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Academic Misconduct Policy for
Graduate and Professional Students
University of Houston

UCC Certified

Article 1. General Provisions

1.01 Definition. This policy describes two areas where misconduct may occur in academic settings: academic honesty and the ethical conduct of research. This document includes definitions and potential consequences for both types of misconduct. The policy addresses academic honesty first. Information regarding Ethical Conduct in Academic Research and Scholarship appears at the end of this document.

1.02 General Jurisdiction. Matters relating to Academic Honesty are within the general jurisdiction of the senior vice president for academic affairs and provost. Allegations of scientific misconduct against students engaged in research supported by funding from the university or other sources will be handled according to the University of Houston Ethical Conduct in Academic Research and Scholarship Policy found at the end of this document.

1.03 Rationale for the Policy on Academic Honesty. The university can best function and accomplish its objectives in an atmosphere of high ethical standards. It expects and encourages all students, faculty and staff to contribute to such an atmosphere in every way possible and especially by observing all accepted principles of exemplary academic conduct. It is recognized, however, that a large university will include a few students who do not understand, appreciate, and practice these principles. As a consequence, alleged cases of academic misconduct will inevitably occur, and students will be accused. The following procedures are designed to handle these cases in fairness to all concerned: the accused student, the faculty, and the university.

1.04 College with Jurisdiction. Specific jurisdiction in academic honesty matters rests in each college of the university. The college with jurisdiction is determined by the course in which dishonesty occurs. If the student is pursuing a degree in a college other than that offering the course, the college offering the course has jurisdiction, but the dean of the student's academic college will be informed. If the college with jurisdiction cannot be determined from the relationship between the alleged actions of a student or group of students and a particular course, then the Provost will designate which has jurisdiction.

1.05 Colleges to which the Policy Applies. The policy on academic honesty applies to all colleges within the university. However, any college may present to the Provost a code separate from this university policy. After approval by the Provost, and after such publication as the Provost shall direct, academic honesty matters over which that college has jurisdiction shall be governed by that code. Honor systems within the professional colleges are especially encouraged.

1.06 Questions Regarding Applicability of Policies. All questions regarding the applicability of college codes or university policy or special provisions of either shall be determined finally by the Provost.

1.07 Compass of Actions Taken Against Students. Actions taken against students are university-wide in their effect.

1.08 Faculty Responsibility. Faculty have the responsibility of reporting incidents of alleged academic dishonesty through their department chair to their dean, unless the matter is resolved in accordance with article 5.01.

1.09 Student Responsibility. Students shall have the responsibility of reporting incidents of alleged academic dishonesty to the instructor involved, or to the appropriate authority if the alleged act is not associated with a specific class.

1.10 Purpose of Procedures. The purpose of these procedures is to provide for the orderly administration of the Academic Honesty Policy consistent with the principles of due process of law. Reasonable deviations from these procedures will not invalidate a decision or proceeding unless the Provost determines, upon written appeal from the accusing and/or accused parties, that it will result in prejudice to one or more of the parties involved.

1.11 Instructor Responsibility. Instructors shall have the responsibility of taking action with respect to incidents of alleged academic dishonesty in accord with this Academic Honesty Policy.

1.12 Definitions.

1.12.01 Class Day. Class days, for purposes of this policy, are defined as days the university is open and classes are meeting (excluding Saturdays).

1.12.02 Internal Use. Internal use defines who has access to a student's records. Records for internal use will be released only to University of Houston officials who have an educational need to know the information.

1.12.03 Permanent Record. Permanent record includes documents, forms, copies, reports, statements, tape recordings, etc. that are acquired while a student attends the University of Houston. The information is available to outside sources according to the procedures established by the Family Education Rights and Privacy Act.

1.12.04 Sanction. Sanction means the penalty assessed for a violation of the Academic Honesty Policy.

1.12.05 Instructor. Instructor refers to a faculty member, lecturer, teaching assistant, or teaching fellow in charge of the section in which an alleged violation of this Academic Honesty Policy has occurred. Such individuals will normally be the instructor of record of the course section in question. In instances where this is not the case, instances of alleged cheating should be reported to the supervisor (e.g., laboratory supervisor) of the instructor as well as the chair.

1.12.06 Chair. Chair refers either to the Chair of the department responsible for the course in which an alleged violation of the academic honesty policy occurs or to his/her designated representative. If the college responsible for the course in question does not have individual departments, Chair as used

below shall refer to the individual designated by the dean of the college to act as hearing officer in academic honesty cases.

1.12.07 Dean. Dean refers to either the Dean of the College containing the department offering the course in which the alleged violation of the academic honesty policy occurs or to his/her designated representative (Hearing Officer).

1.12.08 Student. Student refers to any individual who has ever registered and paid (made a complete payment or has made at least one installment payment) for a course, or courses at the University of Houston. This definition would normally include graduates, pre-graduates, post-baccalaureates (only if they are taking graduate courses), professional school students and individuals auditing graduate courses.

1.13 Notification. All required written notices shall be addressed to the student at his/her local address as it appears on University of Houston records and deposited in the U.S. mail as a certified, return-receipt required document. A notice properly addressed and so deposited shall be presumed to have been received by the student. It is the responsibility of the student to inform the University of a change of address in a timely manner so that University records can be accurately maintained.

Article 2. Preventive Practices

2.01 Preventive Measures. Instructors can help students comply with the academic honesty policy by minimizing temptation to act dishonestly. Measures instructors should consider are:

- a. Maintaining adequate security precautions in the preparation and handling of tests;
- b. Structuring the type and sequence of examination questions so as to discourage dishonesty;
- c. Providing ample room for proper spacing of students during examinations, if room is available;
- d. Monitoring examinations, especially in large classes and in classes where not all students are known to the instructor or the assistant;
- e. Making clear to their students, in writing, what constitutes academic dishonesty, particularly in those classes where group activities (laboratory exercises, generation of field reports, etc.) are part of the instructional process; and defining for their students particular aspects of dishonesty, such as plagiarism.
- f. Requiring students to show a picture ID and sign major assignments and exams; and
- g. Helping raise consciousness of the issue of academic honesty by asking students to sign an honor pledge in the first week of class and to write a short pledge in their own hand on their major assignments.

Article 3. Categories of Academic Dishonesty

3.01 Application of the Academic Honesty Policy. This policy applies only to those acts of dishonesty performed while the student is enrolled in the university.

3.02 Academic Dishonesty Prohibited. "Academic dishonesty" means employing a method or technique or engaging in conduct in an academic endeavor that the student knows or should know is not permitted by the university or a course instructor to fulfill academic requirements. Academic dishonesty includes, but is not limited to, the following:

- a. Stealing, as theft of test, test answers, or grade books, from faculty offices or elsewhere, or knowingly using stolen tests or materials in satisfaction of exams, papers, or other assignments; this includes the removal of items posted for use by the students.
- b. Using either written or electronic unauthorized notes ("crib notes") or the like to aid in answering questions during an examination;
- c. Securing another to take a test in the student's place; both the student taking the test for another and the student registered in the course are at fault;
- d. Representing as one's own work the work of another without acknowledging the source (plagiarism). This would include submitting substantially identical laboratory reports, obtaining material from electronic media such as the internet, or other materials in fulfillment of an assignment by two or more individuals, whether or not these used common data or other information, unless this has been specifically permitted by the instructor.
- e. Changing answers or grades on a test that has been returned to a student in an attempt to claim instructor error;
- f. Giving or receiving unauthorized aid during an examination, such as trading examinations, whispering answers, passing notes, and using electronic devices to transmit or receive information.
- g. Openly cheating in an examination, as copying from another's paper;
- h. Using another's laboratory results as one's own, whether with or without the permission of the owner;
- i. Falsifying results in laboratory experiments;
- j. Mutilating or stealing library materials; misshelving materials with the intent to reduce accessibility to other students;
- k. A student's failing to report to the instructor or department chair an incident which the student believes to be a violation of the academic honesty policy;
- l. Misrepresenting academic records or achievements as they pertain to course prerequisites or co-requisites for the purpose of enrolling or remaining in a course for which one is not eligible.
- m. Using wireless electronic devices capable of transmitting and/or receiving wireless signals in an exam room unless expressly permitted by the instructor. Students seen using such devices will be charged with academic dishonesty.

- n. Representing oneself as a person who has earned a degree without having earned that particular degree.
- o. Any other conduct which a reasonable person in the same or similar circumstances would recognize as dishonest or improper in an academic setting.

Article 4. Sanctions

4.01 Sanctions. The sanctions for confirmed breaches of this policy shall be commensurate with the nature of the offense, including any previous infractions. Sanctions may include, but are not limited to: a lowered grade, failure on the examination or assignment in question, failure in the course, probation, suspension from the University, expulsion from the University, or a combination of these.

4.02 Probation, Suspension, and Expulsion. The terms probation, suspension and expulsion as used herein refer to these sanctions only as they are imposed as a result of violations of this Academic Honesty Policy. All policies and procedures for the imposition and appeal of these sanctions are contained within this policy.

Article 5. Departmental Hearing

5.01 Prior to a Departmental Hearing. When an instructor has reasonable grounds to believe that a student has committed an act of academic dishonesty, the instructor may make a finding and impose an appropriate sanction, which if accepted by the student, ends the matter. The instructor should notify the Department and the College of the case and the agreed upon sanction. Before proposing a sanction to the student, the instructor should also check the records of this particular student with the Department and the College for prior violations, in order to decide on an appropriate sanction. If the student finds the instructor's sanction unacceptable, he can pursue a departmental hearing as described in paragraph 5.02 found below.

5.02 Departmental Hearing. When an instructor has reasonable grounds to believe that a student has committed an act of academic dishonesty, and the instructor and student have not been able to agree on an acceptable sanction, the instructor shall notify the Chair of the concerned department, in writing, within five class days of the end of the discussion between student and instructor described in 5.01 above. Students who believe they have observed an act of academic dishonesty shall report the incident to the instructor, as soon as possible, who shall report the incident in writing to the Chair within five class days. In case waiver of a hearing is an option as provided in Article 5.05, the Chair shall, within five class days of receiving the instructor's report, inform the accused in writing of the nature of the offense and recommended penalty, and ask the accused to select between the hearing and waiver options. If the Chair has not received a response within ten class days of the notification of these options, the Chair shall, within the next five class days, schedule a departmental hearing. In case waiver of a hearing is not an option, the Chair shall, within ten class days of receiving the instructor's report, schedule a departmental hearing. To schedule a departmental hearing, the Chair shall notify the instructor, the accused, and the accusing party, if other than the instructor, of the nature of the offense and the time and date of the hearing. Normally the accused shall be notified by email and certified mail. Should any of

the parties fail to appear, without good cause, at the departmental hearing, the Chair may render a decision in his/her absence.

Both sides shall have an opportunity to present their cases during the above hearing. This may include the introduction of physical evidence as well as testimony from individuals who have knowledge of the circumstances. If either side intends to have individuals appear at the hearing for such testimony or as legal counsel, the Chair must be notified at least three class days before the hearing. Counsel is only allowed to be present for the purpose of offering advice to the represented student, and may not participate directly in the departmental hearing. If either side will be advised by legal counsel, the hearing cannot be held with such counsel in attendance unless a representative from University of Houston legal counsel is also present.

The Chair shall render a decision within three class days after the hearing and forward copies of the decision to the student, instructor, and Dean of the college responsible for the course in which the alleged offense occurred. Both the accused student and the instructor have equal right of appeal if the decision of the Chair is not acceptable. If a written appeal is not received by the Dean of the college within ten class days of the decision at the departmental level, the action recommended by the Chair shall be implemented. A departmentally recommended penalty involving suspension or expulsion shall be reviewed in a college hearing unless such hearing is waived as provided in Article 5.06 below.

5.03 Colleges Without Departments. For colleges that do not have individual departments, the decision of the initial hearing officer designated by the Dean of the college shall constitute the equivalent of a departmental decision. Only if this decision is reviewed and upheld by the college by virtue of appeal or automatic review would a college decision be rendered. The hearing officer for the college appeal or review shall not be the initial hearing officer.

5.04 Group Violations of the Academic Honesty Policy. In instances where two or more students are alleged to be involved in the same infraction of the academic honesty policy, at the discretion of the Chair, the case against the whole group will be dealt with at a single hearing. The facts common to all cases will be presented with all students allegedly involved in attendance. Each student shall be allowed to present his/her defense to the Chair separately. If requested by the presenting student, such a defense shall be presented outside the hearing of the other students.

5.05 Waiver of Departmental Hearing. When notifying the chair of the alleged infraction, the faculty member shall have the option of suggesting, to the Chair, a sanction for the alleged violation of the Academic Honesty Policy that would, if acceptable to the student, instructor, and chair, preclude a departmental hearing. Such sanctions would normally include reduced or zero credit for a test assignment, a grade of 'F' in a course, or other such agreed upon sanctions. Sanctions involving disciplinary probation or sanctions requiring a college-level hearing cannot be used. In cases for which the instructor suggests a sanction so as to preclude the departmental hearing, the accused shall be notified, in writing, by the chair of the choice of: (1) acknowledging the alleged academic honesty violation, waiving the formal departmental hearing, and accepting the associated sanction; or (2) proceeding to a formal departmental hearing. Upon electing the waiver of a departmental hearing, the

student's name will be placed on a list that is maintained by the Department, the Dean's office and the Provost's office, until graduation. Following graduation the student's name should be removed from these lists at the request of the student. An agreement to settle an academic honesty infraction via a waiver of the formal departmental hearing will not result in any record being kept that is reflected on the student's transcript or his/her permanent record. The waiver of a departmental hearing process must be agreed to by the instructor, the student and the department chair. In the event that all three cannot agree to a waiver, the case must be moved to a formal departmental hearing. A student is allowed only one waiver of a departmental hearing during his/her entire academic career at the University of Houston. A formal departmental hearing will be scheduled should a student fail to respond to written notifications concerning the alleged infraction of the academic honesty policy.

5.06 Waiver of Automatic College Hearing. If a student wishes to accept a departmentally recommended sanction of suspension or expulsion, he or she may submit a written waiver form to the Dean of the College no later than ten class days after being notified of the departmental decision. The waiver form is issued from the Office of the Dean of the Graduate School only after the student has met with the Graduate School Dean (or his/her designated representative), who will ensure that the student is aware of his/her rights in the appeal process. The Dean of the College shall then implement the departmental decision and notify the appropriate parties of the disposition of the case within five class days of receipt of the waiver request. The sanction is considered a college level decision.

5.07 Conflict of Interest. When faculty responsible for the implementation of the Academic Honesty Policy (Deans, Chairs, or designated representatives) are themselves party to a case, they shall in no way participate in the administration of the policy. Such responsibilities shall pass to faculty and administrators not directly involved in the case.

Article 6. College Hearing

6.01 College Hearing. If either the student or the instructor wishes to appeal the decision of the departmental chair, he or she must file a written request for a hearing with the Dean of the college within ten class days of the department chair's decision. Within ten class days of receipt of such a request the Dean will set a time, date and place for the hearing. This hearing involves a de novo review by the college hearing panel.

6.02 Duties of the Dean. It shall be the duty of the Dean to:

- a. Select a pool of faculty to serve on the college academic honesty panel;
- b. Set and give notice of the time and place of the college hearing;

6.03 College Hearing Officer. The college hearing officer shall be appointed by the Dean. Normally the hearing officer will be appointed for a full academic year. Correspondence with the hearing officer should be addressed to the office of the dean of the college.

6.04 Duties of the College Hearing Officer. It shall be the duty of the college hearing officer to:

- a. Conduct the hearing in an orderly manner so that both sides are given an opportunity to state their case;
- b. Rule on procedural matters;
- c. Leave the hearing room during the panel's deliberations but remain available to answer questions on procedural matters; and
- d. Prepare and submit one copy of the decision to the College Dean, one copy to the Dean of the Graduate School, and one copy to the Provost. The college hearing officer shall not take part in the vote nor otherwise participate in the deliberations of the panel.

6.05 Academic Honesty Panel. The college academic honesty panel shall consist of three faculty members and two students. The panel will be selected by the college hearing officer from the pool of faculty selected by the Dean of the college, and from currently enrolled students of the college. In case of unavailability of members of the pool, the college hearing officer may select members of the panel from the general faculty. The chair of the panel shall be a faculty member appointed by the hearing officer.

6.06 Hearing Procedure.

- a. The date of the hearing must be adhered to. Any delay must be approved by the hearing officer. Only documented extenuating circumstances will be considered.
- b. All parties shall notify the hearing officer in writing of the name, address, and telephone number of their witness(es) and counsel, if any, at least three class days prior to the date of the hearing.
- c. The hearing may be mechanically recorded if the hearing committee requests it. The parties involved may obtain a copy of the recording from the hearing officer at the expense of the requesting party.
- d. All parties shall be afforded the opportunity for reasonable oral arguments and for presentation of witnesses and pertinent documentary evidence.
- e. All parties shall have the right to advice of counsel of choice. This individual may attend the hearing but shall not directly participate in the hearing or enter into argument with the parties present. The case presented to the panel must be made by the accusing individual and the accused student. The Chair to whom the accusation of a violation of the academic honesty policy was presented normally will attend the hearing and may serve as a witness. The instructor or other individuals who reported the alleged misconduct shall present the relevant evidence, including testimony by witnesses. The accused student shall then present his/her case, including testimony by witnesses. Neither party shall ask questions of or solicit testimony directly from the other party or its witnesses. Where it appears that there are matters of disputed fact, the hearing officer shall request the panel to ask appropriate questions of either or both parties and/or their respective witnesses so as to clarify the points in dispute.

f. The panel shall have the right to question any and all witnesses and to examine documentary evidence presented.

g. At the conclusion of the hearing, the panel shall meet in a closed session. A finding of guilt is accomplished by a vote of four out of five of the panel, and punishment has to be agreed to by four or more members. Upon reaching a decision, the panel shall inform separately through the hearing officer all parties of its judgment, including the Dean of the college, Dean of Graduate and Professional Studies, and the Provost.

h. The College Dean shall notify the appropriate parties of the disposition of the case within five class days of receipt of the panel's judgment.

6.08 Group Violations of the Academic Honesty Policy. In instances where two or more students are alleged to be involved in the same infraction of the academic honesty policy, the case against the whole group will be heard by a single academic honesty panel. The facts common to all cases will be presented with all students allegedly involved in attendance. Each student shall be allowed to present his/her defense to the panel separately. If requested by the presenting student, such a defense shall be presented outside the hearing of the other students.

Article 7. University Level Appeal

7.01 Appeal of the College Panel's Decision. Within five class days of the college panel's decision, either party may file an appeal for review with the Dean of the Graduate School. The appeal shall be in writing and shall specifically address the issues to be reviewed.

7.02 Dean of Graduate and Professional Studies Procedural Review. The Dean of Graduate and Professional Studies shall review the appeal within ten class days of the receipt of the appeal. The Dean's procedural review will focus on determining whether the prior level reviews followed established policy and procedures, whether all parties were given appropriate due process, or if new information not considered at the department/college level has been discovered. Within ten class days of receipt of the appeal, the Dean of Graduate and Professional Studies will determine whether to reject the appeal, return the appeal to the college for a rehearing, or refer the appeal to the Graduate and Professional Studies Grievance Committee (GPSGC). If the appeal is referred to the GPSGC, the dean will notify the chair of the Graduate and Professional Studies Committee who will appoint a GPSGC committee within ten class days of receiving such notification. The Dean shall notify all parties of the decision within three class days of the completion of the review.

7.03 The GPSGC Review. The GPSGC will consist of one graduate/professional students and three faculty members, none of whom will be from any respondent's department or program, the department or program in which the grievant is enrolled., or the department or program in which the violation allegedly occurred. The faculty members will be appointed by the chair of GPSC on an ad hoc basis. The chair of GPSC will also select the student members from a pool of graduate students provided by each of the colleges. The chair of the committee will be elected by the committee members. All members of the committee will have voting privileges. The GPSGC will review the appeal file and may also request other

documents as it sees fit. The GPSGC should schedule an appeal hearing with the interested parties. No record of the hearing will be required. If a recording is made (at the discretion of the committee), it should be made available to all parties. Counsel for each of the parties involved may be present with that person, but will not be allowed to speak at the hearing. Expert resources should be available to the committee in an advisory capacity as needed. The GPSGC will report its recommendations in writing to the Dean of Graduate and Professional Studies. The whole process of the hearing, the deliberations, and the report to the Dean of Graduate and Professional Studies should take place within 25 class days. This deadline may be extended at the GPSGC's discretion upon written request of a party or upon stipulation of all parties. The Dean of Graduate and Professional studies will make a decision within 3 class days following the receipt of the GPSGC recommendations, and will forward a copy and this decision in writing to the parties, to the dean of the college in the event s/he is not a party, and to the GPSGC. Any party may file, within 10 class days of notification, a written appeal of the decision to the Senior Vice President for Academic Affairs and Provost. The Provost may conduct a plenary review. The Provost's decision, presented within 15 class days, will be final.

Article 8. Records

8.01 Not Guilty. If a student is found to be not guilty after the review process is completed, records concerning the matter shall not become a part of the student's permanent record.

8.02 Departmental Sanctions. If a student is found guilty in a departmental hearing and if the matter is not heard before the college academic honesty panel (i.e., is neither appealed nor automatically reviewed because of the penalty), the record of the proceedings and penalty will be maintained by the university for internal use only and will not become a part of the student's permanent record.

8.03 College Sanctions. If a student is found guilty by a college academic honesty panel or waives an automatic appeal, the disciplinary sanction becomes an irrevocable part of the student's permanent record. This record is not the same as the student's transcript (See Article 8.05 below).

8.04 Records. The Provost shall maintain a record of those students found guilty at any level, including those students who have elected a waiver of the departmental hearing (See Article 5.04). This record should be shared with the College.

8.05 Notations on a Student's Transcript. Action resulting in a student's suspension or probation for academic honesty policy violations will be entered on the student's transcript until the period of sanction has elapsed. When the sanction has elapsed, the student may petition the Dean of the College to remove the sanction from the transcript. Only the first violation can be removed but not subsequent ones.

9.01 The Ethical Conduct in Academic Research and Scholarship.

I. Background/introduction

The integrity of the research process is an essential aspect of a university's intellectual and social structure. Research is defined as all research, scholarly, and creative activity that supports the intellectual endeavors of the University whether funded or unfunded by an external agency. Although incidents of misconduct in research may be rare, those that do occur threaten the entire research enterprise. The integrity of the research process must depend largely upon self-regulation. Formalization of the rights and responsibilities underlying scientific method is imperative in the research process. The University is responsible both for promoting academic practices that prevent misconduct and also for developing policies and procedures for dealing with allegations or other evidence of fraud or serious misconduct. All members of the University community students, staff, faculty and administrators share responsibility for developing and maintaining standards to assure ethical conduct of research and detection of abuse of these standards. In dealing with this problem it is important to create an atmosphere that encourages openness and creativity. Good and innovative science cannot flourish in an atmosphere of oppressive regulation. Moreover, it is particularly important to distinguish misconduct in research and scholarship from the honest error and the ambiguities of interpretation that are inherent in the scientific process and are normally corrected by further research. The policies and procedures outlined below affirm the University wide policy on research ethics adopted in 1986 and apply to faculty, staff and students. They are not intended to address all academic issues of an ethical nature. For example, discrimination and affirmative action are covered by other University policies.*

II. Ethical Conduct in Academic Research and Scholarship

The primary way to encourage appropriate conduct in research and scholarship at the University is for faculty to promote and maintain a climate consistent with high ethical standards. To reduce the likelihood of misconduct in research and scholarship, the faculty and administration should facilitate the following:

1. Encouragement of Intellectual Honesty. Because of the importance of a climate of intellectual honesty in a university community, a commitment to the ethical responsibilities of academia by all of its practitioners is essential. We must emphasize the importance of such common practices as submission of work to peer review, avoidance of conflict of Interest, scholarly exchange of Ideas and data, and self regulation. Mentor relationships between academic leaders and new practitioners serve to guarantee the transmission of ethical standards.

2. Assurance that quality of research is emphasized.

3. Acceptance of responsibility by research supervisor. University policies must define a locus of responsibility for the conduct of research and must ensure that the individual(s) charged with the supervision of researchers can realistically execute the responsibility. These supervisors of research should be experienced academicians who serve as mentors in transmitting the ethics and responsibilities underlying scientific and humanistic research. The larger the research enterprise the

more critical the role of the supervisor in promoting open communication and scholarly exchange of ideas, data, and results. It is also the responsibility of the supervisor to encourage publication of as much primary data as possible.

4. Establishment of well-defined research procedures. Well designed and strictly adhered to research methods are a deterrent to fraud. Bias in data analysis and interpretation will be avoided by following practices common to the disciplines.

5. Appropriate assignment of credit and responsibility. Publications should recognize the contributions of others through adequate citation and/or acknowledgment. Publications should also name as authors only those who have had a genuine role in the research and who accept responsibility for the quality of the work being reported.

III. Definitions

A. "Misconduct in research and scholarship" means any form of behavior which 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 misrepresent one's work. Misconduct involves significant breaches of integrity which may take numerous forms such as, but not limited to, those outlined below:

1. Research Misconduct: Fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or in reporting research results.

2. Fabrication: Making up results and recording or reporting them.

3. Falsification: Ranging from fabrication of data 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. This also applies to falsification of credentials, publications claims, and letters of recommendation and collaboration.

4. Plagiarism: The appropriation of another person's ideas, processes, results, or words without giving appropriate credit, including those obtained through confidential review of others' research proposals and manuscripts.

5. 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 multiauthored publications without the knowledge of all authors.

6. Misappropriation of the Ideas of Others: The unauthorized use of privileged information (such as violation of confidentiality in peer review), however obtained.

7. Violation of Generally Accepted Research Practices: Deceptive practices in proposing, conducting, or reporting research.

8. 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 involved in the allegation or investigation of misconduct in research and scholarship who have not acted in bad faith.

- a. Complainant: An individual who brings an allegation(s) of misconduct.
- b. Respondent: An individual against whom an allegation(s) of misconduct is made.
- c. Members of the University community: All faculty, staff, and students, both full and part time, who are affiliated with the University of Houston.
- d. "Inquiry" means information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
- e. "Investigation" means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

IV. Policy

A. Misconduct In research and scholarship is inappropriate behavior by members of this University community. Allegations of misconduct in research and scholarship will be handled according to the policies and procedures included herein. When research is sponsored by a federal agency the University of Houston will adhere to that agency's policies when responding to an allegation of research misconduct.

B. Allegations of scientific misconduct against students engaged in research supported by funding from the University or other sources will be handled according to this policy. Students against whom such allegations are made shall be afforded the rights to student representation on the Inquiry and Investigation Committees consistent with the Academic Honesty Policy of the Student Handbook.

C. The imperatives that guide this institutional review process for dealing with allegations of misconduct in research and scholarship are the following: The process used will not damage science or scholarship. The University will provide vigorous leadership in the pursuit and resolution of all charges. The principles of due process will be observed and the University will treat all parties with justice and fairness and be sensitive to their reputations and vulnerabilities. The procedures will preserve the highest attainable degree of confidentiality compatible with an effective and efficient response. The integrity of the process will be maintained by taking reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practicable, including participation of persons with appropriate scientific expertise who do not have unresolved personal, professional, or financial conflicts

of interest with those involved with the inquiry or investigation. The procedure will be as expeditious as possible leading to the resolution of charges in a timely manner. The University will document the pertinent facts and actions at each stage of the process. 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. Even if the individual against whom the allegation is made (hereinafter referred to as the respondent) leaves or has left the University before the case is resolved, the University will pursue an allegation of misconduct to its conclusion.

V. Procedures

A. Introduction; the several stages of the review process are discussed in detail in the remainder of this document. However, the imperatives that guide this institutional review process for dealing with allegations of misconduct in research and scholarship are the following:

B. Initiation of an Allegation of Misconduct; Protection Against Retaliation; Initial allegations, in writing, may be reported to any faculty member or administrator. All such allegations must then be reported to the Vice President for Academic Affairs or his/her designee. (The term "Vice President for Academic Affairs" in the balance of this document shall mean "the Provost and Senior Vice President for Academic Affairs or his/her designee.") If the Vice President for Academic Affairs has a possible conflict of interest, the allegations will be referred to the President of the University. The Vice President for Academic Affairs shall informally review any allegation of misconduct in research and scholarship and determine whether the allegation warrants initiation of the inquiry process according to the policies and procedures for misconduct in research and scholarship, or whether other policies and procedures, such as those relevant to employment grievances, should be invoked. The Vice President for Academic Affairs will counsel the individual(s) bringing the allegation as to the policies and procedures to be used. If the reporting individual chooses not to make a formal allegation but the Vice President for Academic Affairs believes that reasonable suspicion exists to warrant an inquiry, the inquiry process will be initiated. The Office of Vice President for Academic Affairs shall use its best efforts to protect the positions and reputations and to otherwise prevent retaliation against those who, in good faith, make allegations of misconduct under this policy. To the extent allowed by law, UH will maintain the identity of the respondents and complainants securely and confidentially and shall not disclose any identifying information, except to those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding and any subsequent proceedings. To the extent allowed by law, any information obtained during the research misconduct proceeding that might identify the subjects of research shall be maintained securely and confidentially and shall not be disclosed, except to those who need to know in order to carry out the research proceedings.

The Vice President for Academic Affairs or his designee shall, within 15 working days of receipt of an allegation, complete his initial review and decide whether to call for a Committee of Inquiry. Under extenuating circumstances, the Vice President for Academic Affairs may extend this review time to 30

working days. The respondent shall be notified of this decision within five working days of the decision's being made.

C. Inquiry

1. Purpose

Whenever a warranted allegation or complaint involving the possibility of misconduct is made, the Vice President for Academic Affairs will initiate an inquiry as the second step of the review process. In the inquiry stage, factual information is gathered and expeditiously reviewed to determine if an investigation of the charge is warranted. An inquiry is designed to separate allegations deserving of further investigation from frivolous, unjustified, or clearly mistaken allegations.

2. Structure

a. The Vice President for Academic Affairs will, after a decision to proceed with an inquiry and after consultation with the chair of the University Research Council, appoint an Inquiry Committee of no less than three persons. At least two members will be tenured faculty at the rank of associate or full professor who are without conflict of interest, hold no appointment in the departments of either the complainant or the respondent, and have appropriate expertise for evaluating the information relative to the case. One member may be chosen from outside the University of Houston. Every effort will be made following initial administrative review of the allegation to appoint a Committee of Inquiry within 15 working days but the Committee must be appointed within 30 working days.

b. At its first meeting, the Committee will elect a chairperson to handle procedural and administrative matters. All committee members are voting members.

c. Records of the inquiry are confidential and are to be passed on to a Committee of Investigation if formal review is initiated. In any case, the records should be kept secure, and if no misconduct is found, records should be destroyed seven 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 tape recorded or transcribed and will be made available to involved parties upon request.

d. The inquiry phase will be completed within 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 Vice President for Academic Affairs who will advise all relevant parties. The record of the inquiry will include documentation for exceeding the 60 day period.

e. 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.

3. Process

a. The 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, they 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.

b. Where the complainant seeks anonymity, the Committee of Inquiry shall operate in such a way as to maintain that 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.

c. As the University is responsible for protecting the health and safety of research subjects, students and staff, as well as the protection of federal funds and ensuring that the purposes of Federal financial assistance are carried out, interim administrative action prior to conclusion of the inquiry may, therefore, be indicated. Such action ranging from slight restrictions to complete suspension of the respondent and notification of external sponsors, if indicated, is initiated by the Vice President for Academic Affairs.

d. 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 such requested documents and information.

e. Access during the inquiry of copies of all documents reviewed by the Committee will be assured to all parties. All material will be considered confidential and shared only with those with a need to know. During the inquiry, the Vice President for Academic Affairs and the members of the Committee of Inquiry are responsible for the security of relevant documents. Copies of all documents and related communications are to be securely maintained in the Division of Research.

f. All parties to the case, including the Committee of Inquiry itself, shall have the opportunity to present evidence and to call witnesses.

g. If for any reason the Inquiry is terminated prior to its completion, a written report describing the reasons will be submitted to the Vice President for Academic Affairs. Under certain circumstances, as defined by applicable federal regulations the institution may be expected to notify the sponsoring agency or funding source. The Vice President for Academic Affairs shall convey this report to the sponsor to the extent required by federal regulations or if otherwise appropriate.

4. Findings

a. The completion of an inquiry is marked by a determination of whether or not an investigation is warranted. The Committee shall find no misconduct unless a majority of the

members conclude, based on the preponderance of evidence for each allegation, that the allegation(s) have sufficient merit to call for an investigation. A written report shall be prepared by the Committee of Inquiry. The report will describe the evidence reviewed, summarize the interviews and specify the conclusions of the Committee. The written report will be submitted to the Vice President for Academic Affairs who will be responsible for communication of the findings in writing to the respondent within ten working days. A copy of the Inquiry Report will be attached to that communication. 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 as soon as possible but must be forwarded within ten working days.

b. If the outcome of the inquiry indicates a need for formal investigation, the Committee will communicate its findings to the Vice President for Academic Affairs who then, after notification to the appropriate Dean(s) and legal counsel will initiate the investigatory process. Under certain circumstances, as defined by federal regulations, the institution may be expected to notify the sponsoring agency or funding source at a point prior to the initiation of an investigation. Factors used in determining the timing of such notification include the following:

- (1) There is an immediate health hazard involved;
- (2) There is an immediate need to protect Federal funds or equipment;
- (3) There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co investigators and associates, if any;
- (4) It is probable that the alleged incident is going to be reported publicly;
- (5) There is a reasonable indication of possible criminal violation.

c. 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 and efforts will be made to prevent retaliatory actions. The proceedings of an inquiry, including the identity of the complainant and the respondent, will be held in strict confidence to protect the parties involved. If confidentiality is breached, the University will take reasonable steps to minimize the damage to reputations that may result from inaccurate reports.

d. If the Committee finds the allegations to be unjust and malicious, the Committee will report those findings to the Vice President for Academic Affairs. At this time, the Vice President for Academic Affairs may take such actions, or impose such sanctions, as are appropriate to the situation.

D. Investigation and Determination

1. Purpose

An investigation will be initiated when an inquiry issues a finding that investigation is warranted. The purpose of investigation is to explore further the allegations 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.

2. Structure

a. The Vice President for Academic Affairs will, after a decision to proceed with a formal investigation, and after consultation with the chair of the University Research Council, appoint an Investigating Committee of no less than three persons. At least two members will be senior faculty who are without conflict of interest, hold no appointment in the departments of either the complainant or the respondent, and have appropriate expertise for evaluating the information relevant to the case. At least one member shall not be associated with the University of Houston. No member of the Committee of Inquiry shall serve on the Investigating Committee. Every effort will be made following the receipt of the report of the Committee of Inquiry to appoint an Investigating Committee within 15 working days, but the Committee must be appointed within 30 working days.

b. At its first meeting, the Committee will elect a chairperson to handle procedural and administrative matters. All committee members are voting members.

c. Hearings are confidential 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 Vice President for Academic Affairs in advance of scheduled meetings. At the option of the Committee, proceedings will be recorded and transcripts will be made available to involved parties upon request.

d. Every effort should be made to complete the investigation and submit the final report within 120 days; however, it is acknowledged that some cases may render this time period difficult to meet. In such cases, the Investigating Committee should compile a progress report, identify reasons for the delay and notify the Vice President for Academic Affairs of the additional time necessary for the investigation. In accordance with certain federal regulations if the final report is delayed beyond 120 days the Vice President for Academic Affairs will submit a written request for an extension, along with an explanation for the delay, including a copy of the progress report to the appropriate federal agency.

e. Both the principals and the Investigating Committee may discuss the issues personally, have a representative act in his/her behalf or have a representative accompany him/her.

3. Process

a. The 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, they will be informed of the proposed membership of the Committee of Investigation for the purpose of identifying in advance any real or potential conflict of interest. The Vice President for Academic Affairs will notify the respondent sufficiently in advance of the scheduling of his/her interview in the investigation so that the respondent may prepare for the interview and arrange for the attendance of legal counsel, if the respondent wishes

b. All parties to the case, including the Investigating Committee, may present evidence, and call and examine or cross examine witnesses. The investigation normally will include examination of all documentation, including but not necessarily limited to relevant research data and proposals, publications, correspondence in any medium, and memoranda of telephone calls. The Committee will make every attempt to interview all individuals involved either in making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key aspects of the allegations; complete summaries of these interviews will be prepared, provided to the interviewed party for comment or revision and included as part of the investigatory file. Additional hearings may be held and the Committee may request the involvement of outside experts. The investigation must be sufficiently thorough to permit the Committee to reach a decision about the validity of the allegation(s) and the scope of the wrongdoing or to be sure that further investigation is not likely to alter an inconclusive result. In addition to making a judgment on the veracity of the charges, the Committee may recommend to the Vice President for Academic Affairs appropriate sanctions if warranted.

c. If for any reason the Investigation is terminated prior to its completion, a written report describing the reasons will be submitted to the Vice President for Academic Affairs. Under certain circumstances, as defined by federal regulations the Institution may be expected to notify the sponsoring agency or funding source. The Vice President for Academic Affairs shall convey this report to the sponsor to the extent required by federal regulations or if otherwise appropriate.

d. The University is responsible for protecting the health and safety of research subjects, students and staff, as well as the protection of federal funds and ensuring that the purposes of federal financial assistance are carried out. Interim administrative action prior to conclusion of the investigation may, therefore, be indicated. Such action ranging from slight restrictions to complete suspension of the respondent and notification of external sponsors, if indicated, is initiated by the Vice President for Academic Affairs.

e. All parties in the investigation are encouraged to cooperate by producing any additional data requested for the investigation. Copies of all materials secured by the Committee shall be provided to the respondent and may be provided to other concerned parties as judged appropriate by the Committee.

f. The respondent shall have an opportunity to address the charges and evidence in detail. The respondent will receive a copy of the draft investigation report, and concurrently, a copy of, or supervised access to, the evidence on which the report is based and notify the respondent that any comments must be submitted within 30 days of the date on which he/she received the draft report. These comments will be included and considered in the final investigation report.

g. After all evidence has been received and hearings completed, the Investigating Committee shall meet in closed sessions to deliberate, and prepare its findings and recommendations. The Committee shall find no academic misconduct unless a majority of the members conclude, based on a preponderance of evidence, that the allegation(s) have been substantiated.

h. All significant developments during the investigation as well as the findings and recommendations of the Committee will be reported by the Vice President for Academic Affairs to the research sponsor, if appropriate.

4. Findings

a. Upon completion of the investigation the Committee will submit to the Vice President for Academic Affairs a full written report which details the Committee's findings and recommendations. The committee will prepare and maintain all documentation that substantiates the investigation findings. The findings and documentation shall be made available to the relevant responsible federal agency. The Committee's findings are binding upon the institution subject to appeal by the respondent.

b. This report should also be sent to the respondent by the Vice President for Academic Affairs within 10 days of its receipt.

c. The Vice President for Academic Affairs shall convey this report to the sponsor to the extent required by federal agencies or if otherwise appropriate.

5. Resolution

a. Finding of Absence of Academic Misconduct; All research sponsors and others initially informed of the investigation will be informed in writing that allegations of misconduct were not supported. If the allegations are deemed to have been maliciously motivated, the Committee will report those findings to the Vice President for Academic Affairs. If the allegations, however incorrect, are deemed to have been made in good faith, no additional measures are indicated and efforts will be made to prevent retaliatory actions. In publicizing the findings of no misconduct, the University will be guided by whether public announcements will be harmful or beneficial in restoring any reputation(s) that may have been damaged. Usually, such decision will rest with the person who was innocently accused.

b. Presence of Academic Misconduct

The Vice President for Academic Affairs shall consider the recommendations of the Committee and shall be responsible for determining and implementing sanctions. The respondent shall be notified in writing of the recommended sanctions within 20 days. If the sanctions involve a recommendation for termination of employment, the University academic termination procedures will be invoked. The University must take action appropriate for the seriousness of the misconduct, including, but not limited to, one or more of the following:

Institutional Disciplinary Action Including:

- Removal from particular project
- Special monitoring of future work
- Letter of reprimand
- Probation for a specified period with conditions specified
- Suspension of rights and responsibilities for a specified period, with or without salary
- Financial restitution
- Termination of employment/enrollment

c. Notification.

The Vice President for Academic Affairs is responsible for notification of all federal agencies, sponsors or other entities initially informed of the investigation, of the outcome. Consideration should be given to formal notification of involved parties such as:

- Sponsoring agencies, funding sources
- Co-authors, co investigators, collaborators, department, campus University publications
- Editors of journals in which fraudulent research was published
- State professional licensing boards
- Editors of journals or other publications, other institutions, sponsoring agencies, and funding sources with which the individual has been affiliated
- Professional societies

d. Sanctions shall not be imposed during the appellate process.

6. Appeal Individuals may appeal the findings of the Investigating Committee and/or the sanction(s). A written statement of the grounds for the appeal must be submitted to the President

within thirty days of written notification of the sanctions. Grounds for appeal include, but are not limited to new, previously unconsidered material evidence, sanctions not commensurate with the findings, and lapses in due process. Upon receipt of a written appeal, the President will evaluate the evidence and make a determination. The President shall reopen the investigation if the previously unconsidered material evidence so warrants and may reopen the investigation if circumstances so dictate. The President's decision will be binding on all parties and will be conveyed to all involved in a timely fashion, but must be conveyed within 30 working days. In the case of termination, the President's decision may be appealed to the Board of Regents. All evidence, as well as the record of the proceedings, will be made available to that Board.

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