



## 15.99.03.E1 Research Misconduct (Non-faculty Employees)

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Approved December 17, 1997

Revised August 31, 2011

Revised May 24, 2019

Revised December 12, 2025

Next Scheduled Review: December 12, 2030

Supplements System Regulation 15.99.03

### Rule Summary

The Texas A&M Engineering Experiment Station (TEES) is committed to maintaining the highest standards of honesty and integrity in all research activities. This rule addresses the handling of allegations of research misconduct and applies to TEES non-faculty employees.

### Procedures and Responsibilities

#### 1. GENERAL

- 1.1 TEES strives to maintain superior standards in all research activities and expects employees and other persons participating in TEES research projects and/or support activities to do likewise.
- 1.2 This rule applies to allegations of misconduct in research activities for non-faculty employees. Allegations involving faculty members fall under the employing The Texas A&M University System member's procedures.
- 1.3 Allegations of suspected research misconduct can be reported to an agency official or via the [Risk, Fraud and Misconduct Hotline](#).
- 1.4 Respondents, complainants, witnesses, and other persons will cooperate with inquiry and investigation activities.
- 1.5 All individuals will be treated fairly and protected against retaliation from reporting suspected research misconduct or cooperating with an inquiry and/or investigation. Any suspected retaliation will be reported to the Deciding Official.
- 1.6 Disclosure of the identity of respondents, complainants, witnesses, and research subjects during proceedings is limited, to the extent possible, to



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those who need to know. Throughout research misconduct proceedings, all reasonable and practical steps must be taken to protect the positions and reputations of complainants, witnesses, and committee members from retaliation.

- 1.7 Timelines for inquiries and/or investigations must be in accordance with System Regulation 15.99.03, and/or sponsor requirements.

**2. DUTIES**

**2.1 DECIDING OFFICIAL**

The TEES Director will serve as the Deciding Official (DO).

2.1.1 The DO appoints the Research Integrity Officer (RIO). The DO and RIO cannot be the same individual.

2.1.2 The DO makes final determinations on allegations of research misconduct and decides any actions after the completion of an investigation.

**2.2 RESEARCH INTEGRITY OFFICER**

The TEES Deputy Director will serve as the RIO. The RIO should have prior research experience.

2.2.1 The RIO serves as the primary individual responsible for managing research misconduct proceedings and carrying out the requirements of this rule and System Regulation 15.99.03. The RIO's duties include but are not limited to: Conducting the assessment of an allegation of research misconduct; Managing inquiry and investigation committees; Preparing and maintaining all documentation gathered or generated during the research misconduct proceeding (the institutional record).

**2.3 INSTITUTIONAL CERTIFYING OFFICIAL**

TEES Deputy Director will serve as the Institutional Certifying Official (ICO).

2.3.1 The ICO ensures that the institution has written policies and procedures for addressing allegations of research misconduct and complies with them.



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**3. PROCESSING ALLEGATIONS OF MISCONDUCT: ASSESSMENT, INQUIRY,  
AND INVESTIGATION**

**3.1 ASSESSMENT**

3.1.1 Upon receiving an allegation of research misconduct, the RIO will promptly assess the allegation to determine whether the allegation meets the requirements for an inquiry in accordance with the definition of research misconduct according to System Regulation 15.99.03 and/or sponsor requirements.

3.1.2 The allegation must be sufficiently credible and specific so that potential evidence of research misconduct may be identified.

**3.2 INQUIRY**

3.2.1 The inquiry is an initial review of the evidence to determine whether the allegation has substance and warrants a formal investigation.

3.2.2 The inquiry is conducted by an inquiry committee comprised of the RIO and other committee members appointed by the DO.

3.2.3 The inquiry committee will not determine if research misconduct occurred, as such a determination can only be made after an investigation.

3.2.4 At the conclusion of the inquiry, a written report will be prepared and provided to the DO.

3.2.5 An investigation is warranted when there is a reasonable basis for concluding that the allegation continues to fall within the definition of research misconduct and preliminary information indicates that the allegation may have substance.

**3.3 INVESTIGATION**

3.3.1 If the inquiry provides sufficient basis for conducting an investigation, one will be conducted following System Regulation 15.99.03.

3.3.2 Notifications must be made before beginning the investigation.

3.3.3 The investigation is a formal examination of relevant facts to determine if misconduct has occurred.



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3.3.4 An investigation will be conducted by a committee appointed by the DO. The investigation committee may include members of the inquiry committee and must include members with appropriate scientific expertise relevant to the allegation.

3.3.5 At the conclusion of the investigation, a written report will be prepared and provided to the DO, and address whether or not the investigation committee made a finding of research misconduct and any recommended actions.

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4.1 The DO will review the investigation committee report and make a final determination of whether or not there were findings of research misconduct and what actions will be taken.

4.2 The DO considers the seriousness of the misconduct, including the degree to which it was intentional, knowing, or reckless, when determining sanctions.

4.3 The DO's decision must be in writing.

4.4 Respondents whose employment is terminated based on the DO's decision may pursue available means of appeal as provided by System Regulation 32.01.02, *Complaint and Appeal Process for Nonfaculty Employees*.

### **Related Statutes, Policies, or Requirements**

[System Regulation 15.99.03, Research Misconduct](#)

[TAMU Rule 15.99.03.M1, Research Misconduct](#)

[42 CFR, Part 93](#)

[45 CFR, Part 689](#)

### **Definitions**

Unless otherwise stated, all terms used in this rule will have the meaning assigned by System Regulation 15.99.03.

### **Contact Office**

Deputy Director  
(979) 458-5714