



Title: University of Illinois Chicago Procedures for Adjudicating Allegations of Misconduct in Research and Publication

Vice Chancellor/Associate Chancellor: Vice Chancellor for Research

Unit Responsible: Office of the Vice Chancellor for Research

Effective Date: October 5, 2021

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I. STATEMENT

All University of Illinois Chicago (“University”) Institutional Members are expected to conduct research and scholarship to the highest level of integrity. When Research Misconduct is alleged, the *University of Illinois System Policy on Integrity in Research and Publication* (“Research Integrity Policy”), approved by The Board of Trustees of the University of Illinois on July 22, 2021, and as such Policy may be amended from time to time, will be followed using these procedures.

II. SCOPE AND COVERAGE

The University’s *Procedures for Adjudicating Allegations of Misconduct in Research and Publication* (“Procedures”) apply to all Institutional Members, as defined by the Policy. Codes of conduct and other University of Illinois System and University policies (see §IX) will be consulted and followed, as appropriate.

III. BACKGROUND AND PURPOSE

This document articulates the University of Illinois Chicago’s Procedures as required by Research Integrity Policy. The definitions, provisions, and other policy elements contained in the Research Integrity Policy are incorporated by reference into these *Procedures*. Capitalized terms used in these Procedures shall have the same meanings as such terms are defined in the Research Integrity Policy, unless otherwise defined herein.

IV. GENERAL PROVISIONS

A. Interview

Interviews, as defined by the Policy, may be conducted by any practical means, including in person interview, teleconference interview, videoconference interview, or written questionnaire.

B. Notice in Writing

Notice in writing may be provided electronically through University-supported information technology solutions appropriate to the Proceedings.

C. Multiple Allegations

A single Proceeding shall be initiated for related Allegations or Allegations brought forth during a Proceeding, unless so determined by the Vice Chancellor for Research. The procedures of the particular stage of the Proceeding will be followed to determine if the Allegations will be added to an ongoing Proceeding.

D. Multiple Respondents

A single Respondent or multiple Respondents may be named under a single Proceeding. The procedures of the particular stage of the Proceeding will be followed to determine if the Respondent will be added to an ongoing Proceeding.

E. Additional Allegation(s)

New Allegations may be incorporated into an ongoing Proceeding. If at any point during a Proceeding after the Assessment, the Vice Chancellor for Research, in consultation with the RIO, shall assess any newly identified Allegation(s). If new Allegation(s) are found to meet the provisions of §V.C, below, the Vice Chancellor for Research shall determine if the new Allegations will be integrated into the ongoing Proceeding or a new Proceeding will be initiated. The Respondent shall be notified of the new Allegation(s) promptly.

F. Additional Respondent(s)

Additional Respondent(s) may be added to the ongoing Proceeding when the subject matter of the Allegation against additional Respondent(s) falls within the scope of ongoing Proceedings. If additional Respondent(s) is(are) identified during the Investigation stage, an extension to the Proceedings will be requested by the RIO to maintain each additional Respondent's ability to defend. Regardless of when an additional Respondent is, or multiple Respondents are, identified in the Proceedings, Respondent(s) will be promptly notified.

V. ALLEGATION AND ASSESSMENT

A. Allegation

Upon receiving an Allegation, the RIO, shall begin to assess the Allegation. The RIO will inform the Respondent's UEO, if not previously informed. Unless an Allegation clearly falls outside the scope of the Research Integrity Policy, the RIO, shall bring the Allegation to the attention of the Dean(s), Dean's designee, or equivalent administrator (hereinafter "Dean") for each Respondent.

The Assessment period should be brief, but the Assessment period should be long enough for sufficient information to be brought forth to decide whether or not to move to Inquiry.

B. Multiple Colleges and/or Units

In an Allegation involves more than one unit, the Deans from all units shall jointly determine whether an Inquiry is required.

C. Decision by the Dean(s)

Within 14 calendar days after an Allegation has been brought to the attention of the Dean(s), the Dean(s) shall determine whether:

1. The Allegation is credible;
2. The Allegation falls within the definition of Research Misconduct in the Research Integrity Policy §IV.V.; and,
3. The Allegation is sufficiently specific to enable potential Evidence of Research Misconduct to be identified.

If the Allegation does meet these requirements, the Allegation should be brought forward to Inquiry. If the Allegation does not meet these requirements, the Allegation should not be moved to Inquiry.

D. Lack of Consensus for Proceeding to Inquiry

When multiple Deans are involved and a decision cannot be reached, the RIO shall cause the Provost, Vice Chancellor for Health Affairs, or both depending upon the unit in which the alleged Research Misconduct took place, to be informed of the Allegation(s) and lack of consensus by the Deans. Within 14 calendar of being informed, the Provost, Vice Chancellor for Health Affairs, or both, shall then determine if the Allegation should proceed to Inquiry.

E. Inquiry Determination Appeal

The Complainant or any informed individual, other than a Respondent, may appeal the decision to (or not to) pursue an Inquiry to the RIO in writing within 14 calendar days of being informed of the decision. The appeal should outline how the Allegation meets or fails to meet the three requirements described in §V.C.¶1-3, above, beyond what was originally submitted in the Allegation. In case of an appeal, the RIO shall cause the Provost, Vice Chancellor for Health Affairs, or both, depending upon the unit in which the alleged misconduct took place, to be informed of the Allegation(s), decision, and Appeal. Within 14 calendar days of being informed, the Provost, Vice Chancellor for Health Affairs, or both, shall then determine if the Allegation should proceed to Inquiry.

VI. INQUIRY

A. Notice to Respondent

Before beginning an Inquiry, the RIO must make a Good Faith effort to notify the Respondent(s) in writing of the Allegations. Upon presenting the notification of Allegations, the RIO shall explain to the Respondent the advantages of full cooperation in providing information and materials relevant to the Proceeding.

The written notice to the Respondent must also provide notice of the following rights and responsibilities of the Respondent during the Inquiry:

1. To produce research records on request, the refusal being Evidence of Research Misconduct under the Research Integrity Policy;
2. To maintain confidentiality;
3. To cooperate with the conduct of the Proceedings;

4. To challenge any member of the Inquiry Team for failure to meet the criteria in §VI.C., below;
5. To consult with uninvolved individuals;
6. To submit a written response to the Allegation;
7. To have the written response to the Allegations provided to the Inquiry Team;
8. To have the written response to the Allegations accompany the Inquiry Report;
9. To be notified of the outcome of the Inquiry;
10. To receive a copy of the Inquiry Report;
11. To submit a written response to the Inquiry Report; and,
12. To have the written response to the Inquiry Report accompany the Inquiry Report when forwarded to the Vice Chancellor for Research.

B. Inquiry Team

The Vice Chancellor for Research, in consultation with the RIO, shall appoint an Inquiry Team of at least two tenured faculty members who do not hold a primary appointment in the primary unit in which the Respondent holds an appointment. The Respondent will be notified of the Inquiry Team members and their affiliations in the notification of Allegations or subsequent notification.

C. Qualifications of Inquiry Team Members

Panel members shall have sufficient academic training and experience to understand and judge the Allegation(s) of misconduct.

D. Challenge to an Inquiry Team Members

The Respondent(s) may challenge membership of any proposed member of the Inquiry Team on the sole ground that the person does not meet the criteria set forth in §VI.C., above, or the Research Integrity Policy §VI.E. An objection to an Inquiry Team member must be made in writing by the Respondent and delivered to the Vice Chancellor for Research and RIO within 10 calendar days after receipt of the notice of appointment. The challenge must clearly state which qualification(s) the Team Member does not meet and the rationale for the objection(s). The Vice Chancellor for Research shall have the discretion to approve or deny such challenges, and the Vice Chancellor for Research's decisions thereon are final.

E. Charge to the Inquiry Team

The RIO, after consultation with the Vice Chancellor for Research, shall prepare a charge for the Inquiry Team that:

1. Sets forth the time for completion of the Inquiry;
2. Describes the Allegations and any related issues identified during the Allegation Assessment;
3. States that the purpose of the Inquiry is to conduct an initial review of the Evidence, which may include the testimony of the Respondent, Complainant, and key witnesses, and to determine whether an Investigation is warranted;
4. States that an Investigation is warranted if the Inquiry Team determines there is a reasonable basis for concluding that the Allegation:

- a. Falls within the definition of Research Misconduct;
 - b. Falls within the jurisdictional criteria of the Research Integrity Policy; and,
 - c. May have substance, based on the Team's review during the Inquiry; and,
5. Informs the Inquiry Team members that they are responsible for preparing, or directing the preparation of, a written report of the Inquiry that meets the requirements of the Research Integrity Policy and these Procedures.

F. Inquiry Proceedings

The Inquiry Team shall meet to receive their charge, either in person or virtually. The Inquiry Team shall conduct only those activities necessary to complete the charge as outlined under §VI.E.4, above.

G. Inquiry Report

Within 60 calendar days after notice to Respondent is delivered, the Inquiry Team shall submit a written Inquiry Report to the Vice Chancellor for Research, copying the RIO, that shall include the following information:

1. Name and position of the Respondent(s);
2. Description of the Allegation(s) of Research Misconduct;
3. Findings of fact and clear, detailed description of the Evidence upon which those findings are based;
4. Names, titles, and affiliations of the Inquiry Team members;
5. Recommendation and basis for recommending or failing to recommend that an Investigation is warranted;
6. Summary of the Inquiry process;
7. List of the research records reviewed;
8. List of witnesses interviewed, if any;
9. Any other actions to be taken as recommended by the Inquiry Team;
10. Any recommendations with respect to the scope of the Investigation or Respondent(s) to be investigated it deems appropriate;
11. Listing of the sponsor(s) of the research in question, including, for example, grant numbers, grant applications, contracts;
12. Listing of publications listing such sponsor(s) support; and,
13. Statement that the Allegation was or was not in Good Faith with supporting information, in the event that an Investigation is not warranted.

The RIO shall assist the Inquiry Team to ensure that the Report conforms to the requirements of the Research Integrity Policy. The RIO shall cause a copy of the Inquiry Report to be delivered the Respondent, UEO, the Dean, and other appropriate parties.

H. Comments by Respondent

The Respondent, including any additionally identified Respondent(s) from the Inquiry, may submit written comments to the Vice Chancellor for Research within 10 calendar days of receipt of the Inquiry Report.

I. Decision by Vice Chancellor for Research

Within 10 calendar days after receiving both the Inquiry Report and written comments of the Respondent, if any, the Vice Chancellor for Research shall determine whether to order an Investigation, close the Proceeding, and/or take other appropriate Corrective Action under the Research Integrity Policy or University statutes, policies, rules or regulations and cause the Respondent to be notified of the decision.

1. If the Vice Chancellor for Research closes the Proceeding and an Investigation is not warranted, the RIO shall expunge all reference to the matter as allowed by law, regulation and University statutes. The RIO shall secure and maintain for 7 years after the termination of the Inquiry sufficiently detailed documentation of the Inquiry to permit a later re-assessment.
2. If the Vice Chancellor for Research orders an Investigation, the Respondent shall be so informed and reminded of the obligation to cooperate with the Investigation.

J. Notification to Appropriate Individuals

The RIO shall cause notification of the Complainant, witnesses, the Dean, and the Respondent's UEO and, as appropriate and necessary, University administrators, including without limitation, the Chancellor, the Vice-Chancellor for Academic Affairs, and the Vice Chancellor for Health Affairs. As required by law and as determined by the Chancellor and/or Vice Chancellor for Research, the RIO shall cause the notification of Respondent's collaborators, external sponsors, and relevant governmental agencies.

VII. INVESTIGATION

A. Notice to Respondent

The Respondent shall be notified of the Allegations to be investigated within 30 calendar days after the determination that an Investigation is warranted and before the Investigation begins. The contents of the notice shall include all Allegations to be investigated, and a list of the Respondent's rights in the Investigation:

1. To be notified of Allegations being investigated;
2. To be notified of any new Allegations within a reasonable time after the determination to pursue those Allegations;
3. To be notified of the Investigation Panel members;
4. To be notified of the right to challenge Investigation Panel members;
5. To be interviewed and appear before the Investigation Panel to present information and respond to the Allegations during the Investigation;
6. To have the opportunity to correct transcripts of any interviews, if made;
7. To have recordings or transcripts, if made, included in the record of the Investigation;
8. To have any witness interviewed during the Investigation whom the Panel determines has been reasonably identified by the Respondent as having information on relevant aspects of the Investigation;
9. To submit written statements to the Panel;
10. To be accompanied by personal legal counsel or any advisor of choice as set forth in §V.5 of the Research Integrity Policy in any interview;

11. To receive a copy of the draft Investigation Report and, concurrently, a copy of, or supervised access to the Evidence on which the draft Report is based;
12. To be notified that any comments to the draft Report must be submitted within 30 calendar days of the date on which the draft Report was received; and,
13. To be notified that the comments will be included with the final version of the Report.

B. Investigation Panel

The Vice Chancellor for Research, in consultation with the RIO, shall appoint an Investigation Panel and shall cause the Respondent to be notified of the Investigation Panel within 30 calendar days after the determination that an Investigation is warranted. The Panel shall typically consist of at least three persons. At least two members shall be tenured faculty members who do not hold a primary appointment in the primary unit in which the Respondent holds an appointment. A tenured Institutional Member who does not hold a primary appointment in the primary unit in which the Respondent holds an appointment shall chair the Panel. One Investigation Panel member shall not be an Institutional Member. The Respondent will be notified of the Investigation Panel members and their affiliations in the notification of initiation of the Investigation or subsequent notification.

C. Qualifications of Panel

Panel members shall have sufficient academic training and experience to understand and adjudicate the Allegations of misconduct.

D. Challenge to Panel

The Respondent may challenge membership of any proposed member of the Panel on the sole grounds that the person does not meet the qualifications set forth in §VII.C., immediately above, or has a conflict of interest as set forth in the Research Integrity Policy §VI.E. Any such challenge must be made in writing and delivered to the Vice Chancellor for Research within 10 calendar days after notice of the identity of the Investigation Panel members. The challenge must clearly, and in sufficient detail, state which qualification(s) the Investigation Panel member does not meet or the nature of the conflict of interest and the rationale for the challenge(s). The Vice Chancellor for Research shall have the discretion to approve or deny such challenges, and the Vice Chancellor for Research's decisions thereon are final and non-appealable.

E. First Meeting and Charge to the Investigation Panel

The RIO shall convene the first meeting of the Investigation Panel to review the charge, the Inquiry Report, and the prescribed procedures and standards for the conduct of the Investigation, including the necessity for confidentiality and for developing a specific Investigation plan. The Investigation Panel shall be provided with a copy of the Research Integrity Policy and these Procedures. The RIO shall be present or available throughout the Investigation to advise the Investigation Panel as needed. The Vice Chancellor for Research shall define the subject matter of the Investigation in a written charge to the Panel that:

1. Describes the Allegations and related issues identified during the Inquiry;
2. Identifies the Respondent;

3. Informs the Panel that it must conduct the Investigation as prescribed in the Research Integrity Policy and these Procedures;
4. Informs the Panel that it must evaluate the Evidence:
 - a. To determine whether sufficient credible Evidence exists;
 - b. To determine whether Research Misconduct occurred based on the standards set forth in Article IV of the Research Integrity Policy;
 - c. To determine the type and extent of Research Misconduct; and,
 - d. To determine who was responsible for the Research Misconduct; and,
5. Informs the Panel that it must prepare or direct the preparation of a written Investigation Report to the Vice Chancellor for Research that meets the requirements of the Research Integrity Policy and these Procedures.

F. Subject Matter of the Investigation

The Vice Chancellor for Research, in consultation with the RIO, shall set the scope of the Investigation based upon the Allegation and the Inquiry Report (including Respondent's comments) in a written charge to the Investigation Panel. If during the Investigation, new information comes to light that affects the scope of the Investigation, the Vice Chancellor for Research shall determine whether the Panel should continue with its original charge, amend the scope of the Investigation, or commence a new Investigation. The Respondent, the UEO, and the Dean shall be informed if the scope of the Investigation changes substantially.

G. Investigation Proceedings

The Investigation Panel shall interview the Respondent and any witnesses who have been reasonably identified as having relevant information, including witnesses identified by the Respondent.

H. Investigation Panel Report Draft

Within 90 calendar days after the first meeting, the Panel shall present its draft written Investigation Report to the RIO. The RIO shall assist the Investigation Panel to ensure that the Report conforms to the requirements of the Research Integrity Policy, these Procedures, and Federal Regulations, if applicable. The Report shall:

1. Provide the name and position of the Respondent(s);
2. Describe the Allegations of Research Misconduct subject to the Investigation;
3. Describe the investigative process;

4. Provide a finding with respect to each Allegation as to whether Research Misconduct did or did not occur including:
 - a. Identifying the type of Research Misconduct;
 - b. Identifying the Research Misconduct was intentional, knowing, and/or in reckless disregard;
 - c. Summarizing the facts and analysis which support the conclusion, including consideration of the merits of any reasonable explanation by the Respondent;
 - d. Identifying the person(s) responsible for the Research Misconduct;
 - e. Recommending Sanctions, if any, that should be imposed upon the Respondent and Corrective Actions, if any, that should be taken; and,
 - f. Identifying whether the Allegations of Research Misconduct were made in Good Faith;
5. Identify and summarize the research records and Evidence reviewed, and identify any Evidence taken into custody but not reviewed; and,
6. Provide the names and titles of the Panel members and experts who conducted the Investigation.

I. Comments by the Respondent

Upon receipt of the draft Investigation Report from the Panel, the RIO shall cause a copy of the draft Investigation Report to be sent to the Respondent. The Respondent may submit written comments to the RIO within 30 calendar days of receipt of the draft Report.

J. Investigation Panel Final Report

The RIO shall cause the Respondent's comments to be shared with the Investigative Panel. The Investigation Panel shall within 30 calendar days of receipt of the Respondent's comments to the draft Investigation Report submit the final Investigation Report to the RIO. The RIO shall cause the final Investigation Report and the Respondent's comments, if any, to be submitted to the Vice Chancellor for Research. The RIO shall cause the final Investigation Report to be sent to the Respondent, UEO, the Dean, and other appropriate parties.

VIII. FINAL ADJUDICATION AND DECISION BY THE CHANCELLOR

The Vice Chancellor for Research, after consultation with the RIO, Dean, and/or others as appropriate, shall within 30 calendar days of receipt of the final Investigation Report submit the final Investigation Report and recommendations for a final determination on each Allegation and any Sanctions, Corrective Actions, and other actions, as appropriate, to the Chancellor.

The Chancellor, after consultation with the Vice Chancellor for Research, Provost and Vice Chancellor for Academic Affairs, Vice Chancellor for Health Affairs, Dean, and/or others as the Chancellor may deem appropriate, shall make the final disposition of the Proceeding that includes findings as to:

1. whether Research Misconduct did or did not take place for each Allegation;
2. who was responsible for the Research Misconduct for each Allegation;
3. which form of Research Misconduct took place for each Allegation;

4. whether each Allegation of Research Misconduct that was found to have taken place was proven by a Preponderance of Evidence; and,
5. regardless of whether or not Research Misconduct took place what, if any:
 - a. Sanctions should be imposed;
 - b. Corrective Actions should take place; and,
 - c. other actions should take place.

Any Sanctions, Corrective Actions, or other actions, that the Chancellor determines to be appropriate, will be to the extent permitted by the University of Illinois Statutes, the General Rules Concerning University Organization and Procedure, and other University of Illinois System and University rules, regulations or policies, and if applicable, the relevant terms of any collective bargaining agreements.

The Chancellor shall cause the final determination and any Sanctions, Corrective Actions, and other actions deemed appropriate to be communicated to the RIO within 30 calendar days of receipt of the Vice Chancellor for Research's recommendations. The RIO shall cause the final determination and any Sanctions, Corrective Actions, and other actions deemed appropriate by the Chancellor to be communicated to Respondent, the Dean, and the Respondent's UEO.

IX. NOTIFICATION TO APPROPRIATE INDIVIDUALS

The RIO shall cause the Vice Chancellor for Research, Complainant, Witnesses, and all persons who have been interviewed or otherwise informed of the Allegations, and, as appropriate and necessary, University of Illinois System administrators, University administrators, including the Vice Chancellor for Academic Affairs and/or the Vice Chancellor for Health Affairs, to be notified of the final determination of the Chancellor and any Sanctions, Corrective Actions, and other actions deemed appropriate. As required by law and/or as determined by the Chancellor or Vice Chancellor for Research, the RIO shall cause the Respondent's collaborators, external sponsors, and relevant governmental agencies to be similarly notified, but only after the time period for an Appeal has expired, or if a timely Appeal is filed by the Respondent after the submitted Appeal is finally resolved thereby concluding the Proceedings.

Forms: N/A

Related Laws, Regulations, Statutes, and Policies (including but not limited to): UIC Student Disciplinary Policy; University of Illinois System Code of Conduct; State of Illinois Code of Personal Conduct; The University of Illinois Statutes; The General Rules Concerning University Organization and Procedure

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