



## Ohio Administrative Code Rule 3341-7-05 Research misconduct.

Effective: [March 20, 2015](#)

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### (A) Policy statement and purpose

(1) To communicate to all members of the university community what constitutes misconduct, that misconduct is inimical to the values of pursuit of truth and open inquiry; and that it seriously harms public confidence in research;

(2) To establish university procedures that accord with federal regulations for reporting, investigating, responding to, disposing of, and appealing allegations of misconduct; and

(3) To establish principles and procedures that maximizes the privacy and confidentiality of, and protects the reputations of, members of the university community (a) who make allegations of misconduct, or (b) against whom allegations of misconduct are made.

Nothing in this policy displaces or precludes integrated procedures under this policy and other applicable policies, including the academic honesty policy.

(B) Definitions: Nothing in these definitions shall be deemed to include honest error, honest omission or oversight, or honest differences in interpretations or judgments of data.

(1) Misconduct in research, scholarly inquiry, or other forms of creative scholarly endeavor (hereinafter referred to as "misconduct" for convenience of reference) means (a) fabrication, falsification, plagiarism or other practices that violate accepted standards of honesty within the academic and scientific communities for proposing, conducting, presenting, or reporting the results of research, scholarly inquiry, or creative scholarly endeavors; (b) material failure to comply with federal, state, or local laws or regulations for protection of researchers, human subjects, or the public, or for ensuring the welfare of laboratory animals; or (c) failure to comply with other material legal requirements governing research.



- (a) "Fabrication" means the creation of nonexistent or fictitious data or results.
- (b) "Falsification" means the manipulation or alteration of data for the creation or reporting of false results.
- (c) "Plagiarism" means representing the words, ideas, or methods of another person as one's own.
- (d) Other practices that violate accepted standards of honesty include but are not limited to:

Selective reporting or omission of conflicting data;

Gross negligence in collecting or analyzing data;

Improper use or release of ideas or data that have been received with the expectation that confidentiality will be preserved;

Stealing, destroying, taking or using without permission the property of others or products of research produced by others, such as data, equipment, supplies, computer programs or software, notes and records, manuscripts, or specimen collections.

Federal regulations for the protection of researchers, human subjects, and the public include but are not limited to:

Protection of human subjects; use of recombinant DNA; use of radioactive material; use of hazardous chemicals or biological material.

## (2) Inquiry

"Inquiry" means information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

## (3) Investigation



"Investigation" means the formal examination and evaluation of all relevant facts to determine if misconduct occurred.

(C) Policy

(1) It is a violation of university policy for any member of the faculty, administration, contract or classified staff, temporary employee, or student body (including post-doctoral appointees) to engage in misconduct.

(2) It is a violation of university policy for any member of the faculty, administration, contract or classified staff, temporary employee, or student body (including post-doctoral appointees) to make other than in good faith allegations of misconduct.

(3) It is a violation of university policy for any member of the faculty, administration, contract or classified staff, temporary employee, or student body (including post-doctoral appointees) to retaliate against anyone making a good faith allegation of misconduct.

(4) Except as required by this policy or by federal, state, or local law or regulation, it is a violation of university policy for any member of the faculty, administration, contract or classified staff, temporary employee, or student body (including post-doctoral appointees) to breach the confidentiality of any proceeding or action taken under this policy by publicly disclosing (a) the names or other personally identifying information of persons making, or persons the object of, an allegation of misconduct, or (b) the contents of written, oral, or electronic communications made pursuant to procedures indicated in paragraph (E) of this policy.

(5) It is a violation of university policy for any member of the faculty, administration, contract or classified staff, temporary employee, or student body (including post-doctoral appointees) to aid or abet misconduct, or to obstruct the inquiry or investigation of allegations of misconduct.

(D) Responsibilities

(1) The vice president for research and economic development is responsible for the coordination and timely implementation of this policy, as well as for maintaining all documents and records



relating to this policy and to any actions taken pursuant to it.

(2) Each vice president, dean, director, department chair, and administrative head of an operational unit is responsible for informing their constituents of this policy, of the importance of complying with this policy and related procedures, and for referring questions about misconduct or allegations of possible misconduct to the vice president for research and economic development.

(3) The vice president for research and economic development is responsible for obtaining and keeping current any and all assurances of compliance with federal regulations pertaining to misconduct as well as for reporting information about allegations of misconduct and related actions taken by the university to Federal agencies as required by federal regulations.

(4) Upon receiving an allegation of misconduct, the vice president for research & economic development is responsible for taking immediate and appropriate action under this policy.

(5) Each member of the university community is responsible for complying with the principles and procedures of this policy, including full cooperation in the conduct of inquiries, investigations, hearings or appeals made pursuant to this policy.

(6) Area vice presidents are responsible for making and implementing any disciplinary decisions arising from recommendations made pursuant to this policy consistent with the different disciplinary and grievance policies and procedures governing the various employee and student constituency groups.

(7) It is the responsibility of the university community to discourage misconduct, to report misconduct where there is reasonable cause to believe it has occurred and to cooperate in any inquiry or investigation.

(E) Procedures for handling allegations of misconduct

The following procedures are required in part by 42 Code of Federal regulations 50(103.d).

(1) Making allegations.



Any member of the university community, upon observing or having evidence of suspected misconduct or believing specific actions, activities, or conduct constitutes misconduct (as defined in paragraph (A)(1) of this policy), may make an allegation of misconduct. Any person contemplating making an allegation may, and is encouraged to, first discuss the contemplated allegation in absolute confidence and privacy with the vice president for research and economic development, who will advise the person or persons contemplating the allegation about

- (a) The appropriate written form for the allegation,
- (b) Their rights and responsibilities under this policy, and
- (c) The procedures that must be followed under this policy once an allegation is made. An allegation of misconduct is not made unless and until it is received in writing by the vice president for research and economic development.

The vice president for research and economic development is responsible for protecting, to the maximum extent possible, the privacy of those who in good faith report apparent misconduct.

(2) Conducting inquiries.

Upon receiving a formal allegation of misconduct, the vice president for research and economic development will notify the person(s) against whom an allegation is made about the allegation. The person(s) about whom an allegation is made may have legal assistance at his/her expense in any subsequent proceeding in which he/she may be asked or required to be involved.

Upon notifying the person(s) against whom an allegation is made, the vice president for research and economic development will conduct an inquiry (as defined in paragraph (A)(2) of this policy) in order to determine whether or not an allegation or apparent instance of misconduct warrants an investigation. In conducting this inquiry, the vice president for research and economic development shall be responsible for gathering information and conducting initial fact finding to justify his/her decision about the need for a formal investigation. The vice president for research and economic development is responsible for preparing a written report that states what evidence was reviewed,



summarizes interviews conducted, and includes the conclusions of the inquiry. The individual(s) against whom the allegation is made shall be given a copy of the report of the inquiry. They may respond in writing with comments about any part of the inquiry report within a reasonable period of time to be specified by the vice president for research and economic development and if they choose to make written comments, those comments shall be made part of the formal inquiry report.

An inquiry must be completed within sixty calendar days of its initiation unless circumstances clearly warrant a longer period. If the inquiry takes longer than sixty days to complete, the record of the inquiry shall include documentation of the reasons for exceeding the sixty day period.

The vice president for research and economic development shall maintain sufficiently detailed documentation of inquiries to permit later assessment of the reasons for determining that an investigation was not warranted. Such records shall be maintained in a secure manner for a period of at least three years after the termination of the inquiry, and shall, upon request, be provided to authorized federal personnel having a valid reason to review the records.

The vice president for research and economic development is responsible for affording the affected individuals

(a) Confidential treatment to the maximum extent possible

(b) A prompt and thorough investigation if one is warranted, and

(c) An opportunity to comment on the allegations and findings of the inquiry and/or any investigation.

(3) Conducting investigations.

If the inquiry provides sufficient evidence that an investigation is warranted, the vice president for research and economic development shall commence an investigation within thirty days of the completion of the inquiry.

The vice president for research and economic development shall appoint an ad hoc committee of not



less than three and not more than five tenured university faculty having appropriate substantive expertise to carry out a thorough and authoritative evaluation of the evidence bearing on alleged misconduct. The vice president for research and economic development shall also be responsible for obtaining individuals from outside the university community having appropriate substantive expertise to thoroughly and authoritatively evaluate evidence if such expertise is not present within the university community or if a conflict of interest could arise from using a member of the university community to evaluate the evidence.

The investigation shall include examination of all documentation, including but not necessarily limited to relevant research data and proposals, laboratory or field notes, manuscripts, publications, correspondence, and memoranda of telephone calls. Whenever possible, interviews should be conducted with not only individuals involved in making the allegation and individuals against whom the allegation is made, but also any other individuals who might have information regarding key aspects of the allegation. Complete summaries of these interviews should be prepared, provided to the interviewed party for comment and suggested revision, and included as part of the investigation record. Persons being interviewed pursuant to an investigation may have legal counsel present to advise them.

The ad hoc committee shall participate in the interviews of all parties involved in the investigation and shall report its findings concerning evaluation and assessment of the evidence to the vice president for research and economic development in a written report.

Using all available information, the vice president for research and economic development shall prepare a written report of the investigation, which shall include an assessment of the extent to which the allegation of misconduct is substantiated by the evidence. If an allegation of misconduct is substantiated in whole or in part, the vice president for research and economic development shall include in the written investigation report a recommendation concerning appropriate sanctions, discipline, or corrective actions, including without limitation:

- (a) Removal from involvement or activity on a particular project;
- (b) Orderly termination of the entire research project;



- (c) Suspension of privileges to submit external proposals for research support;
- (d) Suspension of privileges to submit proposals for BGSU research support;
- (e) Special monitoring of future work.

The vice president for research and economic development shall provide copies of this report to the individual(s) against whom the allegations are made for comment and to the vice president of the area in which these individuals are employed. If they can be identified, the persons who raised the allegations should be provided with those portions of the report which address their role and opinions in the investigation. The vice president for research and economic development shall maintain all documentation to substantiate the investigation's findings.

The investigation should be conducted and completed within one hundred twenty calendar days of its initiation, including report preparation, review and comment by subjects of the investigation, and submission of the report to required university and federal officials. If the report cannot be completed within one hundred twenty days, and the report must be submitted to a cognizant federal funding agency (as in paragraph (F)(2) of this policy), then the vice president for research and economic development shall submit a written request for extension of the one hundred twenty days to the cognizant federal agency that includes an explanation of the delay, an interim progress report on the investigation, and an estimated completion date of the report and other necessary steps.

(4) Disciplinary actions.

Upon receiving a misconduct investigation report from the vice president for research and economic development in which the allegation of misconduct is in part or in whole substantiated, the area vice president shall be responsible for initiating the appropriate disciplinary proceedings and/or sanctions. In so doing, the area vice president shall give great weight to the recommendations of the vice president for research and economic development. Since disciplinary procedures vary across the major employee and student groups, this policy does not spell out specific disciplinary penalties, sanctions, procedures or appeals, but incorporates by reference the relevant governance and conditions of employment documents that pertain to infractions of university policy for (a) faculty, (b) administrative staff, (c) classified staff, and (d) students, including without limitation:



(a) Faculty -- the academic charter, parts B.I.C, B.I.D, and B.I.E.

(b) Administrative staff (including post-doctoral appointees) -

Administrative staff handbook, parts on:

Contract information, (pp. 27-29)

Grievance procedures, (pp. 38-43)

(c) Classified staff -- classified staff handbook, parts on:

Sanction policy and procedure (pp. 10-14)

Grievance procedures (pp. 18-28)

(d) Students -- the academic charter, parts on: B.II.H -- academic honesty

(F) Notifications to federal agencies when federal funds are involved

When alleged misconduct involves employees or students conducting research supported by federal agency sponsors, additional agency notification requirements apply, as follows.

(1) When, on the basis of an inquiry, it is determined that an investigation is warranted, the vice president for research and economic development shall notify the cognizant federal funding agency in writing on or before the date the investigation begins that an investigation is being commenced. The notification should inform the cognizant federal agency at a minimum of the name of the person(s) against whom the allegation(s) have been made, the general nature of the allegation(s), and the federal grant application(s) or award(s) involved.

(2) The vice president for research and economic development must submit the final report of an investigation to the cognizant federal funding agency if the investigation concerns research being



supported by federal funds. This report to the cognizant federal agency must describe the policies and procedures under which the investigation was conducted, how and from whom information relevant to the investigation was obtained, the findings, and the basis for the findings. It must include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct, as well as a description of any sanctions or corrective actions taken by the university.

(3) The vice president for research and economic development shall notify the cognizant federal funding agency if at any time during an inquiry or investigation conducted under this policy it is determined that any of the following conditions exist:

- (a) There is an immediate health hazard involved;
- (b) There is an immediate need to protect federal funds or equipment;
- (c) There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
- (d) It is probable that the alleged incident is going to be reported publicly;
- (e) There is a reasonable indication of possible criminal violation. In that instance, notification of the cognizant federal agency must occur within twenty-four hours of obtaining that information.

(G) Resolution

- (1) Absence of misconduct.

If the results of the inquiry and/or investigation reveal that allegations of misconduct are not supported, then any party making an allegation or against whom an allegation is made and previously notified about the possibility of misconduct or the need to conduct an investigation should be informed of those findings in writing. In announcing a finding that the allegations are not supported, the vice president for research and economic development should consult with the person(s) who were the subject of the allegations to determine (a) whether the announcement should



be a public announcement or a selective announcement and (b) what organizations beyond those initially informed should receive the information about the findings of no misconduct as a means to restore, repair, or reassure the reputation of those involved. The vice president for research and economic development should normally be guided by whether or not a public announcement will be helpful or cause further harm in restoring the reputations of those against whom the allegations were made and should give weight to their views in determining which additional organizations, if any, should be notified.

Irrespective of the results of any inquiry or investigation, if allegations were made in good faith, the vice president for research and economic development will ensure that no disciplinary actions are brought against the person(s) making the allegations and will monitor the situation and will make diligent efforts to prevent any retaliatory actions. If, however, during the course of reaching a finding that no misconduct occurred, it is determined that allegations of misconduct were not made in good faith, the vice president for research & economic development shall initiate disciplinary actions against the person(s) making such allegations.

(2) Presence of misconduct.

If the results of the inquiry and/or investigation reveal that allegations of misconduct are supported, then the vice president for research and economic development shall notify all organizations and agencies initially informed about the inquiry and/or the investigation. The vice president for research & economic development shall also inform all organizations or agencies previously notified about the outcome of any disciplinary action taken by the university.

References updated 11/1/93

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