). The RIO is independent from any previous review of research noncompliance complaints. For cases under 3335-5-04.1 and 3335-5-04.4, the following procedures will be followed to empanel and investigation committee.

1. The investigation committee will have a minimum of three members selected from the Research Investigation Standing Committee (RISC). Once empaneled, the investigation committee will select a committee chair.
2. The investigation committee will have the appropriate expertise to ensure a thorough evaluation of the evidence.

3. The RIO will inform the respondent(s) in writing of the names of those appointed to the investigation committee and as consultants.
4. The respondent(s) may, within seven days of receiving the names, file a written objection with the RIO. Such objection may only be made on the grounds of a lack of the requisite expertise or possible conflicts of interest of investigation committee members. The RIO will rule on the objection, and if it has merit, will reconstitute the investigation committee as appropriate, and the respondent(s) will be informed.

What kinds of track 1 and track 4 cases are likely to be routed through RISC instead of a college investigation committee?

The following are guiding principles that will be used to determine whether a case will be routed to RISC.

- The case is related to research but does not fall under the specific federal definitions of research misconduct (falsification, fabrication, or plagiarism) that are managed through track 2.
- The case is of sufficient complexity in terms of the alleged research-related violations involved as to exceed the capacity of a college investigation committee to develop sufficient mastery of the issues involved to complete their work in a timely fashion
- The case presents significant risk to the research mission of a department, college, center, or university. For example, if a case involves misuse of a federal grant, and the college investigation committee is unable to complete their work in a timely fashion, the federal granting agency or even all federal granting agencies may withhold federal funding from the department, college, or center. Such cases might originate with the Office of Research or the Office of Secure Research.

What are some examples of cases that might be routed through this pathway?

- Cases involving human subjects, animal care, or environmental health and safety violations and/or noncompliance findings from the IRB, IACUC, IBC, or other research committees
- Cases involving complaints regarding research related misconduct raised by federal or other granting agencies
- Cases involving export control violations
- Cases involving the failure to disclose foreign affiliations, grant support, and/or talent awards on research grant applications
- Cases involving grant misuse

- Cases involving failure to disclose conflicts of interest

Can you provide any examples of cases that would not be routed through this pathway?

- Cases involving research productivity—these cases would be routed to a college investigation committee following the probable cause review
- Cases involving fabrication, falsification, or plagiarism—these cases would proceed under Track 2: Research Misconduct

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