



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

**OP 74.02: Conduct of Research and Scholarly Activity**

**DATE:** August 13, 2020

**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to outline and delineate the policies and procedures of the university with regard to the conduct of research and scholarly activity by members of the faculty.

**REVIEW:** This OP will be reviewed in June of even-numbered years by the Senior Associate Vice President for Research with substantive revisions presented to the Vice President for Research and the Provost and Senior Vice President (PSVP).

**POLICY/PROCEDURE**

**1. Rights and Responsibilities of Faculty Members**

Scholarly activity, which includes research, is vital to the university's teaching and public service missions. Hence, within the framework of existing university policies, a faculty member is free to:

- a. Choose the subject of research or scholarly activity;
- b. Initiate and conduct such activity;
- c. Seek the necessary resources to conduct such activity, and to exercise responsible control over those resources; and
- d. Disseminate the results of such activity in an appropriate manner.

In return for this freedom to conduct scholarly activity and research, a faculty member is responsible for:

- (1) Maintaining professional integrity within and external to the university; and
- (2) Honoring professional obligations to the university and, when relevant, to external funding entities.

**2. Rights and Responsibilities of the University**

- a. Normally, the university will not intervene in the research or scholarly activity of a faculty member except to render, where possible, assistance to the individual conducting the activity. In a few specialized situations, however, it may be necessary for the university to suspend, modify, or terminate the scholarly activity or research of a faculty member for adequate cause. Adequate cause for such action includes:

- (1) Demonstrated evidence of professional incompetence, supported by documentation;
  - (2) Continuing or repeated substantial neglect of professional responsibilities;
  - (3) Professionally unacceptable activity in the conduct of scholarly work (plagiarism; fabrication or falsification of sources, data, results, or analyses; research fraud, etc.);
  - (4) Mental, cognitive, or physical disability of continuing nature that is sufficient to prevent continued direction of the activity.
- b. Additionally, when irresolvable administrative or technical disputes arise between principal investigators on research projects funded by an external entity, the university administration may intervene in the role of arbitrator to settle the dispute when intervention is invited by one or more of the faculty members involved, or upon administrative determination that the dispute seriously jeopardizes the contractual obligations of the university.
- c. There also may be some research projects at the university where the impetus for the initiation and promotion of the project originated administratively within the university. Such "institutional" projects are then carried on for the university by one or more faculty members, with one of those faculty members serving as director of the project for the university. The director of such a project holds an appointive administrative position and he/she may be replaced by the university if there is clear evidence that this will expedite or materially enhance the conduct of the project.
- d. When working with external funding entities regarding the support of specific research projects, university officials should not normally conduct substantive negotiations or discussions with officials of the external funding entity unless the faculty member who is or will be principal investigator of the project is first notified of the proposed discussions and content thereof. When notification cannot be effected before substantive discussions occur, the principal investigator should be notified promptly of the content of such discussions when they are concluded or when the faculty member is contacted, whichever occurs first.
- e. As a publicly supported institution, the university undertakes only those sponsored projects that fall within its mission of advancing knowledge through creative and innovative teaching, research, and scholarship; enhancing student success; and contributing to the cultural and economic development of the state, nation, and world. There is an expectation that project results be disseminated to students, colleagues, professionals in the discipline, and to the public. Additionally, restrictions placed on publication in sponsored project agreements may have implications for export controls and for taxes. The university will accept limited prior review of publications:
- (1) To prevent disclosure of sponsor confidential information; or
  - (2) To preserve patent rights.

Restrictions on publication beyond these two purposes require specific approval of the appropriate dean(s) following a procedure established by the Office of Research Services.

### 3. Procedures for Administrative Intervention in Scholarly Activity and Research

- a. When a university administrator (beginning at the level of department chairperson) has intervened or proposes to intervene in scholarly activity or research not funded by an external entity and the affected faculty member has a grievance, then the matter shall be handled in accordance with the university's faculty grievance procedures as outlined in [OP 32.05, Faculty Grievance Procedures](#).
- b. Administrative intervention in scholarly activity or research funded by an external entity may have potentially serious and irreparable consequences for the faculty member and for the university. Therefore, the following statements and special procedures govern administrative intervention in externally funded activity:
  - (1) The PSVP is the university administrator primarily responsible for the decision to terminate or revise, through appropriate administrative channels, a faculty member's externally funded activity.
  - (2) Should problems arise with respect to a faculty member's externally funded activity, the PSVP or other concerned administrators shall attempt to resolve these problems through informal discussion with the faculty member.
  - (3) If informal discussion with the faculty member fails to produce a mutually agreeable solution, or if the faculty member declines informal discussion, and a university administrator believes that adequate cause exists to terminate or revise the faculty member's externally funded activity, the PSVP shall notify the affected faculty member of the proposed termination or revision and the reason therefore, and refer the matter to a Research Advisory Committee.
  - (4) The Research Advisory Committee shall be composed of three persons selected on the basis of their ability to evaluate the reason for the proposed intervention and its impact on the affected faculty member, on the research activity, and on the university. The first member will be selected by the PSVP from a list of five faculty members submitted by the affected faculty member. The second member will be selected by the PSVP from the non-administrative faculty. The third member will be selected by the PSVP from membership of the Faculty Grievance Panel. The affected faculty member shall have the right to disqualify the Vice President's selection of either the second or the third member (but not both). If the faculty member's single disqualification is exercised, the Vice President shall select a replacement from the appropriate group. This replacement member is not subject to disqualification. Failure of the affected faculty member to provide a list of five faculty members shall be construed as a waiver of the right to have the matter heard by the Research Advisory Committee. Selection of the Research Advisory Committee shall be completed within five days.
  - (5) Within five days from formation of the Research Advisory Committee, the administration and the affected faculty member shall present their respective positions and any supporting materials to the committee for its advice.
  - (6) The committee will report in writing to the PSVP and the affected faculty member within one week from completion of the hearing, and its report will advise that the proposed intervention is either justified or not justified or will recommend an alternate solution to the problem.

- (7) After receipt of the committee's advice, the PSVP will withdraw or implement the proposed intervention or take other action deemed appropriate under the circumstances.
- (8) The procedures and time limits prescribed in section 3.b.(1) through (7) shall be followed unless extraordinary circumstances of imperative necessity prevent their implementation. Time limits may be varied upon the mutual consent of the PSVP, the affected faculty member, and, when relevant, the Research Advisory Committee.
- (9) If the affected faculty member is not satisfied with the administrative action taken, the faculty member may then appeal directly to the President of the university, who shall hear the appeal in accordance with sections 3 and 4 of the *Faculty Grievance Procedures*, except that no person who served on the Research Advisory Committee shall serve on the President's Grievance Committee.