
UNIVERSITY GUIDEBOOK

Subject: Research Misconduct

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Title:	Dean of Graduate Studies and Research	Title:	Provost
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Policy: In accordance with the requirements of 42 CFR Part 93, Subpart A – C, “General, Definitions, and Responsibilities of Institutions,” the Board of Trustees of Youngstown State University does hereby establish the following policy respecting research misconduct.

RESOLUTION NUMBER: YR 1990-39; YR 2000-72; YR 2006-41

Purpose:

Among the basic principles of Youngstown State 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 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 Youngstown State University.

Definitions:

Definitions used in this policy shall conform to those cited in 42 CFR Part 93:

- "Research misconduct" for purposes of this policy means fabrication, falsification, plagiarism in proposing, performing, or reviewing research, or in reporting research results.
- "Fabrication" is making up data or results and recording or reporting them.

- “Falsification” means the 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.
- “Plagiarism” is the appropriation of another person’s ideas, processes, results, or words without giving appropriate credit.
- “Respondent” is the person against whom an allegation of research misconduct is made, or who is the subject of the research misconduct proceeding.

Nothing in these definitions shall be deemed to include honest error or differences in opinion as research misconduct.

Regulations:

- It is a violation of this policy for any member of the faculty, professional administrative staff, classified staff, 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.
- 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, administration, classified staff, providing services pursuant to an independent contract, or student body to violate the confidentiality of a proceeding under this policy.
- A finding of research misconduct under this policy requires that:
 1. There be a significant departure from accepted practices of the relevant research community; and
 2. The misconduct be committed intentionally, knowingly, or recklessly; and
 3. The allegation be proven by a preponderance of the evidence.

Procedures:

- Allegations:
 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 “Definitions” above) 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 Dean of Graduate Studies and Research as Authorized Institutional Official for research, grants and sponsored programs (Policy 1013.01), who will advise the person(s) about the procedures to be followed under this policy.
 2. An allegation of research misconduct may be 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 US 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.
 3. If an allegation of research misconduct is made to an institutional official, other than to the Dean of Graduate Studies and Research, details of the substance of the allegation shall be transmitted to the Dean in writing, within one working day. If the allegation is against the Dean of Graduate Studies and Research, it shall be transmitted to the Provost for disposition and the Provost will appoint an individual to act for the Dean of Graduate Studies and Research in implementing this policy.
 4. If the Dean of Graduate Studies and Research is in a conflict of interest situation, s/he shall be replaced in the proceedings by the appointment of a substitute by the Provost.
- Inquiry:
 1. Upon receiving a formal allegation of research misconduct, the Dean of Graduate Studies and Research 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 at their expense a representative of their choice present during any subsequent proceeding in which they may be asked or required to be involved.

2. Upon notifying the person(s) against whom an allegation is made, the Dean of Graduate Studies and Research will conduct an inquiry in order to determine whether or not an allegation or apparent instance of research misconduct warrants an investigation. In conducting this inquiry, the Dean of Graduate Studies and Research shall be responsible for gathering information and conducting initial fact finding to justify his/her decision about the need for a formal investigation. All materials such as research records, instrumentation, research documents, copies of publications, etc., which are necessary to conduct the research misconduct proceeding will be taken into the custody of the Dean of Graduate Studies and Research, inventoried, and sequestered in a secure manner. If access to evidence by users, other than the respondent, is required, documentation or other evidence will be copied to represent an accurate record of original evidence and the copies will be secured. The Dean of Graduate Studies and Research is responsible for preparing a written report that states what evidence was reviewed, summarizes interviews conducted, and includes the conclusions of the inquiry. The inquiry report will indicate whether an investigation is warranted. The respondent(s) may respond in writing with comments about any part of the inquiry report within ten (10) days of receipt of the inquiry report, and if they choose to make written comments, those comments shall be made part of the formal inquiry.
3. An inquiry must be completed within sixty (60) calendar days of its initiation unless circumstances warrant a longer period. If the inquiry takes longer than sixty (60) days to complete, the record of the inquiry shall include documentation of the reasons for exceeding such period. Results of the inquiry, including the inquiry report will be transmitted to both the individual(s) who made the original allegation and to the respondent.
4. The Dean of Graduate Studies and Research 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 minimum period of seven (7) 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 contemplating the allegation about the appropriate processes and the procedures that must be followed under this policy once an allegation is made.

- Investigation
 1. If the inquiry provides sufficient evidence that an investigation is warranted, the Dean of Graduate Studies and Research shall commence an investigation and, for Department of Health and Human Services supported research, inform the Office of Research Integrity within thirty (30) days of the completion of the inquiry.
 2. The Dean of Graduate Studies and Research 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 research misconduct. The Dean of Graduate Studies and Research 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 clearly 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. No member of the *ad hoc* committee may have any relationship or past history with the respondent that could be considered a conflict of interest or prevent objective determination of a finding in the investigation. The Dean of Graduate Studies and Research shall appoint a chair of the *ad hoc* committee who will be responsible for writing the report of findings of the committee.
 3. 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 transcripts or recordings 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 a representative of their choice present to advise them. If documents are required to complete the investigation, which have not already been sequestered, they will be requested from the Dean of Graduate Studies and Research by the *ad hoc* Committee Chair and the Dean will obtain them from the appropriate parties.

4. The *ad hoc* committee shall participate in the interviews of all parties involved in the investigation and shall prepare an institutional investigation report of its findings concerning evaluation and assessment of the evidence to the Dean of the School of Graduate Studies and Research. The institutional investigation report shall conform to the requirements of 42 CFR Part 93 in form and substance.
5. Using all available information, including the *ad hoc* committee institutional investigation report, the Dean of Graduate Studies and Research shall prepare a written summary 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 Dean of Graduate Studies and Research shall include in the written summary a recommendation concerning, without limitation, the following matters:
 - (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 University Research Council support;
 - (e) Special monitoring of future work.

The Dean of Graduate Studies and Research shall provide copies of this summary and the institutional investigation report to the individual(s) against whom the allegations are made for comment and to the principal administrative officer of the area in which these individuals are employed. The persons who raised the allegations should also be provided with those portions of the report which address their role and opinions in the investigation. The Dean of Graduate Studies and Research shall maintain all documentation to substantiate the investigation's findings. Such records shall be maintained in a secure manner for a minimum period of seven (7) 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 contemplating the allegation about the appropriate processes and the procedures that must be followed under this policy once an allegation is made.

6. 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 120 days, and the report must be submitted to a cognizant Federal funding agency, then the Dean of Graduate Studies and Research shall submit a written request for extension of the 120 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.

- Resolution

1. Misconduct

Upon receiving a Research Misconduct Investigation Report from the Dean of Graduate Studies and Research in which the allegation of misconduct is in whole or in part substantiated, the appropriate principal administrative officer 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. 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 Dean of Graduate Studies and Research 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. The Dean of Graduate Studies and Research 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.

Notification to Federal Agencies

- The Dean of Graduate Studies and Research 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:
 1. Health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
 2. Research activities should be suspended;
 3. Federal or Department of Health and Human Services resources or interests are threatened;
 4. There is an immediate need to protect the interests of those involved in the research misconduct proceedings;
 5. 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;
 6. There is a reasonable indication of possible violations of civil or criminal law;
 7. The research community or public should be informed

- 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 Dean of Graduate Studies and Research 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 Dean of Graduate Studies and Research 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.