

## **Resolution for Addition of Possible Recommendations in Cases of Research Misconduct**

Professional Relations Committee

Faculty Senate

March 5, 2018—First Reading

*Whereas* the possible sanctions for research misconduct are not clearly outlined in the faculty handbook,

*Be it resolved* that the language of the handbook be changed to clarify the process and possible sanctions for research misconduct.

### **IV.L.5. Fraud and Misconduct in Professional Research**

#### **d. Investigation Procedure**

An investigation shall be initiated within thirty (30) days of the determination by the Vice President for Research to proceed with the investigation. The Vice President for Research will notify the respondent and any federal agency that is providing support for research identified in the allegation of the University's decision to initiate an investigation. This notification will be written and will delineate the allegation of misconduct. In consultation with Professional Relations Committee of the Faculty Senate or other representative committee appropriate to the employment status of the respondent, the Vice President for Research shall appoint a committee of no fewer than five (5) persons to conduct the investigation. The committee shall include not only persons who have expertise in the disciplines of the respondents(s), but also at least one from some other, unrelated scholarly discipline and at least one member of rank or position similar to the respondent. The chair of the committee will be selected by the Vice President for Research and staff support will be provided by the Vice President's office. The Committee will be authorized to secure necessary and appropriate expertise from Ohio University and elsewhere, to augment the expertise represented by the committee membership. The committee will have access to and the assistance of all units or offices at the University in conducting its review. The Vice President for Research will take appropriate interim administrative actions to protect any federal funds involved in the allegation and insure that the purposes of the federal financial assistance are carried out.

The investigation normally will include examination of documentation, including but not necessarily limited to the report of the inquiry panel, relevant research data and proposals, publications, correspondence, and memoranda of telephone calls. The respondent(s) will be interviewed as part of the investigative process. Contacts with experts or witnesses outside the university will be authorized by the chair of the committee and made by staff members assisting the committee. Whenever possible, interviews should be conducted of all individuals involved, including the complainant and other individuals who might have information regarding key aspects of the allegations; summaries of these interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.

The investigation is the formal review of an allegation of misconduct with a formal examination and evaluation of relevant facts to draw a conclusion about whether the evidence persuasively supports a finding that misconduct has occurred. The committee may find

- 1) Insufficient evidence to rise to the level of research misconduct as defined in IV.L.3.b; or
- 2) No formal finding of research misconduct, but concern that the respondent has not followed best practices, which could result in educational or corrective action recommended by the Vice President of Research; or
- 3) Persuasive evidence that supports a finding of research misconduct leading to disciplinary action as recommended by the Vice President of Research.

An investigation should ordinarily be completed within ninety (90) days of its initiation, including conducting the investigation, preparing the report of findings, and making that report available for comment by the respondent(s). The report, regardless of outcome, along with all documentation used in the investigation and any comments provided by the respondent(s), shall be delivered to the Vice President for Research immediately upon completion.

The Vice President for Research will review the report and any comments from the respondent(s) and forward the report with his/her recommendations to the Provost for appropriate action. The recommendations of the Vice President for Research may include

- **Insufficient cause** to support disciplinary action, with or without educational or corrective action or
- A recommendation for disciplinary action that may include, but is not limited to, one or a combination of the following:
  - a. **Written reprimand** placed in the faculty member's file
  - b. **Reassignment of duties** for some specified period of time.
  - c. **Suspension without pay** for a specified period of time or
  - d. Recommendation that a school or department initiate **loss of tenure and/or dismissal** proceedings.

The Provost, following review of the findings and recommendations with the respondent(s), shall determine what disposition to make of the case(s). The dean of the respondent's college will be informed of the Provost's action. The report of the investigation, and comments from the respondent(s), and the decision of the Provost with regard to sanctions will be forwarded to any appropriate funding agency.