

Appendix L

Review of Alleged Research Misconduct

I. Introduction; Applicability

The Public Health Service and National Science Foundation require institutions that apply for funding for activities – including, but not limited to, research; research training; extramural and intramural research programs or activities; contracts that support research, research training or activities related to research or research training; and research-related contracts, grants or cooperative agreements – to establish a process to review and report allegations of research misconduct. This policy applies to all persons affiliated with IIT, whether the research is funded or not.

II. Definitions of Research Misconduct and Other Terms

For purposes of this policy, the terms below shall have the following meanings:

“Allegation” is a written, oral or electronic disclosure of possible research misconduct through any means of communication to an IIT or funding agency official.

“Fabrication” is making up data or results and recording or reporting them.

“Falsification” is manipulating research materials, equipment or processes or changing or omitting data or results such that the research is not accurately represented in the research record.

“Inquiry” is the preliminary information-gathering and fact-finding undertaken to determine whether an allegation of research misconduct is sufficiently supported so as to warrant an investigation.

“Investigation” is the formal development of a factual record and the examination of that record to determine whether a finding of research misconduct is warranted and, if so, to recommend appropriate remedies.

“Plagiarism” is the appropriation of another person’s ideas, processes, results or words without giving appropriate credit.

“Research” is a systemic experiment, study, evaluation, demonstration or survey designed to develop or contribute knowledge to science or public health by establishing, discovering, developing, or confirming information about, or the underlying mechanism relating to, the biological, chemical, or physical causes, functions or effects of the matter being studied.

“Researcher” means any faculty member, research associate, student or any other individual conducting research through IIT.

“Research Misconduct” includes fabrication, falsification, plagiarism or other practices that seriously deviate from those that are commonly accepted within the scientific

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community for proposing, conducting, reporting or reviewing results of research and other activities. Research misconduct includes retaliation of any kind against a person who in good faith reported or provided information about suspected misconduct. It does not include honest error or differences in interpretations or judgments of data.

“Research Record” is the record, data or results that embody the facts resulting from scientific inquiry, including, but not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and documents and materials provided by a researcher accused of research misconduct in the course of a proceeding under this policy.

III. Allegations; Inquires; Investigations

This policy establishes a three-phase review process: allegation, inquiry and investigation. During the course of each phase, persons who have the necessary and appropriate expertise shall be utilized to evaluate relevant evidence. All such persons will be free of any conflicts of interest. All matters involving perceived or real conflicts of interest on the part of those involved in the inquiry or investigation shall be resolved by the Provost. If the Provost has any role in the conflict of interest or the alleged misconduct, then the President shall appoint another senior administrator to serve in place of the Provost.

During the review of an allegation and the course of any inquiry or investigation, to the maximum extent possible, the identity and privacy of those reporting suspected research misconduct and the researchers accused of such misconduct will be protected. In addition, all proceedings and all affected individuals will be afforded confidential treatment to the extent permitted by applicable law, regulations and policies.

The Provost will ensure the retention of all records of a proceeding for at least seven years after termination of the proceeding, so as to permit a federal funding agency to conduct its own evaluation of the proceeding. Records to be retained, include, but are not limited to, (i) all research records, (ii) the inquiry report and final documents prepared in the course of producing the report, including exhibits, minutes, meeting schedules and other materials, and (iii) the investigation report and all records in support of that report, including exhibits, minutes, meeting schedules and other materials.

A. Reporting Alleged Research Misconduct

An allegation of research misconduct must be made directly to the Provost, who will conduct a preliminary evaluation into the matter. Generally, the alleged research misconduct must have occurred within six years of the date the allegation is reported to the Provost. The Provost will have access to all documents necessary to evaluate the allegation and may confidentially consult with others during his or her evaluation. If the Provost finds no credible and specific evidence sufficient to support the allegation, then the complaint will be dismissed, and no notice need be given to the researcher. The Provost, however, will prepare a written report setting forth the bases for this decision. The party making the allegation will be notified of the dismissal. If the Provost determines that

the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified, then the Provost, within a reasonable timeframe, will appoint an ad hoc committee (“Committee”) to conduct an inquiry and, if warranted, an investigation of the allegation. The Committee will consist of three members selected using a process similar to that outline in Appendix J, Article IV of the Faculty Handbook, provided that the Provost’s selection will be final. Prior to the beginning of the inquiry, the accused researcher will be given written notification of the allegation and a copy of this policy. On or before the date of such notification, the Provost will take all reasonable and practical efforts to secure all research records and evidence needed to conduct the proceedings, inventory these items and sequester them in a secure manner, provided, however, the accused researcher will be given copies of or reasonable access to all relevant materials, as appropriate.

B. Committee Inquiry

1. Purpose

The purpose of an inquiry is to conduct a preliminary review of the evidence to determine whether an allegation of research misconduct warrants an investigation. The inquiry will evaluate whether the allegation appears to be well-founded, the seriousness of the misconduct, the scope of the incident and the relevance of any other available information. As a preliminary review, the Committee need not conduct a full review of all evidence related to the allegation.

2. Committee Report Regarding the Inquiry

Within 60 days of its formation, the Committee will complete an inquiry into the allegation and prepare a written report that will be submitted to the Provost. The report will state the evidence reviewed, summarize relevant interviews and contain the recommendations of the Committee, including whether a full investigation is warranted. The Committee should not attempt to reach a final conclusion on the merits of the allegation. A copy of this report will be given to the accused researcher. The accused, within 14 days of receipt of the report, may submit his or her comments regarding the report for inclusion in the inquiry record. The Provost will review the Committee report and the comments of the accused researcher and will make a determination whether (i) the allegation falls within the definition of research misconduct, and (ii) the preliminary fact-finding indicates the allegation may have substance. If the Provost so concludes, an investigation will commence; if not, the case will be dismissed. If the Provost decides that an investigation is not warranted, he or she will prepare a written report setting forth the bases for this decision. The Provost will provide the accused researcher written notification of the decision and a copy of the Committee’s report. The Provost may elect to notify the party that made the initial allegation.

3. Notifications by IIT

In cases where an investigation is found to be warranted, IIT's General Counsel shall notify, within 30 days, the appropriate governmental agency, foundation or industry official of the investigation and provide the same with all required information. The appropriate agency, foundation or industry official will also be notified within 48 hours after the General Counsel obtains any reasonable indication of a possible criminal violation. If necessary, IIT shall take all appropriate administrative actions to protect funds and to ensure that the purposes of financial assistance are carried out.

C. Committee Investigation

1. Purpose

The purpose of an investigation is to examine, in a full and impartial manner, an allegation of research misconduct in order to determine whether such misconduct has occurred. In making its findings, the Committee must find that (i) a significant departure from accepted practices of the relevant research community exists, (ii) the accused researcher acted intentionally, knowingly or recklessly and (iii) the relevant evidentiary standard is met.

2. Proof

A finding of research misconduct must be proven by a preponderance of the evidence. The accused researcher has the burden of proof as to affirmative defenses or mitigating factors, including the existence of an honest error or difference in interpretation or judgment of data. Such defenses must be supported by a preponderance of the evidence. The destruction of, absence of or failure to produce research records or the accused researcher's failure to furnish research records adequately documenting the questioned research is evidence of research misconduct if it is established by a preponderance of the evidence that the researcher (i) intentionally, knowingly or recklessly had the records destroyed, (ii) had the opportunity to maintain the records but failed to do so, or (iii) failed to produce the records in a timely manner.

3. Procedure

Immediately upon making the determination that an investigation is warranted, the Provost will appoint a new Committee of three members selected using a process similar to that outline in Appendix J, Article IV of the Faculty Handbook, provided that the Provost's selection will be final. The Committee will undertake an investigation within 30 days appointment. In addition to reviewing any and all relevant documents, information and materials, interviews will be held with individuals who may have information, including the accused researcher and the party making the allegation. Consultation with experts from within or without IIT may also be undertaken. A

complete summary of any interview will be prepared and submitted to the interviewed party for comment or revision. All comments or revisions must be made within 14 days after receipt of the summary. The accused researcher must be provided an opportunity (i) to respond both in writing and orally to the charges against him or her and (ii) to present evidence to the Committee. Investigations shall be completed within 120 days, unless an extension is granted by the Provost or, if applicable, the relevant funding agency.

4. Report

The Committee will prepare a draft report and provide a copy of it to the accused researcher, who may, within 30 days of receipt, review and comment on the report, including offering corrections, accepting its conclusions or denying the allegation. The Committee will then compile a final report and transmit it (along with any minority reports) to the Provost. The Report will (i) set forth the allegation and the federal funding, if any, that supported the research in question; (ii) will summarize the evidence reviewed; (iii) will assess the validity of the allegation; and (iv) will recommend sanctions and other actions. The final report and its attachments will be forwarded to the Provost for review and disposition. If the Provost finds that the accused researcher has not engaged in research misconduct, the Provost will dismiss the complaint, but the Provost will prepare a written report setting forth the bases for this decision. If the Provost finds that the accused researcher has engaged in research misconduct, the Provost will order appropriate sanctions.

5. Notifications by IIT

The General Counsel's Office will periodically report to the relevant governmental agency, foundation or industry officer any facts that may affect current or potential funding for the individual under investigation or that the agency, foundation or industry needs to ensure appropriate use of funds and to protect the public interest. The designated officer will be notified of the final outcome of the investigation and will be provided with copies of all materials required by applicable regulations.

The Provost must ensure that inquiries and investigations are seen through to completion and pursued diligently as to all significant issues. As required, the applicable federal agency must be notified in advance if IIT plans to close a case at the inquiry or investigation stage on the basis that the accused researcher has admitted guilt, entered into a settlement or any other reason. The Provost need not report to the agency the closing of a case at the inquiry stage on the basis that an investigation is not warranted, but the Provost must report a finding of no misconduct at the investigation phase.

The Provost may take action and notify the relevant federal agency, without prior hearing or review, if any of these conditions exist:

- (a) The health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
- (b) HHS resources or interest are threatened;
- (c) Research activities should be suspended;
- (d) A reasonable indication of a possible civil or criminal violation exists;
- (e) Federal action is required to protect the interest of those involved in the Research Misconduct proceeding;
- (f) The Provost believes the Research Misconduct proceeding may be made public prematurely so that HHS may take appropriate steps to safeguard evidence and protect the rights of those involved; or
- (g) The Research community or public should be informed.

6. Sanctions

In the event an allegation of research misconduct is substantiated, the Provost shall impose all appropriate sanctions. If the Provost determines that termination is the appropriate remedy and the researcher is a faculty member, the termination process will be conducted in accordance with the procedures set forth in Appendix J. However, for purposes of a termination hearing all determinations of fact made by the Committee hereunder shall be viewed as final.

Where an allegation of research misconduct is not confirmed, the Provost will pursue all diligent efforts to restore the reputation of the accused researcher as well as to protect the reputation and position of the person who made the allegation.