

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Research Misconduct

**Regulation and Procedure
Number: URP: 02.435**

Policy Owner: Academic Affairs

POLICY STATEMENT

Texas Woman's University ("TWU") encourages and maintains the highest ethical standards in research. TWU is responsible for the prevention, detection, and investigation of research misconduct and shall take action to ensure the integrity of research, the protection of the rights of research subjects and the public, the protection of the health and safety of the public, and the observance of legal requirements related to all research funding. All persons engaged in research at TWU are responsible for fostering an environment that promotes intellectual honesty and integrity in research. The purpose of this URP is to outline the procedures for responding to research misconduct allegations in a thorough, competent, and fair manner.

APPLICABILITY

This policy is applicable to TWU Faculty and Students.

DEFINITIONS

1. "Allegation" means any written or oral statement of possible research misconduct made to an institutional official.
2. "Complainant" means a person who makes an allegation of research misconduct.
3. "Conflict of Interest", as used in this URP, means the 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.
4. "Evidence" means any document, tangible item, or testimony offered or obtained during a research misconduct proceeding that tends to prove or disprove the existence of an alleged fact.

5. “Good Faith Allegation” means an allegation made with the honest belief that research misconduct may have occurred. An allegation is not in good faith if it is made with knowing or reckless disregard for facts that would negate the allegation or testimony.
6. “Inquiry” means preliminary gathering of information and fact-finding to determine whether an allegation of apparent instance of research misconduct warrants an investigation.
7. “Institutional Member” means a person who is employed by, is an agent of, or is affiliated by contract or agreement with TWU. Institutional members may include, but are not limited to, officials, tenured and untenured faculty, teaching and support staff, researchers, research coordinators, clinical technicians, postdoctoral and other fellows, students, volunteers, agents, and contractors, subcontractors, and subawardees, and their employees.
8. “Investigation” means the formal development of a factual record and the examination of that record leading to a decision not to make a finding of research misconduct or to a recommendation for a finding of research misconduct which may include a recommendation for other appropriate actions, including
9. “Research Integrity Officer (RIO)” means the institutional official responsible for assessing allegations of research misconduct and determining when such allegations warrant inquiries and for overseeing inquiries and investigations. The Research Integrity Officer is also the institutional official who makes final determinations on allegations of research misconduct and any responsive institutional actions. The Vice Provost for Research and Innovation and Dean of the Graduate School (“VPRI/DGS”), or his or her designee, will serve as the Research Integrity Officer.
10. “Research” means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.
11. “Research Misconduct” means fabrication, falsification, or plagiarism (including self plagiarism) in proposing, performing, or reviewing research, or in reporting research results.
 - a. “Fabrication” means making up data or results and recording or reporting them.

- b. "Falsification" means manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
 - c. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
 - d. Research misconduct does not include honest errors or honest differences of opinion or interpretations of data.
 - e. A finding of research misconduct requires that:
 - i. There be a significant departure from accepted practices of the relevant research community,
 - ii. The misconduct be committed intentionally, knowingly, or recklessly, and
 - iii. The allegation be proven by a preponderance of the evidence.
12. "Research Record" means the record of data or results that embody the facts resulting from scientific inquiry, including but not limited to research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and any documents and materials provided to an institutional official by a respondent in the course of the research misconduct proceeding.
13. "Respondent" means the person against whom an allegation of research misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one Respondent in any inquiry or investigation.
14. "Retaliation" means any adverse action taken against an individual in response to a good faith allegation of research misconduct, or good faith cooperation with research misconduct proceedings of the University.
15. "Self Plagiarism" is the reuse of significant, identical, or nearly identical portions of one's own work without acknowledging that one is doing so or citing the original work.

REGULATION AND PROCEDURE

I. General Information

- A. This URP applies to allegations of research misconduct involving: a person who, at the time of the alleged research misconduct, was employed by, was an agent of, or was affiliated by contract or agreement with TWU; and (1) research, research training, or activities related to that research or research training; (2) applications or proposals for research training or activities related to that research or research training; or (3) plagiarism of research records produced in the course of research training or activities related to that research or research training. This includes any research proposed, performed, reviewed, or reported, or any research record generated from that research, regardless of whether or not funding was sought from any source.

- B. This URP is intended to comply with the research misconduct requirements of the Federal Research Misconduct Policy, the U.S. Public Health Service (PHS) (42 C.F.R. Part 93), and any other applicable research misconduct requirements of agencies or entities providing research funding to TWU. This URP applies only to allegations of research misconduct that occurred within six years of the date TWU received the allegation, subject to the subsequent use, health or safety of the public, and grandfather exceptions in 42 CFR § 93.105(b).

II. Responsibility to Report Misconduct

All TWU members shall report observed, suspected, or apparent research misconduct to the VPRI/DGS. Any TWU official who receives an allegation of research misconduct must report it immediately to the VPRI/DGS.

III. Protecting the Complainant

The Research Integrity Officer will make reasonable and practical efforts to counter potential and or actual retaliation against these persons in the terms and conditions of their employment or other status at the institution and will review instances of alleged retaliation for appropriate action. TWU will undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations.

IV. Protecting the Respondent

Inquiries and investigations will be conducted in a manner that will ensure fair treatment to the Respondent(s) in thoroughly carrying out the inquiry or investigation, and confidentiality to the extent possible without compromising public health and safety.

V. Inquiry and Investigation

A. The VPRI/DGS shall conduct an initial assessment and will have oversight of the inquiry and investigation.

B. The Research Integrity Officer will:

1. Appoint the inquiry and investigation committees and ensure that necessary and appropriate expertise is secured to carry out a thorough and authoritative evaluation of the relevant evidence in an inquiry or investigation.
2. Attempt to ensure that confidentiality is maintained.
3. Assist inquiry and investigation committees and all institutional personnel in complying with these procedures and with applicable standards imposed by government or external funding sources.
4. Be responsible for securing and maintaining the confidentiality of all documents and evidence.
5. Report to external sponsors of research, as required by regulation.
6. Receive the inquiry and/or investigation report and any written comments made by the Respondent on the draft report.
7. Consult with other officials as appropriate and will determine whether to conduct an investigation, whether misconduct occurred, whether to impose sanctions, or whether to take other appropriate actions.

C. TWU shall, in the course of addressing research misconduct:

1. Ensure that individuals responsible for carrying out any part of the research misconduct proceeding do not have unresolved personal, professional, or financial conflicts of interest with the complainant, respondent, or witnesses;
2. Protect the confidentiality of respondents, complainants, and research subjects identifiable from research records or evidence to the extent that is reasonable;

3. Notify the respondent of the allegation(s), provide the opportunity for the respondent to submit written comments on the inquiry report and the draft report of the investigation, and ensure that institutional investigators consider and address the comments before issuing the final report;
 4. Notify and make reports to the relevant office of an involved funding entity in accordance with federal, state, and funding entity requirements;
 5. Follow approved protocols for handling research records and evidence;
 6. Take appropriate interim action to protect public health, funds and equipment, and the integrity of the research process and notify funding sources of facts relevant to this protection;
 7. Make all reasonable and practical efforts, if requested and as appropriate, to protect or restore the reputation of persons alleged to have engaged in research misconduct but against whom no finding of research misconduct is made;
 8. Make all reasonable and practical efforts to protect or restore the position and reputation of any complainant, witness, or investigator, and to counter potential or actual retaliation against these complainants, witnesses, and investigator; and
 9. Cooperate fully with funding sources during oversight reviews or any subsequent administrative hearings or appeals.
- D. The VPRI/DGS shall be responsible for all administrative aspects of research misconduct proceedings including documentation, coordination, notification, and record maintenance in accordance with federal, state, funding agency and University requirements. The VPRI/DGS is authorized to update and modify procedures as necessary to comply with federal, state, funding agency, and University regulations. The Executive Vice President for Academic Affairs and Provost will review the inquiry report and determine the appropriate institutional actions in cases involving faculty and staff members. The Vice President for Student Life or his or her designee will oversee academic dishonesty disciplinary proceedings in cases involving students in accordance with the Student Handbook.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

None

FORMS AND TOOLS

None

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