Texas Tech University  
Operating Policy and Procedure

**OP 74.08: Allegations of Misconduct in Research or Scholarly Activity**

**DATE:** August 24, 2004

**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to outline and delineate the procedures that will be followed in the event that an allegation of misconduct in research or scholarly activity should be made against a member of the faculty, a member of the staff, or a student at Texas Tech University. The policy covers only activities associated with original research and scholarship and creative activity; it does not cover other areas of academic conduct, such as integrity in class or course work, which are covered by other policies. The intent of this policy is to provide an institutional response to any such accusations of misconduct and, at the same time, to ensure that the individual accused of such misconduct has full opportunity to refute the allegations and present the pertinent facts.

**REVIEW:** This OP will be reviewed by February 1 of each odd-numbered year by the associate vice president for research with recommendations for revision forwarded to the vice president for research, technology transfer, and economic development (VPRTTED) and the provost.

**POLICY**

Recent experience at several United States universities indicates that, from time to time, an allegation of misconduct in research or scholarly activity may be made against a member of an institution's faculty. "Misconduct" means:

- Fabrication, falsification, plagiarism, or other serious deviation from accepted practices in proposing, conducting, or reporting results from research;
- Material failure to comply with federal requirements for protection of researchers, human subjects, or the public, or for ensuring the welfare of laboratory animals; or
- Failure to meet other material legal requirements governing research.
- Fraudulent conduct in research and scholarship is antithetical to accepted academic practice. All members of the university community are responsible for reporting instances of misconduct in research or scholarly activity.
PROCEDURE

If an allegation of misconduct in research or other scholarly activity is made against a member of the Texas Tech University faculty, staff, or student body, the allegation shall be dealt with in the following manner:

1. Inquiry

   a. Allegations of fraud or misconduct should be directed to the dean of the college or school in which the faculty or staff member is appointed or in which the student is enrolled. Allegations concerning staff members who are not a part of a college or school and allegations that involve more than one college or school should be directed to the associate vice president for research (AVPR). Upon receipt of a formal, signed allegation of misconduct or fraud, the dean or the AVPR shall initiate an inquiry.

   b. An inquiry shall consist of information gathering and initial fact finding to determine whether an allegation of misconduct warrants an investigation. Inquiry procedures will be determined by the circumstances of the allegations, but shall include notification of the individual against whom the allegation is made. The inquiry shall be completed within 60 days after receipt of the allegation.

   c. All persons involved in the inquiry shall make diligent efforts to protect the identity of the complainant during the inquiry phase. If the process reaches the investigative phase, the right of the respondent to confront the complainant may require that the identity of the complainant be revealed.

   d. A report of the inquiry shall be made in writing. If a dean conducts the inquiry, the dean shall forward the report to the AVPR. Reports of inquiries shall be maintained in the office of the AVPR for a period of three years.

   e. If results of the inquiry indicate that the allegation was made with malicious intent, the AVPR shall determine what action should be taken against the complainant.

2. Investigation

   a. If the finding of the inquiry is that an investigation is warranted, the AVPR shall appoint an ad hoc committee within 30 days of receiving the report of the inquiry to:

      - Review and investigate the charges;
      - Hear testimony from the parties concerned; and, after careful deliberation,
      - Report to the AVPR the committee's findings as to whether or not the allegations have, in the committee's opinion, sufficient basis in fact for the university to consider disciplinary action against the individual.

   b. The ad hoc committee will consist of five persons chosen by the AVPR, in consultation with the chairperson or other appropriate official having administrative jurisdiction over the academic unit in which the individual holds principal academic appointment. Insofar as possible, the members of the committee will be persons having sufficient acquaintance with research and scholarship in the discipline in question so that they can assess the allegation. In appointing the investigating committee, the AVPR shall select impartial experts and make efforts to avoid real or apparent conflicts of interest.
c. The investigating committee shall complete the investigation within 120 days. If the committee judges that disciplinary action is warranted, the committee will also make a recommendation to the AVPR concerning what action should be taken. Possible disciplinary actions include, but are not limited to:

- Issuing a formal reprimand;
- Requiring special administrative arrangements to ensure compliance with applicable regulations;
- Restricting particular research activities;
- Removing the individual from the graduate faculty; and
- Filing a formal charge of unfitness for continued employment at Texas Tech University.

3. Action

a. If the investigation involves a project funded by the Public Health Service (PHS), the National Science Foundation (NSF), or other agencies that have mandated notification policies, the AVPR shall immediately inform the agency in accordance with agency policy and, throughout the course of the investigation, shall continue to notify the agency as required by agency policy.

b. Following the investigation, the AVPR shall forward the committee's findings and recommendation to the VPRTTED, who shall decide in consultation with the provost what action should be taken. If appropriate, the AVPR shall take interim administrative actions to protect federal funds and ensure that the purposes of the grant or contract are being carried out. If the VPRTTED determines that a faculty member should be formally charged with unfitness for employment, the further disposition of the case will be in accordance with the procedure prescribed in the current faculty handbook.

c. Documentation substantiating the committee's findings shall be maintained in the office of the AVPR for a period of three years following the close of the investigation and the acceptance of any reports required by federal agencies.

4. Appeal

a. Any person who has been found by the preceding procedures to have committed misconduct in research or scholarly activity shall have the right to appeal that finding to the provost, if it can be shown that the committee:

- Did not consider all available evidence;
- Did not provide for due process for the accused; or
- Made the determination in an arbitrary, capricious, or prejudicial manner.

This appeal must be filed in writing within 14 days after the accused is informed of the committee's finding. Failure of the accused to appeal to the provost within the prescribed time limits will make the decision of the AVPR final.

b. Within 14 days of receiving an appeal, the provost shall begin review and investigation of the committee's finding, and shall issue a decision on the appeal within 45 days of the appeal. In considering the appeal, the provost may act alone or involve others, as appropriate. The decision of the provost shall be final.