



The University of Toledo - Main Campus Policy

III-2-2 Article II

Compliance with External and Internal Policies

The University will conduct sponsored program activities in compliance with all federal, state and local laws and regulations governing those activities. The relevant compliance areas are addressed below:

[Section 1. The care and use of animals in research and teaching - Superseded by 3640-70-10 Laboratory animal welfare, care and use, approved August 12, 2008.]

Section 2. The use of radioisotopes and x-ray generating sources in research and teaching

The University recognizes that radioisotopes and x-ray generating sources are important research tools and will provide a mechanism for faculty to obtain them. Accordingly, the University will adhere to the terms of the license agreements with the U.S. Nuclear Regulatory Commission and the Ohio Department of Health regarding the procurement and use of radioisotopes and x-ray generating sources in research and teaching. A comprehensive statement of the policy and procedures is contained in the document entitled, *The Radiation Safety Manual of the University of Toledo*. The Vice President for Graduate Studies, Research and Economic Development has the primary responsibility for monitoring the use of radioisotopes and x-ray generating sources at the University. This responsibility is delegated through the Associate Vice President for Research and Development to the Radiation Safety Officer and the Radiation Safety Panel.

[Section 3. The use of human subjects in research and investigational activities

Section 4. Human Remains

Section 3 and section 4 have been superseded by policy 3364-70-05 Protection of human subjects in research, approved May 20, 2008.]

Section 5. Biohazardous Materials

The University will comply with federal, state and local laws and regulations governing the procurement and use of biohazardous materials in research and teaching. This includes, but is not limited to the *Guidelines for Research Involving Recombinant DNA Molecules (NIH Guidelines)*. The Vice President for Graduate Studies, Research and Economic Development has the primary responsibility for monitoring the use of biohazardous materials in research and teaching. This responsibility is delegated through

the Associate Vice President for Research and Development to the Institutional Biosafety Committee.

Section 6. Misconduct in Research

Preface:

The University endorses the following introductory statement in the "Framework for Institutional Policies and Procedures to Deal With Fraud in Research," by the Association of American Universities, the National Association of State Universities and Land-Grant Colleges, and the Council of Graduate Schools:

Fraud in research undermines the scientific enterprise in ways that go far beyond the waste of public funds. Although an uncommon event relative to the large scientific literature, violations of accepted standards inevitably appear in this as in all human pursuits. Institutions engaged in research have a major responsibility, not only to provide an environment that promotes integrity, but also to establish and enforce policies that deal effectively and expeditiously with allegations or evidence of fraud.

In dealing with this problem it is important not to create an atmosphere that might discourage openness and creativity. Good and innovative science cannot flourish in an atmosphere of oppressive regulation. Moreover, it is particularly important to distinguish fraud from the honest error and ambiguities of interpretation that are inherent in the scientific process and are normally corrected by further research.

Purpose:

The purpose of this document is to: (1) provide a statement on integrity in research; (2) describe the responsibilities of research personnel, administrators, and others in the academic community; and (3) set forth both swift and fair procedures for handling instances of alleged misconduct in research.

Applicability

These guidelines apply to all persons affiliated with the University of Toledo. The guidelines apply to the conduct of research and research-related activities including collection and analysis of data, presentations on research projects, publication of research results, and the process of applying for funds.

University Policy On Misconduct In Research

It is the policy of the University of Toledo to require high ethical standards in research; to inquire into, to investigate, as deemed necessary, and to resolve promptly and fairly all allegation of misconduct; and to comply with agency

requirements for reporting such inquiries and/or investigations when agency funds are involved.

The policy of The University of Toledo also requires that issues of misconduct in Research be handled in a prudent, discreet, and expeditious manner with full attention to the rights and reputations of all the individuals involved.

Definitions

Misconduct in Research is defined as fabrication, falsification, plagiarism, or other practices that seriously deviate from those commonly accepted within the academic community for proposing, conducting and reporting on research, or failure to meet other material legal requirements governing research. Misconduct in Research is to be distinguished from honest error and differences in interpretations of data.

Inquiry is defined as information gathering and initial factfinding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

Investigation is defined as the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

Responsibilities

Researchers are responsible for maintaining the highest ethical standards in the conduct of research projects, which includes (1) assuring that these high ethical standards are communicated to and maintained by all who work under their direct and indirect supervision; (2) assuring the validity of all information communicated by their research groups; and (3) assuring adequate citation of contributions from those within and without each research group, including joint authorship, collaborative relationships, and joint evaluation of data.

Administrators are responsible for implementation and dissemination of these guidelines and for the conduct of an appropriate review process when allegations of Research misconduct are reported.

Members of the academic community are responsible for reporting what they believe to be misconduct in research on the part of research personnel. To the extent consistent with the needs of the inquiry or investigation and the laws governing the public universities in Ohio, the identity of sources will be protected.

Reporting Misconduct

Instances of misconduct in Research shall be reported in writing to the Associate Vice President for Research who, within seventy-two (72) hours of receiving an allegation, will initiate an inquiry. At this time, and in a discreet manner, the Associate Vice President for Research will notify the subject of the allegation that a charge of misconduct in science has been reported and inform him/her of the inquiry and investigation processes. Persons who have been accused of misconduct in Research will be accorded due process throughout the inquiry and any ensuing investigation.

Inquiry Procedures

The purpose of an inquiry is to determine if an allegation (1) warrants a full investigation and/or (2) requires special action to be taken pending resolution of the allegation. The Associate Vice president for Research will identify up to three individuals to conduct the initial inquiry. The inquiry will determine whether the allegation of misconduct appears to be well-founded, the seriousness of the alleged misconduct, the scope of the alleged incident and the relevance of any other information that is available.

After an Inquiry Panel has been appointed, the Associate Vice president will summarize the allegations and affected parties will be informed in writing, and in a discreet manner, that an inquiry is being conducted. The Inquiry Panel will solicit brief written statements from individuals and conduct separate meetings with any persons involved for the purpose of clarification and factfinding.

The Inquiry Panel will prepare a written report that will document the evidence that was reviewed, summarize relevant interviews, and state the conclusions of the inquiry and make a recommendation whether a full investigation is warranted. The person against whom the allegation was made will be given a copy of the inquiry report and his/her written comments will be retained as part of the inquiry record.

Based on the recommendation of the Inquiry Panel, the Research Council will determine whether to dismiss the case or to proceed with an investigation.

It is expected that an inquiry will be completed within sixty (60) days. If the inquiry exceeds that timeframe, the record of the inquiry will document the reason for delay.

Inquiries will be conducted to the extent possible, in a swift, discreet manner so as to protect the reputations of the affected parties.

All documentation and information assembled during the course of the inquiry will be maintained securely for three years.

Investigation Procedures

If, on the basis of the inquiry report, and in the judgement of the Research Council, a formal investigation is deemed warranted, the Associate Vice President for Research will: (1) notify the appropriate offices of funding agencies supporting the research work under investigation within the timeframe required by the agency; and (2) establish a panel of three to five individuals that will be approved by the Research Council to conduct the investigation. The Associate Vice President for Research may solicit the aid of a faculty member who is knowledgeable in the scientific areas wherein the alleged misconduct in science is said to have occurred and who has no formal association with the accused person(s) or the person(s) making the allegations. The panel will be comprised of tenured full-time research faculty and, when deemed appropriate, individuals from outside the University. Members of the Inquiry Panel may not serve as members of the Investigation Panel.

The Investigation Panel will select a chair from its members. The Investigation Panel will have access to, for the purposes of review and inspection, laboratory notes, grant and contract files, reports, scholarly publications, manuscripts, and other pertinent documents and to laboratory or clinical facilities and materials. The panel will conduct interviews of parties who have involvement in or knowledge of the case. The panel will focus on matters limited to the particular charge of misconduct in Research; however, previous research efforts or records of the affected personnel also may be reviewed if germane to the investigation.

The chair of the Investigation Panel will apprise the subject of the complaint on the progress of the investigation. The subject will be given the opportunity to respond to the complaint, orally and in writing, and to provide information for consideration by the committee.

The Investigation Panel will prepare a draft Final Report for submission to the subject of the complaint who may review the report and offer comments and corrections, express acceptance of its conclusions, deny the allegation, or dispute the investigatory process. The Investigation Panel will consider any timely response submitted by the subject before preparing its Final Report. The Final Report of the Investigation Panel, any minority reports, and any responses by the subject of the complaint will be forwarded to the Associate Vice President for Research. If it is found that the subject of the complaint has engaged in misconduct in Research, the Associate Vice President for Research will forward the Final Report to the Research Council which may recommend sanctions against the person found to have engaged in Research misconduct.

If an allegation of misconduct in research has been substantiated by an investigation, the Associate Vice President for Research will request the University Research Council to recommend appropriate sanctions to be imposed upon the person involved. Possible sanctions include but are not limited to

notification of pertinent journals or other publications of the findings, letters of reprimand, nonrenewal of contract and revocation or denial of tenure.

The Associate Vice President for Research will notify all affected parties of the decision and the resultant disposition of the investigation, including sanctions against or strategies for the restoration of the reputations of affected parties.

Investigations will be completed within one-hundred-twenty (120) days of initiation of the investigation. Fully documented and complete records will be maintained securely for three years.

Other Responsibilities

At the conclusion of the investigation, or at any other time required by an involved granting agency, the Associate Vice President for Research will notify the granting agency of the facts of the case, the conclusions rendered, and the disposition of the matter by the University. The Associate Vice President for Research will notify other outside parties as may be appropriate, including editors of journals in which the research in question was published or institutions with whom the party found to have engaged in misconduct in Research is now or has been professionally affiliated.

Conflict Of Interest

The University is fully aware of the need to secure necessary and appropriate expertise to conduct a thorough and authoritative investigation and evaluation of relevant evidence. The University also recognizes that a potential panel member or Research Council member, by nature of his/her expertise or affiliation with subject's academic department, may have a relationship with the subject of the complaint or the research project under investigation. Therefore, the University will take precautions to guard against real or apparent conflicts of interest on the part of those involved in the inquiry and/or investigation processes.

Protection Of Human And Animal Subjects And Personnel

The Associate Vice President for Research will immediately suspend research projects under investigation if evidence suggests that human subjects or personnel are at significant or unwarranted risk or that laboratory animals have been used inappropriately.

Protection Of Federal Funds

The Associate Vice President for Research will take appropriate administrative actions to protect federal funds and to insure that the purposes for which Federal moneys are appropriated are not compromised. Pursuant to that effort, the signature of the Associate Vice President for Research will be required on all purchase orders pertaining to projects which are Federally funded if the project is undergoing investigation.

Documentation

The Associate Vice President for Research will assemble and maintain full and detailed records of inquiries and investigations for three years. Records will be maintained in a secure and confidential discreet manner and be protected from release to the extent possible under the laws governing public universities in Ohio if release would compromise the conduct of an investigation or constitute unwarranted invasion of privacy.

Notification

The Associate Vice President for Research will determine and comply with the reporting requirements of individual funding agencies. The Associate Vice President for Research will provide full documentation of an inquiry, investigation, and the processes used to gather to the funding agency.

Appeal Procedure

An individual, who in the judgment of the Investigation Panel has engaged in misconduct in research, may appeal the findings of the Investigation Panel and/or the recommendation(s) of the Research Council to the President of the University. The President, in consultation with the Senior Vice President - Academic Affairs and the Vice President for Graduate Studies, Research and Economic Development, will consider all of the evidence and render a final written decision which may be grieved pursuant to an applicable grievance procedure.

Restoration Of Reputation

If the alleged charge of misconduct in Research is not substantiated by the investigation, formal efforts will be made to restore fully the reputations of both the subject of the complaint and the person who, in good faith, made the allegation.

If the panel determines that an allegation or accusation of misconduct was not made in good faith, it shall be considered an instance of faculty dishonesty and reported to the Senior Vice President - Academic Affairs for appropriate action.

[Section 7. Conflict of Interest

Section 7 superseded by 3364-70-01 Financial conflict of interest policy for sponsored programs, approved May 20, 2008.]

Original III-2-2 Article II Adopted by the UT Board of Trustees, February 10, 1999