

**3356-10-16 Research misconduct.**

- (A) Policy statement. ~~In accordance with the requirements of 42 C.F.R. 93, subparts (A) to (C), “General,” “Definitions,” and “Responsibilities of Institutions,” the board of trustees of Youngstown state university (“YSU”) does hereby establish the following policy respecting research misconduct alleged to have occurred in an externally sponsored program. Among the basic principles of Youngstown state university (university) are the pursuit of truth and the responsible exercise of academic freedom. From these principles derive such ideals and values as the freedom and openness of inquiry, academic honesty, and integrity in scholarship and teaching. The university affirms and honors the preservation, growth, and flourishing of these values throughout all its activities, including teaching and learning, research, scholarly inquiry, and creative scholarly endeavor. Accordingly, research misconduct is adverse to the concept of academic freedom and its responsible exercise. It is from this background that the board of trustees implements this policy for handling allegations of misconduct in research. This policy will be applied to all externally funded grants or sponsored programs at YSU.~~
- (B) Purpose. ~~Among the basic principles of YSU are the pursuit of truth and the responsible exercise of academic freedom. From these principles derive such ideals and values as the freedom and openness of inquiry, academic honesty, and integrity in scholarship and teaching. The university affirms and honors the preservation, growth, and flourishing of these values throughout all its activities, including teaching and learning, research, scholarly inquiry, and creative scholarly endeavor. Accordingly, research misconduct is inimical to the concept of academic freedom and its responsible exercise. It is from this background that the board of trustees implements this policy for handling allegations of misconduct in research. This policy will be applied to all externally funded grants or sponsored programs at YSU. To address allegations of misconduct in research.~~
- (C) Scope. This policy will be applied to all misconduct alleged to have occurred in externally funded grants or sponsored programs at the university.
- ~~(C)~~(D) Definitions (for purposes of this policy).
- (1) Definitions used in this policy shall conform to those cited in 42 C.F.R. 93 (public health service policies on research misconduct,

department of health and human services):

- (a) ~~“Research misconduct,” for purposes of this policy, means fabrication.”~~ Fabrication, falsification, plagiarism in proposing, performing or reviewing research, or in reporting research results.
- (b) ~~“Fabrication” is making.”~~ Making up data or results and recording or reporting them.
- (c) ~~“Falsification” means manipulating.”~~ Manipulating research materials, equipment or processes, or changing or omitting data or results such that the research is not accurately represented by the research record.
- (d) ~~“Plagiarism” is the.”~~ The appropriation of another person’s ideas, processes, results, or words without giving appropriate credit.
- (e) ~~“Complainant” is the individual who alleges that research misconduct has taken place and makes a formal allegation.”~~ A person who is good faith makes an allegation of research misconduct.
- (f) ~~“Respondent” is the.”~~ The person against whom an allegation of research misconduct is made or who is the subject of the research misconduct proceeding.
- (g) ~~“Research integrity officer” (“RIO”), for the purpose of this policy, is the associate provost for research and dean of graduate studies and research (RIO).”~~ The associate vice president for research. The RIO means the institutional official responsible for:
  - (i) Assessing allegations of research misconduct to determine whether they fall within the definition of research misconduct, are covered by 42 C.F.R. 93, and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified;

- (ii) Overseeing inquiries and investigations; and
  - (iii) The other responsibilities described in this policy.
- (h) ~~“Deciding official” (“DO”), for the purpose of this policy, shall be the (DO).”~~ The appropriate principal administrative officer in which division of the university the respondent holds appointment. The DO is the institutional official who makes final determinations on allegations of research misconduct and any institutional administrative actions. The deciding official will not be the same individual as the research integrity officer and should have no direct prior involvement in the institution’s inquiry, investigation, or allegation assessment.
- (2) Nothing in these definitions shall be deemed to include honest error or differences in opinion as research misconduct.

~~(D)~~(E) Regulations.

- (1) It is a violation of this policy for any member of the faculty, professional administrative staff, classified staff, an individual working under an independent contract for services, or a student to engage in research misconduct, to retaliate against anyone making a good faith allegation of research misconduct, to obstruct the inquiry into or investigation of allegations of research misconduct, or to make other than in good faith allegations of research misconduct.
- (2) Except as otherwise required by this policy or by federal, state, or local law or regulation, it is a violation of this policy for any member of the faculty, professional administrative staff or classified staff, an individual providing services pursuant to an independent contract, or a member of the student body to violate the confidentiality of a proceeding under this policy.
- (3) A finding of research misconduct under this policy requires that:
  - (a) There be a significant departure from accepted practices of the relevant research community; and
  - (b) The misconduct be committed intentionally, knowingly, or

recklessly; and

- (c) The allegation be proven by a preponderance of the evidence.

~~(E)~~(F) Procedures.

- (1) Any person, upon observing or having evidence of suspected research misconduct or believing specific actions, activities, or conduct constitutes research misconduct, as defined in paragraph ~~(C)~~(D)(1)(a) of this ~~rule~~ policy, may make an allegation. Such person contemplating ~~making~~ an allegation ~~may, and~~ is encouraged to, first discuss the contemplated allegation in ~~absolute~~ confidence and ~~privacy~~ with the associate ~~provost for research and dean of graduate studies and~~ vice president for research, as the authorized institutional official for research, grants and sponsored programs, who will advise the person(s) about the procedures to be followed under this policy. The phases of process under this policy are divided into four areas: allegations, assessment and inquiry, investigation, and resolution.
- ~~(2) — Details of each of these steps are available in the office of grants and sponsored programs.~~

~~(F)~~(G) Allegations.

- (1) An allegation of research misconduct may be brought through any means of communication. The disclosure may be by written or oral statement or other communication to an institutional official or, in the case of research funded by the U.S. department of health and human services (“HHS”), to an HHS official, but it may not be anonymous. Anonymous allegations are by their nature made “not in good faith” under this policy.
- (2) If an allegation of research misconduct is made to an institutional official other than to the RIO, details of the substance of the allegation shall be transmitted to the RIO in writing within one working day. If the allegation is against the associate ~~provost for research and dean of graduate studies and~~ vice president for research, it shall be transmitted to the provost for disposition and the provost will appoint an individual to act for/as the RIO in implementing this policy.

- (3) If the associate ~~provost for research and dean of graduate studies~~ and vice president for research is in a conflict of interest situation, s/he shall be replaced in the proceedings by the appointment of a substitute RIO by the provost.

~~(G)~~(H) Assessment and inquiry.

- (1) The RIO will initially assess allegations of research misconduct to determine whether they fall within the definition of research misconduct, ~~are~~ as covered by 42 C.F.R. 93, and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified. Only those allegations that meet each of these requirements will result in an inquiry. The RIO will inform the complainant if the allegation is insufficient to result in an inquiry.
- (2) Upon determination by the RIO that a formal allegation of research misconduct falls within the definition of research misconduct, is covered by 42 C.F.R. 93 or other federal agency guidelines, and warrants an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified, the RIO will notify the person(s) against whom an allegation is made about the allegation.
- ~~(3) — Additional procedural information regarding both the assessment/inquiry and investigation phases is available in the office of grants and sponsored programs or the office of the associate provost for research and dean of graduate studies and research.~~

~~(H)~~(I) Resolution.

- (1) Misconduct. Upon receiving a research misconduct investigation report from the RIO in which the allegation of misconduct is in whole or in part substantiated, the appropriate principal administrative officer (the DO) makes final determinations on allegations of research misconduct and any institutional administrative actions and shall be responsible for initiating applicable disciplinary proceedings in accordance with board policy and/or provisions of an applicable collective bargaining

agreement as appropriate. Appeal of disciplinary action is permitted in accordance with board policy and/or provisions of an applicable collective bargaining agreement as appropriate, but must be completed within one hundred twenty days of initiation of appeal in accordance with federal regulations.

- (2) 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 RIO should consult with the person(s) who were the subject of the allegations to determine:
  - (a) Whether the announcement should be a public 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.
- (3) The RIO 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.

~~(H)~~(J) Notification to federal agencies.

- (1) The RIO shall immediately notify the cognizant federal funding agency and the office of research integrity if at any time during an inquiry or investigation conducted under this policy it is determined that any of the following conditions exist:
  - (a) Health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
  - (b) Research activities should be suspended;
  - (c) Federal or department of health and human services

resources or interests are threatened;

- (d) There is an immediate need to protect the interests of those involved in the research misconduct proceedings;
  - (e) It is probable that the alleged incident is going to be reported publicly prematurely in order to protect the rights of those involved and to safeguard evidence;
  - (f) There is a reasonable indication of possible violations of civil or criminal law;
  - (g) The research community or public should be informed.
- (2) When alleged misconduct involves employees or students conducting research supported by federal agency sponsors, additional agency notification requirements apply as follows:
- (a) When on the basis of an inquiry it is determined that an investigation is warranted, the RIO shall notify the cognizant federal funding agency in writing on or before the date of 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.
  - (b) The RIO 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.

Replaces: Part of 3356-1016  
Effective: 01/20/2017

CERTIFIED ELECTRONICALLY

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Certification

01/10/2017

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Date

Promulgated Under: 111.15  
Statutory Authority: 3356  
Rule Amplifies: 3356  
Prior Effective Dates: 5/1/01, 6/16/03, 8/21/10, 5/28/11