

## PERSONNEL POLICIES RELATED TO RESEARCH AND EXTERNAL ACTIVITIES. Policy 10.2

From Faculty Handbook Approved June 1988

### **(1.0) Salary Supplementation From Research Funds**

The University has adopted the following policy on the supplementation of faculty salaries from research contract funds. This policy is based on a statement of the committee on Sponsored Research of the American Council on Education which reads in part as follows: "...universities should avoid extra compensation (compensation above the full-time base salary) for work on special projects during the academic year. The base university salary should include compensation for all university duties (for example teaching, research, administration, intra-university consulting). Exceptions to this rule should be made only for very compelling reasons and in unusual cases. Whenever it is not feasible for the salaries of faculty members to be converted to a 12-month basis, the percent of effort devoted to sponsored projects should be determined for the academic year and the university should request reimbursement for the corresponding portion of each salary. "Very few cases exist in which salaries are continuously augmented during the academic year by research funds. In some of these cases, severe hardship has resulted to the faculty members whose income was contingent on the continuation of a research contract. The policy is intended to govern the concept of continuous supplementation and does not preclude occasional supplementation, where such compensation falls within the policy of the granting agency. This policy is generally that of government granting agencies, with but a few exceptions. It is and has been the policy of the University to request reimbursement for salary cost as a part of research grant proposals.

### **(2.0) Outside Employment Regarding Research**

According to UH Board of Regents Policy 49.02 (October, 1987), faculty research may be subsidized by and performed with University research agencies or private organizations; however, such research, consulting, concertizing or other work must not interfere with primary University duties. (See also Dual Employment 49.04 and Consulting Policy SAM02.A.08).

### **(3.0) Conflicts of Interest (UH System, 02.A.09)**

Although the University of Houston-Clear Lake depends upon the integrity and discretion of its staff with respect to actual or apparent conflict of interest, all University of Houston-Clear Lake employees are expected to obey all federal, state and local laws. This administrative memorandum presents requirements to avoid conflicts of interest in accordance with Texas Government Code Section 572.051, Texas Education Code 51.9337, and Board of Regents Policies, including 57.01, 57.02, 57.04, and 57.08.

### **(3.1) Policy**

**(3.1.1)** Conflict of interest is the use of one's University of Houston-Clear Lake employment to obtain unauthorized privileges, benefits, or things of value for oneself or others.

#### **(3.1.2) Guidelines to avoid conflict of interest include the following:**

1. No employee shall solicit, accept, or agree to accept any privilege, benefit or thing of value for the exercise of his/her discretion, influence or powers as an employee, except as is allowed by law.
  
2. No employee shall accept any privilege, benefit or thing of value that might influence him/her in the discharge of his or her duties as an employee.
  
3. No employee shall use his or her position to secure special privileges or exemptions for himself/herself or for others, except as is allowed by law.
  
4. No employee may be an officer, agent, employee, or member of, or own an interest in a professional activity that foreseeably might require or induce him or her to disclose confidential information acquired by reason of his or her University of Houston-Clear Lake position.
  
5. No employee shall accept employment or engage in any business or professional activity which foreseeably might require or induce him/her to disclose confidential information acquired by reason of his/her University position.
  
6. No employee shall disclose confidential information gained by reason of his/her University position nor shall he/she otherwise use such information for his/her personal gain or benefit.
  
7. No employee shall transact any business for the University of Houston-Clear Lake with any entity of which he or she is an officer, agent, employee or member, or in which he or she has a direct or indirect financial or other interest.

8. No employee shall make personal investments in any enterprise which foreseeably might create a substantial conflict between his or her private interests and the University's interests.

9. No employee shall accept other employment which might impair his/her independence or judgment in the performance of his/her University of Houston-Clear Lake duties.

10. No employee shall receive any compensation for his/her services from any source other than the State of Texas except as is allowed by law.

11. No employee who exercises discretion in connection with contracts, purchases, payments, claims or other pecuniary transactions shall solicit, accept, or agree to accept any benefit from a person or entity the employee knows or should know is or is likely to become financially interested in such transactions.

12. No employee shall ask the University to accept a gift, grant, donation, or other consideration to be used as a salary supplement without the prior written approval of the recipient's immediate superior, the office of the general counsel and the president, and written authorization of the internal auditor, who shall report the necessary information to the State Auditor.

13. No employee shall knowingly solicit, accept, or agree to accept any benefit for having exercised the employee's official powers or performed the employee's official duties in favor of another.

14. Each employee who is involved in procurement or in contract management shall disclose to the agency any potential conflict of interest specified by state law or University policy that is known by the employee with respect to any contract with a private vendor or bid for the purchase of goods or services from a private vendor with the University.

15. No employee shall have a direct or indirect financial or other interest, shall engage in a business transaction or professional activity, or shall incur any obligation, that is in substantial conflict with the proper discharge of the employee's duties for the institution.

16. No employee shall act as an agent for another person in the negotiation of the terms of an agreement relating to the provision of money, services, or property to the institution.

17. Each employee shall use the resources of the University only in accordance with university policies and applicable law.

18. Any employee who is an officer, agent, employee or member of, or owns a direct or indirect financial or other interest in any entity doing business with any component university of the University of Houston System must disclose such relationship in writing to his or her immediate superior.

**(3.1.3)** Failure of an employee to comply with the foregoing or with applicable law shall constitute grounds for disciplinary action, up to and including termination of employment.

#### **(4.0) Research Ethics Policy and Procedures**

##### **(4.1) Policy**

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 activities that support the intellectual endeavors of the University. Although incidents of misconduct in research may be rare, those that do occur threaten the entire research enterprise. Ethical codes govern the protection of human subjects and the welfare of animals and ensure compliance with specific terms or conditions of an award. The integrity of the research process must depend largely upon self-regulation. Formalization of the rights and responsibilities underlying the methods used is imperative in the research process. The following policy on ethical responsibilities in conducting research is directed toward preserving the integrity of the research process at the University of Houston-Clear Lake. It is the responsibility of UH-Clear Lake to foster a research environment that encourages ethical conduct in all research and that deals forthrightly with possible misconduct associated with research, especially when funds have been provided or requested for the research. Any failure to comply with our assurance to funding agencies and the requirements of Federal regulations may result in enforcement action against UH-Clear Lake including loss of Federal funding, and may lead to the Federal agency conducting its own investigation.

##### **(4.2) Definition of Misconduct in Conducting Research**

"Research Misconduct" may include the fabrication of falsification of data, plagiarism, or other fraudulent practices in proposing, executing, or reporting results from research. It might also involve a material failure to comply with Federal requirements for protecting researchers, human/animal subjects, or the public. In general, gross negligence of research standards and any action taken with the intent to defraud are considered forms of research misconduct. This definition does not include the results of honest error or honest differences in interpretation or judgments of data. (Definition based on statement 42 CFR Part 50, Federal Register August 8 1989)

### **(4.3) Prevention of Misconduct in Conducting Research**

The primary way to prevent misconduct in research 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, the faculty and administration should facilitate the following:

**(4.4)** Encouragement of intellectual honesty. Because of the primary role played by a climate of intellectual honesty in an academic community, a commitment to the ethical responsibilities of research 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 research leaders and new practitioners serve to guarantee the transmission of ethical standards in research. Assurance that quality rather than quantity of research is emphasized in promotion and tenure review and merit pay consideration for faculty.

### **(4.4) Acceptance of responsibility by research supervisor.**

University policies must define a focus 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 researchers who serve as mentors in transmitting the ethics and responsibilities underlying the research approaches used. The larger the research team, 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.

### **(4.5) Establishment of well-defined research procedures.**

Well-designed and strictly-adhered-to methods are a deterrent to fraud. Appropriate assignment of credit and responsibility. Publications should recognize the contributions of others through

adequate citation. 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. Ordering all authorship should accurately reflect the contributions of the major participants in the research and writing process, including students.

#### **(4.6) Response to Misconduct in Conducting Research**

The University of Houston-Clear Lake will conduct inquiries and investigations into reported allegations of misconduct in conducting research by faculty, staff or students. These inquiries and investigations will be pursued in compliance with the rights to privacy, due process and academic freedom of those being accused. Proof of misconduct will result in inappropriate disciplinary action by the University.

#### **(4.7) Procedures**

University Procedures for Dealing with Alleged Misconduct in Research These procedures assume the University will act to protect the rights and reputations of all individuals, including any person who is alleged to have engaged in misconduct, as well as the person(s) who made the allegations. Also assumed is the University's prompt, careful, and objective review of such allegations. Confidentiality shall be maintained throughout the proceeding by all parties involved. In each College, the Dean or an individual designated by the Dean shall have principal responsibility for assessing a proper response to allegations of misconduct in conducting research. To assist the Dean's office in meeting this obligation, all allegations of misconduct, whether discovered by a faculty member or other member of the academic community, shall be brought to the attention of the appropriate Office of the Dean unless the allegations are clearly frivolous or otherwise lacking in substance.

**(4.8)** The Dean or the Dean's designee shall decide whether it is appropriate to resolve the matter through informal processes and discussions. Such processes shall begin immediately upon receipt of the allegation and shall be completed within 30 days of initiation unless an extension of no more than 30 days is requested by the Dean and granted by the Provost. A written report of the inquiry shall be prepared by the Office of the Dean and submitted to the Senior Vice President and Provost and the individual who is the subject of the allegation, as well as any co-investigators on the research project(s) involved. Final resolution through informal means shall require approval by the Provost or his/her designee.

**(4.9)** If the matter is not resolved through informal efforts and if, in the view of the Office of the Dean or the Provost, further proceedings are required, the allegation shall be referred to the University Research Committee.

**(4.10)** The Chair of the University Research Committee shall appoint from its membership an ad hoc committee of five members to hear the allegation of misconduct in research. Any individual who has been involved in the college level inquiry may not serve on the ad hoc committee. The Chair of the committee may supplement by not more than two members (who shall be voting members) the subcommittee's membership when special expertise is necessary to understand the research in question and/or when allegations concern other universities or agencies. The subcommittee shall investigate the facts and submit the results to the University Research Committee. The committee, with the benefit of the report from the subcommittee and after such proceedings and deliberations as it deems appropriate, shall submit its report including recommendations to the Senior Vice President and Provost. The investigation shall be completed within 60 days of initiation unless an extension of no more than 30 days is requested by the committee and granted by the Senior Vice President and Provost.

**(4.11)** The Senior Vice President and Provost shall take action or make such recommendations as may be required. Special procedures must be followed when the alleged misconduct occurs in a research program funded by Federal or State agencies. It becomes necessary to notify the appropriate Federal or State agency, if at any stage of the inquiry or investigation, it is ascertained that one of the following conditions exists:

- There is an immediate health hazard involved;
  
- There is an immediate need to protect Federal funds or equipment;
  
- There is an immediate need to protect the interests of the person(s) making the allegations or of any individual who is a subject of the allegations as well as his/her co-investigators and associates, if any;
  
- It is probable that the alleged incident is going to be reported publicly.
  
- There is a reasonable indication of possible criminal violation. In that instance, the institution must inform the appropriate Federal or State agency within 24 hours of obtaining that Information.

**(4.12)** The following actions are recommended when alleged misconduct is substantiated by a thorough investigation:

- The sponsoring agency should be notified of the findings of the investigation, and appropriate restitution should be made.
  
- All pending abstracts and papers emanating from any research found to be fraudulent should be withdrawn, and editors of journals in which previous abstracts and papers appeared should be notified.
  
- Institutions and sponsoring agencies with which the individual has been affiliated should be notified if there is reason to believe that the validity of previous research might be questionable.
  
- A faculty member whose misconduct is substantiated may be barred from submission of proposals to internal and/or external funding sources for a period of time.
  
- Appropriate action should be taken to terminate or alter the status of faculty members whose misconduct is substantiated.
  
- Institutional administrators should consider, in consultation with legal counsel, the release of information about the incident to the public press, particularly when public funds were used in supporting any research found to be fraudulent (recommendation from the Association of American Medical Colleges, June 24, 1984, pp. 5-6).
  
- The Office of the Dean and the University Research Committee shall maintain records of all Proceedings in which they were involved. To the extent allowed by law, such records shall be made available to the accused.
  
- The researcher(s) involved in the alleged misconduct shall be informed in a timely fashion of the nature of the allegation and the preliminary evidence upon which it is based. Throughout the investigation he or she shall be advised of the progress of the investigation and be afforded the



opportunity to respond and provide additional information. He or she shall be able to continue his or her activities unless legal, ethical, or contractual guidelines prohibit such continuation. Throughout the investigation, all parties involved shall maintain confidentiality.

- When a thorough investigation fails to substantiate an allegation of misconduct, formal measures will be instituted to ensure restoration of the reputation of the researcher(s) involved in the alleged misconduct. Appropriate actions will be taken against those who leveled the allegation if their unfounded charges are demonstrated to have been malicious or intentionally dishonest.