

## STANDARD ADMINISTRATIVE PROCEDURE

### 15.99.03.M1.04

### Adjudication, Appeal and Review

*Approved June 14, 1999*

*Revised September 10, 2004*

*Next Scheduled Review: June 13, 2011*

*Supplements [System Regulation 15.99.03](#) and [University Rule 15.99.03.M1](#)*

#### 1. INSTITUTIONAL ACTIONS

The Chief Academic Officer (CAO) of Texas A&M University, based on the final investigative report shall decide the appropriate action(s) to take consistent with [University Rule 15.99.03.M1](#) and associated standard administrative procedures. The CAO may accept the recommendations of the investigative committee or modify or reverse them. The CAO's decision, reasons and sanctions will become the final report. The designated officer shall transmit that report to the respondent within ten working days of the CAO receiving the final investigation report. This time limit may be extended for good cause and must be documented in the record.

1.0.1 The CAO may exonerate the respondent and instruct the designated officer to develop plans to restore the respondent's reputation and research capability and to protect the good faith complainant against retaliation. If the allegations of misconduct are substantiated, the CAO will instruct that appropriate actions be taken against the respondent commensurate with the level of intent such as a letter of reprimand, special supervision, probate or termination. In these instances, the designated officer shall, with the assistance of the investigative committee, identify any published research reports that should be retracted or corrected and notify the appropriate journal editors.

#### 1.1 Appeal

If the sanction is less than termination, the respondent may appeal all or any part of the CAO's final decision by filing a written appeal to the President of the Texas A&M University within ten working days of receiving the final decision. This time limit may be extended for good cause and must be documented in the record. Issues that may be raised on appeal are: (1) that there is new evidence that was not available to the investigative committee; or (2) that the recommended sanction is not commensurate with the severity or intent of the alleged misconduct; or (3) the decision is not supported by the evidence; or (4) that there exists a serious breach of the procedural process. The appeal shall be conducted by the President of Texas A&M University on the basis of the record only [record may not be only written documents]. No live testimony or hearings will be conducted. If the recommendation is to

terminate employment of the respondent, see Section 2.0. Upon the President's decision, the respondent shall have exhausted all of his/her appeals.

#### 1.1.1 President's Review

The President shall make the determination based on a preponderance of the evidence presented in the final investigative report, the actions and/or sanctions recommended by the CAO, and any comments or appeals received from the respondent. The President may: (1) uphold all of any part of the findings and sanctions; or (2) uphold all or any part of the findings of the investigative committee and impose lesser sanction(s) than recommended; or (3) return the matter to the investigative committee for further consideration with instructions regarding the matters to be addressed. If the sanction(s) is less than termination, the decision of the President shall be final. This decision shall be made within ten working days of receiving an appeal. This time limit may be extended for good cause and must be documented in the record.

#### 1.2 Notifications

The respondent will be notified in writing of the final decision by the designated officer. In addition, the CAO in consultation with the designated officer, will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the proceedings. The designated officer is responsible for ensuring compliance with all notification requirements of federal or other sponsoring agencies.

## 2. TERMINATION AND SUBSEQUENT APPEALS

If the sanction is termination, the respondent may appeal in accordance with System Policies, Regulations and TAMU Rules. For cases in which the respondent is a faculty member, refer to [System Policy 12.01](#) and [TAMU Rule 12.01.99.M2](#); and for cases in which the respondent is a non-faculty employee, refer to [System Regulation 32.01.01](#).

OFFICE OF RESPONSIBILITY: [Office of the Vice President for Research and Associate Provost for Graduate Studies](#)