

## 15.99.03.01 ETHICS IN RESEARCH, SCHOLARSHIP AND CREATIVE WORK

Revised: July 15, 2019

Next Scheduled Review: July 15, 2024

---

### RULE STATEMENT

---

Texas A&M University-San Antonio (A&M-San Antonio or University) fosters vigorous and principled research, scholarship and creative work. All members of the A&M-San Antonio community share responsibility for upholding the University's ethical standards and reporting violations.

---

### REASON FOR RULE

---

The Texas A&M University System (System) [Regulation 15.99.03 \*Ethics in Research, Scholarship and Creative Work\*](#) requires A&M-San Antonio to establish a rule for handling allegations of scientific and scholarly misconduct.

---

### OFFICIAL RULE

---

#### I. DESIGNATED OFFICER

I.1 The Vice Provost for Research and Graduate Studies (Vice Provost) is the officer designated (Designated Officer) to handle allegations of misconduct in research, scholarship, and creative work at A&M-San Antonio. If the Vice Provost position becomes vacant, the Provost shall serve as Designated Officer on an interim basis until the position is filled or the President makes a new appointment.

I.2 Students, employees, and third parties should report to the Designated Officer misconduct related to research, scholarship, and creative work.

I.3 The Designated Officer's duties include:

I.3.1 evaluating allegations and evidence of misconduct in research, scholarship, and creative work;

- I.3.2 conducting inquiries to determine whether investigation is warranted;
- I.3.3 when investigation is necessary, defining the scope of the investigation in accordance with applicable legal, System, and University standards;
- I.3.4 documenting the decision to investigate or forego investigation;
- I.3.5 appointing committees to conduct inquiries and investigations;
- I.3.6 retaining records created or collected during an investigation for the period required by law;
- I.3.7 taking interim measures to protect and accomplish the purpose of outside funding the University receives to support research, scholarship, or creative work; and
- I.3.8 reporting to and communicating with outside entities about the status of misconduct allegations and investigations.

## 2. INQUIRY AND INVESTIGATION

- 2.1 Upon receipt of a complaint or report alleging misconduct, the Designated Official shall determine whether the allegations:
  - 2.1.1 implicate misconduct in research, scholarship, or creative work;
  - 2.1.2 are credible and specific enough to warrant inquiry or investigation; and
  - 2.1.3 involve federal funding.
- 2.2 The Designated Officer may conduct an inquiry or appoint a committee to inquire into misconduct allegations. An inquiry is an informal fact finding effort to determine whether a formal investigation is necessary.
  - 2.2.1 The Designated Officer or committee shall follow the inquiry procedures set forth in Section 5.1 of System [Regulation 15.99.03](#).

- 2.2.2 The Designated Officer or committee shall prepare a report documenting the inquiry and stating whether additional investigation is or is not warranted.
  - 2.2.3 If the Designated Officer or committee conclude that investigation is warranted, the Designated Officer shall provide a copy of the report to the President, Provost, System Office of General Counsel, and funding agencies.
  - 2.2.4 The Designated Officer shall also furnish a copy of the report to the respondent. The respondent may comment on the report within 10 calendar days of receipt. If the respondent comments, those comments shall become part of the official record of investigation.
  - 2.2.5 An inquiry must be completed within 60 days of initiation. The Provost may grant an extension of this deadline for good cause.
- 2.3 The Designated Officer shall appoint a committee to investigate misconduct allegations.
- 2.3.1 The committee shall have at least three members. At least one member must work, practice, or have expertise in the same discipline as the respondent (for faculty) or perform similar job duties (for staff).
  - 2.3.2 The committee shall follow the investigation procedures set forth in Sections 5.2 and 6 of System [Regulation 15.99.03](#).
  - 2.3.3 The committee shall prepare a report documenting the investigation, stating its findings and listing proposed sanctions.
  - 2.3.4 The Committee shall furnish a copy of the report to the respondent, who shall have 10 calendar days from receipt to comment. If the respondent comments, those comments shall become part of the official record of investigation.
  - 2.3.5 The Committee shall provide the investigative report and respondent's comments to the President, Provost, Office of General Counsel, and funding agencies.

2.3.6 An investigation must be completed within 180 days of initiation. If the matter under investigation involves outside funding, the President may grant an extension of the 180-day deadline if permitted by the funding agency. If the matter under investigation does not involve an outside funder, the President may grant an extension for good cause.

### 3. NOTIFICATIONS

The Designated Officer shall provide the notices required in Section 4 of System [Regulation 15.99.03](#).

### 4. ADJUDICATION

4.1. The President or a designee shall issue a written decision (Decision) within 15 calendar days of receiving an investigative report.

4.2. The Decision and imposition of sanctions shall follow the standards set forth in System [Regulation 15.99.03](#).

4.2.1. If the sanction is less than termination or expulsion, the Decision is final and non-appealable.

4.2.2. If the sanction is termination:

4.2.2.1. a faculty respondent may request a hearing and pursue an appeal under System [Policy 12.01 Academic Freedom, Responsibility, and Tenure](#).

4.2.2.2. a staff respondent may appeal under System [Regulation 32.01.02 Complaint and Appeal Process for Nonfaculty Employees](#).

4.2.3. If the sanction is expulsion, a student respondent may request a hearing in accordance with the [Student Handbook](#).

### 5. ADDITIONAL CONSIDERATIONS

The Designated Officer is responsible for evaluating and addressing the considerations set forth in Section 7 of System [Regulation 15.99.03](#).

---

**RELATED AUTHORITIES**

---

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

---

**DEFINITIONS**

---

This rule incorporates the [Definitions](#) set forth in System [Regulation 15.99.03](#).

---

**CONTACT OFFICE**

---

Office of the Vice Provost for Research and Graduate Studies & Research (210) 784-1200.

---