

UNIVERSITY RULE

15.99.03.M1 Ethics in Research, Scholarship, and Creative Work

Approved June 20, 1997

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Rule Statement

This rule addresses allegations of misconduct in research, scholarship, and creative work at Texas A&M University and applies to both non-sponsored and sponsored research, regardless of the funding source.

Definitions

The following terms are defined in [System Regulation 15.99.03](#):

- Complainant;
- Data;
- Designated officer
- Ethical standards;
- Fabrication;
- Falsification;
- Inquiry;
- Investigation;
- Misconduct in research, scholarship, or creative work;
- Plagiarism;
- Primary source;
- Research record;

- Research scholarship and creative work; and
- Respondent.

Absent specific definitions in System Regulation 15.99.03, the following definitions apply to this University rule:

Allegation – a written statement of possible misconduct in research, scholarship, or creative work made to an institutional official. There may be more than one allegation against each respondent.

Conflict of interest - see System Regulation 15.01.03 for definition.

Deciding official – the institutional officer who makes final determinations on allegations of misconduct in research, scholarship, or creative work and any responsive institutional actions. The deciding official is the Chief Academic Officer of Texas A&M University.

Research standards officer – a tenured professor and member of the Graduate Faculty who shall assist the designated officer by assuring the correct observance of the procedures set forth in System Regulation 15.99.03 and this rule. A research standards officer should be well qualified to deal with procedural requirements and should be sensitive to the varied demands to which those who conduct research must respond.

Official Rule/ Responsibilities/ Process

1. PREFACE

This rule applies to all Texas A&M University employees, students, and in some cases visiting scholars and collaborators. It has been constructed to supplement and be consistent with System Regulation 15.99.03 and University Standard Administrative Procedure 15.99.03.M1.01, and with applicable state and federal statutes and policies of major governmental funding agencies. This rule and related SAP apply to all research, scholarship, and creative activities. Guidelines for the gathering, storage and retention of data or primary sources, and for authorship and publication practices are available from the Division of Research.

1.1. Adherence to Rule

This rule will be followed when an allegation of misconduct in research, scholarship, or creative work is received by the designated officer. Due to the uniqueness of circumstances surrounding each individual case, the university can, upon recommendation of the designated officer and approval by the deciding official, vary normal procedures to best meet the interests of the University and/or

the sponsor.

2. DESIGNATED OFFICER

The designated officer shall be the Vice President for Research or his/her designee. The designee shall be a tenured professor. The duties of the designated officer while conducting a preliminary assessment, an inquiry and/or an investigation are identified in System Regulation 15.99.03 and University SAP 15.99.03.M1.01.

2.1 Research Standards Officer

2.1.1 The research standards officer assists the designated officer as requested in the preliminary assessment of an allegation and serves as the non-voting chair of inquiry and investigation committees.

2.1.2 A research standards officer serves in an advisory rather than a decision-making capacity and shall serve as the non-voting chairperson for all inquiry and investigation committees.

2.1.3 A minimum of three research standards officers shall be recommended by the designated officer for approval by the Faculty Senate Executive Committee, after an opportunity for the Dean of Faculties and Associate Provost to review and comment on the list. By accepting appointment, research standards officers agree to acquire and maintain a thorough understanding of the definition of misconduct in research, scholarship and creative work, and the regulations, rules, policies and procedures for dealing with such misconduct.

2.1.4 Each research standards officer shall serve a term of three years, with a limit of two consecutive terms. However, a research standards officer may be removed for good cause prior to the expiration of a complete term by the designated officer. Terms shall be staggered so that one research standards officer is subject to replacement each year.

3. RIGHTS AND RESPONSIBILITIES

3.1. Complainant

In order to bring a formal complaint, allegations of research misconduct must be made in writing and contain sufficient details to make clear the nature of the activity and a description of the facts, events and circumstances that led to the allegation.

The complainant may: (1) request to testify before the inquiry committee and

investigation committee; (2) be provided with access to the recording or transcript of his/her testimony given to an investigation committee; (3) be informed of the results of the inquiry and investigation; and (4) be protected from retaliation. The complainant may review the records pertaining to the case. The complainant is responsible for making allegations in good faith, maintaining confidentiality and cooperating with the conduct of an inquiry or investigation. It is not the responsibility of the complainant to prove his/her allegation.

3.2 Respondent

The respondent will have the opportunity to review the evidence presented against him/her and to present additional evidence. In addition, the respondent may review the records pertaining to the case. The respondent will also have the opportunity (1) to be interviewed by and present evidence to the inquiry and investigation committees; (2) to review the draft inquiry and investigation reports; and (3) to have the advice of counsel. The respondent has the right to submit a written objection to any appointed member of the inquiry and/or investigation committee or expert based on bias or conflict of interest within five working days after the committee is appointed. If an objection is submitted, the designated officer must immediately determine whether to replace the challenged member or expert with a qualified substitute and shall notify the respondent. The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry or investigation.

4. GENERAL RULES

4.1 Reporting Misconduct

A Texas A&M employee or student who becomes aware of possible misconduct in research, scholarship or creative work shall immediately report the allegation to his/her supervisor, department head, dean or the Vice President for Research, who will consult promptly with the designated officer regarding the nature of the allegation.

4.2 Cooperation with Inquiries and Investigations

A Texas A&M employee or student will cooperate with the designated officer and other institutional officials in the review of allegations and any inquiry or investigation that follows. Texas A&M employees and students have an obligation to provide relevant evidence to the designated officer or other institutional officials on misconduct and allegations of misconduct.

4.3 Protecting the Respondent

A Texas A&M employee or student who receives or learns of an allegation of misconduct in research, scholarship, or creative work will treat the information as confidential, to the extent allowed by law, and treat the respondent with fairness and respect. Further, the Texas A&M employee or student will take reasonable steps to ensure that procedural safeguards listed in System Regulation 15.99.03, this rule and the related University SAP are followed. A Texas A&M employee or student will report significant deviations from these instructions to the designated officer. The designated officer will report any allegation determined not made in good faith to the deciding official for appropriate action.

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

When the review of an allegation identifies misconduct that does not relate to research, scholarship or creative work covered under this university rule, the designated officer shall refer these matters to the proper university, local, state or federal authorities for action.

4.5 Objectivity

All persons involved in the misconduct proceedings shall conduct themselves in a professional and objective manner, without implying guilt or innocence on the part of any party to the case.

5. PRELIMINARY ASSESSMENT OF ALLEGATION

The purpose of a preliminary assessment is to assess the severity and extent of the allegation. It is not the purpose of the preliminary assessment to reach a final conclusion about whether misconduct definitely occurred or who was responsible. The preliminary assessment should proceed pursuant to the procedures outlined in System Regulation 15.99.03 and University SAP 15.99.03.M1.01.

6. INQUIRY

The purpose of the inquiry is to evaluate the available evidence and testimony of the respondent, complainant or key witnesses to determine whether there is sufficient evidence of possible misconduct in research, scholarship or creative work to warrant an investigation. It is not the purpose of the inquiry to reach a final conclusion about whether misconduct definitely occurred or who was responsible.

The inquiry should proceed pursuant to the procedures for inquiries as outlined in System Regulation 15.99.03 and University SAP 15.99.03.M1.01.

7. INVESTIGATION

The purpose of an investigation is to explore the allegation in detail, to examine the evidence in depth, and to determine specifically whether misconduct has been committed, by whom and to what extent. The investigation shall also determine whether there are additional instances of possible misconduct that would justify broadening the scope of the investigation beyond the initial allegations.

The investigation should proceed pursuant to the procedures outlined in System Regulation 15.99.03 and University SAP 15.99.03.M1.01.

8. APPEAL

The respondent may appeal a decision of this process through the procedure set forth in University SAP 15.99.03.M1.01.

Related Statutes, Policies, or Requirements

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

[University SAP 15.99.03.M1.01, Guidelines for Scientific Misconduct Investigation and Inquiry](#)

[University SAP 15.99.03.M1.02, Guidelines for Authorship & Publication Practices](#)

[University SAP 15.99.03.M1.03, Guidelines for Gathering, Storage, and Retention of Data and Results](#)

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