

University of Cincinnati




Office of the President

Cincinnati, Ohio 45221-0063

February 24, 1989

ADMINISTRATIVE MEMORANDUM NO. 104

TO: All Administrative Unit Heads

FROM: Thurman Owens 

RE: Policy and Process for Investigation of Research Misconduct

The attached document contains the policy and process for investigation of research misconduct for the University of Cincinnati. This policy and process was approved by the President, Joseph A. Steger. Further, it was briefed to the Board of Trustees on March 21, 1988, and published campus wide in UC This Week in the December 2, 1988, issue.

This policy is effective immediately. If you have any questions concerning this policy, please contact the Vice President and University Dean for Graduate Studies and Research.

CC: Joseph A. Steger

POLICY AND PROCESS  
FOR INVESTIGATION OF RESEARCH MISCONDUCT  
FOR THE  
UNIVERSITY OF CINCINNATI

6/3/88

## RESEARCH\* POLICY AND PROCESS

### Policy

A major institutional goal of the University of Cincinnati is the furthering of research. The University upholds the scientific method in the conduct of research and is unequivocally committed to the ethical conduct of research by its personnel. Individuals charged with supervision of research, as well as all individuals directly engaged in research, and collaborators of investigators outside their own laboratories bear obligations to pursue their studies in an ethical manner. Supervisors of research bear responsibility for the quality of the data emerging from their own laboratories as well as the laboratories of their collaborators. A requirement of valid experimental observation is that the data and/or the conditions of obtaining the data can be verified, either by scrutiny of accurate records made at the time of experimentation or by repetition of the experiments.

Conduct which is inconsistent with the ethical conduct of research and which is considered misconduct includes:

1. serious deviation, such as fabrication, falsification, misrepresentation, or arbitrary or biased selection of data, from accepted practices in carrying out research or in reporting the results of research; and
2. plagiarism or appropriating the data of another individual and presenting it as if it were one's own.

\*As defined by the University Research Council, research includes not only intellectual activity designed to expand our knowledge and understanding of our environment, but also activities in any of the creative and performing arts aimed at interpreting and enhancing that environment.

Misconduct which is established could constitute grounds for administrative action including termination of the individual's appointment at the University. It is recognized that accusations of falsifying or misrepresenting data or authorship are among the most serious charges that can be lodged against an investigator. Any person contemplating such accusations should fully consider the gravity of the accusation and its consequences and should make every reasonable effort to avoid lodging charges that prove to be devoid of a substantial element of truth. Frivolous or false accusations may also constitute grounds for administrative action. Likewise, it is the policy of the University of Cincinnati that no individual who, in good faith, has reported apparent scientific misconduct of research shall be subject to retaliation by the University or any member of the University community. Impermissible retaliation will be subject to University discipline.

#### Process

When misconduct is alleged, a sequence of events should take place within the institution to provide maximal opportunity for reaching valid conclusions about the alleged misconduct. In addition to reaching valid conclusions, it is imperative that due process be followed and protection be afforded to the rights and reputation of both accuser and accused, collaborators of the accused, those investigating the allegations, any sponsoring agency, any publisher, and the University. Thus, University legal counsel shall provide advise and counsel throughout the proceedings.

During inquiry into and investigation of allegations, confidentiality shall be observed in the interests of all parties except that the appropriate College Dean (hereafter referred to as Dean) shall inform and

keep apprised of the investigation the Vice President and University Dean for Graduate Studies and Research. The Dean may delegate any authority described herein.

All proceedings will be in accordance with applicable rules and contractual obligations of the University of Cincinnati. All individuals meeting with an Inquiry or Investigating Committee may be accompanied by a representative. Each Committee may establish its own rules of conduct within these guidelines.

1. Allegations:

Charges of misconduct should be brought to the director or head of the department or unit in which such conduct allegedly occurred. The director or head shall immediately inform the Dean of the College. If the person being accused is a department or unit director or head, the charge should be brought directly to the Dean. An initial inquiry shall be instituted.

2. Initial Inquiry:

- a. The Dean shall advise the accused of the allegations and appoint an Inquiry Committee of no more than three individuals to conduct an initial inquiry into the allegations. University legal counsel shall advise the Inquiry Committee. The object of the initial inquiry is to determine whether or not there may be substance to the allegations and to recommend appropriate action to the Dean.
- b. Private and separate sessions will be conducted to hear the accuser, the accused, and others as determined necessary by the Inquiry Committee. All relevant evidence that is

produced shall be reviewed and secured.

- c. The Inquiry Committee shall make a report and recommendation to the Dean within 15 working days after the Dean has been informed of the charge. Under exceptional circumstances the Dean may extend this period.
  - d. Two basic recommendations may follow from this initial inquiry: 1) the allegations are without merit; or 2) the allegations have sufficient substance to warrant further investigation. In either case, subsequent action may be recommended.
  - e. The Dean shall review the recommendation of the Inquiry Committee and decide whether to request complete investigation as described below or take any other appropriate action pursuant to University rules or contractual agreements. This decision shall be delivered in writing with the Inquiry Committee report and recommendation to the accused, the accuser, the Inquiry Committee, the Vice President and University Dean for Graduate Studies and Research, who in turn shall notify the appropriate Senior Vice President and the President of the University without unnecessary delay.
3. Investigation: (If a further investigation is warranted)
- a. The Dean will determine whether sponsored research is involved and will so inform the Vice President for Graduate Studies and Research who will determine if the sponsoring

agency must be notified that an investigation is underway. Any necessary notification will clearly state that the investigation is to determine the propriety of the conduct or reporting of the research and that the agency will be apprised of the results.

- b. The Dean shall appoint an Investigating Committee to conduct a complete investigation of the allegations. The Investigating Committee should not be excessive in size but should contain individuals with sufficient expertise and dedication to conduct a thorough and equitable investigation. University legal counsel shall advise the Investigating Committee.
- c. The investigation must be thorough and timely and provide both notice of all allegations to the accused and an opportunity for the subject to fully respond to all allegations. It will require the dedicated attention of the Investigating Committee. An appropriate deadline, which may be extended as necessary, shall be established by the Dean.
- d. Necessary support (e.g., clerical, gathering information, witnesses, organizational, security, record keeping and confidentiality) will be arranged by the Office of the Dean. Private and separate sessions will be conducted to hear the accuser, the accused and others as determined necessary by the Investigating Committee. All relevant evidence that is produced shall be reviewed and secured. Interviews with any individuals should be recorded by tape recorder or Court

Reporter unless the Investigating Committee is otherwise advised by legal counsel.

- e. The Investigating Committee will provide a written report of its findings, conclusions and recommendations, together with all pertinent documentation and evidence, to the Dean. Each member of the Investigating Committee shall sign the report or submit a signed dissenting report.

4. External Review:

The Dean may appoint an External Committee of faculty members and/or administrators from another institution or institutions to review and provide written comment on the findings, conclusions and recommendations of the Investigating Committee.

5. Administrative Action:

- a. The Dean shall review the report of the Investigating Committee and the comments of the External Committee, if any, and recommend further action to the Vice President and University Dean for Graduate Studies and Research. This recommendation shall be delivered in writing together with the Committee report and recommendations to the accused, the accuser, and the Investigating Committee. The Vice President and University Dean for Graduate Studies and Research shall inform the appropriate Senior Vice President and the President of the University without unnecessary delay.

- b. With the advice of the University legal counsel, the Vice President and University Dean for Graduate Studies and Research shall decide how to proceed under applicable University rules and contractual agreements and shall deliver that decision in writing to the accused, the accuser, both Committees, the Dean, the appropriate Senior Vice President and the President without unnecessary delay. Collaborators of the accused shall be advised of any substantiated misconduct or questions related to their research. The President shall advise the Board of Trustees as necessary.
- c. At any time that misconduct as defined herein or significant errors are substantiated in any sponsored or reported research, the Vice President and University Dean for Graduate Studies and Research shall notify the sponsoring agency or publisher without delay in writing.