

15.99.03.D1 Ethics in Research, Scholarship, and Creative Work

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Rule Summary

Texas A&M University-Central Texas (A&M-Central Texas) is responsible for promoting practices that encourage honesty and scientific integrity and for developing a rule to deal with allegations or other indications of research misconduct. This rule addresses allegations of potential misconduct received by an institutional official for research, scholarship, and creative activity at A&M-Central Texas, regardless of the funding source, and applies to all employees, students, adjuncts, and visiting scholars at the university.

Rule

1. DESIGNATED OFFICER

The Designated Officer will have primary responsibility for implementation of the procedures set forth in this rule. Specific duties of the Designated Officer are listed in SAP 15.99.03.D1.01 *Ethics in Research, Scholarship and Creative Work*. The President/CEO appoints the Assistant Vice President for Research and Innovation (AVPRI)/ Deputy RCO (DRCO) as the Designated Officer.

2. DECIDING OFFICIAL

The Deciding Official is the institutional officer who makes final determinations on allegations of misconduct in research or scholarship and any responsive institutional actions. The president appoints the Vice President for Research, Economic Development, and Innovation (VPREDI)/ Chief Research Officer (CRO) as the Deciding Official. The Deciding Official shall not be involved in the allegation assessment, inquiry, or investigation.

3. RESEARCH STANDARDS OFFICER

3.1 A research standards officer (RSO) is a tenured member of the Graduate Faculty who shall assist the Designated Officer by assuring the correct observance of the procedures set forth in this document during the deliberations related to an inquiry or an investigation. A RSO shall be well-qualified to deal with procedural requirements and shall be sensitive to the varied demands to which those who conduct research must respond.

- 3.2 A minimum of three research standards officers shall be selected by the Designated Officer and appointed to the RSO committee. RSOs will be selected from a list provided by the Graduate Council after an opportunity for the College Deans to review and comment on the list. The list shall consist of names two times greater than the number of positions to be filled, unless that number is not available where the maximum number available will then be sufficient.
- 3.3 RSOs shall serve a term of five years, with no limitation on the number of terms. Terms shall be staggered so that at least one research standards officer is replaced each year.
- 3.4 By agreeing to serve, research standards officers agree to acquire and maintain a thorough understanding of the definition of misconduct in research and scholarship, and procedures for dealing with such misconduct. Each research standards officer serves at the discretion of the University and may be removed by the CRO from serving as a research standards officer for any reason.

4. RIGHTS AND RESPONSIBILITIES

4.1 Complainant

The complainant may have an opportunity to testify before the inquiry committee and, if an investigation is warranted, the investigation committee; to review transcripts of his/her testimony; to be informed of the results of the inquiry and investigation; and to be protected from retaliation. In addition, in accordance with institutional policy, the complainant may review the records pertaining to the case. The complainant is responsible for expressing concerns or making allegations in good faith, maintaining confidentiality, and cooperating with an inquiry or investigation.

4.2 Respondent

The respondent will be informed of the allegations when an inquiry is opened and notified in writing of the final determinations and resulting action. The respondent will have the opportunity to review the evidence presented against him/her and the opportunity to present additional evidence upon request to the Deciding Official. The respondent will also have the opportunity to be interviewed by and present evidence to the inquiry and investigation committees; to review and respond to the inquiry and investigation reports. The respondent is responsible for maintaining confidentiality and cooperating with an inquiry or investigation.

5. GENERAL RULES

5.1 Reporting Misconduct

An A&M-Central Texas employee, adjunct, visiting scholar or student who becomes aware of possible misconduct in research, scholarship or creative work shall immediately report the matter to his/her supervisor, chair, or dean, who will consult with the Designated Officer regarding the nature of the allegation(s). Reports can be made anonymously.

5.2 Protecting the Complainant

An A&M-Central Texas employee, adjunct, visiting scholar, or student who learns of an allegation(s) of misconduct in research or scholarship will treat the complainant with fairness and respect and shall immediately report any alleged or apparent retaliation to the Designated Officer.

5.3 Cooperation with Inquiries and Investigations

All A&M-Central Texas employees, adjuncts, visiting scholars, or students will cooperate with the Designated Officer and other institutional officials in the review of allegations and for inquiries and investigations. Employees, adjuncts, visiting scholars, or students have an obligation to provide relevant evidence to the Designated Officer or RSOs on misconduct allegations.

5.4 Referral of Misconduct Relating to Areas Other than Research, Scholarship or Creative Work

When the University's review of an allegation identifies misconduct that does not relate to research or scholarship, the Designated Officer shall refer these matters to the proper University, local, state, or federal office for action.

6. CONDUCTING THE PRELIMINARY ASSESSMENT OF REPORT(S) OF CONCERN AND/OR ALLEGATION(S)

The Designated Officer shall conduct the preliminary assessment as outlined in System Regulation 15.99.03 *Ethics in Research, Scholarship and Creative Work* and University Procedure 15.99.03.D1.01 *Ethics in Research, Scholarship and Creative Work*. Upon receiving a report of concern and/or an allegation of misconduct in research, or scholarship, or creative work, the Designated Officer will have 15 business days to assess the severity and extent of the concerns and/or allegations. The Designated Officer may request a research standards officer and any other appropriate resource persons to assist in the preliminary assessment. Every effort shall be made to minimize the number of participants at this stage of the process.

7. CONDUCTING A PRELIMINARY ASSESSMENT

The Designated Officer shall conduct the preliminary assessment as outlined in System Regulation 15.99.03, Section 3: Evaluating Allegations of Misconduct.

8. CONDUCTING AN INQUIRY

If warranted, the inquiry will proceed as outlined in System Regulation 15.99.03, Section 5.1: Inquiry and University Procedure 15.99.03.D1.01 *Ethics in Research, Scholarship and Creative Work*.

8.1 Decision to Investigate

If the Designated Officer or inquiry committee concludes that an investigation will be conducted, the Designated Officer will notify the Deciding Official and relevant administrators at A&M-Central Texas, including the President, the VPREDI/CRO,

and the Provost, and any relevant federal funding agency. The Deciding Official, after consultation with the relevant administrators, will determine if the investigation will proceed. If there is a determination to proceed to an investigation, the complainant and respondent will both be notified.

8.2 Decision Not to Investigate

If the Designated Officer or inquiry committee concludes that an investigation is not warranted, the case may be closed, and the Designated Officer will forward a copy of the inquiry report to the Deciding Official, relevant administrators including the President, VPREDI/CRO, and Provost, and the complainant and respondent.

9. CONDUCTING AN INVESTIGATION

If warranted, an investigation will proceed as outlined in System Regulation 15.99.03, Section 5.2: Investigation.

10. OTHER CONSIDERATIONS

10.1 Termination of Employment Prior to Completing the Inquiry or Investigation.

The termination of the respondent's employment, by resignation or otherwise, before or after an allegation of possible misconduct has been reported, will not preclude or terminate the misconduct procedures. If the respondent refuses to participate in the process after resignation, the committee will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's failure to cooperate and the effect that the failure to cooperate had on the committee's review of all the evidence.

10.2 Allegations Not Made in Good Faith

If the Designated Officer determines the complainant's allegation(s) of scientific misconduct was not made in good faith, the Deciding Official, in conjunction with the President and Provost, will make a determination on next steps, including appropriate disciplinary action, up to and including termination, against the complainant, who may be faculty, staff or a student.

10.3 Interim Administrative Actions

The VPREDI/CRO, in conjunction with the President and Provost may take interim administrative actions, as appropriate, to protect federal funds and ensure that the purposes of the federal financial assistance are carried out.

11. RECORD

11.1 Records Retention

After completion of a case and all ensuing actions, the Designated Officer will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the Designated Officer or committees. The Designated Officer will retain the file as required by the Records

Retention Schedule for the Texas A&M University System and System Regulation
61.99.01, Retention of State Records.

11.1.1 Location of the File of an Exonerated Respondent

All documents and records from the proceedings of an exonerated respondent shall be confined to the official file in the office of the Designated Officer where they will be retained in accordance with the Texas A&M University System records retention schedule.

Related Statutes, Policies, or Requirements

System Regulation [15.99.03, Ethics in Research, Scholarship and Creative Work](#)

System Regulation [61.99.01, Retention of State Records](#)

University Procedure [15.99.03.D1.01 Ethics in Research, Scholarship, and Creative Work](#)

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