

3344-28-01 Introduction.

(A) General policy

Cleveland state university endorses the principal that its faculty and staff are entitled to full freedom in research and to full freedom in the publication of the results of those research endeavors. Corresponding with this principle of full freedom in research is the obligation to maintain the highest standards of professional ethics. Membership in the academic community imposes on faculty, staff, and students the commitment to foster and to defend intellectual honesty in research and scholarship. The primary responsibility of the faculty is to their subject and to seeking and stating the truth. University faculty and staff pledge quality and integrity in their research and publications primarily through self-regulation, through adherence to individual ethical principles, through dependence on accepted disciplinary professional standards, and

any research, research-training or research-related grant, or
coope

- (C) These procedures shall normally be followed when an allegation of possible misconduct in academic research is received by a university official. Particular circumstances in an individual case may dictate variation from normal procedure deemed in the best

3344-28-01 through 3344-28-10

4

animal facility records; human and animal subject protocols; consent forms; .medical charts; and patient research files.

- (N) Respondent means the person against whom an allegation of academic research misconduct is directed, or the person who is the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.
- (O) Retaliation means any deliberate response by Cleveland state university, or an employee of Cleveland state university, that adversely affects the employment or other institutional status of a respondent to whom an allegation of misconduct has been directed by not proven or of a complainant who, in good faith, has made an allegation of academic research misconduct or inadequate institutional response, thereto, or who has cooperated in good faith with an investigation of such allegation.

interviewed by and to present witnesses and evidence to the inquiry and investigation

- (K) Committees, to be present at an inquiry and/or investigative hearing, to review the inquiry and investigation reports, and to have the assistance of private legal counsel or another advisor during the inquiry and/or investigative hearing, but may advise the respondent. Further, the respondent may write out questions to be asked of witnesses during an inquiry and/or investigation, hear the answer(s), and submit for response any follow-up questions.
- (L) The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry or investigation.
- (M) Institutional official.

The research integrity officer will appoint inquiry and, if necessary, investigation committees and ensure that necessary and appropriate expertise is secured to carry out a thorough and authoritative evaluation of the relevant evidence in an inquiry or investigation. The research integrity officer will also ensure that interim administrative actions are taken, as appropriate, to protect federal funds and guarantee that the purposes of the federal financial assistance are carried out.

- (N) The research integrity officer will receive the reports and written comments of the respondent and the complainant, if any are made. The deciding officer shall determine whether to conduct an investigation, or to recommend that sanctions be imposed, or to take appropriate administrative actions.

3344-28-01

(E) Protection of respondents.

Inquiries and investigations will be conducted 'in a manner that will ensure fair treatment to the respondent(s) of the inquiry or investigation and confidentiality to the extent possible, insofar as is permitted by the laws of the state of Ohio, consistent with protecting public health and safety and with carrying out the

university. Instances of apparent retaliation will be reviewed by the research integrity officer for appropriate action.

(J) If retaliation is co

3344-28-05 Inquiry.

(A) Purpose of the inquiry

Cleveland state university shall inquire immediately into an allegation or other evidence of possible academic research misconduct. The purpose of the inquiry is to evaluate the situation to determine whether there is sufficient evidence of possible academic research misconduct to warrant an investigation. The purpose of the inquiry is not to reach a final conclusion of whether misconduct occurred or who was responsible.

(B) Appointment of inquiry committee

If the research integrity officer decides that an inquiry should be conducted, the research integrity officer shall initiate the process by appointing an inquiry committee within ten days of determining that an inquiry is necessary. The inquiry committee shall consist of two or more individuals who have no real or apparent conflicts of interest in the case, are unbiased, and have appropriate qualifications to evaluate the issues raised and to interview the principals and the key witnesses as well as to conduct the inquiry. Individuals chosen to serve on the inquiry committee may be scientists, subject matter experts, or other qualified persons, and they may be from inside or outside the university. The inquiry committee selects its own chair.

(C) The research integrity officer shall notify the respondent of the proposed committee membership within ten days of making the determination that an inquiry is required. If the respondent submits a written objection to any appointed member of the inquiry committee based on bias or conflict of interest within five working days of receiving the names of the inquiry committee members, the research integrity officer shall determine whether to replace the challenged member with a qualified substitute. The respondent retains the right to lodge a written objection to any substitute within two working days of receipt of notice.

(D) Charge to inquiry committee

The charge to the inquiry committee should specifically limit its scope, as
facts to determine only
whether there is sufficient evidence of academic research misconduct to warrant
an investigation.

3344-28-

(J) Time limit for completing inquiry report

The inquiry committee normally shall complete the inquiry and submit its report in writing to the research integrity officer and the respondent no more than sixty calendar days following the initiation of the inquiry process, with the initiation being defined as the date upon which the committee first

Within fourteen calendar days of their receipt of the draft report, the complainant and the respondent shall provide their comments. Any comments that the complainant or respondent submits on the draft report shall become part of the final inquiry report and record. Based on the comments received, the inquiry committee may revise the report as appropriate within ten days of receipt of comments.

(O) Inquiry decision and notification

After receipt of both the final inquiry report and the written comments of the respondent and the complainant, if any are made, a determination shall be made whether to conduct an investigation, drop the matter, or to take some other appropriate action(s).

(P) Decision by deciding official.

The research integrity officer shall transmit the final report and any comments to the deciding official, who shall make the determination of whether findings from the inquiry provide sufficient evidence of possible academic research misconduct to justify conducting an investigation. The inquiry process is completed when the deciding official makes the determination.

(Q) Notification.

Within five working days, the research integrity officer shall notify both the

practicable, the research integrity officer, in consultation with other university officials as appropriate, will appoint an investigation committee.

- (E) Appointees may not have served on the inquiry committee. The investigation committee should consist of at least three individuals who do not have any real or apparent conflicts of interest with the respondent or the case in question. The members of the investigation committee shall have the necessary expertise to examine the evidence, interview the principals and key witnesses, and conduct the investigation. The investigation committee members may be scientists, subject matter experts, or other qualified persons, and they may be from inside or outside the university. The investigation committee selects its own chair.
- (F) The research integrity officer shall notify the respondent of the proposed investigation committee membership within ten days of the time of the notification to the respondent that an investigation will be conducted. If within five working days of receiving the names of the investigation committee members, the respondent submits a written objection to any appointed member of the investigation committee based on bias or conflict of interest, the research integrity officer shall determine within five working days whether to replace the challenged member with a qualified substitute. Substitute members may also be challenged by the respondent within two working days.
- (G) Charge to investigation committee and the first meeting
 - (1) Charge to the committee

The research integrity officer shall define the subject matter of the investigation in a written charge to the committee that describes the allegation(s) and related issues identified during the inquiry, define academic research misconduct, and identify the complainant and the respondent. The charge shall state that the committee is to evaluate the evidence and testimony of the respondent, the complainant, and key witnesses to determine whether there is clear and convincing evidence that academic research misconduct

occurred and, if so, to what extent, who was responsible, and its seriousness.

(2)

key aspects of the allegations. All interviews should be tape-recorded. Copies of these interview tapes should be prepared, provided to the respondent, and included as part of the investigatory file. A copy of the tape of

(2) Complainant

The research integrity officer shall provide the complainant, if they are identifiable, with those portions of the draft investigation report that address the complainant's role and opinions in the investigation. The report should be modified in its final version, as appropriate, based on the complainant's comments.

(3) Confidentiality

In distributing the draft report, or portions, thereof, to the respondent and to the complainant, the research integrity officer shall inform the recipient of the confidentiality under which the draft report is made available. The research integrity officer may establish reasonable

3344-28-07 Notification and reporting requirements.

(A)

(1) The university's decision to initiate an investigation shall be reported in investigation begins. At a minimum, the notification should include the name of the person(s) against whom the allegations have been made, the general nature of investigation. Any significant variations from the provisions of these institutional f the

affecting current or potential department of health and human services (or other federal agency) funding for the individuals(s) under investigation or that the federal funds and otherwise protect the public interest.

(6)
or investigation when:

the inquiry

(a) There is an immediate health hazard involved;

(b)

3344-28-08 Other considerations.

- (A) Termination of institutional employment or resignation prior to completing inquiry or investigation
 - (1) The termination of employment at Cleveland state

3344-28-09 Retention of records.

- (A) Sufficiently detailed documentation of inquiries that do not proceed to an investigation shall be maintained for at least three years after the termination of the inquiry to permit later assessment of the case.

- (B) After completion of a case and all ensuing related actions, the research integrity officer will prepare a complete file, including the original records of an inquiry or investigation, and copies of all documents and other materials furnished to the research integrity officer or committees. The research integrity officer shall retain the file for three years from the date that the university closes the

ew of the case and all related

3344-28-10 Sanctions and administrative actions.

- (A) When an allegation of misconduct has been substantiated, Cleveland state university shall recommend appropriate sanctions through the procedures specified by the collective bargaining agreement or, in the case of non-bargaining unit members, by the applicable procedure.

- (B) If the deciding official determines that the alleged misconduct is substantiated by the findings, the deciding officials, after consultation with the research integrity officer, will decide on the appropriate sanctions to be recommended through the procedures specified in the collective bargaining agreement. The possible actions may include:
 - (1) Restitution of funds to any sponsoring agency as appropriate;
 - (2) Withdrawal correction of all pending or published abstracts and papers emanating from the research in question;
 - (3) Removal from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible termination of employment.