

Subject: **Research Misconduct Policy**

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## **I. Introduction; Applicability**

The Public Health Service (PHS) 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 grants, contracts or cooperative agreements – to establish a process to review and report allegations of Research Misconduct. This policy applies to all Illinois Tech Institutional Member(s), whether the Research is funded or not.

Illinois Tech is committed to upholding the highest standards of scientific rigor in Research; is committed to fostering an environment that promotes Research integrity and the responsible conduct of Research; discourages Research Misconduct; and deals promptly with allegations or evidence of possible Research Misconduct.

All Institutional Members are expected to conduct Research with honesty, rigor, and transparency. Each Institutional Member is responsible for contributing to an organizational culture that establishes, maintains, and promotes Research integrity and the responsible conduct of Research.

Illinois Tech strives to reduce the risk of Research Misconduct, support all good-faith efforts to report suspected misconduct, promptly and thoroughly address all allegations of Research Misconduct, and seek to rectify the scientific record and/or restore Researchers' reputations, as appropriate.

Research Misconduct is contrary to the interests of Illinois Tech, the health and safety of the public, the integrity of Research, and the conservation of public funds. Both Illinois Tech and its Institutional Members have an affirmative duty to protect those funds from misuse by ensuring the integrity of all Research conducted on behalf of the university.

Illinois Tech is responsible for ensuring that these policies and procedures for addressing allegations of Research Misconduct meet the requirements of the PHS Policies on Research Misconduct (42 the Code of Federal Regulations, CFR, Part 93, "the PHS regulation"). Illinois Tech will establish and maintain these policies and procedures, inform all Institutional Members about these policies and procedures, and make these policies and procedures publicly available. Illinois Tech is committed to following these policies and procedures when responding to allegations of Research Misconduct.

## II. Definitions of Research Misconduct and Other Terms

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

“Accepted Practices of the Relevant Research Community” are those practices established by PHS Regulations and by PHS funding components, as well as commonly accepted professional codes or norms within the overarching community of Researchers and institutions that apply for and receive PHS awards.

“Administrative Record” is the institutional record; any information provided by the respondent to the Office of Research Integrity (ORI), including but not limited to the transcript of any virtual or in-person meetings under § 93.403(b) between the respondent and ORI, and correspondence between the respondent and ORI; any additional information provided to ORI while the case is pending before ORI; and any analysis or additional information generated or obtained by ORI. Any analysis or additional information generated or obtained by ORI will also be made available to the respondent.

“Allegation” is a written, oral or electronic disclosure of possible Research Misconduct through any means of communication to an Illinois Tech or funding agency official.

“Assessment” is a consideration of whether an allegation of Research Misconduct appears to fall within the definition of Research Misconduct; appears to involve PHS-supported biomedical or behavioral Research, biomedical or behavioral Research training, or activities related to that Research or Research training; and is sufficiently credible and specific so that potential evidence of Research Misconduct may be identified. The Assessment only involves the review of readily accessible information relevant to the allegation.

“Committee and/or Consortium Members” are experts who act in good faith to cooperate with the Research Misconduct proceedings by impartially carrying out their assigned duties under this policy and consistent with the PHS regulation or other federal regulations. Committee and Consortium Members will have relevant scientific expertise and be free of real or perceived conflicts of interest with any of the involved parties.

“Complainant” is an individual who in good faith makes an allegation of Research Misconduct.

“Evidence” is anything offered or obtained during a Research Misconduct proceeding that tends to prove or disprove the existence of an alleged fact. Evidence includes but is not limited to documents, whether in hard copy or electronic form, information, tangible items, and testimony.

“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.

“Good Faith” (a) as applied to a Complainant or witness means having a reasonable belief in the truth of one’s Allegation or testimony, based on the information known to the Complainant or witness at the time. An Allegation or cooperation with a Research Misconduct proceeding is not in good faith if made with knowledge of or reckless disregard for information that would negate the Allegation or testimony; as applied to an institutional or committee member means cooperating with the Research Misconduct proceeding by impartially carrying out the duties assigned for the purpose of helping an institution meet its responsibilities under 42 CFR Part 93. An institutional or committee member does not act in good faith if their acts or omissions during the Research Misconduct proceedings are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the Research Misconduct proceeding.

“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.

“Institutional Deciding Official (“IDO”)” is the institutional official who makes final determinations on allegations of Research Misconduct and any institutional actions. The same individual cannot serve as the Institutional Deciding Official and the Research Integrity Officer. Illinois Tech’s Institutional Deciding Official is its Provost, or his or her designee.

“Institutional Member(s)” is/are means an individual(s) who are employed by, an agent of, or are affiliated by contract or agreement with Illinois Tech. Institutional Members may include, but are not limited to, officials, tenured and untenured faculty, teaching and support staff, Researchers, Research coordinators, technicians, postdoctoral and other fellows, students, volunteers, subject matter experts, consultants, or attorneys, or employees or agents of contractors, subcontractors, or sub-awardees.

“Institutional Record” is (a) The records that the institution compiled or generated during the Research Misconduct proceeding, except records the institution did not consider or rely on. These records include but are not limited to (1) documentation of the Assessment; (2) if an Inquiry is conducted, the inquiry report and all records (other than drafts of the report) considered or relied on during the Inquiry, including, but not limited to, Research Records and the transcripts of any transcribed interviews conducted during the Inquiry, information the respondent provided to the institution, and the documentation of any decision not to investigate (3) if an Investigation is conducted, the investigation report and all records (other than drafts of the report) considered or relied on during the investigation, including, but not limited to, Research Records, the transcripts of each interview conducted pursuant to PHS Regulations, and information the respondent provided to the institution; (4) decision(s) by the Institutional Deciding Official; (5) the complete record of any institutional appeal consistent; (b) a single index listing all the Research Records and evidence that the institution compiled during the Research Misconduct proceeding, except records the institution did not consider or rely on; and (c) a general description of

the records that were sequestered but not considered or relied on.

“Intent” or “Intentionally” means to act with the aim of carrying out the act.

“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.

“Knowing” or “Knowingly” means to act with awareness of the act.

“PHS Regulations” means 42 CFR 93.

“Plagiarism” is the appropriation of another person’s ideas, processes, results or words without giving appropriate credit. Plagiarism includes the unattributed verbatim or nearly verbatim copying of sentences and paragraphs from another’s work that materially misleads the reader regarding the contributions of the author. It does not include the limited use of identical or nearly identical phrases that describe a commonly used methodology. Plagiarism does not include self-plagiarism or authorship or credit disputes, including disputes among former collaborators who participated jointly in the development or conduct of a Research project. Self-plagiarism and authorship disputes do not meet the definition of Research Misconduct.

“Preponderance of the Evidence” means proof by evidence that, compared with evidence opposing it, leads to the conclusion that the fact at issue is more likely true than not.

“Reckless” or “Recklessly” means to propose, perform, or review Research, or report Research results, with indifference to a known risk of fabrication, falsification, or plagiarism.

“Research Integrity Officer (“RIO”)” is Illinois Tech’s official responsible for administering this policy. The same individual cannot serve as the Institutional Deciding Official and the Research Integrity Officer. Illinois Tech’s Research Integrity Office is its Vice Provost for Research, or his or her designee.

“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 Illinois Tech.

“Research Misconduct” is the Reckless, Knowing or Intentional Fabrication, Falsification, Plagiarism or other practices that seriously deviate from the Accepted Practices of the

Relevant Research 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 errors 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.

“Respondent” is the individual against whom an allegation of Research Misconduct is directed or who is the subject of a Research Misconduct proceeding.

“Retaliation” is an adverse action taken against a Complainant, Witness, or Committee member by Illinois Tech or one of its Institutional Members in response to (a) a Good faith allegation of Research Misconduct or (b) Good Faith cooperation with a Research Misconduct proceeding.

“Witnesses” are individuals whom Illinois Tech has reasonably identified as having information regarding any relevant aspects of an Inquiry or Investigation.

### **III. Roles, Rights, and Responsibilities**

#### **A. General Institutional Responsibilities**

Illinois Tech will (1) inform all Institutional members about these policies and procedures, and make them publicly available; (2) respond to each allegation of Research Misconduct in a thorough, competent, objective, and fair manner; (3) take all reasonable and practical steps to ensure the cooperation of Respondents and other Institutional Members with Research Misconduct proceedings, including, but not limited to, their providing information, Research Records, and other evidence; (4) to the extent possible, limit disclosure of the identity of Respondents, Complainants, and Witnesses to those who need to know; those who need to know may include institutional review boards, journals, editors, publishers, co-authors, and collaborating institutions; this limitation on disclosure no longer applies once Illinois Tech has made a final determination of Research Misconduct findings; and (5) cooperate with the US government during any Research Misconduct proceeding or compliance review, including addressing deficiencies or additional allegations in the institutional record if directed by the US government and to assist in administering and enforcing any governmental administrative actions imposed on Institutional Members.

Additionally, Illinois Tech may also take reasonable steps to manage

published data or acknowledge that data may be unreliable.

B. Institutional Responsibilities During and After a Research Misconduct Proceeding

Except as may otherwise be prescribed by applicable law, Illinois Tech will (1) maintain confidentiality for any records or evidence from which Research subjects might be identified and will limit disclosure to those who need to know to carry out a Research Misconduct proceeding; (2) before or at the time of notifying the Respondent of the Allegation(s) and whenever additional items become known or relevant, promptly take all reasonable and practical steps to obtain all original or substantially equivalent copies of all Research records and other evidence and sequester them securely; (3) will ensure that the Institutional Record contains all required elements, i.e., Research Records that were compiled and considered during the proceedings, assessment documentation, and inquiry and/or investigation reports; and (4) take precautions to ensure that individuals responsible for carrying out any part of the Research Misconduct proceeding do not have potential, perceived, or actual personal, professional, or financial conflicts of interest with the Complainant(s) or Respondent(s).

If required by law or regulation, upon completion of the Inquiry, Illinois Tech will (1) provide the US government with the complete Inquiry report and add it to the Institutional Record; (2) maintain the Institutional Record and all sequestered Research Records and other evidence in a secure manner for seven (7) years after completion of the institutional and/or governmental proceeding; (3) and upon request and transfer custody or provide copies of the Institutional Record or any component of it and any sequestered evidence to the US government, regardless of whether the evidence is included in the Institutional Record; and (4) promptly notify the US government of any special circumstances that may arise.

C. Responsibilities to the Complainant(s)

To the extent reasonably possible and consistent with applicable law and regulations, Illinois Tech will (1) provide confidentiality for all Complainants in a Research Misconduct proceeding; and (2) take all reasonable and practical steps to protect the positions and reputations of Complainants and to protect these individuals from Retaliation by Respondents and/or other Institutional Members. If Illinois Tech chooses to notify one Complainant of the Inquiry results in a case, all Complainants will be notified to the extent possible.

D. Responsibilities to the Respondent(s)

To the extent reasonably possible and consistent with applicable law and regulations, Illinois Tech will (1) provide confidentiality to Respondents in a Research Misconduct proceeding; (2) make a Good Faith effort to notify the Respondent(s) in writing of the Allegations being made against them; provide the Respondent(s) copies of or supervised access to the sequestered Research Records; and (4) notify the Respondent whether the Inquiry found that an Investigation is warranted, provide the Respondent an opportunity to review and comment on the Inquiry report, and attach their comments to the Inquiry report.

If an Investigation is commenced, Illinois Tech (1) will notify the Respondent, give written notice of any additional Allegations raised against them not previously addressed by the Inquiry report, and allow the Respondent(s) an opportunity to review the Witness transcripts; (2) will give the Respondent(s) an opportunity to read and comment on the draft Investigation report and any information or Allegations added to the Institutional Record; (3) give due consideration to admissible, credible evidence of honest error or difference of opinion presented by the Respondent.

Illinois Tech bears the burden of proof, by a Preponderance of the Evidence, for making a finding of Research Misconduct. Illinois Tech will make all reasonable, practical efforts, if requested and as appropriate, to protect or restore the reputation of Respondents against whom no finding of Research Misconduct is made.

E. Responsibilities to Committee Members

Illinois Tech will (1) ensure that Committee and/or Consortium Members, Institutional Members, or any person acting on the its behalf conducts Research Misconduct proceedings in compliance with this policy, PHS Regulations and applicable laws; and (2) take all reasonable and practical steps to protect the positions and reputations of Good Faith Committee and/or Consortium Members and to protect these individuals from Retaliation.

F. Responsibilities to the Witness(es)

Illinois Tech will (1) provide confidentiality consistent with this policy, PHS policy and applicable law and regulations for all Witnesses; (2) take reasonable precautions to ensure that individuals responsible for carrying out any part of the proceedings do not have unresolved personal, professional, or financial conflicts of interest with the Witnesses; and (3) take all reasonable and practical steps to protect the positions and

reputations of Witnesses and to protect these individuals from Retaliation.

#### **IV. 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 Research Integrity Office. If the RIO has any role in the conflict of interest or the alleged misconduct, then the Institutional Deciding Official shall appoint another senior administrator to serve in place of the RIO. If the IDO 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 IDO.

##### **A. Reporting Alleged Research Misconduct**

An Allegation of Research Misconduct must be made directly to the RIO, who will conduct or will designate a senior administrator to conduct, under his or her oversight, a preliminary evaluation into the matter. Generally, the Alleged Research Misconduct must have occurred within six (6) years of the date the Allegation is reported in writing to the RIO. The RIO will have access to all documents necessary to evaluate the allegation and may confidentially consult with others during his or her evaluation. If the RIO 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 Respondent. The RIO, however, will prepare a written report setting forth the basis for this decision. The Complaint will be notified of the dismissal.

If the RIO determines that the Allegation is sufficiently credible and specific so that potential evidence of Research Misconduct may be identified, then the RIO, 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 outlined in Appendix J, Article IV, of the Faculty Handbook, *Suspension and Termination of Faculty Members*, provided that the RIO's selection will be final.

Prior to the beginning of the Inquiry, the Respondent will be given written notification of the Allegation and a copy of this policy in accordance with Article III. E. On or before the date of such notification, the RIO will take all reasonable and practical efforts to perform the duties proscribed in Article III.

## 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 90 days of its formation, the Committee will complete an Inquiry into the Allegation and prepare a written draft report that will be submitted to the RIO. The draft report will state (1) the names, professional aliases, and positions of the Respondent(s) and Complainant(s); (2) a description of the Allegation(s) of Research Misconduct; (3) details about sponsor funding, including any grant numbers, grant applications, contracts, and publications listing sponsor support; (4) the composition of the inquiry Committee, if used, including name(s), position(s), and subject matter expertise; (5) an inventory of sequestered Research Records and other evidence and description of how sequestration was conducted; (6) transcripts of interviews, if transcribed; (7) Inquiry timeline and procedural history; and (8) any scientific or forensic analyses conducted.

The Committee should not attempt to reach a final conclusion on the merits of the Allegation. A copy of the draft report will be given to the Respondent. The Respondent, within 14 days of receipt of the report, may submit his or her comments regarding the draft report for inclusion in the Inquiry record. The RIO will review the Committee draft report and the comments of the Respondent and will make a determination whether (1) the Allegation falls within the definition of Research Misconduct, and (2) the preliminary fact-finding indicates the Allegation may have substance. The RIO will document this decision in a final report, which in addition to items 1-8 above will also state (9) the basis for recommending that the allegation(s) warrant an Investigation; (10) the basis on which any allegation(s) do not merit further Investigation; (11) any comments on the Inquiry report by the Respondent(s) or the Complainant(s); (12) any institutional actions implemented, including internal communications or external communications with journals or funding agencies; and

(13) documentation of potential evidence of honest error or difference of opinion.

If the RIO concludes Allegation falls within the definition of Research Misconduct, an Investigation will commence; if not, the case will be dismissed. The RIO will provide the Respondent written notification of the decision and a copy of the final report. The RIO may elect to notify the Complainant.

3. Notifications by Illinois Tech

In cases where an investigation is found to be warranted and the related Research is subject to misconduct regulations promulgated by a federal agency, Illinois Tech's General Counsel shall notify, within 30 days, the appropriate agency official of the investigation and provide the agency with all required information. The agency will also be notified within 48 hours after the General Counsel obtains any reasonable indication of a possible criminal violation. If necessary, Illinois Tech shall take all appropriate administrative actions to protect federal funds and to ensure that the purposes of federal 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 Respondent 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 Respondent 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 Respondent'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 (1)

intentionally or knowingly had the records destroyed, (2) had the opportunity to maintain the records but failed to do so, or (3) failed to produce the records in a timely manner.

3. Procedure

Immediately upon making the determination that an Investigation is warranted, the RIO 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, *Suspension and Termination of Faculty Members*, provided that the RIO's selection will be final. The Committee will undertake an investigation within thirty (30) days appointment. In addition to reviewing the Inquiry record, the Committee may consult with experts from within or without Illinois Tech. 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 Respondent 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 180 days, unless an extension is granted by the IDO or, if applicable, the relevant funding agency.

4. Report

The Committee will prepare a draft report and provide a copy of it to the Respondent, 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 IDO. The Report will include (1) a description of the nature of the Allegation(s) of Research Misconduct, including any additional Allegation(s) addressed during the Research Misconduct proceeding; (2) a description and documentation of sponsor support, including any grant numbers, grant applications, contracts, and publications listing sponsor support; this documentation includes known applications or proposals for support that the respondent has pending with any sponsor; (3) a description of the specific Allegation(s) of Research Misconduct for consideration in the investigation of the Respondent; (4) the composition of Investigation committee, including name(s), position(s), and subject matter expertise; (5) an inventory of sequestered Research Records and other evidence, except records the institution did not consider or rely on.; this inventory will include manuscripts and funding proposals that were considered or relied on during the Investigation; The inventory will also include a description of how any sequestration was

conducted during the Investigation; (6) transcripts of all interviews conducted; (7) identification of the specific published papers, manuscripts submitted but not accepted for publication (including online publication), sponsor funding applications, progress reports, presentations, posters, or other Research Records that contain the Allegedly Falsified, Fabricated, or Plagiarized material; (8) any scientific or forensic analyses conducted; (9) a copy of these policies and procedures; (10) any comments made by the Respondent(s) and Complainant(s) on the draft investigation report and the committee's consideration of those comments; and (11) a statement for each separate Allegation of whether the committee recommends a finding of Research Misconduct.

If the Committee recommends a finding of Research Misconduct for an Allegation, the investigation report will present a finding for each Allegation. These findings will (a) identify the individual(s) who committed the Research Misconduct; (b) indicate whether the misconduct was Falsification, Fabrication, and/or Plagiarism; (c) indicate whether the misconduct was committed Intentionally, Knowingly, or Recklessly; (d) identify any significant departure from the Accepted Practices of the Relevant Research Community and that the Allegation was proven by a Preponderance of the Evidence; (e) summarize the facts and analysis supporting the conclusion and consider the merits of any explanation by the Respondent; (f) identify the sponsor support; and (g) state whether any publications need correction or retraction.

If the investigation committee does not recommend a finding of Research Misconduct for an allegation, the investigation report will provide a detailed rationale for its conclusion.

The investigation committee should also provide a list of any current support or known applications or proposals for support that the Respondent has pending with any sponsor.

The final report and its attachments will be forwarded to the IDO for review and disposition. If the IDO finds that the Respondent has not engaged in Research Misconduct, the IDO will dismiss the complaint, but the IDO will prepare a written report setting forth the bases for this decision. If the IDO finds that the Respondent has engaged in Research Misconduct, the IDO will order appropriate sanctions and document the same.

5. Notifications by Illinois Tech

As required by applicable governmental regulations, the RIO will periodically report to the relevant federal agency officer any facts that may affect current or potential federal funding for the individual under investigation or that the agency needs to ensure appropriate use of federal funds and to protect the public interest. The designated agency 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 IDO must ensure that Inquires 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 Illinois Tech plans to close a case at the Inquiry or Investigation stage on the basis that the Respondent has admitted guilt, entered into a settlement or any other reason. If the Respondent admits to Research Misconduct, Illinois Tech will not close the case until providing the US government with the Respondent's signed, written admission. The admission must state the specific Fabrication, Falsification, or Plagiarism that occurred, which Research records were affected, and that it constituted a significant departure from Accepted Practices of the Relevant Research Community. Illinois Tech will not close the case until giving the US government a written statement confirming the Respondent's culpability and explaining how the institution determined that the Respondent's admission fully addresses the scope of the misconduct.

The IDO 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 IDO must report a finding of no misconduct at the Investigation phase. The IDO 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 or other US government 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 IDO believes the Research Misconduct proceeding may

- be made public prematurely so that HHS or the US government 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 IDO shall impose all appropriate sanctions. If the IDO 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 of the Faculty Handbook. 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 IDO will pursue all diligent efforts to restore the reputation of the Respondent as well as to protect the reputation and position of the person who made the allegation.

### **V. Other Procedures and Special Circumstances**

If the Alleged Research Misconduct involves multiple institutions, Illinois Tech may work closely with the other affected institutions to determine whether a joint Research Misconduct proceeding will be conducted. If so, the cooperating institutions will choose an institution to serve as the lead institution. In a joint Research Misconduct proceeding, the lead institution will obtain Research Records and other evidence pertinent to the proceeding, including witness testimony, from the other relevant institutions. By mutual agreement, the joint Research Misconduct proceeding may include committee members from the institutions involved. The determination of whether further Inquiry and/or Investigation is warranted, whether Research Misconduct occurred, and the institutional actions to be taken may be made by the institutions jointly or tasked to the lead institution.

If the Alleged Research Misconduct involves multiple Respondents, Illinois Tech may either conduct a separate Inquiry for each new Respondent or add them to the ongoing proceedings. Illinois Tech must give additional Respondent(s) notice of, and an opportunity to respond to, the Allegations.

### **VI. Record Retention**

The RIO will ensure the retention of the Institutional Record for at least seven (7) years after termination of the proceeding, so as to permit the US government to conduct its own evaluation of the proceeding.

## **VII. Conflict**

This policy is implemented in compliance with the PHS Regulations. In the event of a conflict between this policy and the Faculty Handbook Appendix L, this policy shall take precedence. Illinois Tech is in the process of updating Appendix L.