

## 15.99.03.D1 Research Misconduct



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### Rule Summary

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The Texas A&M University-Central Texas (A&M-Central Texas) community shares responsibility for developing, promoting, and maintaining practices that encourage honesty and scientific integrity and advance ethical research. This rule addresses university procedures to address allegations of potential research misconduct received at A&M-Central Texas, regardless of the funding source, and applies to all regular employees (faculty and staff), students, adjunct faculty, and visiting scholars at the university.

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### Definitions

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Definitions of terms used in this rule are found in [System Regulation 15.99.03, Research Misconduct](#).

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### Rule

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#### 1. DUTIES OF THE DECIDING OFFICIAL, RESEARCH INTEGRITY OFFICER, AND INSTITUTIONAL CERTIFYING OFFICIAL

##### 1.1 Deciding Official (DO)

The DO makes final determinations on allegations of research misconduct and any responsive institutional actions. The university President appoints the Chief Research Officer (CRO) as the DO. Responsibilities of the DO are described in section 2.1 of System Regulation 15.99.03. The DO will not be involved in the allegation assessment, inquiry, or investigation, except to appoint committee members.

##### 1.2 Research Integrity Officer (RIO)

The RIO will have primary responsibility for implementation of the university procedures for addressing allegations of research misconduct. Specific duties of the RIO are listed in section 2.2 of System Regulation 15.99.03. The DO appoints the Research Compliance Officer (RCO) as the RIO. The RIO must be a faculty member or university administrator with extensive experience with research and/or research compliance.

### 1.3 Institutional Certifying Official (ICO)

The ICO ensures that the university has written procedures in place for addressing allegations of research misconduct. The university Chief Compliance Officer serves as the ICO.

- 1.4 When allegations of research misconduct are made against the DO or RIO, or if the DO or RIO have conflicts of interest with the complainants, respondents, witnesses, or other relevant individuals involved in the proceedings, the university can choose another individual to serve in the relevant role on an interim basis after consultation with the Office of General Counsel (OGC) and Chief Research Compliance Officer (CRCO).

## 2. RIGHTS AND RESPONSIBILITIES OF THE COMPLAINANT AND RESPONDENT

### 2.1 Complainant

The complainant may have an opportunity, as a witness, to be interviewed by the inquiry committee and, if an investigation is warranted, the investigation committee, to review transcripts of their testimony, and to be protected from retaliation. The complainant is responsible for expressing concerns or making allegations in good faith, maintaining confidentiality if involved in the inquiry or investigation, and cooperating with an inquiry or investigation.

### 2.2 Respondent

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

## 3. GENERAL RULES

### 3.1 Reporting Misconduct

Reports can be made to any A&M-Central Texas University official, to the funding agency, or anonymously through EthicsPoint.

### 3.2 Confidentiality

Disclosure of the identity of complainants, respondents, witnesses, or research subjects that may be identifiable from research records is limited, to the extent possible, to those who need to know, as indicated in System Regulation *15.99.03*. The DO or RIO will contact any persons or agencies determined to have a need to know.

### 3.3 Protecting the Complainant

An A&M-Central Texas employee, student, adjunct faculty member, or visiting scholar who learns of allegations of misconduct in research will treat the complainant with fairness and respect and must immediately report any alleged or apparent retaliation to the RIO who will pass the information on to the university's Chief Compliance Officer, and others as needed, to address the situation.

### 3.4 Cooperation with Inquiries and Investigations

All A&M-Central Texas employees, students, adjunct faculty, or visiting scholars, will cooperate with the RIO and other institutional officials in the review of allegations and for inquiries and investigations. Employees, students, adjunct faculty, or visiting scholars have an obligation to provide relevant evidence to the RIO on research misconduct allegations and will be protected from retaliation.

### 3.5 Referral of Misconduct Relating to Areas Other than Research

When the university's review of an allegation identifies misconduct that does not relate to research, the RIO will refer these matters to the proper university, local, state, or federal office for action.

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

The RIO will conduct the preliminary assessment as outlined in System Regulation *15.99.03*. The function of the assessment is to determine whether an inquiry into the allegations is warranted. After receiving a report of concern and/or an allegation of research misconduct, the RIO will assess the severity and extent of the concerns and/or allegations in a timely manner. The RIO will conduct the preliminary assessment as outlined in System Regulation *15.99.03*, Section 3: Assessment of Allegations of Misconduct. The RIO may request any appropriate resource persons to assist in the preliminary assessment. Every effort will be made to minimize the number of participants at this stage of the process. If an allegation meets the requirements for inquiry, the RIO will assemble an inquiry committee.

## 5. CONDUCTING AN INQUIRY

If warranted, the inquiry will proceed as outlined in System Regulation *15.99.03*, Section 4: Inquiries of Allegations of Research Misconduct.

### 5.1 Inquiry Committee Membership

Selection of membership of the inquiry committee must follow System Regulation *15.99.03*, Section 4.4.

### 5.2 Outcome of the inquiry committee review

If the inquiry committee concludes that an investigation should be conducted, the RIO will notify the DO. The DO will contact any relevant funding sponsor, as required by the sponsor's requirements. The RIO will contact the respondent, following the guidelines in System Regulation *15.99.03*, Section 4. If the inquiry committee

concludes that an investigation is not to be conducted, the RIO will inform the DO and the respondent. The DO must be provided with a copy of the inquiry committee report.

## 6. CONDUCTING AN INVESTIGATION

If an investigation is warranted, it will proceed as outlined in System Regulation 15.99.03, Section 5: Investigations of Allegations of Research Misconduct. Prior to the investigation, the RIO will inform the system's CRCO, the OGC, and the respondent about the investigation. The respondent must be informed in writing. Selection of membership of the investigation committee will follow System Regulation 15.99.03, Section 5.1.1. Members of an inquiry committee may serve on the investigation committee for the same allegation(s).

## 7. DECISIONS ON ALLEGATIONS OF RESEARCH MISCONDUCT BY THE DECIDING OFFICIAL

The DO is responsible for making a final determination of whether there were findings of research misconduct. The DO's decision and the dissemination of that decision must follow System Regulation 15.99.03, Section 6.

## 8. OTHER CONSIDERATIONS

### 8.1 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 proceedings. If the respondent refuses to participate in the process after resignation, the relevant 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.

### 8.2 Allegations Not Made in Good Faith

If the RIO determines the complainant's allegation(s) of scientific misconduct was not made in good faith, the DO will consult with the President and Provost to make a determination on steps against the complainant, including appropriate disciplinary action, up to and including termination.

### 8.3 Training for Individuals Involved in the Research Misconduct Review Process

All individuals involved in the process of reviewing allegations of research misconduct will have successfully passed the university's designated training course for that process within the past two years.

### 8.4 Interim Administrative Actions

The DO may take interim administrative actions, as appropriate, to protect federal funds and ensure that the purposes of the federal financial assistance are carried out.

## 9. RECORDS

### 9.1 Records Retention

After completion of a case and all ensuing actions, the RIO will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the RIO or committees. The RIO 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*. All records will be maintained in the most confidential manner possible.

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### **Related Statutes, Policies, or Requirements**

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System Regulation [\*15.99.03, Research Misconduct\*](#)

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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### **Contact Office**

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Chief Research Officer

254-519-5427