Reason Statement

Texas A&M University - San Antonio (TAMU-SA) strives to maintain superior standards in all research, scholarship and creative work and expects all members of the TAMU-SA community, including faculty, students, staff and administrators to be responsible for promoting and maintaining ethical standards in the conduct of all research, scholarship and creative work and for reporting any incidents of abuse of these standards.

Reason for Rule

This Rule is required by and supplements System Regulation 15.99.03 Ethics in Research, Scholarship and Creative Work, for handling allegations of misconduct in research, scholarship and creative work consistent with the terms of the System Regulation and applies to both non-sponsored and sponsored activities, regardless of the funding source.

Procedures and Responsibilities

1. Allegations of Misconduct

   1.1 Any allegations of misconduct in TAMU-SA research, scholarship or creative work should be reported in writing to the Director of Graduate Studies and Research, who is the Designated Officer for carrying out provisions of this Rule and System Regulation 15.99.03, including but not limited to, evaluation of allegations of fraud or misconduct, defining the scope of the investigation, preparing and maintaining all documentation gathered or generated during the inquiry and investigation, and notifying the appropriate outside entities of the outcome of the inquiry or investigation as prescribed by the System Regulation.
2. Inquiry

2.1 An inquiry, as defined in the definitions section below, shall be conducted by the Director of Graduate Studies and Research, with or without the assistance of a committee, following the guidelines of System Regulation 15.99.03. Procedures outlined in section 5 of the System Regulation related to the Inquiry will be carried out. A copy of the inquiry will be provided to the Provost.

3. Investigation

3.1 An investigation, as defined in the definitions section below, will be conducted if the inquiry provides credible and detailed information sufficient for conducting an investigation. The investigation will be conducted by a committee appointed by the Director of Graduate Studies and Research.

3.2 The investigating committee shall be composed of at least three members, at least one of whom is a faculty member in the same discipline as the respondent (in the case of a faculty member), or a staff member whose discipline and job responsibilities are substantially similar to those of the respondent’s (in the case of staff members).

Procedures relating to the Investigation prescribed in section 5.2 of the System Regulation will be carried out.

4. Notifications

4.1 As prescribed in the System Regulation, the University President and the Office of General Counsel will be notified when an investigation is being initiated.

Notification to the Office of Research Integrity (ORI) will be made if Public Health Service funds are involved or if any of the conditions in section 4.1 prescribed by the System Regulation apply.

If funds were provided by the National Science Foundation (NSF), the Office of the Inspector General with the NSF will be notified if any of the conditions prescribed in section 4.2 of the System Regulation apply.

5. Adjudication

5.1 The rendering of a decision by the University President, or their designee, will be done in accordance with section 5.3 of the System Regulation.

5.2 If the sanction(s) is less than termination or expulsion, the decision of the University President (or their designee) shall be final.
5.3 If the sanction chosen by the University President (or their designee) is termination or expulsion, an appeals process will be made available in accordance with section 5.3.3 of the System Regulation.

6. Investigation Procedures

Procedures related to written notifications, witness interviews, legal representation, testimony and examination of the record by respondent(s), committee proceedings, finding of misconduct, confidentiality of records, and dissemination of findings will be processed within the time limits outlined throughout System Regulation 15.99.03.

7. Other Considerations

Procedures related to restoration of respondent’s reputation and research capabilities when the findings are in favor of the respondent, protection of complainants, and possible disciplinary action against a complainant who made allegations of misconduct in bad faith will be conducted in accordance with section 7 of the System Regulation.

Related Policies and Regulations

15.99.03, *Ethics in Research, Scholarship and Creative Work*

42 CFR, Part 50

42 CFR, Part 93

45 CFR, Part 689

Definitions

**Complainant** – individual(s) who initiates the process described in this regulation by informing a designated official of a possible misconduct in research, scholarship and creative work

**Data** – physical or electronic information collected for the purpose of testing hypotheses, exploring theories or describing phenomena.

**Designated officer** – an institutional official designated by the University President to be responsible for carrying out this regulation
**Fabrication** – making up data, results or primary sources and recording or reporting them.

**Falsification** – manipulating research materials, equipment or processes, or changing or omitting data, primary sources or results such that the research, scholarship or creative work is not accurately represented in the record.

**Inquiry** – the assessment of whether the allegation has substance and if an investigation is warranted.

**Investigation** – the formal development of a factual record and the examination of that record leading to dismissal of the case or to a recommendation for a finding of misconduct in research, scholarship and creative work or other appropriate remedies.

**Misconduct in research, scholarship or creative work** – fabrication, falsification or plagiarism in proposing, performing, reviewing or reporting research, scholarship or creative work. It does not include honest error or honest differences in interpretations or judgments of data or primary source documents.

**Plagiarism** – the misappropriation of another person’s ideas, processes, results or words without giving appropriate credit.

**Primary source** – collection of original or historical documents, in physical or electronic form, used for the purpose of testing hypotheses, exploring theories or arguments, or describing phenomena.

**Research, scholarship and creative work** – includes all basic, applied and demonstration research or creative work in all fields of scholarly inquiry, including science, engineering, mathematics, the humanities, arts, social sciences and professional fields including business and education.

**Respondent** – individual(s) who is the subject of information provided by a complainant. This term includes staff and faculty members. The term also includes students except as set out below.

If the alleged misconduct relates to course-related requirements, TAMU-SA’s rule(s) and/or procedure(s) for handling allegations of academic misconduct shall be applied unless the alleged misconduct relates to federally funded research or creative work, either by an active federal research project or the use of data or primary sources that were compiled in whole or in part with federal funds in which case the procedures set out in this regulation apply.

If the alleged misconduct relates to the student’s degree requirements outside of course-related requirements, the allegation shall be forwarded to the designated officer for handling in accordance with the TAMU-SA’s rule(s) and/or procedure(s) unless the alleged misconduct relates to federally funded research or creative work, either by an
active federal research project or the use of data or primary sources that were compiled in whole or in part with federal funds in which case the procedures set out in this regulation apply.

Contact Office

Academic Affairs, Office of Graduate Studies & Research (210) 784-2323