

## 1. BACKGROUND/PURPOSE

- 1.01 The integrity of the research process is an essential aspect of the University's intellectual and social structure. Research is defined as all research, scholarly, and creative activity that supports the intellectual endeavors of the University. Although incidents of misconduct in research may be rare, those that do threaten the



- 3.01 means any form of behavior that entails an act of deception whereby one's work or the work of others is misrepresented. Other terms, such as research fraud or scientific misconduct, are subsumed within the term as defined. Misconduct in research and scholarship is distinguished from honest error and from ambiguities of interpretation that are inherent in the scientific process. The principal element of misconduct in research and scholarship is the intent to deceive others or to misrepresent one's work. Misconduct involves significant breaches of integrity that may take numerous forms such as, but not limited to, those outlined below:
- a. Falsification or fabrication of data: Ranging from fabrication to deceptive selective reporting of findings and omission of conflicting data, or willful suppression and/or distortion of data with the intent to falsify results.
  - b. Plagiarism: The misappropriation of the written work of another and its misrepresentation as one's own original work.
  - c. Improprieties of authorship: Improper assignment of credit, such as excluding other authors; inclusion of individuals as authors who have not made a definite contribution to the work published; or submission of non-authored publications without the knowledge of all authors.
  - d. Misappropriation of the ideas of others: The unauthorized use of privileged information (such as violation of confidentiality in peer review) however obtained.
  - e. Violation of generally accepted research practices: Deceptive practices in proposing, conducting, or reporting research. For NSF awards, this definition is expanded to include all activities funded by the NSF, not just research activities.
  - f. Material failure to comply with governmental requirements affecting research:

- g. Inappropriate behavior in relation to misconduct: Including unjust and malicious accusation(s) of misconduct; failure to report misconduct; withholding or destruction of information relevant to a claim of misconduct in research and scholarship; or retaliation against persons who have not acted in bad faith in the

3.08 means a real or apparent interference of one person's interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.

3.09 means an allegation made with the honest belief that scientific misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

3.10 means any data, document, computer file, computer diskette, or any other written or nonwritten account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of scientific misconduct. A research record includes, but is not limited to grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs, film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.

3.11 means any action that adversely affects the employment or other institutional status of an individual, but is not a disciplinary action.

applicable policies and regulations and state and local laws, if any. The complainant will be advised that if the matter is referred to a committee of inquiry and the Complainant's testimony is required, anonymity may no longer be guaranteed. The University will undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations.

#### 4. POLICY

- 4.01 Misconduct in research and scholarship is inappropriate behavior by members of the University community. Allegations of misconduct in research and scholarship will be handled according to the policy and procedures included herein.
- 4.02 Allegations of misconduct against students will be handled according to the policy (APS 810213).
- 4.03 The imperatives that guide this institutional review process for dealing with allegations of misconduct in research and scholarship are the following:
  - a. The process used will not damage science or scholarship.
  - b. The University will provide vigorous leadership in the pursuit and resolution of all charges.
  - c. The principles of due process will be observed and the University will treat all parties with justice and fairness and be sensitive to the reputations and vulnerabilities.
  - d. The procedures will preserve the highest attainable degree of confidentiality compatible with an effective and efficient examination of available facts.
  - e. The integrity of the process will be maintained by preventing avoidance of real or apparent conflict of interest.
  - f. The procedure will be as expeditious as possible leading to the resolution of allegations in a timely manner.

- g. The University will document the pertinent facts and actions at each stage of the process.
- h. The University will pursue allegations within the scope of this policy without regard to whether related civil or criminal proceedings have been initiated or are underway. The University may, at its option, suspend inquiry/investigation temporarily but is not under obligation to do so, as the standards of the University may differ from those of the courts. However, if reasonable indication of criminal activity is found, ORI will be notified by the close of business on the following working day. At any point in the process where evidence is found about immediate health hazards, the need to protect federal funds or equipment and individuals affected by the inquiry, or that the alleged incident will likely be publicly reported, ORI and research sponsors will be notified.
- i. Even if the Respondent leaves or has left the University before the case is resolved, the University will pursue an allegation of misconduct to its conclusion.

## 5. PROCEDURES

### 5.01 Introduction

The several stages of the review process are discussed in detail in the remainder of this document.

### 5.02 Initiation of an Allegation of Misconduct

- a. Initial allegations, in writing, may be reported to any faculty member or administrator of Sam Houston State University. All such allegations received must be reported within one working day to the Provost and President for Academic Affairs. All employees or individuals associated with the University should report observed, suspected, or apparent misconduct in science to the Provost and Vice President for Academic Affairs. If an individual is unsure whether a suspected incident falls within the definition of scientific misconduct, he or she may call the Provost and Vice President for Academic Affairs at 936-294-1001 to discuss the suspected misconduct informally. If the circumstances described by the individual do not meet the definition of scientific

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be kept secure, and if no misconduct is found, the records should be destroyed three (3) years after completion of an inquiry. Making the records public without authorization is grounds for a charge of misconduct. At the option of the Committee, proceedings will be either recorded or transcribed and will be made available to involved parties upon request.

4. The inquiry phase will be completed within six (60) calendar days of its initiation unless the Committee determines that circumstances clearly warrant a longer period. In such circumstances, the Committee will advise the Provost and Vice President for Academic Affairs who will advise all relevant parties. The record of the inquiry will include documentation for exceeding the sixty-day period.
5. As the inquiry is informal and intended to be expeditious, principals are expected to speak for themselves. All individuals may be accompanied by a representative for advice and counsel. The University reserves the right to have University counsel present any inquiry meetings.

c. Process

1. The Provost and Vice President for Academic Affairs is responsible for notifying all parties in writing of the allegations and of the procedures that will be used to examine the allegations. Further, all parties will be informed of the proposed membership of the Committee of Inquiry for the purpose of identifying in advance any real or potential conflict of interest.
2. Where the Complainant seeks anonymity, the Committee of Inquiry shall operate in such a way as to maintain the anonymity to the degree compatible with accomplishing the fact-finding purpose of the inquiry. Such anonymity cannot, however, be assured. Further anonymity of the Complainant is neither desirable nor appropriate where the testimony or witness of the Complainant is important to the substantiation of the allegations.
3. Information, expert opinions, records, and other pertinent data may be requested by the Committee. All involved individuals are obliged to cooperate with the Committee of Inquiry by supplying requested documents and information.

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to the President within ten (10) working days. The Respondent shall be given the opportunity to comment in writing upon the findings and recommendations of the Committee. If the Respondent chooses to comment, such comments shall be forwarded to the Provost and Vice President for Academic Affairs as soon as possible, but must be forwarded within ten (10) working days.

2. If the outcome of the inquiry indicates a need for formal investigation, the Committee will communicate its finding to the Provost and Vice President for Academic Affairs who then, after notification to the appropriate dean(s), legal counsel, and the President, and upon receiving instructions from the President, will initiate the investigatory process. Under certain circumstances, as defined by the applicable federal regulations, the institution may be expected to notify the sponsoring agency, the funding source, and/or the ORI at a point prior to the initiation of an investigation. Factors used to determine the timing of such notification include the following: (a) there is an immediate health hazard involved; (b) there is an immediate need to protect federal funds or equipment; (c) there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who are the subject of the allegations as well as his/her investigators and associates, if any; or (d) it is probable that the alleged incident is going to be reported publicly. If at any point during the process there is a reasonable indication of possible criminal violation, then such notification will be made to agency, sponsor, and ORI by close of business the following working day.
3. If an allegation is found to be unsupported but has been submitted in good faith, no further action, other than informing all involved parties, will be taken. The proceedings of an inquiry, including the identity of the Respondent, will be held in strict confidence to protect the parties involved. The University will take reasonable steps to minimize the damage to reputations that may result from inaccurate reports. The University will undertake diligent efforts to protect the position(s) and reputation(s) of good faith Complainant as well as falsely accused Respondents.
4. If the Committee finds the allegations to be unjust and malicious, the Committee will report those findings to the Provost and Vice President for Academic Affairs. At this time, the Provost and Vice President for Academic

Affairs may take such actions, or impose such sanctions, as are appropriate to the situation. The University will undertake diligent efforts to protect and restore the position(s) and reputation(s) of falsely accused Respondents when allegations are not confirmed.

5. If the University plans to terminate an inquiry or investigation for any reason without completing all relevant requirements of this policy, the Provost and Vice President for Academic Affairs will submit a report of the planned termination to ORI, including a description of the reasons for the proposed termination.
6. The completion of an inquiry is marked by a determination by the President of the University whether or not an investigation is warranted.
7. After completion of a case and all ensuing related actions, the Provost and Vice President for Academic Affairs will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the Provost and Vice President for Academic Affairs or committees. The Provost and Vice President for Academic Affairs will keep the file for three (3) years after completion of the case to permit later assessment of the case. ORI or other authorized DHHS personnel will be given access to the records upon request.

#### 5.04 Investigation and Determination

##### a. Purpose

An investigation will be initiated when an inquiry issues a finding that investigation is warranted. The purpose of investigation is to explore the allegations further and determine whether misconduct in research and scholarship has been committed. The investigation will focus on accusations of misconduct as defined previously and examine the factual materials of each case. In the course of an investigation, additional information may emerge that justifies broadening the scope of the investigation beyond the initial allegations. The Respondent will be informed in writing when significant new directions of investigation are undertaken.

b. Structure

1. The Provost and Vice President for Academic Affairs will, after a decision to proceed with a formal investigation, and after consultation with the Associate Vice President for Research and Sponsored Programs, appoint an Investigating Committee of no less than three (3) persons. At least two (2) members will be senior faculty who are without conflict of interest, hold no appointment in the department(s) of either the Complainant(s) or the Respondent(s), and have appropriate expertise for evaluating the information relevant to the case. At least one member shall not be associated with Sam Houston State University. No member of the Committee of Inquiry shall serve on the Investigating Committee. Every effort will be made following receipt of the report of the Committee of Inquiry to appoint an Investigating Committee within fifteen (15) working days, but the Committee must be appointed and investigation initiated within thirty (30) working days of the determination of the need for an investigation.
2. On or before the date an investigation begins, the Provost and Vice President for Academic Affairs will report that fact in writing to ORI. At a minimum, the notification should include the name of the Respondent(s), the general nature of the allegation as it relates to the definition of scientific misconduct, and any PHS applications or grant numbers involved. ORI must also be informed of the final outcome of the investigation, and must be provided with a copy of the Investigation Report. Any significant variations from the provisions of the institutional policies and procedures should be explained in any reports submitted to ORI.
3. At its first meeting, the Committee will elect a chair to handle procedural and administrative matters. The Provost and Vice President for Academic Affairs will prepare a charge for the Investigating Committee that describes the allegations and any related issues identified during the Inquiry, define scientific misconduct, and identify the name of the Respondent. The charge will state that the Committee is to evaluate the evidence and testimony of the Respondent, Complainant, and key witnesses to determine whether based on a preponderance of the evidence, scientific misconduct occurred and, if so, to what extent, who was responsible, and its seriousness. The Provost and Vice President for Academic Affairs, with the assistance of institutional counsel,

will review the charge, the Inquiry Report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. All Committee members are voting members.

4. Hearings are confidential to the extent allowed by law and may be declared closed by request of any of the principals. Written notification of hearing dates and copies of all relevant documents will be provided by the Provost Vice President for Academic Affairs in advance of scheduled meetings. At the option of the Committee, proceedings will be either recorded or transcribed and will be made available to involved parties upon request. During the investigation, if additional information becomes available that substantially changes the subject matter of the investigation or would suggest additional Respondents, the committee will notify the Provost and Vice President for Academic Affairs, who will determine whether it is necessary to notify the Respondent of the new subject matter or to provide notice to additional Respondents.
5. Every effort should be made to complete the investigation within 120 calendar days. However, it is acknowledged that some cases may render this time period difficult to meet. In such cases, the Investigating Committee



making the allegations or of the individual(s) who is (are) the subject of the allegations as well as his/her investigators and associates, if any; or (d) it is probable that the alleged incident is going to be reported publicly. If at any point during the process there is a reasonable indication of possible criminal violation, then such notification will be made to agency, sponsor, and ORI by close of business the following working day.

- d. The Provost and Vice President for Academic Affairs will promptly advise OR of any developments during the course of the investigation which disclose facts that may affect current or potential DHHS23.28 0 Td es ( o7b)-2 (t)-2 (i4P(r )5









