



1. Call to Order
2. Approval of the February 5, 2019 Senate Minutes (Action)
3. Report of the Chair
4. Resolution to Emphasize the University's Principal Missions During the Search for a New President (Senate Document #18-19-30) (Action) (Limited to 15 minutes of discussion)
5. PCC Proposal to Rename the Ph.D. in "Health Services" to "Health Services Research" (Senate Document #18-19-23) (Action)
6. PCC Proposal to Rename the Department of "Health Services Administration" to "Health Policy and Management" (Senate Document #18-19-24) (Action)
7. Revisions to the A. James Clark School of Engineering Plan of Organization (Senate Document #16-17-14) (Action)
8. Review of the Interim University of Maryland Procedures Related to Family and Medical Leave for Faculty (Senate Document #18-19-03) (Action)
9. Review of the Interim University of Maryland Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees (Senate Document #18-19-04) (Action)
10. Interim University of Maryland Policy and Procedures Concerning Research Misconduct (Senate Document #17-18-07) (Action)
11. Special Order of the Day
Student Course Evaluations at the University of Maryland
Philip Evers, Chair, Course Eval Subcommittee of the Academic Procedures & Standards (APAS) Committee
12. Special Order of the Day
Proposed Changes to the University Honors Living-Learning Program
William A. Cohen, Dean, Undergraduate Studies
13. New Business
14. Adjournment



CALL TO ORDER

Senate Chair Walsh called the meeting to order at 3:18 p.m.

APPROVAL OF THE DECEMBER 4, 2018 SENATE MINUTES (ACTION)

Chair Walsh asked for additions or corrections to the minutes of the December 4, 2018, meeting; hearing none, he declared the minutes approved as distributed.

REPORT OF THE CHAIR

Chair Walsh stated that in order to preserve time for the full agenda, he would defer his Chair's Report and would provide a brief update on the University's search for a new president when the Senate reached that agenda item. All other updates would be available in the summary from the February 5, 2019 Senate meeting. He asked Senators to limit their commentary on other agenda items to substantive questions only. He reminded Senators that Programs, Courses, & Curricula (PCC) proposals and college/school plans of organization cannot be amended on the Senate floor.

REVIEW OF THE OUTCOMES OF THE ATHLETICS REPORTS (SENATE DOCUMENT #18-19-29)

Chair Walsh stated that at its September 5, 2018 meeting, the Senate charged the Senate Executive Committee (SEC) with reviewing the outcomes of the Board of Regents' investigations of the Athletics Department and with providing recommendations to the Senate and to President Loh, as appropriate.

He stated that the final report and recommendations from the SEC had been provided as an informational item to the Senate and had also been sent to President Loh.

PCC PROPOSAL TO ESTABLISH A MASTER OF SCIENCE IN APPLIED ECONOMICS (SENATE DOCUMENT #18-19-25) (ACTION)

Janna Bianchini, Chair of the PCC Committee, presented the PCC Proposal to Establish a Master of Science in Applied Economics (Senate Document #18-19-25) and provided background information on the proposal.

Chair Walsh opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. The result was 98 in favor, 8 opposed, and 1 abstention. **The motion to approve the proposal passed.**

PCC PROPOSAL TO ESTABLISH A MASTER OF SCIENCE IN GEOSPATIAL INFORMATION SCIENCES (SENATE DOCUMENT #18-19-26) (ACTION)

Janna Bianchini, Chair of the PCC Committee, presented the PCC Proposal to Establish a Master of Science in Geospatial Information Sciences (Senate Document #18-19-26) and provided background information on the proposal.

Chair Walsh opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. The result was 104 in favor, 3 opposed, and 1 abstention. **The motion to approve the proposal passed.**

PCC PROPOSAL TO ESTABLISH A MASTER OF SCIENCE IN GEOSPATIAL INTELLIGENCE (SENATE DOCUMENT #18-19-27) (ACTION)

Janna Bianchini, Chair of the PCC Committee, presented the PCC Proposal to Establish a Master of Science in Geospatial Intelligence (Senate Document #18-19-27) and provided background information on the proposal.

Chair Walsh opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. The result was 101 in favor, 4 opposed, and 1 abstention. **The motion to approve the proposal passed.**

PCC PROPOSAL TO ESTABLISH A POST-BACCALAUREATE CERTIFICATE IN COMPUTATION AND MATHEMATICS FOR BIOLOGICAL NETWORKS (COMBINE) (SENATE DOCUMENT #18-19-28) (ACTION)

Janna Bianchini, Chair of the PCC Committee, presented the PCC Proposal to Establish a Post-Baccalaureate Certificate in Computation and Mathematics for Biological Networks (COMBINE) (Senate Document #18-19-28) and provided background information on the proposal.

Chair Walsh opened the floor to discussion of the proposal.

Senator Martinez-Miranda, faculty, A. James Clark School of Engineering asked if the University expected that the program would exist beyond the period of funding from the National Science Foundation (NSF) grant.

Michelle Girvan, College of Computer, Mathematical, and Natural Sciences (CMNS), responded that the intention is that the program will continue beyond the period of NSF funding, but it will no longer include the stipend.

Senator Martinez-Miranda asked if the credits associated with the certificate program will be able to be applied to PhD program credit requirements.

Garvin answered that the credits could be applied to PhD credit requirements and noted that many of the COMBINE credit requirements overlap with out-of-discipline requirements for PhD programs.

Chair Walsh asked if there was any additional discussion; hearing none, he called for a vote on the proposal. The result was 100 in favor, 7 opposed, and 2 abstentions. **The motion to approve the proposal passed.**

PCC PROPOSAL TO ESTABLISH A POST-BACCALAUREATE CERTIFICATE IN INNOVATION AND ENTREPRENEURSHIP (SENATE DOCUMENT #18-19-22) (ACTION)

Janna Bianchini, Chair of the PCC Committee, presented the PCC Proposal to Establish a Post-Baccalaureate Certificate in Innovation and Entrepreneurship (Senate Document #18-19-22) and provided background information on the proposal.

Chair Walsh opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. The result was 94 in favor, 12 opposed, and 2 abstentions. **The motion to approve the proposal passed.**

Chair Walsh thanked Bianchini for making all five presentations to the Senate.

REVISIONS TO THE UNIVERSITY OF MARYLAND LIBRARIES (LIBR) PLAN OF ORGANIZATION (SENATE DOCUMENT #18-19-08)

Andy Horbal, Chair of the Elections, Representation, & Governance Committee, presented the Revisions to the University of Maryland Libraries (LIBR) Plan of Organization (Senate Document #18-19-08) and provided background information on the revisions to the Plan.

Chair Walsh thanked Horbal for his presentation and opened the floor to discussion of the revised Plan; hearing none, he called for a vote on the proposal. The result was 101 in favor, 1 opposed, and 4 abstentions. **The motion to approve the revised Plan passed.**

SPECIAL ORDER OF THE DAY

Julia Strange
Assistant Director, Prevention
Campus Advocates Respond and Educate (CARE) to Stop Violence
Chair, Sexual Assault Prevention Committee
Sexual Assault Prevention at the University of Maryland

Chair Walsh invited Julia Strange, Assistant Director, Prevention, Campus Advocates Respond and Educate (CARE) to Stop Violence to provide her presentation.

Strange introduced herself and reviewed her experience in the field of sexual assault prevention and provided background information on the work of the Joint President/Senate Sexual Assault Prevention Task Force (SAPTF). She noted that the SAPTF was convened in the 2016-2017 academic year. The task force gathered information relevant to the charge in the fall semester and developed its recommendations in the spring semester. The Senate and the President approved the task force's recommendations in April 2017.

Current & Proposed Sexual Assault Prevention Efforts

Strange gave an overview of existing sexual assault prevention programming at the University including:

- CARE to Stop Violence, which provides peer education, outreach, and advocacy programs for students but also provides opportunities for students who serve as peer educators to earn academic credit for their involvement in these programs. CARE also runs in-person events including Take Back the Night and the Clothesline Project.

- The Office of Civil Rights and Sexual Misconduct (OCRSM) has partnered with the School of Public Health since 2016 to maintain the University of Maryland Climate Survey, which collects data on student environment and experiences. The survey is issued every two years, and the data informs prevention efforts and tracks long-term change within the campus community.
- The Department of Fraternity and Sorority Life (DFSL) has implemented the 10 Man/10 Woman plan to facilitate group dialogue. Fraternities and Sororities must participate in sexual assault prevention and awareness training to remain in good standing, and each chapter has a liaison to provide resources to its members.
- The Athletics Department has also worked with CARE to provide sexual assault prevention programs on an annual basis for its student athletes.

Strange also provided an overview of the Task Force's recommendations including:

- Required sequential programming for undergraduate and graduate students, covering topics such as bystander intervention, healthy relationships, and the relationship between alcohol consumption and sexual assault.
- Additional programming that reinforces key messages with a variety of student groups and organizations.
- A sexual assault prevention action plan developed by each College and School to raise awareness about sexual misconduct prevention resources, reporting options, and the reporting obligations of faculty and staff within their respective colleges, as well as providing additional resources for students.
- The establishment and growth of sponsored events that engage students outside of formal trainings and workshops.
- The creation of a centralized prevention website to provide a one-stop resource on sexual assault prevention and response resources for the campus community.
- The development of a University-wide messaging campaign to continue to reinforce prevention messaging online and in-person and convey a campus culture that values respect and healthy relationships.
- The creation of a University evaluation portal to centrally track prevention programs and to look at short-term changes in attitudes within the campus community. This portal would complement existing surveys being developed by the School of Public Health.
- The creation of a Sexual Assault Prevention Committee (SAPC) that includes representatives from Intercollegiate Athletics, the Department of Fraternity and Sorority life (DFSL), the Graduate School, the Graduate Student Government (GSG), OCRSM, Orientation, Undergraduate Studies, Preventing Sexual Assault (PSA), the Office of the Provost, Resident Life, School of Public Health (SPHL), Strategic Communications, Student Government Association (SGA) Sexual Misconduct Prevention Committee, Title IX Student Advisory Board, and the University Health Center

Implementation of SAPTF Recommendations

Strange noted that implementation of the Task Force's recommendations was delayed by one year, but current implementation is ahead of that schedule. SAPC has met monthly since June, 2018 and is currently focusing on developing online prevention training through an addendum to the University's AlcoholEDU training; development of University-wide prevention and awareness events; a review of current University programming to ensure accuracy and consistency of information; the development of the University's messaging campaign, a centralized prevention website, and an evaluation portal. SAPC plans to introduce the messaging campaign and

centralized prevention website in April 2019. The committee will also provide Step UP! Bystander Intervention Training for undergraduate students in preparation for Spring Break in March.

Strange noted that CARE has provided Step UP! Bystander Prevention Training on campus since 2014 and that it has a goal to provide the training to 100% of incoming students each academic year to align with the task force's recommendation. In Fall 2018, Step UP! focused on sexual assault prevention and was provided to 87% of first-year incoming students over the course of 125 presentations. CARE provided programming through UNIV100 classes, Freshman Connection, and Living & Learning communities to reach as many students as possible.

Strange stated that CARE also provides free, confidential victim/survivor advocacy, counseling, and educational services on campus. CARE organizes events, and outreach activities including the Clothesline Project, Purple Light Night, and Take Back the Night and also provides workshops on topics including sexual violence, relationship violence, and bystander prevention.

Chair Walsh thanked Strange for her presentation and opened the floor to questions.

Dean Lushniak, School of Public Health, expressed his support for the actions taken by SAPC since its inception. He noted that sexual assault prevention is a major issue at the University, and stated that the University is in good hands as SAPC focuses on sexual assault prevention.

Senator Abana, graduate student, A. James Clark School of Engineering asked if SAPC is working with the University of Maryland Police Department (UMPD). He also asked if CARE offers psychological support for victims, and if it provides an orientation for international students.

Strange stated that the Task Force recommended that SAPC invite UMPD to at least one meeting per year. She noted that CARE does provide support for survivors, and that it considers psychological support to be a form of prevention of revictimization. She stated that the development of programs for international students was included in the Task Force's recommendations, and that CARE currently provides presentations for new staff and plans to build on this in the future.

Senator Schmidt, undergraduate student, College of Architecture asked how strict the requirements were for members of fraternities and sororities to participate in sexual assault prevention programs.

Strange responded that CARE has a strong relationship with DFSL and noted that they take that relationship very seriously. DFSL will also be involved in planning a CARE event later in the spring semester.

Senator Brown, undergraduate student, A. James Clark School of Engineering asked if there has been a marked difference in the culture on campus since the implementation of the Task Force's recommendations.

Strange responded that the University was already prioritizing prevention as a primary focus before the creation of the SAPC, and that there is a growing body of evidence that shows that prevention training does have a marked effect. She stated that in terms of long-term impact, there is also a growing evidence base for bystander intervention, which informs the Step UP! training offered to students. She noted that numbers of assaults are changing as a result of movements like #MeToo, as people are recognizing their own experiences as sexual assault. She said that she expects that the numbers of reports will continue to rise as people become more willing to report their experiences to the proper authorities.

Senator Brown asked how the University is addressing issues related to control in sexual assault prevention training and if there are plans to focus training on reducing the predatory mindset associated with sexual assault.

Strange responded that SAPC and CARE are focusing on power-based violence and on gender and masculinity programming. She commented on their goals of trying to shift the culture and social norms and noted that destigmatizing survivorhood will help with this as victims become more comfortable speaking out about their experiences. She noted that rigid gender roles cause risk factors for perpetration, so the University is providing a space for those who identify as male to talk about their experiences and expand the definitions of gender and masculinity.

Senator Abana noted that most graduate students live off-campus. He suggested that SAPC expand its efforts to the City of College Park to reach more off-campus communities.

Seeing no further discussion, Chair Walsh thanked Strange for her time.

DISCUSSION OF THE SEARCH FOR A NEW PRESIDENT (INFORMATION)

Chair Walsh provided an update on the search for a new University President. He noted that the Senate passed a resolution to Improve the Status of Shared Governance at its November 14, 2018 meeting and charged the SEC with compiling a list of candidates from the campus community for consideration by the Chancellor during the development of the presidential search committee. He noted that the Senate Office solicited nominations from all elected Senators. SEC members selected finalists from the pool of nominees from their own constituency, and the SEC finalized the slate of nominees. Walsh stated that the Senate Leadership met with the Chancellor and the Chair of the Board of Regents and presented the slate of nominees to them. In response, the Chancellor sent a letter to Chair Walsh, included in the materials for the meeting, that emphasizes the Chancellor's willingness to:

- appoint one of the academic deans as vice chair of the presidential search committee;
- expand the committee's size to 18 members to ensure that as many perspectives are represented as reasonably possible;
- take the time needed to hear from the community and to recruit and review a robust candidate pool; and
- continue to work with the Senate and campus community to learn about the campus' priorities for both the composition of the search committee and desired attributes of the next president.

Chair Walsh noted that in order to engage the campus in the search process, Chancellor Caret plans to spend a day on campus in early March to launch the search process and to meet with and hear from key constituent groups. The Chancellor plans to invite the campus community to submit search committee nominations for consideration along with the list of individuals provided by the Senate.

Walsh recognized Pam Lanford, Chair-Elect, to make a procedural motion.

Lanford made a motion that all speakers be limited to two minutes for the remainder of the meeting, and that speakers may not speak more than once until all who wished to speak had an opportunity to do so. Walsh asked for a second. The motion was seconded.

Chair Walsh called for a vote on the motion to limit speakers and noted that it required a two-thirds vote in favor to pass. **The result was 95 in favor, 7 opposed, 0 abstentions. The motion passed.**

Walsh opened the floor to discussion.

Senator Cohen, faculty, College of Computer, Mathematical, and Natural Sciences stated that after President Loh's announcement in October 2018 that he would retire in June 2019, the Senate passed a resolution encouraging President Loh to follow through with that decision. He expressed his extreme disappointment at the announcement that President Loh will remain at the University through 2020. He noted that the campus was never afforded an opportunity to discuss President Loh's responsibility for the state of the Athletics Department at the University. Cohen expressed his concern about the lack of transparency and integrity surrounding the decision to ask President Loh to remain at the University and stated that the Senate should make sure that University leadership knows that the Senate cares about the University's principle missions of research and teaching.

Senator Huntley, undergraduate student, College of Agriculture and Natural Resources stated that he agreed with Senator Cohen's sentiments. He said that the lack of transparency in the decision to ask President Loh to remain at the University after the Senate passed its resolution in November felt like a slap in the face.

Senator Priola, faculty, College of Agriculture and Natural Resources stated that he also agreed with Senators Cohen and Huntley.

Senator Queen, staff, University Libraries reminded the Senate that President Loh was not solely responsible for the decision to remain at the University, and that the Board of Regents and the University System of Maryland (USM) were primarily responsible for the decision.

Senator Pound, faculty, College of Computer, Mathematical, and Natural Sciences stated that he wished to present a dissenting view. He advised Senators to be careful what they wished for and expressed that the Senate resolution encouraging President Loh to step down was ill-considered. He stated that the University would not have been able to find a suitable replacement in the time available, and that an acting president appointed by the Board of Regents may not be the best leader for the University.

Senator Cohen stated that he does not believe that an interim President would be a disaster for the University. He made a motion to approve the following resolution:

Whereas transparency is critical to the President and Provost's continued ability to lead during the transition period and ensure that meaningful dialog with the campus community takes place before important decisions are made,

Be it resolved that the University Senate urges the President to designate the Senate Chair as an ex-officio member of the cabinet.

Chair Walsh called for a second. The motion was seconded. Walsh opened the floor to discussion of the resolution.

Senator J. Kahn, faculty, College of Computer, Mathematical, and Natural Sciences asked what 'cabinet' the resolution is referring to.

Senator Cohen responded that he was referring to the group of administrators that advises the President.

Chair Walsh responded that the President's Cabinet is made up of Vice Presidents and other leaders from the campus community.

Parliamentarian Novara suggested that capitalizing the 'c' in 'cabinet' could clarify and could be viewed as a technical edit. Senator Cohen agreed to this suggestion.

Pam Lanford, Chair-Elect stated that she is unsure how this resolution would be received by the President. She noted that the Senate Leadership and the SEC already have regular contact with the President and the Cabinet, and that they are given ample opportunity to engage with the Cabinet throughout the year.

Jordan Goodman, Past Chair stated that Lanford is correct about the level of access to the President and the Cabinet, but noted that in his experience, there was no real dialogue between the Senate and campus leadership. He stated that this resolution would give the Senate a seat at the table.

Senator Cottone, exempt staff, stated that she agreed with Goodman and expressed her support for the resolution.

Senator Levermore, faculty, College of Computer, Mathematical, and Natural Sciences expressed his support for the resolution and noted that the Cabinet is an advisory group. He stated that this resolution moves the Senate in a good direction because it will give the Senate's leadership a seat at the table, though it does not buy the Senate a larger voice.

Lanford noted that the decision for the President to leave or remain at the University is ultimately up to the Board of Regents, and that this resolution does nothing to give the Senate more sway with the BOR. She stated that though interactions with the President and the Cabinet have been less than adequate in the past, she believes that this relationship has greatly improved over the past six months. She noted that the Senate Leadership has been highly engaged by the President during this academic year.

Senator Cohen pointed out that though interactions with the President have become more constructive, the Senate was still unaware of the President's decision to remain at the University until the public announcement was made. He noted that he believes that his resolution is fairly innocuous but stated that it suggests that the Senate, as a body, should be engaged early on at the time of the transition.

Senator Martinez-Miranda stated that having the Senate Chair as a Cabinet member puts the face of the Senate in direct contact with the President.

Daniel Falvey, Past Chair stated that he likes the idea expressed by the resolution but noted that a resolution passed by the Senate has as much power as a strongly worded letter published in the Diamondback. He stated that the Senate should be more selective about how often it passes non-binding resolutions.

Senator T. Hoffman, undergraduate student, College of Computer, Mathematical, and Natural Sciences stated that regardless of whether this resolution is in response to a crisis or is passed with

future prospects in mind, having the Senate Chair as a member of the Cabinet could be critical. He noted that this would allow the Senate to be more informed about decisions made by the President.

Seeing no further discussion, Chair Walsh called for a vote on the resolution. **The result was 54 in favor, 25 opposed, and 14 abstentions. The resolution passed.**

Senator Cohen stated that he has prepared a second resolution to ensure that the presidential search committee emphasizes the University's principles of research and academics. He noted that President Loh has not focused on research and teaching during his time at the University. He stated that though it may be unnecessary for the Senate to encourage the search committee to emphasize these principles, it may be a good reminder to do so. He made a motion to approve another resolution as follows:

Whereas the selection of the next President of the University is of paramount importance to the faculty, staff, and students and a critical element to the institution and to the continued ascension of the University as a top public research institution,

Be it resolved that the Senate recommends that while selecting the next president of the University, the Search Committee emphasize the critical importance of research and academics as the University's principal missions as a land grant institution.

Chair Walsh called for a second. The motion was seconded. Walsh opened the floor to discussion of the resolution.

Senator D. Lathrop, faculty, College of Computer, Mathematical, and Natural Sciences stated that he helped craft the language of the resolution and noted that it was intended to be a positive statement on the direction that the University wants to be moving in.

Pam Lanford introduced Betsy Beise, Associate Provost for Academic Planning. Beise suggested that the resolution be amended to reverse the order of 'research' and 'academics'. She stated that she was frustrated by Senator Cohen's assumption that there has been a lack of focus on academics and research at the University. She noted that though President Loh may not speak as publicly about academics, the University has built an extraordinary new instructional building during his term and the University is receiving more research funding than ever before. She stated that it is unfair to claim that President Loh does not focus on academics and research.

Senator Peer, faculty, College of Agriculture and Natural Resources made a motion to amend the resolution to refer to 'academics, research, and extension':

Whereas the selection of the next President of the University is of paramount importance to the faculty, staff, and students and a critical element to the institution and to the continued ascension of the University as a top public research institution,

*Be it resolved that the Senate recommends that while selecting the next president of the University, the Search Committee emphasize the critical importance of ~~research~~ and academics, **research, and extension** as the University's principal missions as a land grant institution.*

Chair Walsh called for a second to the amendment. The motion was seconded. He opened the floor to discussion of the amendment.

Senator Abana asked what 'extension' means. He made a motion to amend the amendment to include 'entrepreneurship':

Whereas the selection of the next President of the University is of paramount importance to the faculty, staff, and students and a critical element to the institution and to the continued ascension of the University as a top public research institution,

Be it resolved that the Senate recommends that while selecting the next president of the University, the Search Committee emphasize the critical importance of academics, research, ~~and extension,~~ **and entrepreneurship** as the University's principal missions as a land grant institution.

Chair Walsh called for a second to the amendment. The motion was seconded. He opened the floor to discussion of the amendment to the amendment.

Senator Huntley explained that extension involves making research profitable and noted that this is part of the mission of the College of Agriculture and Natural Resources. He noted that adding 'entrepreneurship' after extension would be duplicative and requested that Senator Abana withdraw his amendment.

Senator Dorland, faculty, College of Computer, Mathematical, and Natural Sciences stated that sentiments like 'entrepreneurship' are exactly what the resolution was designed to oppose. He urged the Senate to reject the amendment to the amendment.

Dean Lushniak noted that the mission of the University of Maryland is to provide excellence in teaching, research, and service. He made a motion to amend the resolution to align with that mission:

Whereas the selection of the next President of the University is of paramount importance to the faculty, staff, and students and a critical element to the institution and to the continued ascension of the University as a top public research institution,

Be it resolved that the Senate recommends that while selecting the next president of the University, the Search Committee emphasize the critical importance of **teaching, academics,** research, ~~and extension,~~ **and entrepreneurship and service** as the University's principal missions as a land grant institution.

Chair Walsh called for a second to the amendment. The motion was seconded. He opened the floor to discussion of the amendment to the amendment to the amendment.

Senator Breslow, emeriti faculty, urged the Senate to reject all amendments and to approve the original resolution.

Senator Howell, faculty, College of Agriculture and Natural Resources noted that the word 'extension' may be redundant as the University's position as a land grant institution implies extension in its mission. She suggested that this language be further researched before it is included in a resolution. She made a motion to charge the SEC with reviewing the language of the amendments.

Chair Walsh called for a second to the motion to charge the SEC with reviewing the language of the resolutions. The motion was seconded.

Senator Brown made a motion to extend the meeting by 15 minutes.

Chair Walsh called for a second. The motion was seconded. He noted that the motion requires a two-thirds vote to pass. **The result was 43 in favor, 38 opposed. The motion failed.**

Chair Walsh opened the floor to discussion of the motion to charge the SEC with reviewing the language of the amendments. Seeing no discussion, he called for a vote on the motion. **The result was 53 in favor, 26 opposed, 0 abstentions. The motion passed.**

NEW BUSINESS

There was no new business.

ADJOURNMENT

The meeting was adjourned at 5:01 p.m.



Resolution to Emphasize the University's Principal Missions During the Search for a New President (Senate Document #18-19-30)

Whereas the selection of the next President of the University is of paramount importance to the faculty, staff, and students and a critical element to the institution and to the continued ascension of the University as a top public research institution,

Be it resolved that the Senate recommends that while **identifying candidates for selecting** the next President of the University, the Search Committee emphasize the critical importance of ~~research and~~ academics, **scholarship, and public service within a supportive, respectful, and inclusive environment** as the University's principal missions ~~as a land grant institution~~.



Rename the Ph.D. in "Health Services" to "Health Services Research" (PCC 18042)

PRESENTED BY Janna Bianchini, Chair, Senate Programs, Curricula, and Courses Committee

REVIEW DATES SEC – January 28, 2019 | SENATE – March 6, 2019

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT NA

NECESSARY APPROVALS Senate, President, University System of Maryland Chancellor, and Maryland Higher Education Commission

ISSUE

The Department of Health Services Administration within the School of Public Health proposes to rename its current doctoral program in “Health Services” to “Health Services Research.” Health Services Research is the official name of the academic discipline and used by peer institution Ph.D. programs, including Boston University, Johns Hopkins, George Mason, and Stanford. Moreover, the name Health Services can be misleading, as it could describe the broader field of health care service delivery, rather than the specific research field of Health Services Research.

This proposal was approved by the Graduate School Programs, Curricula, and Courses Committee on November 30, 2018, and was approved by the Senate Programs, Curricula, and Courses Committee on December 7, 2018.

RECOMMENDATION(S)

The Senate Committee on Programs, Curricula, and Courses recommends that the Senate approve this program name change.

COMMITTEE WORK

The committee considered this proposal at its meeting on December 7, 2018. Dylan Roby, Associate Chair and Director of Graduate Studies for the Department of Health Services Administration, presented the proposal and answered questions from the committee. The proposal was unanimously approved by the committee.

ALTERNATIVES

The Senate could decline to approve this program title change.

RISKS

If the Senate declines to approve this name change, the program will retain its inaccurate and potentially confusing title.

FINANCIAL IMPLICATIONS

There are no significant financial implications with this proposal.

**University of Maryland PCC
Program/Curriculum/Unit Proposal**

PCC Log No: **18042**

Program: PhD in Health Services Program

Department/Unit: Health Services Administration

College/School: School of Public Health

Proposal Contact Person (with email): droby@umd.edu

Type of Action (check one):

- Curriculum change (includes modifying minors, concentrations/specializations and creating informal specializations)
 - Curriculum change is for an LEP Program
- Rename a program or formal Area of Concentration*
- Establish/Discontinue a formal Area of Concentration*
- Other:
- Establish a new academic degree/certificate program*
- Create an online version of an existing program*
- Establish a new minor*
- Suspend/Discontinue a degree/certificate program*
- Establish a new Master or Certificate of Professional Studies program*
- New Professional Studies program will be administered by Office of Extended Studies*

Italics indicate that the proposal must be presented to the full University Senate for consideration.

Approval Signatures - Please print name, sign, and date. For proposals requiring multiple unit approvals, please use additional cover sheet(s).

1. Department Committee Chair Dylan Roby DYLAN ROBY 6/18/18
2. Department Chair Luina Frag... 6/18/18
3. College/School PCC Chair Brit Sah 9/14/18
4. Dean BOBIS O. LUSHNIAK BOB O. Lushniak 02 OCT 2018
5. Dean of the Graduate School (if required) _____
6. Chair, Senate PCC Janna Bianchini JLB 12-7-18
7. University Senate Chair (if required) _____
8. Senior Vice President and Provost _____

Instructions:

When approved by the dean of the college or school, please send the proposal and signed form to the Office of the Associate Provost for Academic Planning and Programs, 1119 Main Administration Building, Campus-5031, **and** email the proposal document as an MSWord attachment to pcc-submissions@umd.edu.

Summary of Proposed Action (use additional sheet if necessary):

The Department of Health Services Administration would like to update the name of the PhD program in Health Services to "Health Services Research." Health Services Research is the official name of the academic discipline and Health Services is no longer used to describe the field. This revision to the name will better characterize our field of study and match peer institutions PhD programs in Health Services Research, including Boston University, Johns Hopkins, George Mason University, and Stanford. The name Health Services can be misleading, as it could describe the broader field of health care service delivery, rather than the specific research field of Health Services Research. AcademyHealth, the membership organization, has been focused on promulgating a competency model for Health Services Research to set a standard for the profession: <https://onlinelibrary.wiley.com/doi/abs/10.1111/1475-6773.12851>. We would like our name to reflect the discipline accurately and avoid confusion for students, faculty, and other stakeholders.

Unit Code(s) (to be entered by the Office of Academic Planning and Programs):



Rename the Department of "Health Services Administration" to "Health Policy and Management" (PCC 18043)

PRESENTED BY Janna Bianchini, Chair, Senate Programs, Curricula, and Courses Committee

REVIEW DATES SEC – January 28, 2019 | SENATE – March 6, 2019

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT NA

NECESSARY APPROVALS Senate, President, and University System of Maryland Chancellor

ISSUE

The Department of Health Services Administration within the School of Public Health proposes to change its name to the Department of Health Policy and Management. The current name of the department is outdated, having been created in 2007 when the department offered only one program: the Master of Health Administration (M.H.A.). In addition to the M.H.A. the department now offers a doctoral program in Health Services, and Master of Public Health programs in Health Policy Analysis and Evaluation, Health Equity, and Public Health Practice and Policy. The department now has faculty who have expertise in the broader areas of health policy and management. Furthermore, equivalent departments at peer institutions are named either Health Policy and Management or Health Management and Policy. The School of Public Policy and the Robert H. Smith School of Business are both supportive of this name change.

This proposal was approved by the Graduate School Programs, Curricula, and Courses Committee on November 30, 2018, and was approved by the Senate Programs, Curricula, and Courses Committee on December 7, 2018.

RECOMMENDATION(S)

The Senate Committee on Programs, Curricula, and Courses recommends that the Senate approve this program name change.

COMMITTEE WORK

The committee considered this proposal at its meeting on December 7, 2018. Dylan Roby, Associate Chair and Director of Graduate Studies for the Department of Health Services Administration, presented the proposal and answered questions from the committee. The proposal was unanimously approved by the committee.

ALTERNATIVES

The Senate could decline to approve this department name change.

RISKS

If the Senate declines to approve this name change, the department name will continue to reflect only a subset of the research and instructional activities offered by the department.

FINANCIAL IMPLICATIONS

There are no significant financial implications with this proposal.

**University of Maryland PCC
Program/Curriculum/Unit Proposal**

PCC Log No:

18043

Program: All Masters and Doctoral Programs in the Department of Health Services Administration (MPH/MHA/PhD)

Department/Unit: Health Services Administration

College/School: School of Public Health

Proposal Contact Person (with email): droby@umd.edu

Type of Action (check one):

- Curriculum change (includes modifying minors, concentrations/specializations and creating informal specializations)
 - Curriculum change is for an LEP Program
- Rename a program or formal Area of Concentration
- Establish/Discontinue a formal Area of Concentration
- Other: Rename a Department

- Establish a new academic degree/certificate program
- Create an online version of an existing program
- Establish a new minor
- Suspend/Discontinue a degree/certificate program
- Establish a new Master or Certificate of Professional Studies program
- New Professional Studies program will be administered by Office of Extended Studies

Italics indicate that the proposal must be presented to the full University Senate for consideration.

Approval Signatures - Please print name, sign, and date. For proposals requiring multiple unit approvals, please use additional cover sheet(s).

1. Department Committee Chair Dylan Roby DYLAN ROBY 6/18/18
2. Department Chair Imma Frangini 6/18/18
3. College/School PCC Chair Boris Lushniak 9/14/18
4. Dean Boris Lushniak BORIS LUSHNIAK 02 OCT 2018
5. Dean of the Graduate School (if required) _____
6. Chair, Senate PCC Janna Bianchini Janna Bianchini 12-7-18
7. University Senate Chair (if required) _____
8. Senior Vice President and Provost _____

Instructions:

When approved by the dean of the college or school, please send the proposal and signed form to the Office of the Associate Provost for Academic Planning and Programs, 1119 Main Administration Building, Campus-5031, **and** email the proposal document as an MSWord attachment to pcc-submissions@umd.edu.

Summary of Proposed Action (use additional sheet if necessary):

The Department of Health Services Administration requests a name change to Department of Health Policy and Management. The name will more accurately reflect the 5 degree programs offered and the broader expertise of the faculty. We offer an MPH in Health Policy Analysis and Evaluation, MPH in Health Equity, MPH in Public Health Practice and Policy, a Masters in Health Administration (MHA), and a PhD in Health Services. The Department of Health Services Administration's name is outdated and was created in 2007 when the only Masters program was the MHA degree. Now that our faculty has expanded and we have multiple masters programs, we would like to update the name to Department of Health Policy and Management. This name change will also improve our ability to recruit students and gain recognition for the broader set of research and educational programs we engage in. Equivalent departments at peer institutions are named Health Policy and Management (UCLA, UC Berkeley, Yale) or Health Management and Policy (Michigan). The Schools of Public Policy and Business have submitted letters in support of our requested name change.

Unit Code(s) (to be entered by the Office of Academic Planning and Programs):



Dylan H. Roby <droby@umd.edu>

Fwd: department name change

1 message

Luisa Franzini <franzini@umd.edu>

- Thu, Feb 8, 2018 at 9:28 PM

To: "Dylan H. Roby" <droby@umd.edu>

----- Forwarded message -----

From: Luisa Franzini <franzini@umd.edu>

Date: Thu, Feb 8, 2018 at 6:49 PM

Subject: Re: department name change

To: Ritu Agarwal <ragarwal@rhsmith.umd.edu>

CC: Alexander J. Triantis <atrianti@umd.edu>

Thank you!

On Thu, Feb 8, 2018 at 6:47 PM Ritu Agarwal <ragarwal@rhsmith.umd.edu> wrote:

Dear Luisa,

Alex and I have discussed this and we are fine with the proposed change. Thanks for giving us the heads up and good luck with the PCC process.

Best,
Ritu

On Thu, Feb 8, 2018 at 2:48 PM, Luisa Franzini <franzini@umd.edu> wrote:

Alexander and Ritu,

the HLSA faculty voted at our retreat to change the department name to 'Health Policy and Management'. The goal is for it to better represent who we are and what we do. Also, it conforms with how most of our peer schools name departments like ours. We are planning to move ahead with the change through PCC, but wanted to let you know first.

Please let me know if you want to discuss.

Thanks
Luisa

Luisa Franzini, Ph.D.

Professor and Chair, Department of Health Services Administration

University of Maryland School of Public Health

3310D School of Public Health (Bldg #255)

4200 Valley Drive

College Park, MD 20742-2611

franzini@umd.edu

Phone: 301 405 2470; Fax 301 405 2542

--

Ritu Agarwal
Senior Associate Dean

6/4/2018

University of Maryland, College Park Mail - Fwd: department name change

Distinguished University Professor and Dean's Chair of Information Systems
Director, Center for Health Information and Decision Systems
Robert H. Smith School of Business
2416F Van Munching Hall
University of Maryland
College Park, MD 20742-1815
301.405.3121 TEL; 301.314.9120 FAX
<http://www.rhsmith.umd.edu/chids>
<http://www.rhsmith.umd.edu/directory/ritu-agarwal>

--
Luisa Franzini, Ph.D.

Professor and Chair, Department of Health Services Administration

University of Maryland School of Public Health

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4200 Valley Drive

College Park, MD 20742-2611

franzini@umd.edu

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--

Luisa Franzini, Ph.D.

Professor and Chair, Department of Health Services Administration

University of Maryland School of Public Health

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UNIVERSITY OF
MARYLAND

SCHOOL OF PUBLIC POLICY

2101 Van Munching Hall
College Park, Maryland 20742
(301) 405-3103 Phone
(301) 403-4675 Fax
rorr1@umd.edu
www.publicpolicy.umd.edu

ROBERT C. ORR
DEAN

April 5, 2018

Dr. Luisa Franzini
Professor and Chair
Department of Health Services Administration
University of Maryland School of Public Health
4200 Valley Drive
College Park, MD 20742

Dear Dr. Franzini:

As communicated in your email dated February 8, 2018, the Department of Health Services and Administration intends to change its name to the Department of Health Policy and Management. The School of Public Policy supports your intentions to make this change so as to better represent the substantive foci of your department.

The School of Public Policy has long been engaged in the health policy field, and we expect to increase our course offerings, research efforts and programmatic activity through our expanding health policy group. As a rich vein of possibility for interdisciplinary work, we welcome the opportunity for deeper engagement and greater collaboration between your department and our school.

Sincerely,

A handwritten signature in cursive script that reads "Robert C. Orr".

Robert C. Orr



Revisions to the A. James Clark School of Engineering Plan of Organization

PRESENTED BY Andy Horbal, Chair

REVIEW DATES SEC – February 26, 2019 | SENATE – March 6, 2019

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [UMD Plan of Organization for Shared Governance](#), [University Senate Bylaws](#)

NECESSARY APPROVALS Senate, President

ISSUE

The University of Maryland Plan of Organization for Shared Governance mandates that all Colleges and Schools be governed by a Plan of Organization. These Plans must conform to provisions and principles set forth in the University’s Plan, the Bylaws of the University Senate, the Policy on Shared Governance in the University System of Maryland, and best practices in shared governance. Revisions to the Plan of Organization of each College, School, and the Library must be reviewed and approved by the University Senate. The Senate Elections, Representation, & Governance (ERG) Committee is the standing committee responsible for conducting these reviews. The A. James Clark School of Engineering (ENGR) submitted changes to its Plan of Organization to the University Senate for review in September 2016.

RECOMMENDATIONS

The ERG Committee recommends that the Senate approve the revised A. James Clark School of Engineering Plan of Organization.

COMMITTEE WORK

The ERG Committee reviewed the ENGR Plan during October and November 2016. It returned its feedback in December 2016, when it recommended that ENGR streamline its Plan, clarify committee functions and procedures, provide for the election of University Senators, and consider expanding the faculty constituency to include part-time faculty. ENGR submitted a new draft in February 2017 that expanded both faculty and staff representation and deleted provisions that were unnecessary or inappropriate. Over the course of spring 2017, the committee and a representative from ENGR worked to eliminate ambiguities and potential contradictions and devise a new apportionment plan that would provide the School greater flexibility.

The School solicited comment on the revised Plan over the summer and fall of 2017. In spring 2018, ENGR proposed several additional amendments to the School’s administrative structure and mechanism for apportioning University Senators. The ERG Committee reviewed these changes and made additional, minor adjustments that clarified election procedures for University Senators and ensured that both tenured/tenure-track and professional track faculty are included on Plan review

committees. ENGR accepted the proposed changes. The ERG Committee voted to approve the revised Plan by an email vote concluding September 14, 2018.

The Faculty Affairs Committee worked with ENGR to revise its APT policy, which was approved by the committee through an email vote concluding May 31, 2017. ENGR subsequently proposed a change in the term lengths of members of its APT committee; the Faculty Affairs Committee approved this change at its meeting on September 7, 2018. The Engineering Assembly approved the revised version of its Plan in an electronic vote concluding on December 11, 2018.

The Faculty Affairs Committee also worked with ENGR to revise its AEP policy, which was approved by the committee in an email vote concluding on January 17, 2019. ENGR approved the revised policy in a vote concluding on February 12, 2019.

ALTERNATIVES

The Senate could reject the revised Plan of Organization and the existing Plan would remain in effect.

RISKS

There are no associated risks.

FINANCIAL IMPLICATIONS

There are no financial implications.



Revisions to the A. James Clark School of Engineering Plan of Organization

2018-2019 Committee Members

Andy Horbal (Chair)

Leigh Ann DePope (Faculty)

Jonathan Herrington (Ex-Officio UHR Rep)

Wendell Hill (Faculty)

Alexander Houck (Non-Exempt Staff)

Christine Johnson (Faculty)

Sharon La Voy (Ex-Officio Associate VP IRPA Rep)

Lisha Lai (Graduate Student)

Elizabeth Lathrop (Faculty)

Olivia Mandell (Undergraduate Student)

Elizabeth McClure (Faculty)

MacGregor Obergfell (Graduate Student)

Bria Parker (Faculty)

Benjamin Reichard (Undergraduate Student)

Date of Submission

February 2019

BACKGROUND

The University of Maryland Plan of Organization for Shared Governance mandates that all Colleges and Schools be governed by a Plan of Organization. These Plans must conform to provisions and principles set forth in the University's Plan, the Bylaws of the University Senate, the Policy on Shared Governance in the University System of Maryland, and best practices in shared governance. Revisions to the Plan of Organization of each College, School, and the Library must be reviewed and approved by the University Senate. The Senate Elections, Representation, & Governance (ERG) Committee is the standing committee responsible for conducting these reviews. The A. James Clark School of Engineering (ENGR) submitted changes to its Plan of Organization to the University Senate for review in September 2016.

COMMITTEE WORK

An ERG subcommittee reviewed the revised Plan and Bylaws in October and November of 2016 (while Bylaws do not need to be reviewed by the Senate, the ERG Committee provided feedback at the School's request). ERG also submitted ENGR's appointment, promotion, and tenure (APT) policy and appointment, evaluation, and promotion (AEP) policy to the Faculty Affairs Committee in November 2016. The full ERG Committee reviewed the subcommittee's recommendations and returned its feedback to ENGR in December 2016.

The ERG Committee recommended that ENGR streamline both documents. The committee proposed that ENGR reassign specific committee functions, such as responsibility for reviewing department Plans of Organization, to ensure its Faculty Advisory Committee met the criteria established by the University's Plan. The committee noted missing language related to the election of University Senators, as well as missing language establishing the frequency of certain committee meetings. Additionally, the committee expressed concerns that limiting eligibility for service and voting to "full-time" faculty unnecessarily restricted representation.

ENGR submitted a revised draft that addressed many of the committee's concerns in February 2017. It removed the stipulation that the faculty constituency was restricted to "full-time" faculty. Additionally, it ensured representation for both exempt and non-exempt staff, clarified how staff and student members of the Faculty Advisory Committee would be selected, and deleted provisions that

were unnecessary or inappropriate. It also added a review cycle for departmental Plans. The ERG Committee met with a representative from ENGR several times over the course of the spring 2017 semester, working to eliminate ambiguities and potential contradictions and devise a new apportionment plan that would provide the School greater flexibility. The ERG Committee voted to approve the Plan at its meeting on April 26, 2017.

The School solicited comment on the revised Plan over the summer and fall of 2017, and considered several substantive revisions to the membership of its Assembly and method of approving Plan revisions. In spring 2018, ENGR decided against any significant changes, and instead proposed several additional amendments to the School's administrative structure and mechanism for apportioning University Senators. The ERG Committee reviewed these changes and made additional, minor adjustments that clarified election procedures for University Senators and ensured that both tenured/tenure-track and professional track faculty are included on Plan review committees. ENGR accepted the proposed changes. The ERG Committee voted to approve the revised Plan by an email vote concluding September 14, 2018.

The Faculty Affairs Committee worked with ENGR to revise its APT policy, which was approved by the committee through an email vote concluding May 31, 2017. ENGR subsequently proposed a change in the term lengths of members of its APT committee; the Faculty Affairs Committee approved this change at its meeting on September 7, 2018. The Engineering Assembly approved the revised version of its Plan in an electronic vote concluding on December 11, 2018.

The Faculty Affairs Committee also worked with ENGR to revise its AEP policy, which was approved by the committee in an email vote concluding on January 17, 2019. ENGR approved the revised policy in a vote concluding on February 12, 2019.

RECOMMENDATIONS

The Elections, Representation, & Governance Committee recommends that the Senate approve the revised Plan of Organization for the A. James Clark School of Engineering.

APPENDICES

Appendix 1—2006 A. James Clark School of Engineering Plan of Organization

PLAN OF ORGANIZATION

**A. JAMES CLARK SCHOOL OF ENGINEERING
THE UNIVERSITY OF MARYLAND COLLEGE PARK**

Adopted by the Engineering Assembly
December 11, 2018

Christopher Cadou, Chair of the
Engineering Council

Date

Darryll Pines, Dean of Engineering

Date

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Preamble

The purpose of this Plan of Organization is to provide a framework within which the A. James Clark School of Engineering can fulfill its mission in accordance with the Plan of Organization for Shared Governance at the University of Maryland. Shared governance means that faculty, staff, students, and administrators at all levels work together to make decisions regarding the School's operation as well as the formation and articulation of a vision for it. Therefore, an important objective of this Plan is to capitalize on our diversity by ensuring that as many constituencies and demographic groups as possible participate meaningfully in the governance of the A. James Clark School of Engineering.

Mission Statement

The mission of the A. James Clark School of Engineering at the University of Maryland is to serve the state of Maryland and the nation by 1) training the next generation of engineers who will address society's current and emerging challenges, 2) conducting scholarly research to advance our understanding of the physical and social bases of these challenges, 3) developing a culture of innovation and entrepreneurship that applies this new understanding quickly and efficiently to society's challenges, and 4) building a culture of collegiality among faculty, staff, students, alumni, donors, and friends of the A. James Clark School of Engineering to support our mission.

Related Documents:

1. A. James Clark School of Engineering Policy on Appointment and Promotion of Professional Track Faculty
2. A. James Clark School of Engineering APT Policy
3. A. James Clark School of Engineering Plan of Organization for Student Governance
4. A. James Clark School of Engineering Bylaws of the Engineering Senate

Definitions and Terms:

- A. Faculty. Employees of the University who satisfy the following two conditions:
 - a. Hold a faculty rank as defined in the Faculty Handbook.
 - b. Hold at least 50% of their appointment within the School.
- B. Tenured/Tenure-Track Faculty (T/TT). Faculty and their equivalent as defined in 3.2.a (1) of the University Plan.
- C. Professional Track Faculty (PTK). Faculty as defined in 3.2.a (2) of the University Plan.
- D. Exempt Staff. Those who hold a permanent, exempt appointment as defined by the applicable University definitions and classifications.
- E. Non-exempt Staff. Those who hold a permanent, non-exempt appointment as defined by the applicable University definitions and classifications.
- F. Undergraduate Students. People who are enrolled full time in the School's undergraduate academic programs.
- G. Graduate Students. People who are enrolled full time in the School's graduate academic programs.
- H. Administration. Faculty and Staff of the School that are responsible for its operation and leadership. It consists of the Dean, Associate and Assistant Deans, the Department

Chairpersons and Directors, and the Administrative Council. The Administrative Council consists of the Dean, his/her immediate administrative staff, and the Department Chairpersons, and Directors. The Dean chairs the Administrative Council.

I. Units within the School

a. Academic Departments

Department of Aerospace Engineering
Department of Chemical and Biomolecular Engineering
Department of Civil and Environmental Engineering
Department of Electrical and Computer Engineering
Department of Fire Protection Engineering
Department of Materials Science and Engineering
Department of Mechanical Engineering
Fischell Department of Bioengineering

b. Institutes

Institute for Research in Electronics and Applied Physics (IREAP)
Institute for Systems Research (ISR)

c. Other Support Units

Dean's Office
Cooperative Engineering Education and Career Services
Office of Advanced Engineering Education

J. University Senate. Unicameral legislative body defined in Article 1 of the University Plan.

K. Bylaws of the Engineering Senate. A separate document describing the membership and operations of the Engineering Senate and its committees.

L. Acronyms/Abbreviations

- a. University Plan: Refers to the founding document of the University Senate, titled 'Plan of Organization for Shared Governance at the University of Maryland College Park.'
- b. PTK Policy: Refers to the document titled 'A. James Clark School of Engineering Policy on Appointment and Promotion of Professional Track Faculty.'
- c. T/TT Policy: Refers to the document titled 'A. James Clark School of Engineering APT Policy.'
- d. Student Plan: Refers to the document titled 'A. James Clark School of Engineering Plan of Organization for Student Governance.'
- e. School: Refers to the 'A. James Clark School of Engineering.'

1.1. The Engineering Senate and its Functions

- 1.2. There shall be an Engineering Senate that will be an integral part of the School's system of governance. The powers of the Engineering Senate shall be limited so that they do not contravene the powers delegated by the President to the Dean of the School.
- 1.3. The Senate shall consider any matter of concern to the School including, but not limited to, educational, budgetary, and personnel matters; School-community matters; long range plans; facilities; and faculty, staff and student affairs. The Engineering Senate shall advise the Dean, President, Chancellor, or Board of Regents as it deems appropriate.
- 1.4. The functions of the Engineering Senate shall include, but shall not be limited to, the following:
 - 1.4.1. Advise the Dean on all matters of concern.
 - 1.4.2. Receive and consider recommendations from, and consult with, the Dean.
 - 1.4.3. Receive and consider recommendations from, and advise and consult with, all sectors of the School community on matters of concern.
 - 1.4.4. Consult with the Dean on all general policy matters pertaining to employment as well as programs of the instructional, research, and supportive staff of the School.
 - 1.4.5. Submit proposals to the Dean or to School constituencies (including faculty, exempt staff, non-exempt staff, undergraduate students, and graduate students) as in its judgement may serve to improve the quality of School life.
 - 1.4.6. Provide for the review of administrative implementation of policies adopted by the Engineering Senate as appropriate.
 - 1.4.7. Assist in the selection of the Dean.
 - 1.4.8. Support periodic reviews of the Dean and other administrative officers of the School in keeping with the policy outlined in I.600(B) - 'Policy on the Review of Deans of Academic Units.'
 - 1.4.9. Formulate and recommend to the Dean policies relating to education, research, and instructional resources for the School, and review proposals and recommend review of standards of any individual unit.
 - 1.4.10. Formulate and recommend to the Dean policies relating to programs, curricula, and courses, including policies on the establishment, reorganization, or abolition of academic units.
 - 1.4.11. Work for the promotion of student welfare and the enhancement of student life.
 - 1.4.12. Work for the advancement of faculty life, employment, morale, and perquisites, and ensure academic freedom and the protection of faculty research interests.
 - 1.4.13. Work to advance and enhance exempt and non-exempt staff life, conditions of employment, morale, and welfare.
 - 1.4.14. Work for a favorable academic environment and harmonious relations with the neighboring communities and surrounding areas.
 - 1.4.15. Consult and advise on long-range plans as they relate to the School budget, physical plant development, and other aspects of School life, including ways in which these aspects may be improved, and provide means to keep such plans under continual review.
 - 1.4.16. Supervise all Senatorial elections and other duties relating to the supervision of the Engineering Senate as might be deemed appropriate.
 - 1.4.17. Initiate proposed changes to this Plan, when necessary or desirable, in accordance with Article 6.

- 1.4.18. Determine unit eligibility for representation in the Engineering Senate.
- 1.4.19. Constitute, as necessary, committees to review and revise the School's policies on the promotion of T/TT and PTK faculty.

2. Relation of the Engineering Senate to the Office of the Dean

- 2.1. The Engineering Senate and the Dean shall exchange, in a timely manner, information that concerns the actions and/or activities of the Engineering Senate.
 - 2.1.1. The Engineering Senate and its committees shall obtain information from the Office of the Dean. The Faculty Advisory Committee of the Engineering Senate, or the presiding officer of the Engineering Senate, shall distribute such information either to the entire Engineering Senate or to its committees, as the case requires. In particular, the Engineering Senate shall be supplied with up-to-date charges of organization that describe the structure of the office of the Dean.
 - 2.1.2. At least once each academic semester, the Dean shall be invited to present a report on any matter of concern to a regular or special meeting of the Engineering Senate.
 - 2.1.3. The presiding officer of the Engineering Senate shall make a report of all appropriate Engineering Senate decisions, or Faculty Advisory Committee decisions made on behalf of the Engineering Senate, and send that report to the Dean within ten working days.
- 2.2. Decisions of the Engineering Senate shall be implemented when approved by the Dean.
 - 2.2.1. In the event that the Dean does not choose to implement the decisions and/or recommendations in whole or in part, the Dean shall inform the Engineering Senate in writing through the Faculty Advisory Committee within fifteen working days, citing reasons for the dissent.
 - 2.2.2. In case the decision of the Dean's Office requires longer than fifteen working days, the Dean shall notify the Faculty Advisory Committee within those fifteen working days of the reason for the delay and specify a reasonable date to respond to the Engineering Senate. The procedures shall be repeated if additional time is required.
 - 2.2.3. At the beginning of each academic year, the Faculty Advisory Committee and the Dean's Office shall submit a written report to the Engineering Senate on the status of all of the Engineering Senate's active recommendations.
- 2.3. At the request of the Dean, the Engineering Senate shall elect representatives to committees or councils.
- 2.4. At the request of the Dean, the Faculty Advisory Committee may appoint or nominate representatives to committees or councils.

3. Membership and Eligibility

- 3.1. There shall be an Engineering Senate, a unicameral body composed of voting representatives called Senators from the following constituencies, and certain non-voting ex officio members.
- 3.2. Faculty Senators
 - 3.2.1. Faculty constituencies include:
 - (1) Tenured and tenure-track faculty as defined in II-1.00 [A] and the T/TT Policy.
 - (2) Professional track faculty as defined in II-1.00[G] and the PTK Policy with greater than 50% appointments, but excluding the term-limited and entry-level professional track titles.

- Part-time faculty may not be added together to compose a faculty constituent.
- 3.2.2. Representatives to the Engineering Senate shall be elected from those faculty constituents who have been under contract to the University at least since August of the academic year during which the election is held. All these Senators shall be elected in accordance with the individual Plans of Organization of their units.
 - 3.2.3. Faculty who hold joint appointments of equal time in two or more units may vote or be elected to an Engineering Senate seat from only one of those units. Such individuals shall be asked by the Faculty Advisory Committee in which unit they wish to have voting representation. Individuals may change their voting representation only when the Engineering Senate is reapportioned.
 - 3.2.4. The specific apportionment of Senatorial representatives between departments and research institutes in the School shall be stated in the Bylaws but shall follow the general guideline of two T/TT faculty Senators per PTK faculty Senator for each department or research institute.
 - 3.2.5. Apportionments of Senatorial representation among the departments, institutes (or units), and types of faculty should be reviewed and revised as needed when the Plan of Organization is amended or replaced.
 - 3.2.6. In the case of the reorganization of existing academic departments or the creation of new academic departments or research institutes, the Faculty Advisory Committee shall appoint a special committee to reapportion Senatorial representation between academic departments and research institutes.
 - (1) The special reapportionment committee shall consist of two T/TT representatives from each department or institute and one PTK representative from each department or institute.
 - (2) Representatives to the reapportionment committee do not have to be members of the Engineering Senate.
 - (3) Revised apportionment schemes must be approved by simple majority votes of the Faculty Advisory Committee and the Engineering Senate.
 - (4) In all cases covered under the provisions of this section, currently elected Senators from the affected units shall serve until the end of their terms, or until they resign, just as they would under a regular reapportionment of the Engineering Senate as specified in section 3.8.
 - 3.2.7. The term of each elected faculty Senator shall be three years, irrespective of any academic reorganizations that may take place during that time. Senators who have served a full term shall for a period of one year be ineligible for re-election or for appointment to the Engineering Senate.
- 3.3. Staff Senators
- 3.3.1. Exempt staff constituencies are defined as those employees of the School who hold a permanent, exempt appointment as defined by the applicable University definitions and classifications.
 - 3.3.1.1. Two exempt staff Senators shall represent the exempt staff constituency.
 - 3.3.1.2. The term of each elected exempt staff Senator shall be three years. Exempt staff Senators who have served a full term shall for a period of one year be ineligible for re-election or appointment to the Engineering Senate.

- 3.3.1.3. The Senatorial responsibilities of each staff Senator shall be considered a part of his/her official duties.
 - 3.3.2. Non-exempt staff constituencies are defined as those employees of the School who hold a permanent, non-exempt appointment as defined by the applicable University definitions and classifications.
 - 3.3.2.1. Two non-exempt staff Senators shall represent the non-exempt staff constituency.
 - 3.3.2.2. The term of each elected non-exempt staff Senator shall be three years. Staff Senators who have served a full term shall for a period of one year be ineligible for re-election or for appointment to the Engineering Senate.
 - 3.3.2.3. The Senatorial responsibilities of each non-exempt staff Senator shall be considered a part of his/her official duties.
 - 3.4. Student Senators
 - 3.4.1. Undergraduate Student Senators
 - 3.4.1.1. Four undergraduate Senators shall be elected in accordance with the procedures outlined in the Student Plan.
 - 3.4.1.2. The term of each elected undergraduate student Senator shall be one year. Undergraduate student Senators are eligible for re-election for up to three consecutive terms.
 - 3.4.1.3. No undergraduate student shall be elected to, or serve in, office if not in satisfactory academic and disciplinary standing as defined in University publications.
 - 3.4.1.4. An undergraduate student Senator must be continuously enrolled in the School for at least twelve academic hours during the academic semesters served in the Engineering Senate and shall not hold faculty rank, or an administrative or staff position, but may be employed by the University as a student employee.
 - 3.4.2. Graduate Student Senators
 - 3.4.2.1. Two graduate Senators shall be elected in accordance with the procedures outlined in the Student Plan.
 - 3.4.2.2. The term of each elected graduate student Senator shall be one year. Graduate student Senators are eligible for re-election for up to three consecutive terms.
 - 3.4.2.3. No graduate student shall be elected to, or serve in, office if not in satisfactory academic and disciplinary standing as defined in University publications.
 - 3.4.2.4. A graduate student Senator must be continuously enrolled and be certified by the Graduate School as a full-time graduate student in the A. James Clark School of Engineering during the academic semesters served in the Engineering Senate and shall not hold faculty rank, or an administrative or staff position, but may be a graduate assistant, graduate research assistant, or graduate fellow.
 - 3.5. Single Member Constituency Senators
 - 3.5.1. In order to provide some representation for members of the School community who do not meet the criteria for inclusion in the faculty, staff, or student constituencies, the Engineering Senate, in its Bylaws, may define up to ten additional

constituencies that are represented by one Senator, elected or appointed according to procedures to be set forth in the Bylaws.

3.6. Ex Officio Members of the Engineering Senate

3.6.1. The following shall be non-voting ex officio members of the Engineering Senate:

(1) the Dean

(2) the Directors of Institutes and Associate and Assistant Deans

(3) the Department Chairpersons

(4) the President of the Engineering Student Government Association

(5) the President of the Engineering Graduate Student Government Association

3.6.2. Non-voting ex officio members of the Engineering Senate shall enjoy all the privileges of Engineering Senate membership except the right to vote.

3.7. Disqualification from the Engineering Senate

3.7.1. No person shall be disqualified from election if in satisfactory standing at the University, if a member of the constituency for which the election is being held, and if in attendance since August of the academic year in which the election takes place.

3.7.2. Membership in the Engineering Senate shall terminate in accordance with provisions in the Bylaws if the Senator is no longer a member of the constituency by which he/she was elected.

3.8. Apportionment

In accordance with the procedures set forth in the Bylaws, reapportionment of the Engineering Senate shall be conducted every time the Plan is updated or whenever significant changes in any School population occurs.

4. Senatorial Elections, Expulsion, and Recall

4.1. Subject to the provisions of Article 3 defining the eligibility of members and the provisions of this Article, each academic department of the School plus the Institute for Systems Research is responsible for providing a Plan of Organization that will ensure the timely nomination and election of faculty, staff, and student Senators. These Plans shall have provisions to promote equitable representation and establish election committees to elect T/TT and PTK faculty to represent the department or the unit in the Engineering Senate. Separate elections must be held for T/TT Senators (by T/TT faculty) and PTK Senators (by PTK faculty), but the same election committee may administer both elections.

4.2. The Engineering Senate is the ultimate judge of the eligibility of any elected Senator, and may reject the choice of any constituency group.

4.3. All elections shall be completed in advance of the Annual Transition Meeting of the Engineering Senate.

4.4. In the event of a vacancy in the Engineering Senate, the Faculty Advisory Committee shall appoint an individual from the constituency to complete the term in accordance with the Bylaws.

4.5. Every elected Senator shall be subject to recall.

4.5.1. Recall proceedings may be initiated against any elected Senator for dereliction of duty or malfeasance.

4.5.2. Procedures for initiating a recall shall be specified in the Plans of Organization of the individual units.

- 4.5.3. Any petition for recall must contain specific charges. The petition must be delivered to the Chair of the Engineering Senate who shall inform the Senator concerned of the charges. The Senator shall be allowed to respond to all charges at a special meeting of the Faculty Advisory Committee to be called by the Chair of the Engineering Senate within ten working days of receipt of a valid petition.
- 4.5.4. Articles of Recall will require the approval of a majority of the voting members of the Faculty Advisory Committee.

5. Officers of the Engineering Senate, their Nomination, Election, Appointment, and Impeachment

- 5.1. The officers of the Engineering Senate shall be the Chair and the Chair-Elect. The advisors of the Engineering Senate shall be the Executive Secretary, Parliamentarian, and immediate Past Chair of the Engineering Senate.
- 5.2. Chair of the Engineering Senate
 - 5.2.1. The term of the office of the Chair shall be one year, preceded by a one-year term as Chair-Elect. No one may serve as Chair for two consecutive terms.
 - 5.2.2. The constituency or unit from which the Chair was elected shall immediately elect a new Senator to fulfill any unexpired term.
 - 5.2.3. The Chair shall preside over all meetings of the Engineering Senate and shall be a member of the Engineering Senate casting a vote only when required to break a tie.
- 5.3. Chair-Elect of the Engineering Senate
 - 5.3.1. The Chair-Elect shall be selected from the elected membership of the Engineering Senate.
 - 5.3.2. The term of office for the Chair-Elect shall be one year. No one may serve as Chair-Elect for two consecutive terms.
 - 5.3.3. In the absence of the Chair, the Chair-Elect shall preside over meetings.
 - 5.3.4. If the Chair is vacated, the Chair-Elect shall serve as Acting Chair until the next regular election of the Chair-Elect. In the event that the Chair-Elect is vacated, the Engineering Senate shall elect a new Chair-Elect at the next regularly scheduled Engineering Senate meeting.
 - 5.3.5. The Chair-Elect or Acting Chair, except when presiding as Chair of the Engineering Senate, shall retain all the voting privileges of a Senator.
- 5.4. Executive Secretary
 - 5.4.1. The Executive Secretary shall serve at the pleasure of the Faculty Advisory Committee of the Engineering Senate and the Dean.
 - 5.4.2. The Executive Secretary shall be responsible for all records of the Engineering Senate, for taking and transcribing minutes of the Engineering Senate and the Faculty Advisory Committee, for distributing all official notices and materials to and on behalf of the Engineering Senate, and for other duties as stated in the Bylaws.
 - 5.4.3. The Executive Secretary shall serve without vote.
 - 5.4.4. The Faculty Advisory Committee may designate a person to perform the responsibilities of the Executive Secretary if the office is vacant.
- 5.5. Past Chair of the Engineering Senate
 - 5.5.1. The term of the Past Chair shall be one year, preceded by a one-year term as Chair of the Engineering Senate.

- 5.5.2. The Past Chair shall meet regularly with the Chair of the Engineering Senate, Chair-Elect of the Engineering Senate, and the Dean.
- 5.5.3. The Past Chair shall have voice on the Engineering Senate floor, but shall serve without vote.
- 5.6. **Parliamentarian**
 - 5.6.1. The term of the Parliamentarian shall be one year, without limit to the number of terms. If the Parliamentarian is appointed mid-year, the Parliamentarian shall serve out the remainder of the term before being appointed to a full-year term. The Parliamentarian serves at the pleasure of the Chair.
 - 5.6.2. The Parliamentarian shall have responsibility for advice on questions of procedure.
 - 5.6.3. The Parliamentarian shall serve without vote, but if an elected Senator, shall retain all voting privileges.
 - 5.6.4. Upon expiration of the appointed term, or resignation of the Parliamentarian, the Parliamentarian may be granted the honorary title of Parliamentarian Emeritus by the Faculty Advisory Committee.
- 5.7. **Nominations and Appointment of Officers and Advisors of the Engineering Senate**
 - 5.7.1. Nominations for Chair-Elect shall be received through the Nominations and Awards Committee as set forth in the Bylaws; additional nominations may be received from the floor. The voting for Chair-Elect shall be taken by secret ballot. The ballots shall be counted immediately and the candidate having a majority of the votes shall be declared elected. In the event that no candidate receives a majority of the votes there shall be an immediate runoff between the two candidates receiving the highest number of votes. If any election for Chair-Elect results in a tie, the Engineering Senate Chair will cast the deciding vote.
 - 5.7.2. Appointment of the Executive Secretary shall rest with the Dean. The Faculty Advisory Committee shall recommend one or more candidates, within search guidelines, to the Dean.
 - 5.7.3. Appointment of the Parliamentarian shall rest with the Chair subject to approval by the Faculty Advisory Committee of the Engineering Senate.
- 5.8. **Impeachment of Officers of the Engineering Senate**
 - 5.8.1. Impeachment proceedings may be initiated against the Chair or Chair-Elect of the Engineering Senate for dereliction of duty or malfeasance.
 - 5.8.2. Initiation of impeachment proceedings shall require a petition signed by one-half of the elected members of the Engineering Senate, or by ten percent of the electorate of each constituency.
 - 5.8.3. Any petition for impeachment must contain specific charges. The officer shall be allowed to respond to all charges at a special meeting of the Engineering Senate to be called by the Dean within twenty working days of receipt of a valid petition. The Dean shall be the presiding officer at this meeting. A two-thirds vote of all elected Senators present and voting is required to remove the officer.
 - 5.8.4. Any vacancy resulting from provisions in Article 5.8 shall be filled in accordance with provisions in Article 4.4.
 - 5.8.5. In the event of unusual and compelling circumstances preventing the Dean from fulfilling the duties specified in Article 5.8, the Dean may designate an Associate Dean to fulfill them.

6. Amendments, Review, and Revision

- 6.1. All changes to this Plan shall be passed and approved in accordance with provisions in this Article.
- 6.2. Proposed amendments to the current Plan shall be presented in writing to the Executive Secretary, who shall transmit them to members of the Engineering Senate at least ten working days in advance of any regular or special meeting. Amendments may be proposed by one or more Senators, by committees of the Engineering Senate, or by written petition signed by 150 members of the major constituencies, which are the faculty, staff, and student constituencies defined in sections 3.2, 3.3 and 3.4 respectively.
 - 6.2.1. Amendments approved by a majority vote of the Engineering Senate shall be submitted to a School-wide referendum conducted by the Faculty Advisory Committee. Passage of amendments on a School-wide referendum shall require a majority of the votes cast within each of two of the three major constituencies (faculty, staff, and student).
- 6.3. Review of the current Plan shall be undertaken at least every ten years by a committee composed of members elected by the Engineering Senate. The Faculty Advisory Committee may institute a review of the Plan by such a committee in the third or subsequent year following a review if in its judgment there have been changes in the University or School significant enough to justify a review.
 - 6.3.1. The committee shall be sponsored by the Engineering Senate, but no more than two current Senators may serve on the committee.
 - 6.3.2. The Faculty Advisory Committee shall develop a slate of nominees to be approved by the Engineering Senate. Further nominations shall not be accepted from the floor of the Engineering Senate. The Faculty Advisory Committee shall consult with Chairpersons of the units, the Presidents of the Engineering Student Government Association and the Engineering Graduate Student Government Association, and the Office of the Dean to solicit nominees for the slate.
 - 6.3.3. Each unit shall have one representative faculty member on the committee. In addition there shall be one representative of each of the following: School-wide administrators, undergraduate students, graduate students, exempt staff members and non-exempt staff members. The Executive Secretary and the Parliamentarian shall serve as non-voting ex officio members of the committee. Both T/TT and PTK constituencies must be represented on the committee.
 - 6.3.4. The committee shall elect its own presiding officer.
 - 6.3.5. Members of the committee shall serve until their report has been accepted or rejected by the Faculty Advisory Committee of the Engineering Senate.
 - 6.3.6. The requirements for adopting a revision shall be the same as those for adopting an amendment to the Plan as described in Article 6.2.1.
- 6.4. Proposals to draft an alternative to this Plan may be initiated by a resolution approved by a majority of the elected members of the Engineering Senate or by individual majorities of all three major constituencies.
 - 6.4.1. The committee drafting an alternative Plan shall be constituted according to Article 6.3, except that the Faculty Advisory Committee shall select the members.
 - 6.4.2. To replace the current Plan, the alternative Plan must be submitted to a School-wide referendum; approval will require two-thirds of the votes cast within each constituency.

- 6.5. In all Engineering Senate referenda on amendments, no ballot shall be valid unless returned by a specified date not later than fifteen calendar days after the distribution of all ballots.
- 6.6. Any approved amendment or revision to this Plan shall be submitted to the Chair of the Engineering Senate who, within forty-eight hours, shall submit the approved change to the appropriate committee of the University Senate as described in 11.3.a of the University Plan for approval and final ratification by the University Senate and the President of the University.
 - 6.6.1. Any amendment of this Plan ratified by the University Senate and President shall take effect one month after such approval.
 - 6.6.2. Any revision of the entire Plan or any alternative Plan that has been ratified by the University Senate shall become effective as of the first meeting of the Engineering Senate during the Fall Semester following final approval.
 - 6.6.3. Transition rules may be adopted by the Engineering Senate as appropriate providing such rules do not violate provisions of the Plan then in effect or the intent of provision in the approved amendment(s) or in the approved revised or alternative Plan. If conflicts arise between the two documents, the ratified amendment(s), revised Plan, or alternate Plan shall take precedence.

7. Bylaws

- 7.1. The Engineering Senate shall have the power to organize its staff and to make Bylaws and regulations for its own proceedings, so long as those Bylaws and regulations do not contravene the statutes of the University; the power of the Board of Regents; the powers delegated to the Chancellor, President, or Dean; the University Plan and this Plan.
- 7.2. Amendments to the Engineering Senate's procedural rules in the Bylaws shall be provided to the Engineering Senate members seven calendar days in advance of any regular meeting and shall require approval by a two-thirds vote of the elected members of the Engineering Senate present and voting.

8. Committees

- 8.1. The Engineering Senate Bylaws shall provide for a Faculty Advisory Committee and other standing or special committees as may be necessary or desirable. The composition of the committees should represent as broad a spectrum of interests as possible consistent with the functions of the committees and the availability of candidates to serve.
- 8.2. Standing Committees
 - 8.2.1. Standing committees shall be chaired by Senators, but membership shall not require Engineering Senate membership except as noted in the Bylaws.
 - 8.2.2. Standing committees shall be specified in the Bylaws.
 - 8.2.3. Standing committees shall meet at least twice per semester.
- 8.3. The Faculty Advisory Committee
 - 8.3.1. The Faculty Advisory Committee shall include the Chair and Chair-Elect of the Engineering Senate and the following: two faculty members, elected by and from the T/TT faculty Senators; one faculty member elected by and from the PTK faculty Senators; one exempt staff Senator; one non-exempt staff Senator; one undergraduate student Senator; and one graduate student Senator. The Dean or his/her representative, the Parliamentarian, and the Executive Secretary shall be non-voting ex officio members of the Faculty Advisory Committee.

- 8.3.2. The exempt staff Senator, the non-exempt staff Senator, the undergraduate student Senator, and the graduate student Senator shall be the Senators who received the most votes from their respective constituencies in the Engineering Senate elections.
- 8.3.3. The elected faculty members of the Faculty Advisory Committee shall not be from the same academic unit. No elected member of the committee shall be elected to the committee for more than three successive one-year terms. The Chair of the Engineering Senate shall be the presiding officer of the Faculty Advisory Committee.
- 8.3.4. The Faculty Advisory Committee shall assist in implementing the actions of the Engineering Senate and shall serve as a channel through which any member of the School community may introduce matters for the Engineering Senate's consideration. All actions of the Faculty Advisory Committee shall be subject to confirmation by the Engineering Senate.
- 8.3.5. The Faculty Advisory Committee shall meet at least four times per semester. Of these, at least two shall be private meetings with the Dean. The Faculty Advisory Committee shall serve as a major advisory panel to the School administration and the chief agency for implementing and overseeing the operation of shared governance, including enhancement of Engineering Senate structures and facilitation of Engineering Senate consideration of policy issues.
- 8.3.6. The Faculty Advisory Committee shall assist in the periodic review of the Dean and his/her administration by providing the Provost with a list of nominees for the review committee.
- 8.3.7. The Faculty Advisory Committee shall provide for the periodic review and update of the policies for appointment, promotion and tenure of T/TT faculty and appointment and promotion of PTK faculty by providing for the creation of separate special committees for these purposes (specified in 8.6 and 8.7 below).
- 8.3.8. The Faculty Advisory Committee shall review and approve department and Institute Plans of Organization at least every ten years.
 - (1) This shall be accomplished by appointing a special committee to review each department's Plan for alignment with provisions of this Plan and the University Plan and to make recommendations for changes as needed.
 - (2) The special committee should be appointed no later than the eighth year following the most recent approval of the department or the Institute for Systems Research's current Plan.
 - (3) One special committee may be appointed to review all Plans or separate committees may be appointed to review one or more Plans as deemed necessary by the Faculty Advisory Committee.
 - (4) The results of the special committee's review shall be presented to the Faculty Advisory Committee nine years plus or minus one month from the date of the Plan's most recent approval by the Faculty Advisory Committee. The Faculty Advisory Committee may request changes or a re-review by the special committee.
 - (5) All Plans shall be approved by separate (simple majority) votes of the Faculty Advisory Committee.
 - (6) The Faculty Advisory Committee's review and approval must be completed no later than ten years after each Plan's most recent approval.

- 8.3.9. The Faculty Advisory Committee shall conduct elections for at-large PTK faculty representatives to the University Senate. The Faculty Advisory Committee shall solicit nominations from the School's PTK faculty by means of a written memorandum which may be delivered electronically. The Faculty Advisory Committee will act as the elections committee in accordance with Article 4.4 of the University Plan.
- 8.4. College Appointment, Promotion, and Tenure (APT) Committee
- 8.4.1. Membership
- (1) The College APT Committee will have fifteen members, with one Full Professor and one Associate Professor member from each department, with the exception of Fire Protection Engineering, which will have one tenured member.
 - (2) College APT Committee members are voting members, but will not vote on cases from their own department if they voted at the unit level.
 - (3) The College APT Committee shall elect one of its Full Professor members to serve as its Chair. An alternate Chair shall be elected to serve during consideration of cases from the Chair's unit.
 - (4) The term of each member is two years.
- 8.4.2. The College APT Committee advises the Dean on proposed appointments and promotions to the rank of Associate and Full Professor.
- 8.4.3. The composition and procedures of the College APT Committee are defined in the T/TT Policy.
- 8.5. Special Committees
- 8.5.1. The Engineering Senate may, by action of a majority of the membership of the Engineering Senate, establish special committees of limited scope and term of duration as is determined to be useful to the effective and efficient conduct of the business of the Engineering Senate. When forming special committees, the Engineering Senate shall specify the frequency of meetings, as appropriate.
- 8.5.2. Additional procedures for forming and operating special committees may be specified as needed in the Bylaws.
- 8.6. Engineering Senate Special Committee on Appointment, Promotion, and Tenure (ESAPT)
- 8.6.1. The committee is charged with reviewing and updating policies associated with the appointment, promotion, and tenure of T/TT faculty, and will be formed as needed.
- 8.6.2. The committee shall consist of two Full Professors, and one Associate Professor representative from each department in the School who are elected by and from the department's T/TT faculty according to procedures established in the respective departments' Plans of Organization.
- 8.6.3. The committee shall be chaired by a Full Professor elected by and from the committee's members.
- 8.6.4. The ESAPT committee sets and reviews the policies and procedures used to form and operate the College APT Committee codified in T/TT Policy. It is not to be confused with the College APT Committee itself, which hears and evaluates promotion cases.
- 8.7. Engineering Senate Special Committee on Appointment and Promotion of Professional Track Faculty (ESAPTK)

- 8.7.1. The committee is charged with reviewing and updating policies associated with the appointment and promotion of PTK faculty, and will be formed as needed.
- 8.7.2. The committee shall consist of the Full Professor members of the ESAPT Committee and at least two PTK faculty members from each category (instructional, research, and specialist) who are at the highest ranks in their respective categories.
- 8.7.3. The committee shall be chaired by a Full Professor elected by and from the committee's members.
- 8.7.4. Every two years, the ESAPTK committee shall adjust the number of required PTK faculty representatives specified in 8.7.2 above as the newly adopted higher ranks become populated until such time as a steady-state representation of approximately one PTK representative per twenty PTK faculty members in the School (excluding post-doctoral ranks) is achieved, with proportionate representation from instructional, research, and specialist tracks.
- 8.7.5. The ESAPTK Committee is not to be confused with the College APPTK Committee which hears and evaluates PTK promotion cases. The ESAPTK Committee sets and reviews the policies and procedures used to form and operate the College APPTK Committee codified in the PTK Policy.

9. Meetings of the Engineering Senate

- 9.1. The Engineering Senate shall meet regularly as provided in its Bylaws. *Robert's Rules of Order, Newly Revised* shall be the standard reference to govern problems of parliamentary procedure not covered in the Engineering Senate's Bylaws.
- 9.2. The Engineering Senate Bylaws shall set forth the Engineering Senate rules for the:
 - (1) Number of members and any restrictions on representation to reach a quorum for purposes of taking a vote,
 - (2) Voting procedures and permissible voting methods, and
 - (3) Permissible methods of participation.
- 9.3. The Engineering Senate will convene a School-wide assembly (termed the Engineering Assembly) at least once per semester for the purposes of explaining the issues currently before the Engineering Senate and for soliciting feedback. This meeting will serve as one of the Senate's meetings, will be recorded in the Engineering Senate minutes, and will represent one method for bringing new issues to the Engineering Senate's attention.

10. Staff and Facilities

- 10.1. The administration at all levels shall furnish, to the extent provided for by formal budget, assistance to the Engineering Senate as a whole and to its committees in connection with its official business, including elections, as may be authorized by the Faculty Advisory Committee of the Engineering Senate.

11. Plans of Organization of Units within the School of Engineering

- 11.1. Each department and Institute shall have a Plan of Organization that conforms to Article 11 of the University Plan.
- 11.2. These Plans shall be reviewed and approved by the Faculty Advisory Committee at least every ten years, as provided for in 8.3.8.

12. Election of University Senators


- 12.1. Consistent with the University Plan Article 3.2, each department will elect one T/TT faculty Senator. Any additional T/TT Senate seats apportioned to the College will be elected at large. Elections shall be conducted according to each unit's Plan of Organization and the procedures set forth in the University Plan.
- 12.2. PTK faculty Senators shall be elected at large according to the procedures set forth in 8.3.9 and the University Plan.
- 12.3. All Senators will serve three-year terms with the exception of replacement Senators who will serve out the remainder of the original term.
- 12.4. Staff and student Senator elections are conducted by the University Senate.

UNIVERSITY OF MARYLAND at COLLEGE PARK

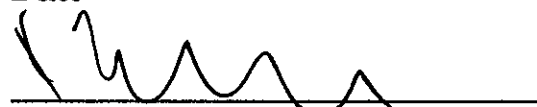
A. JAMES CLARK SCHOOL OF ENGINEERING

PLAN OF ORGANIZATION

Adopted by the Engineering Assembly
at its December 14, 2005 meeting
revised August, 2006


Lourdes Salamanca-Riba, Chair of the
Engineering Council

11/03/06
Date


Nariman Farvardin, Dean of
Engineering

11/06/06
Date

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SCHOOL OF ENGINEERING
THE UNIVERSITY OF MARYLAND COLLEGE PARK
PLAN OF ORGANIZATION

Preamble

The purpose of this Plan of Organization is to provide a framework within which the School of Engineering can fulfill its mission in an orderly and fair manner with due regard to the shared rights, responsibilities, and participatory membership of the entire School community.

Mission Statement

The mission of the School of Engineering at The University of Maryland is to provide a quality engineering education, to conduct strong research programs, to foster a close partnership with industry and government, and to provide related service to the campus community and the community at large.

A major focus of the School's activities is to provide quality engineering education with sufficient scope to include the basic and specialized engineering training necessary for the current and emerging needs of society.

The School has related responsibility to contribute to the advancement of knowledge by conducting research at the cutting edge of science and technology. Since science and technology are rapidly advancing, the School also has a professional responsibility to provide continuing education programs so the practicing engineer can remain effective.

The School faculty and administration also sees as part of its mission, an obligation to serve the needs of the campus community and the community at large in the spirit of collegial cooperation.

Article I. Units within the School

Without prejudice to future status, the School of Engineering shall consist of the following units:

A. Academic Departments:

- Department of Aerospace Engineering
- Department of Chemical and Biomolecular Engineering
- Department of Civil and Environmental Engineering
- Department of Electrical and Computer Engineering
- Department of Fire Protection Engineering
- Department of Materials Science and Engineering
- Department of Mechanical Engineering

B. Research Institutes:

- Institute for Systems Research
- Institute for Research in Electronics and Applied Physics

C. Service Units:

- Maryland Technology Enterprise Institute
- Cooperative Engineering Education
- Center for Minorities in Science and Engineering
- Engineering Information Technology
- Office of Advanced Engineering Education

Article II. Administration

A. The Dean

The Dean is the Chief Administrative Officer of the School. The Dean exercises those functions delegated to him/her by the President and the Provost, including responsibility for the School budget, and for the submission of recommendations concerning appointments, tenure, and promotion. **The Dean is also responsible for implementing, enforcing and executing University and College Policies.**

B. Department Chairpersons and Directors

The Department Chairpersons and Directors are the administrative officers of their units. They exercise those functions delegated to them by the Dean, including responsibility for their unit budget, and for the submission of recommendations concerning appointments, tenure, and promotion.

Article III. Administrative Council

A. Membership

The Administrative Council consists of the Dean, his/her immediate administrative staff, the Department Chairpersons, and Directors. The Dean chairs the Administrative Council.

B. Functions

The Administrative Council is advisory to the Dean and provides a forum for the exchange of information and discussion of matters pertinent to the administration of the School as a whole and/or the administration of the Departments and other units.

C. Meetings

The Administrative Council meetings are convened by the Dean and are held bi-monthly during the academic year. Special meetings can be called at any time by the Dean. Summary notes are submitted by the Dean and are considered approved unless expressly amended at the subsequent Council meeting.

Article IV. Engineering Student Council

A. Membership

The membership of the Engineering Student Council is composed of one voting representative and an alternate (who shall vote in the absence of the representative) from each of the School's student societies recognized by the Dean's Office, and eleven at-large voting elected representatives from the general engineering student body. They are selected to serve on the Council in accordance with the rules established in their individual societies and the Constitution of the Engineering Student Council.

B. Goals

- B1. To establish a secure community for new students as they enter the School of Engineering.
- B2. To promote individual society events and to coordinate multisociety events promoting engineering.
- B3. To obtain a united student voice with the administration on matters of policy and curriculum.

- B4. To complete the engineering education process by instilling a sense of pride and accomplishment in the graduates.

C. Functions

- C1. The Engineering Student Council is advisory to the Dean and provides a forum for the exchange of information and discussion of matters pertinent to the undergraduate experience in the School.
- C2. The President, or any Vice President in the absence of the President, of the Engineering Student Council serves as the undergraduate student representative on the Engineering Council.
- C3. The Engineering Student Council shall coordinate activities among the students and faculty of the School of Engineering.

D. Officers

- D1. President, Vice President Programs, Vice President Finance, Vice President Communication, and the Vice President Membership.
- D2. The officers shall be elected annually by the members of the Council.

E. Meetings

Meetings are held bi-monthly during the academic year at a time and place designated by the President of the Engineering Student Council. Minutes are distributed after each meeting.

F. Notices

- F1. Notices of meetings are posted in the Engineering Classroom Building and sent to each member society and representative.
- F2. A newsletter is distributed periodically outlining activities of the Council and the engineering societies.

G. Committees

The President of the Council may constitute standing and ad-hoc committees as deemed necessary.

Article V. The Engineering Assembly

A. Membership

- A1. Faculty members who satisfy the following two conditions:
1. Being a full-time employee on the School Park campus, holding a faculty rank as defined in the Faculty Handbook.
 2. Holding at least 50% of their appointment within the School of Engineering.
- A2. Those non-classified resident employees of the School of Engineering who are not included in the foregoing categories but who occupy administrative positions designated by the following titles or their equivalents shall be ex officio members of the Engineering Assembly:
- Dean of the School
 - Associate or Assistant Deans of the School
 - Chairperson of an Academic Department or Director of a Research Institute or Service Unit of the School.
- A3. Two undergraduates and two graduate students from each academic Department, chosen in accordance with the respective Department Plans of Organization. The student Councilors should oversee this selection. Names of the representatives must be communicated to the Secretary of the Engineering Council by the end of the previous academic year.
- A4. **Two staff members (one exempt and one non-exempt)** from each Academic Department or Research Institute, chosen in accordance with the respective units' Plans of Organization; as well as a total of two staff members (one Classified staff member and one Associate staff member) from the Service Units of the School selected by the Dean. In any given year, each unit (as well as the collection of Service Units) may decide to forego its right to representation in either staff category or in both. Names of the representatives must be forwarded to the Secretary of the Engineering Council.

B. Functions

- B1. To adopt the Plan of Organization of the School of Engineering and amendments thereto.
- B2. To act as a referendum body.
- B3. To initiate action which shall be included in the agenda of the next regular meeting of the Engineering Council.
- B4. To provide for orderly dialogue and debate of issues of concern to the School.
- B5. To initiate and/or recommend action on any matter of concern to the School and advise the Dean, upon request or its own initiative, on any matter of concern to the School.
- B6. To receive information of general School interest from any University office or body.

C. Officers

- C1. The Executive Committee of the Engineering Assembly is composed of the Chairperson, Vice Chairperson, and Secretary of the Engineering Council.
- C2. The Chairperson of the Engineering Assembly
 - (1) Presides over Assembly meetings; acts as facilitator in Assembly discussion and business.
 - (2) Accepts nominations for standing and ad-hoc Assembly committees from members of the Engineering Assembly, appoints committee chairpersons; coordinates work of standing and ad-hoc committees of the Engineering Assembly.
 - (3) In consultation with other officers, schedules meetings, and prepares agendas.
- C3. The Vice Chairperson
 - (1) Acts as assistant to the Chairperson, and stands in for the Chairperson when necessary.

C4. The Secretary

- (1) Records and summarizes minutes from each Assembly meeting and distributes these minutes to members.
- (2) Distributes Assembly agenda to members.
- (3) Keeps copies of minutes of all Assembly, Assembly Executive Committee, and Assembly committee meetings on file in the Dean's Office for reference purposes.

D. Meetings

- D1. A regular meeting is held at least once each semester at a time and place designated by the Engineering Assembly Chairperson.
- D2. Special meetings are called at the request of the Dean, the Engineering Council, the Administrative Council, a standing or ad-hoc committee, or by petition signed by not fewer than one-fifth of the members of the Assembly.
- D3. A quorum consists of one-third of the voting members of the Assembly.
- D4. Business is conducted in accordance with the latest edition of Robert's Rules of Order when not otherwise in conflict with this Plan of Organization.
- D5. The Chairperson may not entertain major new motions or other items of business without prior circulation as an agenda item.

E. Notices and Minutes

- E1. Copies of the agenda for regular meetings of the Engineering Assembly will be distributed at the beginning of each regular meeting. Except in case of emergency, members shall be notified in writing at least one week prior to the time of any special meeting.
- E2. Minutes are sent to each member of the Engineering Council. Minutes are considered correct unless written amendments are received by the Secretary within ten days after the minutes have been issued.

F. Actions

- F1. Actions of the Engineering Assembly are in the form of recommendations to the Dean of the School.
- F2. At the last regular assembly meeting each spring semester, the Engineering Council reports to the Engineering Assembly the status of any pending Assembly recommendations.
- F3. Recommendations of the Engineering Assembly are by majority vote.

Article VI. The Engineering Council

A. Membership

- A1. Ex officio members
 - (1) With full voting privileges: the Dean of the School.
 - (2) Without voting privileges, unless also elected as voting members of the Council (see A2 below): the Associate and Assistant Deans of the School, the Chairpersons of Academic Departments and the Directors of Research Institutes and Service Units as listed in Art. I.
- A2. Other Members

Elections to the Engineering Council shall take place by the end of the spring semester. At least one half of the Engineering Council shall be elected each year. The elected membership shall be as follows:

 - (1) Faculty Councilors elected in accordance with their unit's Plan of Organization. Each Faculty Councilor shall be a full-time faculty member who has been under contract at least since August 17 of the academic year during which the election is held. Faculty Councilors shall be apportioned in accordance with the size of the respective Academic Departments and Research Institutes, specifically in accordance with the number of full-time equivalent (FTE) faculty members in the unit as of August 17 of the academic year in which the election is held, as follows: Up to 20: one Councilor; over 20 and up to 40: two Councilors; over 40 and up to 60: three Councilors; over 60: four Councilors. Faculty Councilors serve for a

two-year term which can be renewed for up to a maximum of two consecutive terms.

- (2) Two student Councilors. The undergraduate Councilor shall be the President, or any Vice President in the absence of the President, of the Engineering Student Council. The graduate Councilor shall be elected by the graduate student representatives on the Engineering Assembly and shall be one of these representatives. The former graduate Councilor shall administer this election. The name of the new graduate Councilor shall be communicated to the Secretary of the Engineering Council before the end of the first month of the academic year. The student Councilors shall serve for a one year term, renewable for one additional year (for a maximum of at most two years.)
- (3) Two staff Councilors appointed by the Engineering Council from the membership of the Engineering Assembly (one Classified and one Associate staff). They shall serve for two-year nonrenewable terms.

B. Functions

The Council, as the organization representing all components of the School, shall consider all matters of concern to the School, and is expected to assume a position of leadership in the following functions:

- B1. The new Engineering Council will take office June 1 of the year they are elected.
- B2. Between regular or special meetings of the Assembly, the Engineering Council may act on behalf of the full Assembly. Any action so taken will be reported to the full Assembly.
- B3. The Engineering Council shall serve as an advisory body to the Dean and may act on behalf of the Engineering Assembly in matters of urgency.
- B4. The Council shall formulate and recommend action on educational and research policies, student life and activities and staff activities within the School of Engineering.
- B5. Submit requests for action on such policies to the Dean or other administrators.

- B6. Consult with the Dean, Chairpersons, and the Directors of each of the several administrative units of the School on all general policy matters pertaining to the employment and programs of the instructional, research and supportive staffs of the School including strategic planning.
- B7. The Council shall be consulted by the Dean, Chairperson, and the Directors of each of the units of the School for its opinion and recommendations on educational and research policies, strategic planning, student life and activities, and on all general policy matters pertaining to the employment of the technical, instructional and research staff of the School.
- B8. Advise the Senate, President, and the Board of Regents through the Dean on matters of concern to the School.
- B9. Conduct or call for referenda in the Engineering Assembly.
- B10. The Council shall receive reports from the committees and the Engineering Assembly, take action on them, and transmit them to the appropriate administrative officer or University Senate committee.
- B11. When necessary or desirable, initiate proposed changes of this Plan of Organization in accordance with procedures herein.
In addition, Plans of Organization of the units in the Clark School shall be submitted to the Engineering Council for review and approval. Approved plans will be attached to the School Plan as required by the Campus Plan 11.1.c-last sentence.
- B12. The Council may constitute ad hoc committees of the Assembly as needed.
- B13. The Council shall have such other functions as are logical or **required** in conformance with organization of the University as a whole and the School of Engineering in particular.
- B14. The Secretary of the Council shall maintain Council Proceedings in the office of the Dean. These proceedings shall be available for reading in the repository upon request. These proceedings shall include: the minutes (with corrections) of all meetings of the Council and the Executive Committee and all committee reports.

C. Officers

The officers of the Council shall be the Chairperson, the Vice Chairperson, and the Secretary. They shall be elected annually by the Engineering Council (they shall also serve as the officers of the Engineering Assembly). Until the election is completed, the previous year's Chairperson shall remain in office.

D. Meetings

There shall be at least four meetings of the Council in each academic year. The first meeting should normally be held within four weeks after the start of the academic year. Special meetings may be called by the Chairperson of the Council. Upon request by the Executive Committee of the Council, action of the Council, or petition signed by no fewer than eight members of the Council, the Chairperson shall call a special meeting of the Council within the time requested by the initiators of the call. A quorum shall consist of no less than one-half of the voting membership of the Council. Any member of the Engineering Assembly may attend meetings of the Council without vote. Upon favorable majority vote of the Council, such visitors may address the Council for a time period agreed upon by the Council. The Council may declare an executive session by a majority vote of the members present.

Article VII. Standing Committees of the Assembly

Standing and ad-hoc committees are constituted by the Engineering Council of the Engineering Assembly as needed and in accordance with University policy and with provisions of this Plan of Organization. School committees are advisory to the Dean. Without prejudice to future action, current standing committees are:

Human Relations Committee

Programs, Curricula and Courses Committee (PCC)

A. Membership

A1. Unless otherwise specified in this Plan of Organization, School committees are composed of a maximum of seven members, normally one faculty member from each Department. In addition to faculty membership, the Human Relations Committee shall have one student and one staff

member chosen by the Engineering Council from the membership of the Assembly. Faculty members are selected in accord with the respective Department Plans of Organization. Unless otherwise specified, standing committees shall have the autonomy to develop their own internal procedure and agenda. Minor or routine matters may be submitted by the committee directly to the Dean for transmittal outside the School. Matters of major School concern shall be submitted to the Engineering Assembly for its recommendations. All committee members shall have voting power.

- A2. Members serve for a renewable two-year term. Terms are staggered in such a way that, in any given year, close to half of the members are continuing members.

B. Functions

- B1. Equity and Human Relations Committee
This committee shall help to coordinate and implement equal employment and educational opportunity efforts for the School, and otherwise promote an equitable environment, and the general welfare of School citizens. The membership of the committee shall be a faculty member designated as the equity officer from each academic department, center and institute in the School. In addition there will be two student (one undergraduate, and one graduate) and two staff persons selected from the Engineering Assembly. The School Equity Officer shall serve as the Chair of this committee.
- B2. The Committee on Programs, Curricula, and Courses (PCC)
The Committee shall review and recommend action on all proposals from the departments in the School of Engineering for all new courses and curricula and all substantial changes in existing courses and curricula (e.g., add/drop courses, hours, content, prerequisites) leading to all existing degree programs in the School of Engineering. It shall report on such matters directly to the Dean of Engineering who shall

in turn report its actions, with his/her comments, to the Vice President for Academic Affairs/Provost. The Committee shall also review and made recommendations on the establishment or abolition of departments, degrees, programs and curricula in the School of Engineering to the Dean of the School of Engineering.

C. Meetings

School committees meet as needed. Written notice of meetings shall be given by the Committee Chairperson normally one week in advance of the time of a proposed meeting. Minutes are submitted by the Committee Chairperson and are considered approved unless written amendment notice is filed by a committee member within seven days of the minutes submission date.

D. Summary Reports

A summary of actions taken is presented by each Committee Chairperson at the last Engineering Assembly of the academic year.

E. Other Committees

In addition to the committees listed above ad-hoc committees and/or task forces as appropriate may be constituted as deemed necessary by the Dean, the Administrative Council, the Engineering Council, the Engineering Assembly, or by a standing or an ad hoc committee. These bodies may be constituted at any time and report to the agent who established them.

Article VIII. Appointment, Promotion and Tenure

Note. This article is to be viewed as complementing the document "University of Maryland Policy on Appointment, Promotion and Tenure of Faculty" 08/23/05 revision (referred to below as PAPTF). In case of conflict, the campus document is the governing document.

A. Criteria for Tenure and Promotion

The factors to be considered in tenure and promotion fall into three general categories: (1) teaching and advisement, (2) research, and (3)

service. The first two categories overlap significantly and have the highest importance. There is also overlap in the evaluation of research and service since many types of professional service, such as service on editorial boards or peer-review panels, are also indicators of research performance. More specific criteria in the three general categories are given below. All criteria are to be interpreted with specific reference to the candidate's particular field of expertise, and on the academic needs of the department, school, and institution. Before the first renewal of the contract for a candidate, considerations relating to the present or future programmatic value of the candidate's particular field of expertise or other larger institutional objectives may be legitimately considered in the context of contract renewal. After the first faculty contract renewal, however, programmatic changes may not be a consideration in the tenure decision of that candidate. (PAPTF).

A1. Teaching and advisement

(1) Relevant Activities

Factors to be considered in evaluating the quality of teaching and advisement should include:

- supervision of graduate students
- attainment of Ph.D. candidacy by doctoral advisees
- completion of M.S. theses and Ph.D. dissertations by advisees
- development of new courses and enhancement/modernization of existing ones
- teaching evaluation by students
- teaching evaluation by peers
- advisement of undergraduate students
- outreach educational activities, such as tutorials at conferences, or courses for the industry
- participation in thesis committees

(2) Tenure and promotion to the rank of Associate Professor.

The candidate should have established the foundations of a successful teaching track-record and of advisement activities, demonstrating his or her ability to excel in the activities listed above. The supervision of doctoral students

who have attained candidacy and have made substantial progress towards, or have already completed, their PhD under the candidate's supervision is an important activity.

(3) Promotion to the rank of Professor.

The candidate should have established a strong track-record in teaching and graduate advisement. Evidence of the candidate's potential is not sufficient; the accomplishments must be clear and at hand. The candidate's achievements would normally include successful completion of doctoral dissertations by his/her advisees.

A2. Research

(1) Relevant activities.

Factors to be considered in evaluating the quality of research and scholarship should include:

(1.1) Publication of research

- peer-reviewed papers in archival journals
- papers in refereed conference proceedings
- patents and other publications

(1.2) Other evidence of research

- peer-reviewed external grants and contracts
- a sustained funded program appropriate to the candidate's research interests
- participation in important decision-making research panels
- other forms of peer recognition of the importance of the candidate's research.
- graduation and placement of PhD students

Quality is an important factor in all of these categories. The mere presence or volume of activity (such as the publication of several papers) is not, by itself, an indicator. The quality and competitiveness of the journals and the quality and comprehensiveness of the papers themselves are crucial. Unrefereed papers may be much weaker indicators of research accomplishments. Multiple authorship of publications should be taken into account if other evidence suggests that a major role in the

research was played by authors other than the candidate and his/her own advisees.

Although external research funding is important to sustain a research program, a large volume of external funding is not a sufficient indicator of good research quality, nor is a moderate volume of funding an indicator of mediocre research quality. The evaluation of research funding must take into account what the candidate accomplished with the grants, as well as the way in which the grants were awarded; grants awarded through peer-review are definite indicators of research quality.

(2) Tenure and promotion to the rank of Associate Professor.

The candidate should have established a successful research program, with high potential for influential accomplishments. The candidate should have published in refereed journals and premier refereed conference proceedings. The quality of the published papers should be evident in the comments of the external evaluators. The candidate must have demonstrated the ability to develop a competitive research program.

(3) Promotion to the rank of Professor.

The candidate should have established a strong nationally and internationally recognized research program evidenced by published results and external grants, graduation and placement of PhD students, and should have received clear recognition for the importance of his/her research accomplishments. Evidence of the candidate's potential is not sufficient; the accomplishments must be clear and at hand, and should include demonstration of leadership in research and excellent national or international recognition.

A3. Service

(1) Factors to be considered in evaluating the quality of service activities should include:

- service to the Department
- service to the School of Engineering
- service to the campus

- service to the candidate's profession, such as to professional societies
- service to the Federal, State, and local governments and the community
- interaction with industry and external research organizations
- service on editorial boards of archival journals and major conference program committees

Participation in committees and in other service capacities should be accompanied by specific accomplishments.

(2) Tenure and promotion to the rank of Associate Professor. A candidate's contributions to service activities should be apparent.

(3) Promotion to the rank of Professor.

A candidate's service should demonstrate that the candidate has become an influential force in his/her Department and has made substantial contributions to his/her profession.

A4. New Appointments at Tenured Ranks

The criteria outlined in sections A1, A2, and A3 apply primarily to promotion and tenure of faculty who are already in a university environment, in this campus or elsewhere. It is understood that individuals with other backgrounds who are candidates for a new appointment, at a tenured rank, are to be judged for their overall quality and accomplishments, maintaining the overall quality standard suggested by this document.

B. First Level Mentoring and Periodic Review of Faculty

B1. Mentoring

Each department or unit shall provide for the mentoring of each assistant professor by one or more members of the senior faculty other than the chair of the department or head of the unit. Mentors should encourage, support and assist these faculty members and be available for consultation on matters of professional development. Favorable informal assessments and positive comments by mentors are purely advisory to the

faculty member and do not guarantee a favorable tenure and/or promotion decision.

B2. Faculty Review

Each department or unit shall perform a formal intermediate review of the progress towards meeting the criteria for tenure and promotion no later than the third year of an assistant professor's appointment. The departments or units shall perform a formal intermediate review of the progress towards meeting the criteria for promotion to the rank of professor no later than the fifth year of a tenured associate professor's appointment and every five years thereafter.

C. Procedures for Search and Promotion Consideration

C.1 First Level

Procedures for search and appointment of faculty shall be outlined in each Department's Plan of Organization (PAPTF). Detailed procedures for initiating and conducting Department level review of faculty members for tenure and promotion shall also be outlined in each Department's Plan of Organization. They shall abide by the framework and clauses stipulated in PAPTF. In addition the following requirements shall be met:

- (1) The candidate shall provide a list of at least four (4) names of widely recognized authorities in the field, from whom letters of evaluation can be requested.
- (2) Letters shall then be requested from eight (8) or more widely recognized authorities in the field. At most one-half, but no fewer than three, of the requested letters shall be from persons nominated by the candidate. At least half of the letters shall be from persons other than co-authors or advisors of the candidate and most of them should be from individuals holding the rank of Professor at leading institutions. Information on who selected each external evaluator as well as brief biographies of the external evaluators shall be included in the dossier.
- (3) The identity of external evaluators from whom letters are requested shall not be revealed to the candidate.

- (4) Copies of letters soliciting the evaluation of the candidate by the referees shall be included in the dossier. These letters should specifically solicit the referees' evaluation of (i) the quality of the publications of the candidate, (ii) the impact of the candidate's research (iii) the quality of the journals in which the candidate has published, (iv) the potential for future contributions (v) the candidate's service to his/her profession, (vi) the candidate's teaching abilities and performance, and (vii) comparison of the individual to others in the field at a comparable stage in their careers and whether the referee would recommend the candidate for promotion at the referee's institution.
- (5) A Personal Statement by the candidate is required and shall be included in the material sent to external evaluators.
- (6) The candidate's accomplishments in the area of teaching and advisement shall be carefully documented. This shall include summaries of evaluation by students for at least the previous three years, as well as evaluation by peers of educational innovations, teaching techniques, and other corroborating information such as the quality of advisees who have graduated.
- (7) A description of the candidate's service accomplishments should be provided.
- (8) Finally and more generally, the procedures followed at the Department level in the preparation of the promotion dossier should ensure that the second-level review committee and the Dean have adequate information to apply the criteria of Section A of this article.
- (9) Recommendations for appointment of faculty can be forwarded to the Dean at any time by the Department's chairperson. Recommendations (be they positive or negative) of the Department chairperson and of the Department faculty review committee on all tenure and promotion cases shall be forwarded by the Department

chairperson to the Dean no later than the Monday immediately preceding the Thanksgiving break.

C.2 Second Level

Recommendations for appointment to assistant professor shall be reviewed by the Dean only; recommendations for appointment to associate professor and professor shall be reviewed by the Dean and by the second level review committee (see below). All positive recommendations on appointment at all levels and all negative recommendations on appointment at Associate and Full Professor levels shall subsequently be transmitted to the Provost by the Dean. If a tenure or promotion case has received negative recommendations from both the first-level review committee (i.e., more than 50% of the faculty vote cast is negative; abstentions are not considered cast) and from the Department chairperson, it shall only be reviewed by the Dean, who shall ensure that the candidate has received procedural and substantive due process and forwarded to the Office of the Associate Provost for Faculty Affairs; otherwise, it shall be reviewed by the Dean and by the second-level review committee (PAPTF). The Dean shall transmit to the Provost the recommendation of the review committee as well as his or her own recommendation, with written justifications. He or she shall also transmit his or her recommendation and written justification to the members of the second-level committee. Finally, a report of the decisions of the Dean and second-level committee shall be provided to the Department Chairperson, to the spokesperson for the Department faculty review committee, and to the candidate (PAPTF).

C.2.1 Second-level review committee

C.2.1.1 Membership

- (1) Every academic Department that included at least eight tenured faculty members on August 23 of the previous academic year shall be represented on the committee by

one tenured Professor and one tenured Associate Professor. Individuals in full-time administrative positions (such as Department chairpersons or the Dean) are not eligible to serve on the committee. The dean may be present during the committee's deliberations without participation. If, in a Department satisfying the criterion stipulated above, at one or both of these ranks, there is no eligible faculty member who is willing to serve, the corresponding seat shall remain vacant.

- (2) Every academic Department that does not meet the condition in (1) above shall be represented by one tenured faculty member.
- (3) After the last regular meeting of the second-level review committee (in January of each year) the chairperson shall forward to the Dean a list of departmental representatives that are to be replaced in the following academic year. The Dean shall contact the appropriate department chairpersons to request new committee members.
- (4) The tenured and tenure-track faculty of each academic Department shall elect their representative(s) before the end of the Spring semester of the previous academic year.
- (5) A committee of the department (e.g equivalent to an executive committee) shall nominate one candidate for each of that department's open positions (representatives and alternates) on the College APT committee. Other candidates may be nominated by any faculty member.
- (6) It is recommended that the elected representatives and alternates have participated in at least one departmental promotion process by serving on the first level subcommittees that produce the departmental Summary Statement of Professional Achievements.
- (7) Prior to the departmental elections of representatives and alternates the following statement must be read aloud or mailed to the department's tenured and tenure-track faculty:

“The APT committee is one of the most important committees in the College of Engineering. APT decisions are essentially permanent and critically affect the careers of the candidates, the future of the College of Engineering and the reputation of the College both outside and within the University of Maryland. The evaluation of APT candidates requires a substantial work load for all committee members. Complete confidentiality of APT deliberations shall be preserved. It is exceedingly important that each department elect representatives who are well respected for their scholarly achievements, their fairness, and their commitment both to education and to the advancement of the College of Engineering. In addition, the makeup of the committee should ideally reflect the College’s commitment to diversity.”

- (8) An alternate shall be elected for each representative in case the representative can not fulfill his/her duties. The alternate will take over the duties of the representative if he/she is unable to complete his/her term or in rare cases when circumstances do not allow the representative to attend one or two of the prearranged meetings of the committee. In all cases, the same person (representative or alternate) must represent the department at all meetings of the committee for appointment, promotion and tenure at a given rank during a given academic year from the time the alternate takes over the duties of the representative.
- (9) The term for each representative shall normally be three years. If, at the end of the spring semester, it appears that the normally continuing representative is unable to serve for the remainder of his/her term, the alternate shall serve for the remainder of the representative’s term and a new alternate shall be elected by the department. If neither the representative nor the alternate can serve, the department shall elect a new representative and alternate for the remainder of the term in the manner described in (5), (6) and (7) above.
- (10) The Committee shall have a staggered membership. To accomplish this goal the Departments of Mechanical and Aerospace Engineering shall elect new representatives at

the end of the spring semester in 2004 and every three years thereafter. The Department of Electrical and Computer Engineering and the Department of Chemical Engineering shall elect new representatives and alternates at the end of the spring semester in 2005 and every three years thereafter. The Department of Civil and Environmental Engineering, the Department of Material Science and Engineering and the Department of Fire Protection Engineering shall elect representatives and alternates at the end of the Spring semester of 2006 and every three years thereafter. The Engineering Council may modify this schedule by resolution.

- (11) Except when there are no other appropriate candidates available within a department, representatives may not serve on the committee for consecutive terms. Alternates who take over the duties of the representative for the last two years or more of his/her term may not be elected to serve as the representative for the next three-year term.

C.2.1.2. Officers

Each academic year, at the first meeting of the APT committee, a vice chairperson shall be elected by the committee members from among the new members of the committee holding the rank of Professor. The vice chairperson shall be the chairperson in his/her second year on the committee, and the past chairperson in his/her third year on the committee. The vice chairperson shall work with the chairperson to fulfill the functions of the committee. The past chairperson shall serve as chairperson when a candidate from the chairperson's own Department is under consideration and shall provide advice on procedures and standards to the chairperson and vice chairperson. In the event any officer is unable to serve the committee shall elect a replacement.

C.2.1.3. Functions and meeting schedule

- (1) A newly elected committee shall start its function on the first day of the academic year (August 23). The first meeting of the committee shall be held before the end of October.
- (2) As soon as a tenure, promotion, or appointment-with-tenure case is received for review by the second-level review committee, it shall be forwarded to the committee chairperson. The committee chairperson shall verify whether the file received from the Department is complete and, if necessary, shall request that the missing documents be provided. He/she may also request, from the Department chairperson or from the spokesperson for the Department faculty review committee, clarification on any matter relevant to the case. The committee chairperson shall forward each completed file to the committee members at the appropriate rank at least seven days before a discussion and vote on the corresponding case is to take place.
- (3) The committee shall hold one or more meetings, as necessary, to decide on a recommendation for each of the candidates for tenure, promotion, or appointment-with-tenure. Only members at the rank of Professor shall attend meetings or portions of meetings at which cases for appointment or promotion to the rank of Professor are to be considered. Each tenure, promotion, or appointment-with-tenure case shall be considered in turn. No committee member shall have either voice or vote on candidates from his or her department, except to respond to requests for information of a general sort relating to that particular field of study (PAPTF). Deliberation on each case shall be followed by a vote by secret ballot on whether or not to recommend that tenure, promotion or appointment-with-tenure be granted. The vote shall consist of the following: recommended, not recommended, abstention. There shall be no qualifying adjectives in the vote.

- (4) When significant questions arise regarding the recommendations from the first-level review or the contents of the dossier, the second-level review committee shall provide an opportunity for the chair of the first-level academic unit and the designated spokesperson of the first-level unit review committee to meet with the second-level committee to discuss their recommendations; the committee shall provide them with a written list of the committee's general concerns about the candidate's case prior to the meeting. The second-level review committee may also request additional information from the first-level review committee and the chair. After such discussion the committee shall meet and make a final vote which shall be reported as the decision of the committee.
- (5) The decision on each tenure, promotion, or appointment-with-tenure case shall be forwarded through the Dean to the Provost, together with the vote and a written report signed by the committee and containing a fair summary of the committee's proceedings.
- (6) The committee members shall maintain absolute confidentiality in their considerations of cases. Outside of the committee meetings, members of the second-level review committee shall not discuss specific cases with anyone who is not a member of the second-level review committee.

D. Representatives to Campus Level APT Committee

On any year in which the School is eligible to be represented on the campus-level review committee, nominees for the School shall be selected by the Dean from among the School's faculty members at the rank of Professor (PAPTF).

Article IX. Elections of Faculty Senators to the College Park Senate

Each academic department shall elect 1 faculty senator to the School Senate in accordance with the Department Plans of Organization. If the School is apportioned more senators than the

number of Departments, than the Council shall conduct a School wide election for at-large Senators to fill any vacant position. If the total number of at-large senate seats is 4 or fewer than no more than one at-large senator may be elected from any one department. If the total number of at-large senators is 5 or more no more than 2 may be elected from any one department.

Article X. Amendments and Review

- A. Recommended amendments to the Plan of Organization of the School should be presented in writing to the Chairperson of the Engineering Council, who, in turn, shall place such recommendations on the agenda for the next regular meeting of the Engineering Assembly.
- B. Approval of a recommended amendment by a three-fifths majority of the Assembly membership present shall constitute adoption of the amendment.



Review of the Interim University of Maryland Procedures Related to Family and Medical Leave for Faculty

PRESENTED BY Jack Blanchard, Chair

REVIEW DATES SEC – February 18, 2019 | SENATE – March 6, 2019

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [II-2.31\(A\) – University of Maryland Procedures Related to Family and Medical Leave for Faculty](#)

NECESSARY APPROVALS Senate, President

ISSUE

On April 20, 2018, the President's Office informed the Senate Office that the University System of Maryland (USM) had updated its Policy on Family and Medical Leave for Faculty (II.2.31) in order to clarify federal obligations related to the Family and Medical Leave Act (FMLA). At the time, the University operated under the University of Maryland, College Park Policy on Family and Medical Leave for Faculty (II-2.31[A]), which essentially reproduced existing USM policy. When the USM policy was updated in 2018, the University decided to replace its policy with procedures specific to our institution, given it is already covered by the USM policy. The Procedures Related to Family and Medical Leave for Faculty (II-2.31[A]) were approved by the President on an interim basis on August 31, 2018, pending University Senate review.

In October 2018, the Senate Executive Committee (SEC) charged the Faculty Affairs Committee (FAC) with reviewing the USM policy and interim procedures; reviewing practices and policies at Big 10 and peer institutions; consulting with a range of offices on campus; and recommending any proposed changes to the procedures.

RECOMMENDATIONS

The Faculty Affairs Committee recommends that the Senate approve the revised Procedures Related to Family and Medical Leave for Faculty (II-2.31[A]), which immediately follow this report.

The committee also recommends that:

- University Human Resources should review and expand existing informational resources that describe the types of leave available to all employees who earn leave.
- The Office of Faculty Affairs should review and expand existing informational resources that describe the types of leave available to different categories of faculty who earn leave, ensuring that they address variations based on characteristics such as title, nature and duration of funding, and full-time or part-time status.

- University Human Resources and the Office of Faculty Affairs should review and expand existing informational resources defining family members and events that qualify for Family and Medical Leave use.

COMMITTEE WORK

The FAC established a joint subcommittee with the Staff Affairs Committee, which had been tasked with reviewing similar provisions for staff employees. The subcommittee met with representatives from University Human Resources, the Office of General Counsel, and the Office of Faculty Affairs. The subcommittee learned that the biggest change is the shift to the use of a 12-month rolling calendar for Family and Medical Leave (FML) use. It also found that constraints imposed by state and federal law, as well as USM policy, limited the subcommittee's scope of action. The subcommittee proposed a revision to ensure professional track faculty were included in the definition of eligible faculty, added language clarifying the calendar change, and updated punctuation and titles. The subcommittee also developed several administrative recommendations designed to improve the University's communication about FML use. The subcommittee reported on its work to the FAC, which voted to approve the revised procedures and administrative recommendations at the committee's February 13, 2019, meeting.

ALTERNATIVES

The Senate could choose not to approve the recommendations and revisions to the University of Maryland Procedures Related to Family and Medical Leave for Faculty, leaving the interim procedures in effect. However, the University would lose the opportunity to clarify the procedures and provide faculty with informational resources on the procedures.

RISKS

There are no known risks to the University.

FINANCIAL IMPLICATIONS

There are no known financial implications.



Review of the Interim University of Maryland Procedures Related to Family and Medical Leave for Faculty

2018-2019 Committee Members

Jack Blanchard (Chair)	Paula Nasta (Graduate Student)
John Bertot (Ex-Officio Provost's Rep)	Janice Reutt-Robey (Faculty)
Debabrata Biswas (Faculty)	Ellin Scholnick (Ex-Officio Ombuds Officer)
Caroline Boules (Faculty)	Elina Thapa (Graduate Student)
Karol Dyson (Faculty)	Jewel Washington (Ex-Officio Director of Human Resources Rep)
Michele Eastman (Ex-Officio President's Rep)	Ann Weeks (Faculty)
Philip Evers (Ex-Officio CUSF Rep)	Sacoby Wilson (Faculty)
Mark Fuge (Faculty)	
Yaelle Goldschlag (Undergraduate Student)	
Richard Klank (Faculty)	
Nicole LaRonde (Faculty)	
Shevaun Lewis (Faculty)	
Alexis Monahan (Staff)	

Date of Submission

February 2019

INTRODUCTION

The Family and Medical Leave Act (FMLA) provides eligible employees up to 12 weeks of job-protected, unpaid leave each 12-month period. Family and Medical Leave (FML) only protects an employee's position and access to benefits and does not replace wages. However, it can be used in conjunction with other forms of paid leave, such as annual leave or sick leave. It is typically used to cover serious medical conditions that affect an employee or member of their immediate family, including pregnancy, or to provide care for a child or family member. Additional information on FML is available from [University Human Resources](#) and the [Office of Faculty Affairs](#).

BACKGROUND

On April 20, 2018, the President's Office informed the Senate Office that the University System of Maryland (USM) had updated its Policy on Family and Medical Leave for Faculty (II.2.31) in order to clarify federal obligations related to the Family and Medical Leave Act (FMLA). At the time, the University operated under the University of Maryland, College Park Policy on Family and Medical Leave for Faculty (II-2.31[A]), which essentially reproduced existing USM policy. When the USM policy was updated in 2018, the University decided to replace its policy with procedures specific to our institution, given it is already covered by the USM policy. The Procedures Related to Family and Medical Leave for Faculty (II-2.31[A]) were approved by the President on an interim basis on August 31, 2018, pending University Senate review.

In October 2018, the Senate Executive Committee (SEC) charged the Faculty Affairs Committee (FAC) with reviewing the USM policy and interim Procedures Related to Family and Medical Leave for Faculty; reviewing practices and policies at Big 10 and peer institutions; consulting with a range of offices on campus; and recommending any proposed changes to the procedures (Appendix 2).

KEY CHANGES IN THE INTERIM PROCEDURES

The interim procedures are far more streamlined but also reflect several substantive changes to the previous policy. The most significant is a change to the eligibility window for taking FML. Previously, faculty were eligible for up to 60 workdays of FML per calendar year and leave entitlements did not carry over to the next calendar year. The new procedures establish a 12-month rolling window during which faculty may use leave. Whenever a faculty member applies for FML, the University will look back at the previous 12 months to determine how many days of leave the faculty member may use. Faculty have the option of using the old system based on calendar years or the new 12-month rolling window until December 31, 2019. Beginning January 1, 2020, all faculty will use the new 12-month rolling window.

The new procedures also specify that faculty holding concurrent administrative appointments will follow the FML procedures for staff employees during the term of the appointment, which was a provision not included in the previous USM Policy. Finally, the procedures identify a campus officer charged with implementing the procedures.

COMMITTEE WORK

At its meeting on October 17, the FAC began discussing its charge. Because the Staff Affairs Committee had been tasked with reviewing similar revisions to the staff procedures, the two committees agreed to establish a joint subcommittee (Appendix 1). In addition to the chairs, each committee identified two additional members. The subcommittee reviewed the overarching USM policy, and met with representatives from University Human Resources, the Office of General Counsel, and the Office of Faculty Affairs. The subcommittee learned that the revisions were intended to align the University's procedures with changes to USM policy. Those changes were intended primarily to adopt an approach to determining eligibility that was more beneficial to faculty and staff, as the 12-month rolling window provides greater flexibility. They also reduced some ambiguities regarding how faculty with administrative appointments are treated.

The subcommittee learned that constraints imposed by state and federal law, as well as USM policy, limited its scope of action. It determined that the definition of "eligible faculty" should be revised in the procedures. The interim procedures define eligible faculty as only those holding titles included in the University System Policy on Appointment, Rank, and Tenure of Faculty (II-1.00). That policy, however, does not include all of the professional track faculty titles used by the University. As such, the subcommittee recommended including a reference to the University of Maryland Policy on Appointment, Promotion, and Tenure of Faculty (II-1.00[A]), which includes a comprehensive list of the relevant titles. The subcommittee also recommended language explicitly indicating that all faculty will follow the new calendar system after January 1, 2020. Finally, the subcommittee updated punctuation and corrected a title. The subcommittee also proposed several administrative recommendations designed to improve the University's communication regarding what types of leave faculty members are eligible for and precisely what family and medical leave covers.

While the charge requested research on practices at Big 10 and peer institutions, the subcommittee determined that limitations associated with state and federal law, as well as USM policy, rendered such comparative research of little value. The Senate Leadership agreed that there was no need to conduct this review.

The subcommittee reported on its work to the FAC, which voted to approve the revised procedures and administrative recommendations at the committee's February 13, 2019, meeting.

RECOMMENDATIONS

The Faculty Affairs Committee recommends that the Senate approve the revised Procedures Related to Family and Medical Leave for Faculty (II-2.31[A]), which immediately follow this report.

The committee also recommends that:

- University Human Resources should review and expand existing informational resources that describe the types of leave available to all employees who earn leave.
- The Office of Faculty Affairs should review and expand existing informational resources that describe the types of leave available to different categories of faculty who earn leave, ensuring that they address variations based on characteristics such as title, nature and duration of funding, and full-time or part-time status.
- University Human Resources and the Office of Faculty Affairs should review and expand existing informational resources defining family members and events that qualify for Family and Medical Leave use.

APPENDICES

Appendix 1 — Interim University of Maryland Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees

Appendix 2 — Charge from the Senate Executive Committee

II-2.31(A) UNIVERSITY OF MARYLAND PROCEDURES RELATED TO FAMILY AND MEDICAL LEAVE FOR FACULTY

(Approved on an interim basis by the President, August 31, 2018 pending University Senate review)

The University of Maryland adheres to University System of Maryland (USM) II-2.31 USM Policy on Family and Medical Leave for Faculty (Approved by the Board of Regents on October 6, 1995; Amended on April 20, 2018-). For complete policy requirements and provisions, refer to USM II-2.31.

I. PURPOSE AND APPLICABILITY

The procedures herein are implemented by the University of Maryland (UMD) in accordance with the USM Policy II-2.31 – Policy on Family and Medical Leave for Faculty, amended April 20, 2018, (the “Policy”) and are the exclusive procedures that govern the calculation of Family Medical Leave (FML) at UMD. Under the Policy, eligible faculty are granted up to 12 work weeks of unpaid or paid leave within a 12-month period (leave year) for qualifying family and medical reasons.

II. ELIGIBLE FACULTY MEMBER

- A. Eligible Faculty Member: An employee who is covered under the provisions of USM BOR policy II-1.00 – University System Policy on Appointment, Rank, and Tenure of Faculty **or II-1.00(A) University of Maryland Policy on Appointment, Promotion, and Tenure of Faculty**; and
1. Has been employed for a total of at least twelve (12) months as a USM or State of Maryland employee; and
 2. Whose employment during the twelve- (12-) month period immediately prior to the beginning date of the FML was at least 50 percent or greater of full-time under a nine- (9-) month or longer contract, or who has worked for at least 1,040 hours during the twelve- (12-) month period immediately prior to the beginning date of the FML as a USM or State of Maryland employee.
- B. Concurrent Administrative Appointment: If a faculty member holds a concurrent administrative appointment under USM BOR policy II-1.03 – University System Policy on Concurrent Faculty and Administrative Appointments, FML shall be governed by USM BOR policy VII-7.50 – Policy on Family and Medical Leave for Nonexempt and Exempt Staff Employees, and VII-7.50(A) University of Maryland Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees. However, application of the Staff FML Policy and Procedures shall not result in any loss of rights applicable to the concurrent faculty appointment, including the right to postpone mandatory tenure review.

III. PROCEDURES FOR CALCULATING FML LEAVE

Effective April 20, 2018, the method of calculating a faculty member’s FML entitlement shall change from a calendar year to a rolling 12-month period measured backward from the date a faculty member uses FML. Under the rolling 12-month period measured backward, each time a faculty member takes FML, the University will “look back” over the last 12 months, add up all of the FML leave taken during

that period of time, and subtract it from the standard 12-week/60-day FML entitlement. The remaining balance is the amount of FML available for the faculty member's use at the start of their FML.

Faculty taking FML in the period between April 20, 2018, to January 1, 2020, will do so under whichever method (calendar year or rolling 12-month period) yields the greatest benefit to the faculty member. **Leave for faculty taking FML after January 1, 2020, will be calculated using the rolling 12-month period method in all cases.**

IV. DESIGNEE TO IMPLEMENT FML LEAVE

The Associate Provost for Faculty Affairs shall be the UMD designee to implement FML for Faculty and shall coordinate implementation with the Assistant Vice President for University Human Resources.



VII-7.50(A) UNIVERSITY OF MARYLAND PROCEDURES RELATED TO FAMILY AND MEDICAL LEAVE FOR NONEXEMPT AND EXEMPT STAFF EMPLOYEES

(Approved on an interim basis by the President, August 31, 2018 pending University Senate review)

The University of Maryland adheres to University System of Maryland (USM) VII-7.50 *USM Policy on Family and Medical Leave for Nonexempt and Exempt Staff Employees* (Approved by the Board of Regents on August 27, 1993; Amended on April 16, 2004; Amended on October 22, 2004; Amended on June 18, 2010; Amended on October 9, 2015; Amended on April 20, 2018.) For complete policy requirements and provisions, refer to USM VII-7.50.

I. PURPOSE AND APPLICABILITY

The procedures herein are implemented by the University of Maryland (UMD) in accordance with the USM Policy VII-7.50 – *Policy on Family and Medical Leave for Nonexempt and Exempt Staff*, amended April 20, 2018, (the “Policy”) and are the exclusive procedures that govern the provision of Family Medical Leave (FML) at UMD. Under the Policy, eligible employees are granted up to 12 work weeks of unpaid or paid leave within a 12-month period (leave year) for qualifying family and medical reasons.

II. PROCEDURES FOR CALCULATING FML LEAVE

Effective April 20, 2018, the method of calculating an employee’s FML entitlement shall change from a calendar year to a rolling 12-month period measured backward from the date an employee uses FML. Under the rolling 12-month period measured backward, each time an employee takes FML, the University will “look back” over the last 12 months, add up all of the FML taken during that period of time, and subtract it from the standard 12-week/60-day FML entitlement. The remaining balance is the amount of FML available for the employee’s use at the start of their FML. Employees taking FML in the period between April 20, 2018 to January 1, 2020 will do so under whichever method (calendar year or rolling 12-month period) yields the greatest benefit to the employee.

III. DESIGNEE TO IMPLEMENT FML LEAVE

The Assistant Vice President/University Human Resources shall be the UMD designee to implement FML for Exempt and Nonexempt Staff.



Review of the Interim University of Maryland Procedures Related to Family and Medical Leave for Faculty (Senate Document #18-19-03)

Faculty Affairs Committee | Chair: Jack Blanchard

The Senate Executive Committee (SEC) and Senate Chair Walsh request that the Faculty Affairs Committee review the interim University of Maryland Procedures Related to Family and Medical Leave for Faculty (II-2.31[A]).

Specifically, it asks that you:

1. Review the [USM Policy on Family and Medical Leave for Faculty \(II-2.31\)](#).
2. Review the interim [University of Maryland Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees \(VII-7.50\[A\]\)](#).
3. Review similar policies and procedures at Big 10 and other peer institutions.
4. Consult with a representative of University Human Resources.
5. Consult with a representative of the Office of General Counsel to better understand the new federal guidance on family medical leave.
6. Consult with a representative of the Office of Faculty Affairs on the implications of the staff procedures for faculty in administrative roles.
7. Coordinate the review of the faculty procedures with the Staff Affairs Committee in order to ensure consistency across the faculty and staff procedures.
8. Consult with a representative of the Office of General Counsel on any proposed changes to the University's procedures.
9. If appropriate, recommend whether the procedures should be revised and submit recommended revisions for Senate consideration.

We ask that you submit a report to the Senate Office no later than **February 1, 2019**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



II-2.31(A) UNIVERSITY OF MARYLAND PROCEDURES RELATED TO FAMILY AND MEDICAL LEAVE FOR FACULTY

(Approved on an interim basis by the President, August 31, 2018 pending University Senate review)

The University of Maryland adheres to University System of Maryland (USM) II-2.31 *USM Policy on Family and Medical Leave for Faculty* (Approved by the Board of Regents on October 6, 1995; Amended on April 20, 2018.) For complete policy requirements and provisions, refer to USM II-2.31.

I. PURPOSE AND APPLICABILITY

The procedures herein are implemented by the University of Maryland (UMD) in accordance with the USM Policy II-2.31 – *Policy on Family and Medical Leave for Faculty*, amended April 20, 2018, (the “Policy”) and are the exclusive procedures that govern the calculation of Family Medical Leave (FML) at UMD. Under the Policy, eligible faculty are granted up to 12 work weeks of unpaid or paid leave within a 12-month period (leave year) for qualifying family and medical reasons.

II. ELIGIBLE FACULTY MEMBER

- A. Eligible Faculty Member: An employee who is covered under the provisions of USM BOR policy II-1.00 – *University System Policy on Appointment, Rank, and Tenure of Faculty*; and
 1. Has been employed for a total of at least twelve (12) months as a USM or State of Maryland employee; and
 2. Whose employment during the twelve- (12-) month period immediately prior to the beginning date of the FML was at least 50 percent or greater of full-time under a nine- (9-) month or longer contract, or who has worked for at least 1,040 hours during the twelve- (12-) month period immediately prior to the beginning date of the FML as a USM or State of Maryland employee.

- B. Concurrent Administrative Appointment: If a faculty member holds a concurrent administrative appointment under USM BOR policy II-1.03 – *University System Policy on Concurrent Faculty and Administrative Appointments*, FML shall be governed by USM BOR policy VII-7.50 – *Policy on Family and Medical Leave for Nonexempt and Exempt Staff Employees*, and VII-7.50(A) *University of Maryland Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees*. However, application of the Staff FML Policy and Procedures shall not result in any loss of rights applicable to the concurrent faculty appointment, including the right to postpone mandatory tenure review.

III. PROCEDURES FOR CALCULATING FML LEAVE

Effective April 20, 2018, the method of calculating a faculty member's FML entitlement shall change from a calendar year to a rolling 12-month period measured backward from the date a faculty member uses FML. Under the rolling 12-month period measured backward, each time a faculty member takes FML, the University will "look back" over the last 12 months, add up all of the FML leave taken during that period of time, and subtract it from the standard 12-week/60-day FML entitlement. The remaining balance is the amount of FML available for the faculty member's use at the start of their FML. Faculty taking FML in the period between April 20, 2018 to January 1, 2020 will do so under whichever method (calendar year or rolling 12-month period) yields the greatest benefit to the faculty member.

IV. DESIGNEE TO IMPLEMENT FML LEAVE

The Associate Provost for Faculty Affairs shall be the UMD designee to implement FML for Faculty and shall coordinate implementation with the Assistant Vice President/University Human Resources.



Review of the Interim University of Maryland Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees

PRESENTED BY Fulvio Cativo, Chair

REVIEW DATES SEC – February 26, 2019 | SENATE – March 6, 2019

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [VII-7.50\(A\) – University of Maryland Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees](#)

NECESSARY APPROVALS Senate, President

ISSUE

On April 20, 2018, the President's Office informed the Senate Office that the University System of Maryland (USM) had updated its Policy on Family and Medical Leave for Exempt and Nonexempt Staff Employees (VII-7.50) in order to clarify federal obligations related to the Family and Medical Leave Act. In response, the University developed University of Maryland Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees (VII-7.50[A]), which were approved by the President on an interim basis on August 31, 2018, pending University Senate review.

In October 2018, the Senate Executive Committee (SEC) charged the Staff Affairs Committee (SAC) with reviewing the USM policy and interim Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees; reviewing practices and policies at Big 10 and peer institutions; consulting with a range of offices on campus; and recommending any proposed changes to the procedures.

RECOMMENDATIONS

The Staff Affairs Committee recommends that the Senate approve the revised Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees (VII-7.50[A]), which immediately follow this report.

The committee also recommends that:

- University Human Resources should review and expand existing informational resources that describe the types of leave available to all employees who earn leave.
- The Office of Faculty Affairs should review and expand existing informational resources that describe the types of leave available to different categories of faculty who earn leave, ensuring that they address variations based on characteristics such as title, nature and duration of funding, and full-time or part-time status.

- University Human Resources and the Office of Faculty Affairs should review and expand existing informational resources defining family members and events that qualify for Family and Medical Leave use.

COMMITTEE WORK

The SAC established a joint subcommittee with the Faculty Affairs Committee, which had been tasked with reviewing similar provisions for faculty. The subcommittee met with representatives from University Human Resources, the Office of General Counsel, and the Office of Faculty Affairs. The subcommittee learned that the biggest change is the shift to the use of a 12-month rolling calendar for Family and Medical Leave (FML) use. It also found that constraints imposed by state and federal law, as well as USM policy, limited the subcommittee's scope of action. The subcommittee proposed clarifying language in the policy about the calendar change, updated punctuation and titles, and proposed several administrative recommendations designed to improve the University's communication about FML use. The subcommittee reported on its work to the SAC, which voted to approve the revised procedures and administrative recommendations at the committee's February 5, 2019, meeting.

ALTERNATIVES

The Senate could choose not to approve the recommendations and revisions to the University of Maryland Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees, leaving the interim procedures in effect. However, the University would lose the opportunity to clarify the procedures and provide staff with informational resources on the procedures.

RISKS

There are no associated risks.

FINANCIAL IMPLICATIONS

There are no financial implications.



Review of the Interim University of Maryland Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees

2018-2019 Committee Members

Fulvio Cativo (Chair)
Amelia Barabak (Ex-Officio Provost's Rep)
Darrell Claiborne (Ex-Officio NV CUSS Rep)
Kayla Cullum (Non-Exempt Staff)
Sarah Goff (Ex-Officio CUSS Rep)
Judi Gorski (Exempt Staff)
Philip Hammer (Exempt Staff Contingent II)
Elizabeth Hinson (Ex-Officio NV CUSS Rep)
Rosanne Hoas (Non-Exempt Staff)
William Jackson (Undergraduate Student)
Antonietta Jennings (Non-Exempt Staff)
Dwonne Knight (Non-Exempt Staff Contingent II)
Anne Martens (Ex-Officio VP Administration & Finance Rep)

Matthew Nesson (Ex-Officio NV CUSS Rep)
Michael Paszkiewicz (Exempt Staff)
Kalia Patricio (Ex-Officio CUSS Rep)
Lealin Queen (Non-Exempt Staff)
Jacqueline Richmond (Ex-Officio Director of Human Resources Rep)
Erin Rooney-Eckel (Exempt Staff)
Margaret Saponaro (Faculty)
Maureen Schrimpe (Ex-Officio CUSS Rep)
Kristin Stenson (Exempt Staff)
Brooke Supple (Ex-Officio VP Student Affairs Rep)

Date of Submission

February 2019

INTRODUCTION

The Family and Medical Leave Act (FMLA) provides eligible employees up to 12 weeks of job-protected, unpaid leave each 12-month period. Family and Medical Leave (FML) only protects an employee's position and access to benefits and does not replace wages. However, it can be used in conjunction with other forms of paid leave, such as annual leave or sick leave. It is typically used to cover serious medical conditions that affect an employee or member of their immediate family, including pregnancy, or to provide care for a child or family member. Additional information on Family and Medical Leave is available from [University Human Resources](#) and the [Office of Faculty Affairs](#).

BACKGROUND

On April 20, 2018, the President's Office informed the Senate Office that the University System of Maryland (USM) had updated its Policy on Family and Medical Leave for Exempt and Nonexempt Staff Employees (VII-7.50) in order to clarify federal obligations related to the Family and Medical Leave Act (FMLA). In response, the University developed Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees (VII-7.50[A]), which were approved by the President on an interim basis on August 31, 2018, pending University Senate review.

In October 2018, the Senate Executive Committee (SEC) charged the Staff Affairs Committee (SAC) with reviewing the USM policy and interim Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees; reviewing practices and policies at Big 10 and peer institutions; consulting with a range of offices on campus; and recommending any proposed changes to the procedures (Appendix 2).

KEY CHANGES IN INTERIM PROCEDURES

The interim procedures reflect several substantive changes to the previous policy. The most significant is a change to the eligibility window for taking FML. Previously, staff employees were eligible for up to 60 workdays of FML per calendar year and leave entitlements did not carry over to the next calendar year. The new procedures establish a 12-month rolling window during which staff employees may use leave. Whenever a staff employee applies for FML, the University will look back at the previous 12 months to determine how many days of leave are available. Staff employees have the option of using the old system based on calendar years or the new 12-month rolling window until December 31, 2019. Beginning January 1, 2020, all staff employees will use the new 12-month rolling window. The procedures also identify a campus officer charged with implementing the procedures.

COMMITTEE WORK

At its meeting on October 8, 2018, the SAC began discussing its charge. Because the Faculty Affairs Committee had been tasked with reviewing similar revisions to the faculty procedures, the two committees agreed to establish a joint subcommittee (Appendix 1). In addition to the chairs, each committee identified two additional members. The subcommittee reviewed the overarching USM policy, and then met with representatives from University Human Resources, the Office of General Counsel, and the Office of Faculty Affairs. The subcommittee learned that the revisions were intended to align the University's procedures with changes to USM policy. Those changes were intended primarily to adopt an approach to determining eligibility that was more beneficial to faculty and staff, as the 12-month rolling window provides greater flexibility. They also reduced some ambiguities regarding how faculty with administrative appointments are treated.

The subcommittee learned that constraints imposed by state and federal law, as well as USM policy, limited its scope of action. The subcommittee recommended language explicitly indicating that all staff employees will follow the new calendar system after January 1, 2020. The subcommittee updated punctuation and corrected a title, and proposed several administrative recommendations designed to improve the University's communication regarding what types of leave staff employees are eligible for and precisely what family and medical leave covers.

While the charge requested research on practices at Big 10 and peer institutions, the subcommittee determined that limitations associated with state and federal law, as well as USM policy, rendered such comparative research of little value. The Senate Leadership agreed that there was no need to conduct this review.

The subcommittee reported on its work to the SAC, which voted to approve the revised procedures and administrative recommendations at the committee's February 5, 2019, meeting.

RECOMMENDATIONS

The Staff Affairs Committee recommends that the Senate approve the revised Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees (VII-7.50[A]), which immediately follow this report.

The committee also recommends that:

- University Human Resources should review and expand existing informational resources that describe the types of leave available to all employees who earn leave.

- The Office of Faculty Affairs should review and expand existing informational resources that describe the types of leave available to different categories of faculty who earn leave, ensuring that they address variations based on characteristics such as title, nature and duration of funding, and full-time or part-time status.
- University Human Resources and the Office of Faculty Affairs should review and expand existing informational resources defining family members and events that qualify for Family and Medical Leave use.

APPENDICES

Appendix 1 — Interim University of Maryland Procedures Related to Family and Medical Leave for Faculty

Appendix 2 — Charge from the Senate Executive Committee

VII-7.50(A) UNIVERSITY OF MARYLAND PROCEDURES RELATED TO FAMILY AND MEDICAL LEAVE FOR NONEXEMPT AND EXEMPT STAFF EMPLOYEES

(Approved on an interim basis by the President, August 31, 2018 pending University Senate review.)

The University of Maryland adheres to University System of Maryland (USM) VII-7.50 USM Policy on Family and Medical Leave for Nonexempt and Exempt Staff Employees (Approved by the Board of Regents on August 27, 1993; Amended on April 16, 2004; Amended on October 22, 2004; Amended on June 18, 2010; Amended on October 9, 2015; Amended on April 20, 2018~~;~~). For complete policy requirements and provisions, refer to USM VII-7.50.

I. PURPOSE AND APPLICABILITY

The procedures herein are implemented by the University of Maryland (UMD) in accordance with the USM Policy VII-7.50 – Policy on Family and Medical Leave for Nonexempt and Exempt Staff, amended April 20, 2018, (the “Policy”) and are the exclusive procedures that govern the provision of Family Medical Leave (FML) at UMD. Under the Policy, eligible employees are granted up to 12 work weeks of unpaid or paid leave within a 12-month period (leave year) for qualifying family and medical reasons.

II. PROCEDURES FOR CALCULATING FML LEAVE

Effective April 20, 2018, the method of calculating an employee’s FML entitlement shall change from a calendar year to a rolling 12-month period measured backward from the date an employee uses FML. Under the rolling 12-month period measured backward, each time an employee takes FML, the University will “look back” over the last 12 months, add up all of the FML taken during that period of time, and subtract it from the standard 12-week/60-day FML entitlement. The remaining balance is the amount of FML available for the employee’s use at the start of their FML.

Employees taking FML in the period between April 20, 2018, to January 1, 2020, will do so under whichever method (calendar year or rolling 12-month period) yields the greatest benefit to the employee. **Leave for employees taking FML after January 1, 2020, will be calculated using the rolling 12-month period method in all cases.**

III. DESIGNEE TO IMPLEMENT FML LEAVE

The Assistant Vice President **for** ~~University~~ Human Resources shall be the UMD designee to implement FML for Exempt and Nonexempt Staff.

Appendix 1: Interim University of Maryland Procedures Related to Family and Medical Leave for Faculty



II-2.31(A) UNIVERSITY OF MARYLAND PROCEDURES RELATED TO FAMILY AND MEDICAL LEAVE FOR FACULTY

(Approved on an interim basis by the President, August 31, 2018 pending University Senate review)

The University of Maryland adheres to University System of Maryland (USM) II-2.31 *USM Policy on Family and Medical Leave for Faculty* (Approved by the Board of Regents on October 6, 1995; Amended on April 20, 2018.) For complete policy requirements and provisions, refer to USM II-2.31.

I. PURPOSE AND APPLICABILITY

The procedures herein are implemented by the University of Maryland (UMD) in accordance with the USM Policy II-2.31 – *Policy on Family and Medical Leave for Faculty*, amended April 20, 2018, (the “Policy”) and are the exclusive procedures that govern the calculation of Family Medical Leave (FML) at UMD. Under the Policy, eligible faculty are granted up to 12 work weeks of unpaid or paid leave within a 12-month period (leave year) for qualifying family and medical reasons.

II. ELIGIBLE FACULTY MEMBER

- A. Eligible Faculty Member: An employee who is covered under the provisions of USM BOR policy II-1.00 – *University System Policy on Appointment, Rank, and Tenure of Faculty*; and
 1. Has been employed for a total of at least twelve (12) months as a USM or State of Maryland employee; and
 2. Whose employment during the twelve- (12-) month period immediately prior to the beginning date of the FML was at least 50 percent or greater of full-time under a nine- (9-) month or longer contract, or who has worked for at least 1,040 hours during the twelve- (12-) month period immediately prior to the beginning date of the FML as a USM or State of Maryland employee.

- B. Concurrent Administrative Appointment: If a faculty member holds a concurrent administrative appointment under USM BOR policy II-1.03 – *University System Policy on Concurrent Faculty and Administrative Appointments*, FML shall be governed by USM BOR policy VII-7.50 – *Policy on Family and Medical Leave for Nonexempt and Exempt Staff Employees*, and VII-7.50(A) *University of Maryland Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees*. However, application of the Staff FML Policy and Procedures shall not result in any loss of rights applicable to the concurrent faculty appointment, including the right to postpone mandatory tenure review.

III. PROCEDURES FOR CALCULATING FML LEAVE

Effective April 20, 2018, the method of calculating a faculty member's FML entitlement shall change from a calendar year to a rolling 12-month period measured backward from the date a faculty member uses FML. Under the rolling 12-month period measured backward, each time a faculty member takes FML, the University will "look back" over the last 12 months, add up all of the FML leave taken during that period of time, and subtract it from the standard 12-week/60-day FML entitlement. The remaining balance is the amount of FML available for the faculty member's use at the start of their FML. Faculty taking FML in the period between April 20, 2018 to January 1, 2020 will do so under whichever method (calendar year or rolling 12-month period) yields the greatest benefit to the faculty member.

IV. DESIGNEE TO IMPLEMENT FML LEAVE

The Associate Provost for Faculty Affairs shall be the UMD designee to implement FML for Faculty and shall coordinate implementation with the Assistant Vice President/University Human Resources.



**Review of the Interim University of Maryland Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees
(Senate Document #18-19-04)**

Staff Affairs Committee | Chair: Fulvio Cativo

The Senate Executive Committee (SEC) and Senate Chair Walsh request that the Staff Affairs Committee review the interim University of Maryland Procedures Related to Family and Medical Leave for Nonexempt and Exempt Staff Employees (VII-7.50[A]).

Specifically, it asks that you:

1. Review the [USM Policy on Family and Medical Leave for Exempt and Nonexempt Staff Employees \(VII-7.50\)](#).
2. Review similar policies and procedures at Big 10 and other peer institutions.
3. Consult with a representative of University Human Resources.
4. Consult with a representative of the Office of General Counsel to better understand the new federal guidance on family medical leave.
5. Consult with a representative of the Office of Faculty Affairs on the implications of the staff procedures for faculty serving in administrative roles.
6. Coordinate the review of the procedures with the Faculty Affairs Committee in order to ensure consistency across the staff and faculty procedures.
7. Consult with a representative of the Office of General Counsel on any proposed changes to the University's procedures.
8. If appropriate, recommend whether the procedures should be revised and submit recommended revisions for Senate consideration.

We ask that you submit a report to the Senate Office no later than **February 1, 2019**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



VII-7.50(A) UNIVERSITY OF MARYLAND PROCEDURES RELATED TO FAMILY AND MEDICAL LEAVE FOR NONEXEMPT AND EXEMPT STAFF EMPLOYEES

(Approved on an interim basis by the President, August 31, 2018 pending University Senate review)

The University of Maryland adheres to University System of Maryland (USM) VII-7.50 *USM Policy on Family and Medical Leave for Nonexempt and Exempt Staff Employees* (Approved by the Board of Regents on August 27, 1993; Amended on April 16, 2004; Amended on October 22, 2004; Amended on June 18, 2010; Amended on October 9, 2015; Amended on April 20, 2018.) For complete policy requirements and provisions, refer to USM VII-7.50.

I. PURPOSE AND APPLICABILITY

The procedures herein are implemented by the University of Maryland (UMD) in accordance with the USM Policy VII-7.50 – *Policy on Family and Medical Leave for Nonexempt and Exempt Staff*, amended April 20, 2018, (the “Policy”) and are the exclusive procedures that govern the provision of Family Medical Leave (FML) at UMD. Under the Policy, eligible employees are granted up to 12 work weeks of unpaid or paid leave within a 12-month period (leave year) for qualifying family and medical reasons.

II. PROCEDURES FOR CALCULATING FML LEAVE

Effective April 20, 2018, the method of calculating an employee’s FML entitlement shall change from a calendar year to a rolling 12-month period measured backward from the date an employee uses FML. Under the rolling 12-month period measured backward, each time an employee takes FML, the University will “look back” over the last 12 months, add up all of the FML taken during that period of time, and subtract it from the standard 12-week/60-day FML entitlement. The remaining balance is the amount of FML available for the employee’s use at the start of their FML. Employees taking FML in the period between April 20, 2018 to January 1, 2020 will do so under whichever method (calendar year or rolling 12-month period) yields the greatest benefit to the employee.

III. DESIGNEE TO IMPLEMENT FML LEAVE

The Assistant Vice President/University Human Resources shall be the UMD designee to implement FML for Exempt and Nonexempt Staff.



Interim University of Maryland Policy and Procedures Concerning Research Misconduct

PRESENTED BY Jack Blanchard, Chair

REVIEW DATES SEC – February 26, 2019 | SENATE – March 6, 2019

VOTING METHOD In a single vote

**RELEVANT
POLICY/DOCUMENT** [III-1.10\(A\) – University of Maryland Policy and Procedures Concerning Research Misconduct](#)

**NECESSARY
APPROVALS** Senate, President

ISSUE

An interim version of the University of Maryland Policy and Procedures Concerning Research Misconduct was adopted in June 2017, following revisions to align them with changes in federal regulations. These regulations establish expectations and standards that should be used in all investigations into research misconduct involving federal grant money. In January 2018, the Senate Executive Committee (SEC) charged the Faculty Affairs Committee (FAC) with reviewing the interim policy and procedures; reviewing policies as well as structural and procedural elements at Big 10 and peer institutions; consulting with a range of offices and stakeholders on campus; and recommending any proposed changes to the policy.

RECOMMENDATIONS

The Faculty Affairs Committee recommends that the University of Maryland Policy and Procedures Concerning Research Misconduct be revised as indicated in the policy document immediately following this report.

The Faculty Affairs Committee recommends that the University of Maryland Policy on Suspension of Faculty be revised as indicated in the policy document immediately following this report.

The Faculty Affairs Committee recommends that the following administrative recommendations be approved:

- The University should conduct a review of the implementation of the proposed University of Maryland Policy and Procedures Concerning Scholarly Misconduct and report its findings to the University Senate in Fall 2022.
- The University should carefully review and determine what resources are required for the execution of the procedures outlined in the revised Scholarly Misconduct policy, and based on this review, provide the necessary resources to support the process.

- The University should consider whether policy should be developed to address other types of misconduct related to scholarship and research activities not covered by this policy or other existing policies such as falsification of credentials, adhering to lab safety and other protocols, and misappropriation of materials for instructional purposes.
- The University should enhance and expand training and/or informational resources on ethical and responsible research expectations, conduct, and practices for all members of the campus community involved in scholarly activities.
- The University should conduct a comprehensive review of the University of Maryland Policy on Suspension of Faculty and develop termination procedures that align with provisions in the University System of Maryland Appointment, Rank, and Tenure of Faculty and the University of Maryland Policy & Procedures on Appointment, Promotion, and Tenure of Faculty as well as other relevant faculty policies.

COMMITTEE WORK

To review the interim policy, the FAC formed a Research Misconduct Working Group (WG), which included representatives from the committee, the Research Council, and the Office of the Vice President for Research. The WG met frequently throughout the spring semester of 2018, working to identify and resolve issues in the interim policy and procedures. This process involved close consultation with representatives of the Office of Faculty Affairs and the Office of General Counsel, as well as research into similar policies at Big 10 and peer institutions. The WG reported to the full FAC in October 2018. The FAC provided an update to the Senate in November 2018 and collected input on its preliminary directions for policy revisions, based on the WG report.

Over the course of several meetings, the FAC reviewed and refined the WG's recommended revisions. The committee found that procedures in the University of Maryland Policy on Suspension of Faculty did not align with the newly revised research misconduct policy; the committee identified minimal revisions to the Policy on Suspension of Faculty necessary to ensure alignment and determined that a more comprehensive review was warranted. The committee discussed the role of the Provost in the interim procedures and made additional revisions to the policy to separate roles associated with investigations from final determinations and sanctioning. The committee also developed several administrative recommendations.

The FAC voted to approve the revised policy and recommendations in an email vote concluding on February 18, 2019.

ALTERNATIVES

The Senate could choose not to approve the revisions to the Policy and Procedures Concerning Research Misconduct. However, the University would lose the opportunity to clarify the procedures, roles, and responsibilities related to research misconduct.

RISKS

There are no known risks to the University.

FINANCIAL IMPLICATIONS

There are no known financial implications.



Interim University of Maryland Policy and Procedures Concerning Research Misconduct

2018-2019 Committee Members

Jack Blanchard (Chair)	Paula Nasta (Graduate Student)
John Bertot (Ex-Officio Provost's Rep)	Janice Reutt-Robey (Faculty)
Debabrata Biswas (Faculty)	Ellin Scholnick (Ex-Officio Ombuds Officer)
Caroline Boules (Faculty)	Elina Thapa (Graduate Student)
Karol Dyson (Faculty)	Jewel Washington (Ex-Officio Director of Human Resources Rep)
Michele Eastman (Ex-Officio President's Rep)	Ann Weeks (Faculty)
Philip Evers (Ex-Officio CUSF Rep)	Sacoby Wilson (Faculty)
Mark Fuge (Faculty)	
Yaelle Goldschlag (Undergraduate Student)	
Richard Klank (Faculty)	
Nicole LaRonde (Faculty)	
Shevaun Lewis (Faculty)	
Alexis Monahan (Staff)	

Date of Submission

February 2019

BACKGROUND

An interim version of the University of Maryland Policy and Procedures Concerning Research Misconduct (Appendix 2) was adopted in June 2017, following revisions to bring it into alignment with regulations from the Health and Human Services Office of Research Integrity (ORI) and the Public Health Service (PHS). ORI and PHS have established expectations and standards that should be used in all investigations into research misconduct involving federally-funded research. The federal government is interested in addressing the misconduct and correcting the research record; these interests must be balanced with institutional interests and those of the individual(s) involved in a research misconduct allegation. The interim policy was crafted to meet ORI's expectations while working within the flexibility ORI permits on many aspects of the procedures themselves. The interim policy also allows interim actions to be taken during an investigation, as needed.

In January 2018, the Senate Executive Committee (SEC) charged the Faculty Affairs Committee (FAC) with reviewing the interim University of Maryland Policy and Procedures Concerning Research Misconduct; reviewing policies as well as structural and procedural elements at Big 10 and peer institutions; consulting with a range of offices and stakeholders on campus; and recommending any proposed changes to the policy. (Appendix 6)

COMMITTEE WORK

The FAC formed a Research Misconduct Working Group (WG), which included representatives from the FAC, the Research Council, and the Office of the Vice President for Research, to review the interim policy. The WG met frequently throughout the spring semester of 2018, working to identify and resolve issues in the interim policy and procedures. This process involved working closely with representatives of the Office of Faculty Affairs and the Office of General Counsel, consulting with the Research Council and the Vice President for Research and conducting peer

institution research. The WG reported to the full committee in October 2018. The FAC provided an update to the Senate in November 2018 and collected input on its preliminary directions for policy revisions, based on the WG report.

Over the course of several meetings, the FAC reviewed the WG's recommended revisions. It added provisions intended to strengthen due process protections, clarify definitions, and ensure the University can take interim actions without unnecessarily disrupting ongoing research activities. The committee also noted that procedures in the University of Maryland Policy on Suspension of Faculty did not align with the newly revised misconduct policy; the committee identified minimal revisions to this policy that are necessary to ensure alignment and determined that a more comprehensive review was warranted. The committee also discussed the role of the Provost in the interim procedures and made additional revisions to the policy to separate roles responsible for procedural elements from decision-making and sanctioning elements. The committee also consulted with the Research Council (Appendix 5) and the Office of General Counsel before finalizing its recommendations.

OVERVIEW OF REVISIONS

The FAC incorporated revisions to the policy related to its scope and types of misconduct, definitions, due process rights for Respondents, oversight of the process, and clarifications of roles and responsibilities. In addition, the committee made associated changes to the University of Maryland Policy on Suspension of Faculty.

Scope of the Policy and Types of Misconduct

The policy was renamed and reframed to address "Scholarly Misconduct," which includes both research misconduct and misconduct related to creative activities. This change protects ORI's interest in focusing on research that is funded by federal grant money, while also allowing the policy to address research misconduct for non-federally funded projects. The policy applies to all members of the University community - students, staff, faculty, and administrators - and all scholarly work, including research and creative activity.

The revised policy intentionally does not cover actions that would be considered instructional misconduct (e.g., using another person's course materials without permission/attribution) or professional misconduct (e.g., misrepresentation of one's credentials for professional advancement), or misconduct by an individual acting as an administrator. Separate University policies or procedures should be used or developed to address these types of misconduct.

Definitions

The revised policy ensures that definitions are clear and accessible to faculty who may be involved in this process. This involves adding details where appropriate or revising definitions to more accurately reflect the types of misconduct that may occur on our campus; adding or significantly revising definitions for Fabrication, Falsification, and Improprieties of Authorship; and adding a definition for Self-Plagiarism that recognizes accepted standards in some disciplines. This includes clarifying that:

- Fabrication involves intentionally generating data or results that are fictitious and reporting them as genuine.

- Falsification involves manipulation or omission of data or results in a way that deviates from accepted practices within the field, so that information is purposely misrepresented in the research record.
- Improprieties of Authorship requires an understanding of the accepted standards in the relevant discipline, as some exclusion or inclusion of authors may be established convention.
- Self-Plagiarism, when not in accordance with the accepted standards in the relevant discipline, can constitute misconduct under this policy.

Due Process Rights for Respondents

The revised policy ensures appropriate due process rights for the Respondent. The policy clarifies the parties' rights to challenge the appointment of specific members of committees and permits the Research Integrity Officer (referred to as the RIO) to remove a committee member if a conflict of interest emerges during the proceedings. The revised policy also includes language that ensures that the Respondent has an opportunity to provide written responses to the allegation and reports for consideration during the inquiry and investigation processes. The parties may review all evidence and supply corrections, or additional supporting documentation as needed in response to the evidence submitted by others. The revised policy also addresses the institution's role in restoring a Respondent's reputation if there is no finding of misconduct.

Oversight of the Process

The interim policy clearly indicates the role of the Research Integrity Officer (RIO) throughout the misconduct process and indicates that the RIO is appointed by the Provost. In current practice, the RIO is the Associate Provost for Faculty Affairs. The FAC discussed the administrative burden and expertise involved in managing the research misconduct process. The FAC recognized that the administrative responsibility for the process may shift in the future. The revised policy includes language that is broad enough to accommodate changes in practice and structure that may be necessary in the future given the administrative burden of managing this process.

Clarifications of Processes and Roles

The policy was revised to ensure that it is clear and consistent, which in some instances involved adding information to explain what it means, in practice. The revised policy also clarifies roles and responsibilities, including the role of the Provost in all stages of the process. In order to limit the Provost's role to the decision-making phases, the FAC created an intermediary role, the Designated Officer (DO), to administer the procedural processes. The DO is identified by the Provost and is responsible for appointing the RIO and overseeing the inquiry and investigation stages, but the Provost maintains authority over the decision-making and sanctioning processes. The revised policy incorporates a structure that is flexible enough to accommodate appointments to these roles that may evolve in the future. The revised policy also clarifies that the role of legal counsel is limited to advising Respondents and Complainants and specifies that they are not active participants that speak on behalf of the parties during the proceedings, which is consistent with other University policies. In addition, the revised policy clarifies and adjusts timelines for various stages and actions within the procedures, clarifies procedures for cases involving additional Respondents, and clarifies details regarding the appointment of the RIO and the DO.

Associated Revisions to the Suspension Policy

The University of Maryland Policy on Suspension of Faculty was revised to align with the proposed revisions in the Scholarly Misconduct policy and with principles defined in other University policies. The revisions eliminate the section that is specific to research misconduct so that the policy applies to a broad range of misconduct. In addition, the general information section of the policy was

streamlined to align with the University System Policy on Appointment, Rank, and Tenure of Faculty (II-1.00). Revisions were also made to formalize the faculty member's response in writing instead of providing an opportunity for a meeting with the Provost. This change maintains the Provost's role in making the final decision and the faculty member's opportunity to respond. Additional revisions were made to align the role of an advocate or attorney as an advisor similar to how this role is defined in other University policies.

PEER RESEARCH

Research misconduct policies at Big 10 and peer institutions are generally similar in their definitions and provisions, given all are aligned with ORI's regulations (Appendix 3). The majority of our peers allow for interim actions to be taken while an inquiry or investigation is ongoing, and most allow Respondents to respond to reports and actions at various stages throughout the process. Thirteen of our peers also allow Respondents to challenge members of inquiry and/or investigative committees. Twelve explicitly allow for advisors to assist Respondents; eight explicitly prohibit advisors from actively participating in proceedings.

At many peer institutions, the RIO is a staff member or administrator within the Division of Research or leads a Research Compliance Office that handles issues related to research misconduct as well as other compliance issues. At most institutions, the RIO is appointed by and reports to the Vice President for Research or equivalent. Approximately half of our peers give the Provost a role in imposing sanctions when there is a finding of misconduct.

In general, the revised policy broadly aligns with similar policies at other institutions. The only substantive area of difference involves the concept of "self-plagiarism," which is not included in any other institution's definition of misconduct. One policy explicitly indicates that self-plagiarism is not considered misconduct.

RECOMMENDATIONS

The Faculty Affairs Committee recommends that the University of Maryland Policy and Procedures Concerning Research Misconduct be revised as indicated in the policy document immediately following this report.

The Faculty Affairs Committee recommends that the University of Maryland Policy on Suspension of Faculty be revised as indicated in the policy document immediately following this report.

The Faculty Affairs Committee recommends that the following administrative recommendations be approved:

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- The University should consider whether policy should be developed to address other types of misconduct related to scholarship and research activities not covered by this policy or other existing policies such as falsification of credentials, adhering to lab safety and other protocols, and misappropriation of materials for instructional purposes.
- The University should enhance and expand training and/or informational resources on ethical and responsible research expectations, conduct, and practices for all members of the campus community involved in scholarly activities.
- The University should conduct a comprehensive review of the University of Maryland Policy on Suspension of Faculty and develop termination procedures that align with provisions in the University System of Maryland Appointment, Rank, and Tenure of Faculty and the University of Maryland Policy & Procedures on Appointment, Promotion, and Tenure of Faculty as well as other relevant faculty policies.

APPENDICES

- Appendix 1 — Clean Version of University of Maryland Policy and Procedures Concerning Scholarly Misconduct
- Appendix 2 — Interim University of Maryland Policy and Procedures Concerning Research Misconduct
- Appendix 3 — Research on Policies at Big 10 and Peer Institutions
- Appendix 4 — Diagram of Scholarly Misconduct Process
- Appendix 5 — Memo from Research Council (February 15, 2019)
- Appendix 6 — Charge from the Senate Executive Committee

Proposed Revisions from the Faculty Affairs Committee
 New Text in Blue/Bold (**example**), Removed Text in Red/Strikeout (~~example~~)
 Moved Text in Green/Bold (**example/example**)



**III-1.10(A) UNIVERSITY OF MARYLAND POLICY AND PROCEDURES
 CONCERNING ~~RESEARCH~~ SCHOLARLY MISCONDUCT**

(Approved by the President August 1, 1991; Revised May 11, 2000; Revised May 13, 2008; Technical Amendment April 6, 2009; Approved on an Interim basis June 29, 2017)

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INTRODUCTION

Scholarly Integrity in research is the responsibility of the entire academic community. All members of the university community—students, staff, faculty and administrators—share responsibility for developing and maintaining standards to **assure promote** honesty, accuracy, and objectivity in ~~scientific and~~ scholarly work and ~~other creative activities and detection of~~ **for reporting** abuse of these standards. Misconduct in carrying out academic activities undermines the integrity of the educational system and the ~~scientific~~ **scholarly** enterprise, and erodes the public trust in the university community ~~to conduct research and communicate results using the highest standards and ethical practices~~. The responsibility to prevent and ~~detect~~ **report** misconduct, however, ~~ought not must be assumed without~~ **creating** an atmosphere that discourages the openness and creativity ~~which that~~ are vital to scholarship ~~and the research enterprise~~.

Institutions that apply for or receive federal funds for research are required by law to share responsibility for the integrity of the research process (e.g., Public Health Service Policies on Research Misconduct, 42 CFR Part 93). The University of Maryland, ~~College Park~~ (University) voluntarily applies the common federal standards for integrity in research to all University ~~research~~ **scholarship** regardless of funding source. Both the University and its personnel have a duty to ensure the integrity of research and research training by assuming primary responsibility for responding to allegations of ~~Research~~ **Scholarly m**Misconduct.

APPLICABILITY

This policy applies to ~~all scientific and~~ scholarly work, **which includes research** and other creative activity, research training, applications and proposals, and related activity containing a research component, performed at the University by any person, including faculty, staff, students, visitors and others; or performed with the use of University resources; or performed elsewhere, by a person acting under the auspices of the University. ~~This policy does not supersede other University System of Maryland or University policies and procedures, such as suspected fiscal irregularity, conflict of interest, and unethical conduct of research involving human or animal subjects. All other instances of research misconduct, whether the research is sponsored or not, will follow these policies and procedures. Allegations of misconduct by students in academic exercises, such as examinations and course requirements, are generally handled pursuant to the University's Code of Academic Integrity.~~

This policy does not apply to various types of professional and/or instructional misconduct, including misconduct related to the individual's role as an instructor or administrator, or misrepresentations for personal or professional advancement. These types of misconduct may be addressed in separate University or University System of Maryland processes or policies.

Allegations of Scholarly Misconduct, whether the scholarly work is sponsored or not, will be reviewed using this policy, subject to the limitations below:

- A. This policy does not supersede other University System of Maryland or University policies and procedures, such as those addressing authorship disputes, suspected fiscal irregularity, conflict of interest, and unethical conduct of research involving**

human or animal subjects. Should violations of other University policies be found during the review of a Scholarly Misconduct Allegation, the Research Integrity Officer (RIO) will make referrals to the appropriate office or officer and work to coordinate any concurrent or successive investigations.

- B. If an Allegation of Scholarly Misconduct involves a student, the RIO, in consultation with the Director of Student Conduct will determine whether this policy, the *Code of Academic Integrity*, or the *Code of Student Conduct* will apply. Allegations of misconduct by students in academic exercises, such as examinations and course requirements, are generally handled pursuant to the University's *Code of Academic Integrity*.**
- C. All other instances of research misconduct, whether the research is sponsored or not, will follow this policy.**

POLICY

It is the policy of the University:

- A. To maintain high standards of honesty, accuracy, and objectivity in ~~science and other~~ scholarly ~~and creative~~ works, to prevent ~~research~~ Scholarly Misconduct where possible, and to evaluate and to resolve promptly and fairly instances of alleged or apparent ~~Research~~ Scholarly Misconduct.**
- B. To take appropriate remedial and disciplinary action in response to findings of ~~Research~~ Scholarly Misconduct, ~~which may include termination of enrollment or employment of an individual responsible for Research Misconduct.~~**
- ~~C. To award no degree if Research Misconduct contributed to that degree, and when warranted, to revoke such a degree if Research Misconduct is discovered after its award.~~

I. DEFINITIONS

“Abuse of Confidentiality/Misappropriation of Ideas” means the improper use or appropriation of information obtained from scholarly exchanges and other types of confidential access, such as **from** review of grant applications or manuscripts; ~~and~~ service on peer review panels, editorial boards, or University committees; **and information obtained from publishers, foundations, and organizations that run conferences or engage in other scholarly activities.**

“Allegation” means a disclosure of possible **Scholarly** Misconduct by a Respondent to the RIO by any means of communication. An **a**llegation should include sufficient detail, and supporting evidence, if available, to permit a **p**reliminary **a**ssessment by the RIO under this **p**olicy ~~and Procedure~~.

“Bad Faith” means a material and demonstrable failure to meet the standards for Good Faith set forth herein as a Complainant, a witness, an Inquiry Committee member, an Investigation Committee member, the Responsible Administrator, **the Designated Officer**, or the RIO. The context in which actions have occurred is a

relevant and important factor to be taken into account in determining whether an individual has acted in Bad Faith.

“Complainant” means a person who makes an Allegation. A Complainant need not be **affiliated with** ~~a member of~~ the University ~~community~~.

“Complaint” means a formal, written communication to the RIO ~~which that~~ contains ~~an a~~ Allegations of ~~research~~ **Scholarly m** Misconduct.

“Conflict of Interest” means any personal, professional, or financial relationship that influences or reasonably would be perceived to influence the impartial performance of a duty assigned under ~~these Procedures~~ **this policy**.

“Counsel” means lay or legal counsel secured by a Complainant or Respondent to serve as an advisor during the Misconduct Proceedings, at the party’s own **initiation and** expense. **Counsel may provide advice and consultation to the party. If necessary, a party may request a recess during the proceedings in order to speak privately with Counsel. Counsel may not be an active participant; Counsel may not speak for the parties in person or in writing, serve as a witness, provide information or documentation in the case, cause delay, communicate on behalf of the party, or otherwise interfere with the process.**

“Creative Activities” means the preparation or creation of computer programs, websites, motion pictures, sound recordings, **projects for competitions**, and literary, pictorial, musical, dramatic, audiovisual, choreographic, sculptural, architectural, and graphic works of any kind by (1) a faculty member or other employee of the University as part of ~~her or his~~ **their** non-instructional scholarly activities, or (2) a student in fulfillment of any independent study requirement at the University whose product is intended to be an original scholarly or creative work of potentially publishable quality (including, ~~without being~~ **but not** limited to, a master’s or doctoral thesis).

“Deliberate Material Failure to Comply with Federal, State, or University Requirements Affecting Research” means violations involving the use of funds or resources; **data management**; care of animals; human subjects; investigational drugs; recombinant products; new devices; radioactive, biologic or chemical materials; or the health and safety of individuals or the environment.

“Deliberate Misrepresentation of Qualifications” means misrepresentation of experience or research accomplishments to advance a research program; **or** to obtain external funding ~~or for other professional or personal advancement~~.

“Designated Officer” means a **University official responsible for implementing and overseeing this policy consistent with applicable laws. The Senior Vice President and Provost shall appoint the Designated Officer.**

“Evidence” means any document, tangible item, or testimony that is received, or that may be offered, ~~as evidence~~ during a Misconduct Proceeding to prove or disprove the existence of a fact relevant to the Allegation at issue in that Misconduct Proceeding.

~~This~~ **Depending on the Allegation, Evidence** could include, ~~depending on the Allegation but is not limited to,~~ materials such as:

- proposals, grant applications, and comments thereon;
- relevant ~~Research data and related records~~;
- laboratory notebooks and computer files;
- telephone logs and memos of calls;
- correspondence **and electronic communications**; ~~or~~
- manuscripts, posters, publications, and recordings of oral presentations and interviews.

“Fabrication” means ~~making up Research data or results and recording or reporting them~~ **intentionally generating Research data or results that are fictitious in some regard, and recording or reporting these data or results as being genuine.**

“Falsification” means manipulating Research materials, equipment, or processes, or changing or omitting Research data or results **in a way that deviates from common practice in the field**, such that Research **purposely** is not accurately represented in the Research Record.

“Good Faith” means having a belief in the truth of one’s Allegation or testimony that a reasonable person in the individual’s position could have based on the information known to the individual at the time. An Allegation or cooperation with a Misconduct Proceeding is not in Good Faith if made or done with a knowing or reckless disregard for information that would negate the Allegation or testimony.

“Improprieties of Authorship” means the improper assignment of credit **that is not in accordance with accepted standards in the relevant discipline**, such as ~~excluding or insufficiently citing others; misrepresentation of the same materials as original in more than one publication;~~ inclusion of individuals as authors who have not made a **substantial** contribution to the published work; **exclusion of individuals as authors who have made a substantial contribution to the published work**, or submission of multi-authored publications without the concurrence of all authors.

“Inquiry” means **preliminary** information gathering and initial fact-finding to determine whether an Allegation warrants an Investigation.

“Inquiry Committee” means a group of at least three persons appointed by the RIO to conduct an Inquiry.

“Investigation” means the formal, thorough examination and evaluation of all facts relevant to an Allegation to determine if **Scholarly** Misconduct occurred and to assess its extent, gravity, and actual and potential consequences.

“Investigation Committee” means a group of at least three persons appointed by the

~~Senior Vice President and Provost~~ RIO to conduct an Investigation.

“Misappropriation of Funds or Resources” means the misuse of funds or resources ~~for personal gain~~ **intended to support research activities identified in the context of a Scholarly Misconduct investigation.**

“Misconduct Proceeding” means any proceeding under ~~these Procedures~~ **this policy** related to the review of an Allegation **of Scholarly Misconduct**, including Preliminary Assessments, Inquiries, Investigations, and internal appeals.

“Misconduct Proceeding Records” means: (1) ~~E~~**e**vidence secured for any Misconduct Proceeding; (2) a record of the RIO’s review of other documents, tangible items, and testimony received or secured by the RIO in connection with that Misconduct Proceeding but determined by the RIO to be irrelevant to the Allegation at issue in the Misconduct Proceeding or to duplicate Evidence that has been retained; (3) the Preliminary Assessment report or referral and final (not draft) documents produced in the course of preparing that report or referral, including any other documentation of a decision that an Inquiry is not warranted; (4) the Inquiry report and final (not draft) documents produced in the course of preparing that report, including any other documentation of a decision that an Investigation is not warranted; (5) the Investigation report and all records (other than drafts of the Investigation report) in support of that report, including the transcripts of each interview or hearing conducted during an Investigation; and (6) the complete record of an internal appeal (see Section IX below) from a finding of **Scholarly** Misconduct.

“Plagiarism” means the ~~appropriation~~ **representation** of another person’s ideas, processes, results, ~~or~~ words, **images, or other creative works as one’s own** without giving appropriate credit.

“Preliminary Assessment” means initial information gathering to determine whether there is sufficient credible Evidence to support further review of an Allegation and whether the Respondent’s alleged conduct could constitute **Scholarly** Misconduct or Unacceptable Research Practices.

“Preponderance of the Evidence” ~~means proof by Evidence that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not~~ **that based on the totality of the Evidence, it is more likely than not that a violation of this policy occurred.**

“Questionable Research Practices” means practices that do not constitute **Scholarly** Misconduct or Unacceptable Research Practices but that require attention because they ~~could~~ **may** erode confidence in the integrity of the Research or Creative Activities.

“Research” means formal investigation conducted for the purpose of producing or contributing to generalizable knowledge, and the reporting thereof, by (1) a faculty member or other employee of the University as part of ~~his or her~~ **their** non-instructional scholarly activities, or (2) a student in fulfillment of any independent study requirement at the University whose product is intended to be an original scholarly or creative work of potentially publishable quality (including, ~~without being~~

but not limited to, a master's or doctoral thesis).

“Research Record” means the record of data or results from scholarly inquiry, including, ~~without being~~ **but not** limited to, research proposals, laboratory records; ~~both physical and electronic~~ **(in any format)**, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, books, ~~and~~ other publications of any kind in any media, and any material in any media necessary to support the content of any such document, presentation, or publication.

“Respondent” means a person who is the subject of an Allegation. A Respondent must be an employee of the University or a student at the University, or must have been an employee or a student at the time the **Scholarly** Misconduct allegedly occurred.

“Responsible Administrator” means the unit administrator who has most immediate responsibility for the Respondent and who is not disqualified from serving as Responsible Administrator by a Conflict of Interest. The RIO shall identify the Responsible Administrator. If the Responsible Administrator is a dean or other higher-level administrator, ~~she or he~~ **the Responsible Administrator** may designate a subordinate to act as Responsible Administrator. If the Respondent is a student, the Responsible Administrator shall be the chairperson or appropriate unit head of the department or program with which the student is affiliated. If an Allegation involves multiple Respondents, the RIO shall identify an appropriate individual or individuals to serve as the Responsible Administrator or Administrators.

“Retaliation” means an adverse action taken against an individual who has, in Good Faith, participated in a Misconduct Proceeding (as Complainant, witness, Inquiry Committee member, Investigation Committee member, Counsel, ~~Advisor,~~ Responsible Administrator, **Designated Officer**, or RIO) or otherwise cooperated in the review of an Allegation under ~~these Procedures~~ **this policy**, where there is a clear causal link between the participation or cooperation and the adverse action. The context in which an adverse action has occurred, including its materiality, is a relevant and important factor to be taken into account in determining whether it constitutes Retaliation.

“RIO” means the University's Research Integrity Officer. The **Designated Officer will appoint the RIO** ~~normally will be the University Senior Vice President and Provost or the Provost's designee.~~

“Research Scholarly Misconduct” means Fabrication, Falsification, Plagiarism, or any other practice that seriously deviates from practices commonly accepted in the discipline or in the academic and research communities. ~~generally in proposing, performing, reviewing, or reporting Research and Creative Activities, including~~ **Scholarly Misconduct may take many forms, including, but not limited to,** Improprieties of Authorship; Abuse of Confidentiality/Misappropriation of Ideas; Deliberate Misrepresentation of Qualifications; Deliberate Material Failure to Comply with Federal, State, or University Requirements Affecting Research; and Violation of Generally Accepted Research Practices. **Other common terms such as research**

fraud, scientific misconduct, or research misconduct are subsumed within Scholarly Misconduct for the purposes of this policy. Scholarly Misconduct does not include appropriate practices in the Creative Arts insofar as they accord with accepted standards in the relevant discipline. **Scholarly Misconduct** does not include ~~honest~~ **unintentional** error or ~~honest~~ differences in the interpretation or judgment of Research data **or results that can be reasonably substantiated by the data or results.**

“Self-Plagiarism” means the representation of the same materials as original in more than one publication. Self-Plagiarism can include reuse of one’s own words, images, data, or other products of Research without appropriate attribution and/or, in the case in which copyright is held by another person or organization, without receiving appropriate permission. When not in accordance with accepted standards in the relevant discipline, Self-Plagiarism may constitute Scholarly Misconduct.

“Unacceptable Research Practices” means practices that do not constitute **Scholarly Misconduct** but that violate applicable laws, regulations, or other governmental requirements, or University rules or policies, of which the Respondent had received notice or of which the Respondent reasonably should have been aware, for proposing, performing, reviewing, or reporting Research or Creative Activities.

II. GENERAL

- a. Anonymous Allegations.** The University shall review anonymous Allegations under ~~these Procedures~~ **this policy.**
- b. Confidentiality.**
 - (1) Limited Disclosure of Allegation/Misconduct Proceedings. To the extent possible consistent with a fair and thorough review of an Allegation, disclosure of an Allegation and the resulting Misconduct Proceedings should be limited to those who need to know about them. In amplification, and not in limitation, of the foregoing:
 - (A) except as otherwise permitted or required by ~~these Procedures~~ **this policy**, or as required by law, members of Inquiry Committees; and Investigation Committees, the Responsible Administrator, **the Designated Officer**, the RIO, and University administrators involved in the review of an Allegation under ~~these Procedures~~ **this policy** shall make diligent efforts to preserve the confidentiality of the Allegation and resulting Misconduct Proceedings out of respect for the privacy of those involved, especially the Respondent; and
 - (B) if an Allegation results in an Investigation, the RIO may confidentially advise any person or entity that has plans to publish or disseminate the results of the Research or Creative Activities **to** which the Allegation relates of the pending Investigation.

- (2) Complainant Identity. The University shall make diligent efforts to honor the request of any Complainant that ~~her or his~~ **their** identity be kept confidential during the University's review of ~~his or her~~ **the** Allegation under ~~these Procedures~~ **this policy**.
 - (3) Breaches of Confidentiality. The RIO ~~should~~ **shall** be informed immediately of breaches of confidentiality. The RIO will investigate the breach of confidentiality and refer the matter to the appropriate unit administrator for review and such further action, if any, as the unit administrator may deem appropriate.
- c. **Cooperation.** To preserve the integrity of the environment for Research and Creative Activities, members of the University community are expected to cooperate in the review of Allegations under ~~these Procedures~~ **this policy**; (for example, by providing documents, materials, and testimony, if requested to do so by the RIO).
 - d. **Location and Timeframe of Alleged Scholarly Misconduct.** An Allegation may be reviewed by the University under ~~these Procedures~~ **this policy** no matter where or when the **Scholarly** Misconduct allegedly occurred.
 - e. **Events Requiring Immediate Action.** If, at any stage of ~~these Procedures~~ **this policy**, the RIO obtains reasonable information about
 - (1) a possible criminal violation;
 - (2) an immediate health hazard or other imminent risk of danger to public health or safety or to experimental subjects;
 - (3) the need to take immediate action to protect the funds or equipment of any governmental or other sponsor of Research or Creative Activities, or to assure compliance with the terms of a contract sponsoring Research or Creative Activities;
 - (4) the need to take immediate action to protect any Complainant, Respondent, witness, member of an Inquiry Committee, **or** an Investigation Committee, or other person involved in any Misconduct Proceeding;
 - (5) the need to take immediate action to prevent the loss, destruction, or adulteration of any Evidence;
 - ~~(5)~~(6) the need to take immediate action to prevent or stop an imminent or continuing violation of an applicable law, regulation, or other governmental requirement or of a University rule or policy; or
 - ~~(6)~~(7) the probable public disclosure of an Allegation or any Misconduct Proceeding;

then the following shall occur:

The RIO shall immediately ~~so~~ notify the ~~Provost~~ **Designated Officer**, the **Office of** General Counsel, and, if appropriate, the pertinent government official or sponsor of ~~the~~ Research or Creative Activities, and, following consultation with the Office of ~~the~~ General Counsel, the RIO shall promptly make recommendations to the ~~Provost~~ **Designated Officer** as to responsive actions.

Notwithstanding any other provision of ~~these Procedures~~ **this policy**, appropriate University administrators shall have authority to take any actions they deem necessary or appropriate to safeguard University personnel, other participants in any Misconduct Proceeding, public health or safety, experimental subjects, sponsors' funds or equipment, Evidence, or the integrity of the research environment. That any such action is taken shall not be deemed to predetermine any finding or conclusion from the University's review of an Allegation under this ~~Ppolicy-and-Procedure~~, but any information arising from any such action may constitute Evidence.

f. Notice. Any notice or other document issued pursuant to this ~~Ppolicy and-Procedure~~ shall be in writing and shall include an explanation of any decision or opinion stated therein. The RIO shall provide the Respondent copies of all such documents in a timely manner.

g. Interpretation.

- (1) Time Periods. Unless otherwise specified in ~~these Procedures~~ **this policy**:
 - (A) the failure to exercise any right granted under ~~these Procedures~~ **this policy** within the stated time period shall constitute a waiver of that right; ~~and~~
 - (B) references to days in ~~these Procedures~~ **this policy** shall mean calendar days; ~~and~~
 - (C) **the RIO may extend timelines and deadlines specified in the policy for good cause, through written notice to all parties.**
- (2) Plural Usage. The text of ~~these Procedures~~ **this policy** generally assumes a single Complainant, Respondent, witness, and Allegation. Where there are multiple Complainants, Respondents, witnesses, or Allegations, ~~these Procedures~~ **this policy** shall be construed accordingly.
- ~~(3) — Headings. Headings used in these Procedures are for convenience of reference only and shall not be used for interpreting content.~~

h. Objections.

- (1) Both the Respondent and the Complainant may challenge the RIO's ~~identification~~ **appointment** of an Inquiry Committee member or an Investigation Committee member, but only on the basis of asserted Conflict of Interest on the part of the Inquiry Committee member or Investigation Committee member.

A Respondent or Complainant who wishes to file an ~~objection~~ **challenge** must do so in writing **to the RIO**, with accompanying rationale, within five (5) days of receiving notice **of the membership of the committee**. ~~The objection shall be submitted to the RIO.~~ The RIO **must is expected to** respond to the challenge in writing within five (5) days, either accepting it and taking appropriate action, or rejecting it for stated cause.

~~(1) — Extensions of Time. The deadlines in this Section II(h) may be extended by the RIO through written notice to the parties for good cause shown.~~

- (2) Other Objections and Complaints. If the Complainant or Respondent objects to any decision, procedural or substantive, made during the current or any previous Misconduct Proceeding in the review of the Allegation, ~~he or she~~ **they** may raise that objection:
 - (A) with the RIO during the Preliminary Assessment;
 - (B) with the Inquiry Committee during the Inquiry;
 - (C) with the Investigation Committee during the Investigation; and
 - (D) with the Provost during an internal appeal under Section IX below.

i. Limitations.

Final procedural and substantive determinations ~~Neither procedural or substantive decisions nor findings~~ made under ~~these Procedures~~ **this policy** by the RIO, **the Designated Officer**, a Responsible Administrator, an Inquiry Committee, an Investigation Committee, or the Provost ~~can~~ **cannot** be challenged or overturned under any other University policy or procedure.

III. ROLE OF THE RESEARCH INTEGRITY OFFICER (RIO)

The RIO shall coordinate implementation of ~~these Procedures~~ **this policy** and shall be responsible for ~~their~~ **its** fair and impartial administration. The RIO shall not be an advocate for the Complainant or the Respondent.

The RIO shall serve as an advisor to Inquiry Committees and Investigation Committees. If so requested, the RIO shall provide logistical support, recruit expert witnesses, and arrange for legal advice ~~through~~ **to the committees** by the Office of ~~the~~ General Counsel.

When an Allegation involves Research or Creative Activities~~y~~ supported by a federal

funding source, the RIO shall see that the University meets all legal requirements to apprise it of the status of an Inquiry or an Investigation into that Allegation. The RIO also shall report regularly to the **Provost Designated Officer**; on the status of each Inquiry and each Investigation.

The RIO shall identify the Responsible Administrator. The RIO also shall disqualify any Responsible Administrator, and any potential or sitting member of an Inquiry Committee or Investigation Committee, if the RIO determines that such person has a Conflict of Interest **before or during the Misconduct Proceedings**.

The RIO shall take all reasonable and practical steps to obtain custody of all the Evidence needed to conduct the review of an Allegation under ~~these Procedures this policy~~, inventory the Evidence, and sequester it in a secure manner, ~~except where the Evidence encompasses scientific instruments shared by a number of users~~. The RIO may take custody of copies of the Evidence on ~~such~~ instruments **shared by a number of users**, so long as those copies are substantially equivalent to the evidentiary value of the ~~instruments original Evidence~~. The RIO will give the Respondent copies of, or reasonable, supervised access to, the Evidence. **The RIO and the RIO's administrative staff will make every effort to ensure that the sequestration of Evidence does not impede the ongoing scholarly activities of faculty, staff, and/or students who are not impacted by the Allegation, unless such activities have been halted or restricted as a result of immediate actions taken under II(e) above.**

Misconduct Proceeding Records will be kept in a secure manner, accessible only to the RIO's administrative staff. **In cases that terminate following a Preliminary Assessment, the records related to the Preliminary Assessment will be kept for three (3) years. For all other cases, The RIO shall keep all** Misconduct Proceeding Records **will be kept** for at least seven (7) years after the completion of the Misconduct Proceedings to which they relate, ~~except that the RIO shall keep Preliminary Assessment reports and related Misconduct Proceeding Records for three (3) years after the completion of the Preliminary Assessment to which they relate and then destroy them.~~

Other RIO responsibilities are set forth elsewhere in ~~these Procedures this policy~~.

Provisions regarding the designation, selection, reporting responsibilities, and evaluation of the RIO are set forth in the Appendix.

IV. OTHER INTERNAL OR EXTERNAL PROCEEDINGS

The conduct which forms the basis for an Allegation may also involve ~~the~~ possible violation of other University policies or the policies of other institutions, and of external laws and regulations, and may occasion other internal or external adjudicatory proceedings. The following shall govern the handling and sequencing of such proceedings.

- a. Other Institution's Review.** Another educational or research institution may have the right to review the same Allegation (or a related Allegation) against the same Respondent. In such an event, the RIO shall consult ~~with her or his~~ **their** counterpart at the other institution to determine whether the University or the other institution is

- best able to review the Allegation. If the RIO determines that the other institution is best able to review the Allegation, the RIO shall so advise the **Provost Designated Officer**, who has authority to stay or terminate the University's review of the Allegation based on the review conducted at the other institution, as set forth in Section IV(~~g~~**f**) and Section V(**d**) below. The University and the other institution may also agree to conduct a joint review of the Allegation.
- b. Research Collaborator.** In the event of an Allegation involving Research or Creative Activities undertaken by a Respondent in collaboration with a colleague at another educational or research institution, the RIO shall advise ~~his or her~~ **their** counterpart at the other institution confidentially of the Allegation, and ascertain if a similar allegation has been made against the collaborator. If it has, the University, through the RIO, may attempt to cooperate and share information confidentially with the other institution in their respective reviews of the Allegation and of the related allegation involving the collaborator. The University and the other institution may also agree to conduct a joint review of the Allegation and the related ~~a~~**A**llegation involving the collaborator.
- c. Government Investigation.** Certain federal funding sources have the option, at any stage in ~~these Procedures~~ **this policy**, to initiate an independent investigation of an Allegation involving Research or Creative Activities supported by the funding source. In the event a federal funding source initiates such an investigation, the RIO shall consult the federal funding source regarding its investigation and shall advise the **Provost Designated Officer** whether the University should suspend its review of the Allegation during the federal funding source's investigation, which the **Provost Designated Officer** shall have authority to do, as set forth in Section IV(f) below.
- d. Criminal Process.** In general, University review of an Allegation under ~~these Procedures~~ **this policy** may occur in parallel with criminal processes. If an Allegation is also the subject of a criminal investigation or proceeding and the pertinent governmental authority advises the University that the University's review of the Allegation under ~~these Procedures~~ **this policy** may prejudice or interfere with that investigation or proceeding, the **Provost Designated Officer** shall have authority to stay any Misconduct Proceeding until the criminal investigation or proceeding is complete.
- e. Civil Litigation.** The existence of civil litigation involving the University may necessitate staying a Misconduct Proceeding. The **Provost Designated Officer** shall make such decisions on a case-by-case basis and promptly report them to the RIO.
- f. Provost Designated Officer Stay of Proceedings.** The **Provost Designated Officer** shall have authority to stay any Misconduct Proceeding if, following consultation with the Office of ~~the~~ General Counsel and the RIO, the **Provost Designated Officer** determines that other University procedures mandated by law must be completed prior to the University's further review of an Allegation under ~~these Procedures~~ **this policy**. Such governmentally-mandated procedures may involve various forms of

regulatory action (for example, the removal or clean-up of radioactive or other hazardous materials).

- g. **Precedence Sequencing of Proceedings.** Subject to Section IV(f) above and to the University's right to take interim action under any University policy or contract, review of an Allegation under ~~these Procedures~~ **this policy shall precede** ~~may proceed simultaneously with~~ **all** other internal University proceedings against a Respondent that relate to or arise out of the alleged **Scholarly** Misconduct., ~~including, without being limited to, disciplinary, anti-discrimination, and grievance proceedings~~

V. PROCEDURES FOR CONDUCT OF MISCONDUCT PROCEEDINGS – GENERAL

- a. **Determination of Procedures.** Those charged with conducting a Misconduct Proceeding shall determine the procedures that will be followed, provided that:
- (1) the procedures they adopt shall be those they deem best suited to achieve a fair and equitable review of the Allegation;
 - (2) the procedures they adopt shall reflect a spirit of mutual respect and collegiality, and may, therefore, be as informal as they deem appropriate under the circumstances;
 - (3) in Preliminary Assessments and Inquiries, testimony shall be obtained from witnesses through private interviews rather than through a ~~formal~~ hearing;
 - (4) in Investigations, the Investigation Committee may choose to obtain testimony from witnesses through a series of private interviews with witnesses, or at a hearing at which the Complainant and the Respondent shall be invited to be present, provided, ~~however,~~ that the Respondent may, within five (5) days of receiving a notice that the Investigation Committee has decided to conduct private interviews, deliver a notice to the RIO requiring that a hearing be conducted instead of such interviews;
 - (5) at a hearing, the Respondent and the Complainant shall have the opportunity to raise questions for the Investigation Committee to pose to each witness about the testimony of that witness and the Allegation;
 - (6) ~~if a Complainant who has requested that his or her identity be kept confidential declines to appear to give testimony at a hearing, the hearing may nevertheless be held,~~ **may proceed even when a Complainant declines to appear to give testimony,** if the Investigation Committee determines ~~that~~ there is credible Evidence of possible **Scholarly** Misconduct by the Respondent ~~apart from the Complainant's Allegation and that such Evidence is sufficient~~ to justify proceeding with the hearing **apart from the Complainant's Allegation;**

~~(7) if a Complainant who has requested that his or her identity be kept confidential declines to appear to give testimony at a hearing, the hearing may nevertheless be held, if the Investigation Committee determines that there is credible Evidence of possible Misconduct by the Respondent apart from the Complainant's Allegation and that such Evidence is sufficient to justify proceeding with the hearing;~~

~~(8)~~(7) the Respondent shall have the right to be advised by Counsel in all Misconduct Proceedings;

~~(9)~~(8) the Complainant shall have the right to be advised by Counsel in all Misconduct Proceedings;

~~(10)~~(9) in all Preliminary Assessments, Inquiries, and Investigations, the Respondent shall have the right to present Evidence and to identify persons who might have Evidence about the Allegation;

~~(11)~~(10) formal rules of evidence shall not apply;

(11) **the Complainant and the Respondent shall have the right to review documents, reports, and other Evidence submitted in support of their testimony, and the Complainant and the Respondent may provide or be asked to provide corrections of misrepresentations and errors, along with supporting documentation, and may supply additional documentation in response to the Evidence;**

(12) each Misconduct Proceeding shall be conducted confidentially and in private except that, in the event of a hearing, the Investigation Committee may decide that it will be open if requested by the Respondent and if permissible under applicable regulations; and

(13) to the extent that a published regulation of a federal funding source requires a specific procedural element in the review and adjudication of an Allegation concerning a proposal to or an award from that federal funding source, that procedural element shall be included in the procedures adopted.

At the start of each Misconduct Proceeding, the RIO shall notify the Complainant and the Respondent of the procedures that will be followed during that Misconduct Proceeding.

b. General Counsel Advice. The Office of ~~the~~ General Counsel shall, when so requested, provide legal advice regarding the implementation of this ~~Ppolicy and Procedure~~ and other aspects of the University's review of an Allegation under this ~~Ppolicy and Procedure~~ to the RIO, **Designated Officer**, the Responsible Administrator, the Inquiry Committee, the Investigation Committee, **the individual hearing an appeal**, ~~an Appeals Committee~~, and the Provost.

c. Respondent Questions. The RIO shall contact the Respondent at the start of each

Misconduct Proceeding and attempt to answer any questions about that Misconduct Proceeding.

- d. **Admission of Scholarly Misconduct.** The ~~Provost~~ **Designated Officer** shall have authority to terminate the University's review of any Allegation under the Procedures upon the admission by the Respondent that **Scholarly** Misconduct occurred and that the Respondent was responsible for it;. **The Designated Officer should consider whether** ~~if~~ the termination of the review of ~~that the~~ Allegation would ~~not~~ prejudice the University's review of another Allegation against that Respondent or against a different Respondent or the University's ability to assess the extent and consequences of the **Scholarly** Misconduct and what action should be taken in response to it.
- e. **Records to Agency.** When the alleged **Scholarly** Misconduct involves Research or Creative Activities supported by a federal funding source, the RIO shall make available to its authorized personnel any Misconduct Proceeding Records that such personnel request.
- f. **Additional Respondents.** If, during the course of any Misconduct Proceeding, additional Respondents are identified, they shall be
 - (1) ~~not~~ **Notified immediately;**
 - (2) **Provided an opportunity to respond in writing to the notification within fourteen (14) days of receiving notice; and**
 - (3) **Incorporated into the ongoing investigation from the point of notification, unless and the RIO otherwise determines that a separate investigation is warranted shall, to the degree feasible, attempt to coordinate the Misconduct Proceedings against all the Respondents.**

VI. ALLEGATIONS OF **SCHOLARLY** MISCONDUCT AND PRELIMINARY ASSESSMENTS

- a. **Allegation of Scholarly Misconduct.** Any member of the University community or other person who wishes to make an Allegation shall contact the RIO. The ~~a~~ Allegation should include sufficient detail and documentation to facilitate the inquiry process.

~~The RIO shall notify the Respondent promptly of an Allegation and advise both the Complainant and the Respondent of their right to be advised by Counsel during all Misconduct Proceedings.~~

The RIO shall advise the ~~Provost~~ **Designated Officer** of all Allegations.

- b. **Preliminary Assessment.** In the event of an Allegation, the RIO shall promptly conduct a Preliminary Assessment to determine whether an Inquiry is warranted. **The RIO shall typically complete a Preliminary Assessment within fourteen (14) days of receiving an Allegation.**

- c. **Purpose and Nature of Preliminary Assessment.** The Preliminary Assessment is a preliminary process whose purpose is to cull out a clearly erroneous, unsubstantiated, or Bad Faith Allegation before the Respondent is subjected to an Inquiry or an Investigation. Hence, in conducting the Preliminary Assessment, the RIO is not obligated to ~~do~~ **conduct** any interviews on the Allegation or to engage in an exhaustive review of all Evidence relevant to such **an** Allegation.

If the RIO determines that Evidence may be needed, the RIO shall notify the Respondent promptly of the Allegation and begin the process of sequestering Evidence. The RIO shall notify the Respondent of their right to be advised by Counsel during all Misconduct Proceedings. The RIO shall provide the Respondent with a copy of this policy, describe the phases of the process and typical timelines, communicate the Respondent's right to challenge the Allegation and explain how to do so, and attempt to answer the Respondent's questions.

Other offices or administrators may be notified and given the facts of the Allegation as appropriate and necessary to facilitating the process. All parties, witnesses, members of committees involved in the process, and administrators and others who are notified of the Allegation on a need to know basis are expected to preserve confidentiality throughout the process.

- d. **Determination Regarding Inquiry. The RIO shall determine if the Allegation rises to the level of a potential violation of the policy.**

- (1) **Preliminary Assessment - Standard for Determination.** The RIO shall determine that an Inquiry is warranted if, in ~~his or her~~ **their** judgment, (1) the Respondent's alleged conduct could constitute **Scholarly** Misconduct or Unacceptable Research Practices, and (2) there is credible Evidence to support further review of the Allegation.

- e. (2) **Inquiry Warranted.** If the RIO determines that an Inquiry is warranted, the RIO shall prepare a Preliminary Assessment referral which explains the basis for ~~his or her~~ **the** determination. The RIO shall transmit copies of the Preliminary Assessment referral to the Respondent and the ~~Provost~~ **Designated Officer**. The RIO shall also notify the Complainant of the outcome of the Preliminary Assessment and provide the Complainant with a brief summary of the Preliminary Assessment referral.

The RIO shall provide the Respondent with an opportunity to respond to the Allegation in writing. The Respondent shall have fourteen (14) days from receipt of the Preliminary Assessment referral to submit a written response. The RIO will include the written response in the record for review by the Inquiry Committee.

After completing the Preliminary Assessment referral, the RIO shall immediately initiate an Inquiry.

- ~~f.~~ (3) **Inquiry Not Warranted.**
- ~~(1)~~ (A) Preliminary Assessment Report. If the RIO determines that an Inquiry is not warranted, the RIO shall prepare a Preliminary Assessment report that states the basis and rationale for ~~his or her~~ **their** determination. The RIO shall provide a copy of the Preliminary Assessment report to the Respondent, the Complainant, and the ~~Provost~~ **Designated Officer**.
- (B) **Response from the Respondent. The RIO shall provide the Respondent with an opportunity to respond to the Allegation in writing. The Respondent shall have fourteen (14) days from receipt of the Preliminary Assessment report to submit a written response if they so choose. The RIO will include the written response in the Misconduct Proceeding Record.**
- ~~(2)~~ (C) End of Review. The RIO's determination that an Inquiry is not warranted shall **normally** conclude the University's review of that Allegation.
- (D) **Designated Officer Override — Initiation of Inquiry. If the Designated Officer determines that an Inquiry is warranted within fourteen (14) days of receiving the Preliminary Assessment Report, the Designated Officer may issue a decision to the RIO and the Respondent overruling the RIO's determination for stated cause and instructing the RIO to initiate an Inquiry immediately. Upon receiving the decision of the Designated Officer, the RIO shall initiate an Inquiry.**
- (E) **Challenge by Complainant. The Complainant may challenge the RIO's determination that an Inquiry is not warranted in writing. The challenge will be reviewed by the Designated Officer, who may reject it for stated cause or overrule the RIO's determination as described above.**

g.e. Bad Faith. If the RIO concludes that the Complainant acted in Bad Faith in making the Allegation, or that the Complainant or any witness acted in Bad Faith during the Preliminary Assessment, the RIO shall refer the matter for administrative review and appropriate action as set forth in Section XII(a)(1) below.

VII. INQUIRY

- a. **Committee.** If the RIO determines that an Inquiry is warranted, ~~she or he~~ **the RIO** shall promptly, **and normally within thirty (30) days**, appoint a Committee of Inquiry of at least three members, chosen for their pertinent expertise. **Prior to the appointment of the Committee, each party shall be given an opportunity to challenge potential members, as outlined in II(h).** While Inquiry Committees will

usually be composed of University faculty, they may also include persons other than University faculty when the RIO determines that such persons have experience or expertise useful to the Inquiry. The Inquiry Committee shall select one of its members to act as its chairperson.

- b. Charge.** The RIO shall draft a Charge to the Inquiry Committee based upon the Preliminary Assessment referral. The RIO shall submit that Charge and a copy of the Preliminary Assessment referral to the Inquiry Committee and the Respondent at the beginning of the Inquiry. Based on the evidence reviewed during the Inquiry phase, the RIO may modify the initial ~~e~~Charge to the Inquiry Committee.
- c. Briefing.** Before the Inquiry begins, the RIO and an attorney from the Office of ~~the~~ General Counsel shall brief the Inquiry Committee on ~~these Procedures~~ **this policy**, other relevant University regulations, and legal and procedural issues that the Inquiry Committee is likely to encounter in conducting the Inquiry.
- d. Standard for Determination.** The Inquiry Committee shall conduct the Inquiry to determine whether an Investigation is warranted. ~~A member of an~~ **The** Inquiry Committee shall determine that an Investigation is warranted if, in ~~her or his~~ **its** judgment, an Investigation Committee could reasonably conclude that **Scholarly** Misconduct occurred. To so determine, the ~~member of the~~ Inquiry Committee must find that the Respondent's alleged conduct could constitute **Scholarly** Misconduct and that there is credible Evidence to support further review of the Allegation, but must also find that there is sufficient credible Evidence and credible Evidence of such merit that an Investigation Committee could reasonably conclude, in accordance with the criteria in Section VIII(e) below, that **Scholarly** Misconduct occurred.
- e. Purpose and Nature of Inquiry.** Like the Preliminary Assessment, the Inquiry is a preliminary process. Its purpose is to cull out an insufficiently substantiated, erroneous, or Bad Faith Allegation before the Respondent is subjected to an Investigation. Although it is expected that the Inquiry will be more comprehensive than the Preliminary Assessment, the ~~members of the~~ Inquiry Committee, like the RIO, ~~are~~ **is** not obligated to conduct any interviews or hearings on the Allegation or to engage in an exhaustive review of all Evidence relevant to the Allegation. When a majority of the members of the Inquiry Committee concludes ~~s~~ that an Allegation warrants an Investigation, the Inquiry Committee shall proceed to draft the Inquiry report.
- f. Assistance for ~~Panel~~ Committee.** The RIO shall secure for the Inquiry Committee such special scientific or technical assistance as it requests to evaluate an Allegation.
- g. RIO.** The RIO shall not participate in the deliberations of the Inquiry Committee or vote on whether an Investigation is warranted. The Inquiry Committee may request the assistance of the RIO during its deliberations and in the preparation of the Inquiry report, but shall not seek the RIO's opinion as to whether an Investigation is warranted.

h. Timing. Every effort shall be made to complete the Inquiry within **sixty (60)** days of its inception unless circumstances warrant a longer period, ~~in which event the RIO shall notify the Respondent of the reason for the delay and the date on which the RIO expects that the Inquiry will be completed.~~ The **Provost Designated Officer** shall decide whether the delay is warranted. If the **Provost Designated Officer** determines that it is, the RIO shall ~~so~~ notify the Respondent **of the reason for the delay and the date on which the RIO expects that the Inquiry will be completed.** If the **Provost Designated Officer** finds the delay unwarranted, the RIO shall work with the Respondent, and the Inquiry Committee to expedite completion of the Inquiry, but the Inquiry shall continue until its completion if, despite their diligent efforts, it cannot be finished in **sixty (60)** days. The ~~Provost shall make the~~ RIO's report about the delay **will become** part of the Misconduct Proceeding Records.

i. Inquiry Report.

- (1) Content. The Inquiry Committee shall prepare an Inquiry report with the following information:
 - (A) the name and position of the Respondent if the Respondent is an employee of the University, or the name and degree program of the Respondent if the Respondent is a student at the University;
 - (B) the name and position of the Complainant or other source of the Allegation;
 - (C) the nature of the alleged **Scholarly** Misconduct and how it does or does not fit within the definition of **Scholarly** Misconduct;
 - (D) a description of the Evidence it reviewed and the sufficiency, credibility, and merit of that Evidence;
 - (E) summaries of any interviews it conducted; and
 - (F) a determination of whether an Investigation is warranted.
- (2) Deviation from Practice. If the alleged **Scholarly** Misconduct involves a serious deviation from commonly accepted practices, Evidence of such practices and an analysis of the Allegation in light of such practices shall be included in the Inquiry report.
- (3) Investigation Warranted. If the Inquiry Committee determines that an Investigation is warranted, the Inquiry report may be summary in nature, provided that the Inquiry Committee sets forth the Evidence that supports its determination in sufficient detail for the Respondent and an Investigation Committee to understand the basis for the Inquiry Committee's decision.
- (4) Investigation Not Warranted. If the Inquiry Committee determines that an Investigation is not warranted, the Inquiry report shall be more

comprehensive and shall include a detailed statement of why the Respondent's alleged conduct would not, under the definitions in ~~these Procedures~~ **this policy**, constitute **Scholarly** Misconduct, or why the available Evidence is insufficient, or lacks sufficient credibility or merit, to warrant an Investigation.

- (5) Draft Report; Comments. The RIO shall send the Respondent a copy of the draft Inquiry report. The Respondent may return comments on the draft Inquiry report to the RIO within seven (7) days of receipt of the draft Inquiry report. If the Respondent comments on the draft Inquiry report, the Inquiry Committee shall consider such comments and make any changes in the Inquiry report it deems appropriate in light of such comments. The Respondent's comments shall be included as an appendix to the final Inquiry report.
- (6) ~~Provost~~ **Designated Officer** Opinion on Final Draft Report.
 - (A) After making any changes it deems appropriate in the draft Inquiry report in light of the Respondent's comments, the Inquiry Committee shall prepare a final draft of the Inquiry report. The RIO shall send the ~~Provost~~ **Designated Officer** a copy of the final draft of the Inquiry report, attaching any RIO comments regarding procedural questions and concerns. Within ~~14~~ **twenty-one (21)** days after delivery of the final draft Inquiry report to the ~~Provost~~ **Designated Officer**, the ~~Provost~~ **Designated Officer** may submit an opinion to the RIO, the Responsible Administrator, and the Inquiry Committee on either or both of the following grounds:
 - (i) If the ~~Provost~~ **Designated Officer**, with advice from the Office of ~~the~~ General Counsel, finds that the final draft Inquiry report reflects procedural error by the Inquiry Committee in conducting the Inquiry, the ~~Provost~~ **Designated Officer** shall so inform the RIO and shall identify and explain the Inquiry Committee's procedural error. The Inquiry Committee shall either correct the error before completing the Inquiry and the Inquiry report or shall notify the ~~Provost~~ **Designated Officer** in, or concurrently with the issuance of, the final Inquiry report that it does not believe a material procedural error occurred.
 - (ii) If the ~~Provost~~ **Designated Officer** finds that the Inquiry Committee's determination, as set forth in the final draft Inquiry report, is substantively ~~wrong~~ **incorrect** because the Evidence does not support the Inquiry Committee's determination, the ~~Provost~~ **Designated Officer** shall so inform the RIO and shall identify and explain the reason the ~~Provost~~ **Designated Officer** believes the Inquiry Committee's determination to be in error. The Inquiry

Committee shall reconsider its decision in light of the opinion by the **Provost Designated Officer**. If the Inquiry Committee changes its determination in light of the opinion by the **Provost Designated Officer**, it shall submit a new draft of the Inquiry report to the Respondent for further comment. If the Inquiry Committee does not change its determination in light of the opinion by the **Provost Designated Officer**, the Inquiry Committee shall respond to the **Provost Designated Officer** in completing the Inquiry report and make any changes in the Inquiry report that it deems appropriate in light of the opinion by the **Provost Designated Officer**.

- (B) The opinion by the **Provost Designated Officer** shall be included as an appendix to the final Inquiry report.
- (7) Distribution of Final Report. The RIO shall send the **Provost Designated Officer** and the Respondent a copy of the final Inquiry report.

j. Determination ~~Regarding~~ Investigation.

- (1) Initiation of Investigation. If ~~a majority of the members of~~ the Inquiry Committee determines that an Allegation warrants an Investigation, the RIO shall initiate an Investigation.
- (2) **Provost Designated Officer** Override - Initiation of Investigation. If ~~a majority of the members of~~ the Inquiry Committee determines that an Investigation is not warranted, the **Provost Designated Officer** may, within **fourteen (14)** days of receiving the final Inquiry report, issue a decision to the RIO and the Respondent overruling the Inquiry Committee for stated cause and instructing the RIO to initiate an Investigation immediately. Upon receiving the decision of the **Provost Designated Officer**, the RIO shall initiate an Investigation.
- (3) No Investigation. If ~~a majority of the members of~~ the Inquiry Committee determines that an Investigation is not warranted and the **Provost Designated Officer** does not overrule the determination of the Inquiry Committee, the determination of the Inquiry Committee will conclude the University's review of that Allegation, except as provided in Section XI below.
- (4) Dissent. Any member of the Inquiry Committee who does not agree with the determination of the majority of the Inquiry Committee may file a dissent to the Inquiry report.
- (5) Bad Faith. If ~~a majority of the members of~~ the Inquiry Committee concludes that the Complainant acted in Bad Faith in making the Allegation, or that the Complainant or any witness acted in Bad Faith during the Inquiry, the Inquiry Committee shall refer the matter for administrative review and appropriate action, as set

forth in Section XII(a)(1) below.

- k. **Notification.** Promptly after completion of the Inquiry, the RIO shall notify the Complainant of its outcome and provide the Complainant with a brief summary of the Inquiry report and, ~~if one was issued~~, the opinion of the **Provost Designated Officer, if one was issued.**

VIII. INVESTIGATION

- a. **Committee.** The RIO shall make every effort to initiate an Investigation within **thirty (30)** days of the Inquiry Committee's determination, ~~or the decision of the Provost Designated Officer~~; that an Investigation is warranted. The RIO shall appoint an Investigation Committee of not less than three (3) members, chosen for their pertinent expertise. **No members of the Inquiry Committee shall serve on the Investigation Committee. Prior to the appointment of the Investigation Committee, each party shall be given an opportunity to challenge potential members, as outlined in II(h)** While Investigation Committees will usually be composed of University faculty, they may also include persons other than University faculty when the RIO determines that such persons have experience or expertise useful to the Investigation. The Investigation Committee shall select one of its members to act as its chairperson.
- b. **Notifications.**
 - (1) Notification - Internal. The RIO shall notify the **Provost Designated Officer**; and the **Office of General Counsel** of the initiation of the Investigation.
 - (2) Notification - Funding Source. When the alleged **Scholarly** Misconduct involves Research or Creative Activities supported by an external (non-University) funder, the RIO shall also notify the source of the funding of the Investigation before the start of the Investigation. Such notification shall include the name of the Respondent, the general nature of the Allegation, and the relevant grant application, grant number, or other identification ~~for the support~~, if applicable.
- c. **Charge.** The RIO shall draft a Charge to the Investigation Committee based on the Inquiry report and, ~~if one was issued~~, the **decision opinion** of the **Provost Designated Officer, if one was issued.** The RIO shall submit a copy of that Charge, the Preliminary Assessment referral, the Inquiry report, and, ~~if one was issued~~, the overruling decision of the **Provost Designated Officer, if one was issued**, to the Investigation Committee and the Respondent at the beginning of the Investigation.
- d. **Briefing.** Before the Investigation begins, an attorney from the Office of ~~the~~ General Counsel and the RIO shall brief the Investigation Committee on this **Policy and Procedure**, other relevant University regulations, and legal and procedural issues that the Investigation Committee ~~are~~ **is** likely to encounter in

conducting the Investigation.

- e. **Standard for Determination.** The Investigation Committee shall determine if **Scholarly** Misconduct occurred, if the Respondent was responsible for it, and the extent, gravity, and actual and potential consequences of the **Scholarly** Misconduct. To conclude that **Scholarly** Misconduct occurred, a majority of the members of the Investigation Committee must find:

- (1) **that there was** a significant departure from accepted practices of the relevant research community; and
- (2) that the **Scholarly** Misconduct was committed intentionally, knowingly, or recklessly; and
- (3) that the Allegation was proven by a Preponderance of the Evidence.

- f. **Evidence Review.** The Investigation Committee shall examine all Evidence that it deems pertinent to the Allegation. At its discretion, the Investigation Committee may also inspect laboratories and examine laboratory specimens, materials, procedures, and methods.

The Respondent will be provided copies of, or supervised access to, all Evidence made available to the Investigation Committee.

- g. **Testimony.**

- (1) Interviews or Hearing. ~~When possible,~~ **In accordance with V(A)(4)**, the Investigation Committee ~~shall~~ **may** conduct **private** interviews or a hearing with the Complainant, the Respondent, and other persons, if any, who have material information regarding the Allegation.
- (2) Transcript. The RIO shall arrange for the preparation of a transcript of each witness's interview or hearing testimony and shall send the transcript to the witness for comment or correction. The witness shall have seven (7) days after ~~his or her~~ receipt of the transcript to deliver comments on, and corrections of any errors in, the transcript to the RIO. Both the transcript and any such comments and corrections shall be made part of the Misconduct Proceeding Records. The RIO shall give the Respondent a copy of the corrected transcript of any interview or hearing testimony.

- h. **Assistance for Committee.** If the Investigation Committee decides that it needs special scientific or technical expertise to evaluate an Allegation, it shall so advise the RIO, who shall secure for the Investigation Committee the assistance that it requests.

- i. **RIO.** The RIO shall not participate in the deliberations of the Investigation Committee or vote on whether **Scholarly** Misconduct occurred. The

Investigation Committee may request the assistance of the RIO during its deliberations and in the preparation of the Investigation report, but shall not seek the RIO's opinion as to whether **Scholarly** Misconduct occurred.

- j. **Timing.** The Investigation Committee shall use ~~their~~ **its** best efforts to complete the Investigation within **one hundred and twenty (120)** days of its inception.
- (1) Extension. If the Investigation cannot be completed in that period, the RIO may request an extension from the ~~Provost~~ **Designated Officer**, in which event the RIO shall notify the Respondent of the reason for the delay and the date on which the RIO expects that the Investigation will be completed. The RIO's report about the delay shall be included in the Misconduct Proceeding Records. If the alleged **Scholarly** Misconduct involves Research or Creative Activities supported by a federal funding source, the RIO shall notify it of the delay~~;~~, request an extension~~;~~, explain why the extension is necessary~~;~~, and provide a progress report of the Investigation Committee's activities to date and an estimate of the completion date of the Investigation.
 - (2) Notice of Stay. If the Investigation is stayed and the alleged **Scholarly** Misconduct involves Research or Creative Activities supported by a federal funding source, the RIO shall promptly inform it of the date and expected duration of the stay, and of the reason for staying the Investigation.
- k. **Investigation Report.**
- (1) Content. The Investigation Committee shall prepare a written Investigation report. It shall include:
 - (A) the name and position of the Respondent if the Respondent is an employee of the University or the name and degree program of the Respondent if the Respondent is a student at the University;
 - (B) the relevant application or grant number, if the alleged **Scholarly** Misconduct involves sponsored Research or Creative Activities~~;~~;
 - (C) a description of the Allegation and the name **of the Complainant**, if known and not held in confidence~~, of the Complainant~~;
 - (D) a summary of the Evidence reviewed, including, ~~without being~~ **but not** limited to, an account of how and from whom it was obtained;
 - (E) a transcript of each interview or hearing conducted during the

Investigation;

- (F) for each separate Allegation, an analysis of any explanation offered by the Respondent and the Evidence in support thereof;
 - (G) an analysis of each separate Allegation pursuant to the standards set forth in Section VIII(e) above;
 - (H) in an Allegation of serious deviation from accepted practices, a description of the Evidence regarding the accepted practices in the discipline and an analysis of the Allegation in light of such practices; **and**
 - (I) a copy of ~~these Procedures~~ **this policy** and any other University policies and procedures relevant to the Investigation.
- (2) **Scholarly** Misconduct Finding. If the Investigation Committee finds that **Scholarly** Misconduct occurred, the Investigation report must include:
- (A) the Investigation Committee's determination that:
 - (i) there was a significant departure from accepted practices of the relevant research community; and
 - (ii) the **Scholarly** Misconduct was committed intentionally, knowingly, or recklessly; and
 - (iii) the Allegation was proven by a Preponderance of the Evidence; ~~and~~.
 - (B) a determination whether any part of the Research Record needs correction or retraction as a result of the finding of **Scholarly** Misconduct, and, if so, an explanation of that correction or retraction.
- (3) No **Scholarly** Misconduct Found. If the Investigation Committee does not find that **Scholarly** Misconduct occurred, it shall explain the reasons for its decision in the Investigation report, with specific reference to the pertinent criteria set forth in Section VIII(e) above.
- (4) Draft Report; Comments. The RIO shall send the Respondent a copy of the draft Investigation report. The Respondent may return comments on the draft Investigation report to the RIO within **thirty (30)** days of receipt of the draft Investigation report. If the Respondent comments on the draft Investigation report, the Investigation Committee shall consider such comments and make any changes in the Investigation report it deems appropriate in light of such comments. The Respondent's comments shall be included as an appendix to the final Investigation report.

- (5) **Provost Designated Officer** Opinion on **Final** Draft Report.
- (A) After making any changes it deems appropriate in the draft Investigation report in light of the Respondent's comments, the Investigation Committee shall prepare a **final revised** draft of the Investigation report. The RIO shall send the **Provost Designated Officer** a copy of the **final** draft of the Investigation report, attaching any RIO comments regarding procedural questions and concerns. Within ~~14~~ **thirty (30)** days after delivery of the **final** draft Investigation report to the **Provost Designated Officer**, the **Provost Designated Officer** may submit an opinion to the RIO, the Responsible Administrator, and the Investigation Committee on either or both of the following two grounds:
- (i) If the **Provost Designated Officer**, with advice from the Office of ~~the~~ General Counsel, finds that the **final** draft Investigation report reflects procedural error by the Investigation Committee in conducting the Investigation, the **Provost Designated Officer** shall so inform the RIO and shall identify and explain the Investigation Committee's procedural error.
- ~~(ii)~~ The Investigation Committee shall either correct the error before completing the Investigation and the Investigation report or shall notify the **Provost Designated Officer** in, or concurrently with the issuance of, the final Investigation report that it does not believe a material procedural error occurred.
- ~~(iii)~~ If the **Provost Designated Officer** finds that the Investigation Committee's determination, as set forth in the **final** draft Investigation report, is substantively **wrong incorrect** because the Evidence does not support the Investigation Committee's determination, then the **Provost Designated Officer** shall so inform the RIO and shall identify and explain the reason the **Provost Designated Officer** believes the Investigation Committee's determination to be in error. The Investigation Committee shall reconsider its decision in light of the opinion by the **Provost Designated Officer**. If the Investigation Committee changes its determination in light of the opinion by the **Provost Designated Officer**, it shall submit a new draft of the Investigation report to the Respondent for further comment. If it does not change its determination in light of the opinion by the **Provost Designated Officer**, the Investigation Committee shall respond to the opinion by the **Provost Designated Officer**

in completing the Investigation report and make any changes in the Investigation report that it deems appropriate in light of the opinion by the ~~Provost~~ **Designated Officer**.

(B) **In most cases, the Investigation Committee should be expected to finalize the Investigation report within thirty (30) days of receiving the Designated Officer's opinion.**

~~(B)~~(C) The opinion by the ~~Provost~~ **Designated Officer** shall be included as an appendix to the final Investigation report.

(6) Dissent. Any member of the Investigation Committee who does not agree with the determination of the majority of the Investigation Committee may file a dissent to the Investigation report.

l. Bad Faith. If ~~a majority of the members of~~ the Investigation Committee concludes that the Complainant acted in Bad Faith in making the Allegation, or that the Complainant or any witness acted in Bad Faith during any Misconduct Proceeding, the Investigation Committee shall refer the matter for administrative review and appropriate action as set forth in Section XII(a)(1) below.

m. Final Report; Provost Overrule.

(1) Copy to Provost. The ~~RIO~~ **Designated Officer** shall send the Provost a copy of the final Investigation report.

(2) Overrule; New Investigation. If the Provost believes the Investigation Committee's determination is ~~wrong~~ **incorrect**, the Provost may, within **fourteen (14)** days of receiving the final Investigation report, issue a written decision to the **Designated Officer and the RIO** overruling the Investigation Committee for stated cause and instructing the RIO to impanel another Investigation Committee immediately.

(3) Second Investigation Committee. If a second Investigation Committee is impaneled, it shall conduct a new Investigation. Subject to the Respondent's right to appeal pursuant to Section IX below, the second Investigation Committee's determination shall be binding.

n. Distribution of Final Report; Comments. The RIO shall send a copy of the final Investigation report to the Respondent **after the Provost has had an opportunity to review and overrule the Final Report as appropriate**. The Respondent may deliver comments on the Investigation report to the RIO within **fourteen (14)** days of the delivery of the final Investigation report to the Respondent. The RIO shall include any such comments in the Misconduct Proceeding Records.

o. Notifications.

- (1) Complainant. Promptly after completion of the Investigation, the RIO shall notify the Complainant of its outcome and provide the Complainant with a brief summary of the Investigation report, including those portions of the Investigation report that address the Complainant's role and testimony, if any, in the Investigation.
- (2) Federal Support. When the alleged **Scholarly** Misconduct involves Research or Creative Activities supported by a federal funding source, the RIO shall submit the Investigation report to it. It may accept the Investigation report, ask for clarification or additional information, which shall be provided by the RIO, or commence its own independent investigation.
- (3) Other Funding Source. When the ~~A~~ alleged **Scholarly** Misconduct involves Research or Creative Activities supported by a non-federal funding source, the RIO shall notify it of the outcome of the Investigation promptly after the completion of the Investigation and provide it with a brief summary of the Investigation report and such other information, if any, as it may request in response to the RIO's notification.

IX. APPEAL

- a. **Appeal Rights.** All Respondents who are found to have committed **Scholarly Misconduct** have the right to an internal University appeal. During appellate proceedings, no disciplinary proceeding will be commenced as a consequence of the finding of **Scholarly Misconduct**. In addition, ~~A~~ Respondent who has applied for or received support from a federal funding source for the Research or Creative Activities in relation to which the **Scholarly** Misconduct occurred has the right under certain circumstances to appeal a finding of **Scholarly** Misconduct by an Investigation Committee to that federal funding source. ~~In addition, all Respondents who are found to have committed Misconduct have the right to an internal University appeal. During appellate proceedings, no sanction will be imposed and no disciplinary proceeding will be commenced as a consequence of the finding of Misconduct.~~

During appellate proceedings, appropriate University administrators may initiate on an interim basis actions they deem necessary to safeguard University personnel, other participants in any Misconduct Proceeding, public health or safety, experimental subjects, sponsors' funds or equipment, Evidence, or the integrity of the research environment. These actions do not indicate that a conclusion has been reached from the University's review process, and such actions may be revised, revoked, or made permanent upon the confirmation of a final outcome once appellate proceedings have concluded.

- b. **External Appeal Record.** If the Respondent appeals a finding of **Scholarly** Misconduct by an Investigation Committee to a federal funding source, the

RIO shall attempt to obtain copies of all documents filed in that appeal.

c. Procedure.

- (1) Internal Appeal. The Respondent may appeal a finding of **Scholarly Misconduct** to the RIO within **thirty (30)** days of the date of the **finding final Investigation report**. The appeal must be in writing and must set forth the **substantive or procedural** reasons (~~whether substantive or procedural~~) the Respondent believes the finding of **Scholarly Misconduct** is ~~wrong~~ **incorrect**. The RIO will submit the appeal to the Provost for decision.
- (2) Review and Recommendation. The Provost may appoint a University faculty member or administrator who does not have a Conflict of Interest and who has not previously been involved in the review of the Allegation under ~~these Procedures~~ **this policy** to review the Misconduct Proceeding Records and the appeal and make recommendations to the Provost.
- (3) Request for Additional Information. The Provost, or the Provost's designee, may request further information about the Misconduct Proceedings in writing from the RIO. A copy of such information shall be provided to the Respondent.
- (4) Basis for Decision. The Provost's decision on the appeal shall be based on the Misconduct Proceeding Records, as clarified or supplemented by the RIO in response to any request for further information about the Misconduct Proceedings, ~~and~~ the Respondent's appeal, **and, if available, the recommendations from Section IX(c)(2) above.**

d. New Evidence. If the RIO learns of previously unavailable material Evidence relevant to the finding of **Scholarly Misconduct** during the appeal, the RIO shall inform the Provost and the Respondent of the new Evidence. If the Provost concurs that the new Evidence could materially affect the finding of **Scholarly Misconduct**, the Provost shall remand the finding ~~of Misconduct~~ to the Investigation Committee that made the finding for its consideration of the new Evidence. The Investigation Committee shall notify the Provost within **fourteen (14)** days that it finds the new Evidence immaterial to its prior finding or that it wishes to reopen the matter. The Provost may extend this period for good cause by notice to the Respondent and the RIO.

e. Decision. The Provost shall issue a decision and rationale affirming or reversing the finding of **Scholarly Misconduct** within **thirty (30)** days after the submission of the appeal to the RIO. The Provost may extend this period for good cause by notice to the Respondent and the RIO.

X. FINAL RESOLUTION AND OUTCOME

a. Exoneration. If the Preliminary Assessment results in a determination that an

Inquiry is not warranted, or if the Inquiry Committee decides that an Investigation is not warranted, or if an Investigation Committee does not find that **Scholarly** Misconduct has occurred, or if a finding of **Scholarly** Misconduct is reversed on appeal, the Responsible Administrator and the RIO shall make diligent efforts, if requested by the Respondent, to restore the Respondent's reputation. These efforts shall be undertaken in consultation with the Respondent, provided that they shall: (1) be reasonable and practicable under the circumstances and proportionate to the damage to the Respondent's reputation as a result of the Allegation; (2) be consistent with applicable federal funding source expectations, if the Research or Creative Activities which ~~was~~ **were** the subject of the Allegation ~~was~~ **were** supported by that federal funding source; and (3) not affect the University's ability to take action against the Respondent for Unacceptable Research Practices which come to the University's attention as a result of the review of the Allegation under ~~these Procedures~~ **this policy**.

b. Scholarly Misconduct Found.

- (1) Actions. After all appeals have been decided, or the opportunity for an appeal has expired, and there is a final decision that **Scholarly** Misconduct has occurred:
 - (A) the Responsible Administrator, after consultation with the Provost, shall take appropriate actions in response to the finding of **Scholarly** Misconduct. Such actions may include:
 - (i) the imposition of sanctions within the authority of the Responsible Administrator and initiating University disciplinary proceedings appropriate to the finding of **Scholarly** Misconduct pursuant to applicable University policies, procedures, and contracts; or
 - (ii) ~~referring~~ **referral of** the finding of **Scholarly** Misconduct to another administrator who has authority to impose sanctions and initiate disciplinary proceedings; ~~and~~
 - (B) the RIO, after consultation with the Office of ~~the~~ General Counsel and the Provost, shall attempt to correct, and/or seek retraction of, any part of the Research Record **or other relevant records** materially affected by the **Scholarly** Misconduct. The Respondent will not interfere with the RIO's efforts in these regards. **Those affected by the Scholarly Misconduct are permitted to share this information with their colleagues.**
- (2) Disciplinary Action. The University views **Scholarly** Misconduct as grounds for disciplinary action pursuant to applicable University policies, procedures, and contracts, ~~including procedures for challenging or grieving disciplinary action~~. **Disciplinary action may include suspension and/or termination of employment of a faculty or staff member found**

responsible for Scholarly Misconduct. Disciplinary action may include termination of enrollment and/or degree revocation for a student found responsible for Scholarly Misconduct. Disciplinary action may be challenged or grieved according to relevant University policies.

~~(3) Degree Revocation. Misconduct which materially affects the original scholarly or creative work included in a master's or doctoral thesis submitted in fulfillment of degree requirements at the University constitutes grounds for the revocation of that degree.~~

~~(4)~~(3) Government Sanctions. In addition to sanctions imposed by the University, certain federal funding sources may impose sanctions of their own, if the **Scholarly** Misconduct involved Research or Creative Activities which they supported.

~~(5)~~(4) Serious Deviation. The University may take action, including disciplinary action, in response to a finding of **Scholarly** Misconduct based on a serious deviation from accepted practices even if another Allegation of **Scholarly** Misconduct against the same Respondent has not been sustained and the University has an obligation under Section X(a)~~(2)~~ above with respect to the unsustained Allegation.

- c. **New Evidence.** After all appeals have been decided, or if the opportunity for appeal has expired, and there is a final decision, that **Scholarly** Misconduct has occurred, if the Respondent learns of previously unavailable material Evidence relevant to the determination of **Scholarly** Misconduct, **within thirty (30) days from the appeal decision or thirty (30) days from the date the opportunity to appeal has expired**, the Respondent shall send that Evidence to the RIO with an explanation of its origin and importance. The RIO shall submit the new Evidence to the Investigation Committee that conducted the Investigation of the **Scholarly** Misconduct. The Investigation Committee shall promptly consider the new Evidence and notify the Provost of its impact on its finding of **Scholarly** Misconduct and on its Investigation report. Based on the new Evidence and the information from the Investigation Committee, the Provost may reverse or affirm the previous finding of **Scholarly** Misconduct, or remand the matter to the Investigation Committee to conduct a new Investigation in light of the new Evidence. The Provost shall issue that decision with stated rationale within **thirty (30) days** of receiving the notice from the Investigation Committee, but may extend this period for good cause by notice to the Respondent and the RIO.
- d. **Termination.** If the ~~Provost~~ **Designated Officer** terminates the review of any Allegation under Section ~~IV(f) or~~ V(d), an explanation for such termination shall be included in the Misconduct Proceeding Records.

XI. UNACCEPTABLE AND QUESTIONABLE RESEARCH PRACTICES

- a. **Referral from Proceedings.** An Inquiry Committee may find that, while a Respondent's conduct does not warrant an Investigation, it nevertheless constitutes

an Unacceptable Research Practice or Questionable Research Practice. Similarly, an Investigation Committee may find that, while a Respondent's conduct does not constitute **Scholarly** Misconduct, it nevertheless constitutes an Unacceptable Research Practice or a Questionable Research Practice. Any such finding shall be referred to the appropriate administrator for review. The administrator may deem further action appropriate, including, in the case of Unacceptable Research Practices, disciplinary action pursuant to applicable University policies, procedures, and contracts. **Disciplinary action may be, including procedures for challenging or grieving disciplinary action according to relevant University policies.**

- b. Discovery and Report.** Unacceptable Research Practices or Questionable Research Practices may also be discovered in circumstances other than a review of an Allegation under ~~these Procedures~~ **this policy**. When that happens, the alleged Unacceptable Research Practice or Questionable Research Practice should be referred to the appropriate administrator for review and such further action, if any, as the administrator may deem appropriate, including, in the case of Unacceptable Research Practices, disciplinary action pursuant to applicable University policies, procedures, and contracts, including procedures for challenging or grieving disciplinary action.

XII. BAD FAITH

a. Complainant or Witness.

- (1) Referral for Action. If the RIO, an Inquiry Committee, or an Investigation Committee concludes that a Complainant or witness who is a University employee or student acted in Bad Faith in a Misconduct Proceeding, the matter shall be referred to the appropriate administrator for review. The administrator may deem further action appropriate, including disciplinary action.
- (2) Discipline. The University views Bad Faith by a Complainant or witness who is a University employee or student as grounds for disciplinary action pursuant to applicable University policies, procedures, and contracts.

XIII. PROTECTING PARTICIPANTS IN MISCONDUCT PROCEEDINGS

- a. Protection of Position and Reputation.** The University shall make diligent efforts to protect the position and reputation of each individual who has, in Good Faith, participated in a Misconduct Proceeding as a Complainant, witness, Inquiry Committee member, Investigation Committee member, Counsel, ~~Advisor,~~ Responsible Administrator, **Designated Officer**, or RIO, or who has otherwise cooperated in the review of an Allegation under ~~these Procedures~~ **this policy**. These efforts shall be:

- (1) reasonable and practical under the circumstances;
- (2) proportionate to the risk to the individual's position and reputation;

and

- (3) consistent with applicable funder expectations, if the Research or Creative Activities which ~~was~~ were the subject of the Allegation ~~was~~ were supported by a federal funding source.

b. Retaliation.

- (1) Prohibition. University employees and students shall not engage in or threaten Retaliation.
- (2) Referral for Action. If the RIO receives a complaint or report of Retaliation or threatened Retaliation by a University employee or student, the RIO shall refer the matter to the appropriate administrator for review and such action, if any, as the administrator may deem appropriate, including disciplinary action.
- (3) Discipline. The University views Retaliation by a University employee or student as grounds for disciplinary action pursuant to applicable University policies, procedures, and contracts.
- (4) Protection against Retaliation. The University shall make diligent efforts to provide protection against Retaliation by individuals who are not University employees or students. These efforts shall be reasonable and practical under the circumstances and, if the Research or Creative Activities which ~~was~~ were the subject of the Allegation whose review led to the Retaliation ~~was~~ were supported by a federal funding source, shall be consistent with applicable funder expectations.

~~On an interim basis, the RIO shall, after consultation with the Provost, and the Office of the General Counsel, modify these Procedures to incorporate relevant requirements of new laws, regulations, executive orders, and other governmental requirements as such laws, regulations, orders, and requirements take effect. The RIO shall promptly report these changes to the Provost.~~

Replacement effective June 29, 2017 for:

~~III-1.10(A) University of Maryland Procedures for Scholarly Misconduct~~

APPENDIX

Appointment and Evaluation of the **Designated Officer and the Research Integrity Officer**

I. APPOINTMENT OF THE DESIGNATED OFFICER

1. **The Designated Officer shall be appointed by the Provost, and shall serve at the pleasure of the Provost.**
2. **The Designated Officer shall report to the Provost and shall keep the Provost informed about the progress of cases under this policy and about the educational and other activities of the RIO's office.**
3. **Should the Designated Officer be unable to fulfill the obligations and duties of the Designated Officer under this policy with respect to a particular Allegation due to conflicts of interest or other reasons, the Provost shall appoint a replacement Designated Officer.**

II. APPOINTMENT OF THE RIO

1. The RIO shall be appointed ~~from the tenured faculty~~ by the **Provost Designated Officer**, and shall serve at the pleasure of the **Provost Designated Officer**.
2. The RIO shall report to the **Provost Designated Officer** and shall keep ~~her or him~~ **the Designated Officer** informed about the progress of cases under ~~these Procedures~~ **this policy** and about the educational and other activities of the RIO's office. The RIO shall also perform such other duties as are assigned the RIO under ~~these Procedures~~ **this policy**.
3. Should the RIO recuse himself or herself from the RIO's duties under ~~these Procedures~~ **this policy** with respect to a particular Allegation, the **Provost Designated Officer** shall appoint a replacement RIO.

II. EVALUATION OF THE RIO

1. The RIO shall submit a report annually to the **Provost Designated Officer** which shall set forth the number of cases handled by the RIO's office during the previous academic year and their outcomes, along with information on the educational and other activities of the RIO's office during that academic year.
2. The **Provost Designated Officer** shall evaluate the performance of the RIO biennially, pursuant to criteria established by the **Provost Designated Officer**.

III. ADVISORY COMMITTEE TO THE RIO

The College-level Research Integrity Officers shall serve as an advisory resource for the RIO on issues relating to ~~research~~ **Scholarly m**Misconduct and ~~these Procedures~~ **this policy**.

**Appendix 1: Clean Version of University of Maryland Policy and Procedures Concerning
Scholarly Misconduct**



**III-1.10(A) UNIVERSITY OF MARYLAND POLICY AND PROCEDURES
CONCERNING SCHOLARLY MISCONDUCT**

(Approved by the President August 1, 1991; Revised May 11, 2000; Revised May 13, 2008; Technical Amendment April 6, 2009; Approved on an Interim basis June 29, 2017)

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INTRODUCTION

Scholarly integrity is the responsibility of the entire academic community. All members of the university community—students, staff, faculty and administrators—share responsibility for developing and maintaining standards to promote honesty, accuracy, and objectivity in scholarly work and for reporting abuse of these standards. Misconduct in carrying out academic activities undermines the integrity of the educational system and the scholarly enterprise, and erodes the public trust in the university community. The responsibility to prevent and report misconduct, however, ought not create an atmosphere that discourages the openness and creativity that are vital to scholarship.

Institutions that apply for or receive federal funds for research are required by law to share responsibility for the integrity of the research process (e.g., Public Health Service Policies on Research Misconduct, 42 CFR Part 93). The University of Maryland (University) voluntarily applies the common federal standards for integrity in research to all University scholarship regardless of funding source. Both the University and its personnel have a duty to ensure the integrity of research and research training by assuming primary responsibility for responding to allegations of Scholarly Misconduct.

APPLICABILITY

This policy applies to scholarly work, which includes research and other creative activity, research training, applications and proposals, and related activity containing a research component, performed at the University by any person, including faculty, staff, students, visitors and others; or performed with the use of University resources; or performed elsewhere, by a person acting under the auspices of the University.

This policy does not apply to various types of professional and/or instructional misconduct, including misconduct related to the individual's role as an instructor or administrator, or misrepresentations for personal or professional advancement. These types of misconduct may be addressed in separate University or University System of Maryland processes or policies.

Allegations of Scholarly Misconduct, whether the scholarly work is sponsored or not, will be reviewed using this policy, subject to the limitations below:

- A. This policy does not supersede other University System of Maryland or University policies and procedures, such as those addressing authorship disputes, suspected fiscal irregularity, conflict of interest, and unethical conduct of research involving human or animal subjects. Should violations of other University policies be found during the review of a Scholarly Misconduct Allegation, the Research Integrity Officer (RIO) will make referrals to the appropriate office or officer and work to coordinate any concurrent or successive investigations.
- B. If an Allegation of Scholarly Misconduct involves a student, the RIO, in consultation with the Director of Student Conduct will determine whether this policy, the *Code of Academic Integrity*, or the *Code of Student Conduct* will apply. Allegations of misconduct by students in academic exercises, such as examinations and course requirements, are generally handled pursuant to the University's *Code of Academic Integrity*.

- C. All other instances of research misconduct, whether the research is sponsored or not, will follow this policy.

POLICY

It is the policy of the University:

- A. To maintain high standards of honesty, accuracy, and objectivity in scholarly work, to prevent Scholarly Misconduct where possible, and to evaluate and to resolve promptly and fairly instances of alleged or apparent Scholarly Misconduct.
- B. To take appropriate remedial and disciplinary action in response to findings of Scholarly Misconduct.

I. DEFINITIONS

“Abuse of Confidentiality/Misappropriation of Ideas” means the improper use or appropriation of information obtained from scholarly exchanges and other types of confidential access, such as from review of grant applications or manuscripts; service on peer review panels, editorial boards, or University committees; and information obtained from publishers, foundations, and organizations that run conferences or engage in other scholarly activities.

“Allegation” means a disclosure of possible Scholarly Misconduct by a Respondent to the RIO by any means of communication. An Allegation should include sufficient detail, and supporting evidence, if available, to permit a Preliminary Assessment by the RIO under this policy.

“Bad Faith” means a material and demonstrable failure to meet the standards for Good Faith set forth herein as a Complainant, a witness, an Inquiry Committee member, an Investigation Committee member, the Responsible Administrator, the Designated Officer, or the RIO. The context in which actions have occurred is a relevant and important factor to be taken into account in determining whether an individual has acted in Bad Faith.

“Complainant” means a person who makes an Allegation. A Complainant need not be affiliated with the University.

“Complaint” means a formal, written communication to the RIO that contains an Allegation of Scholarly Misconduct.

“Conflict of Interest” means any personal, professional, or financial relationship that influences or reasonably would be perceived to influence the impartial performance of a duty assigned under this policy.

“Counsel” means lay or legal counsel secured by a Complainant or Respondent to serve as an advisor during the Misconduct Proceedings, at the party’s own initiation and expense. Counsel may provide advice and consultation to the party. If necessary, a party may request a recess during the proceedings in order to speak privately with Counsel. Counsel may not be an active participant; Counsel may not speak for the

parties in person or in writing, serve as a witness, provide information or documentation in the case, cause delay, communicate on behalf of the party, or otherwise interfere with the process.

“Creative Activities” means the preparation or creation of computer programs, websites, motion pictures, sound recordings, projects for competitions, and literary, pictorial, musical, dramatic, audiovisual, choreographic, sculptural, architectural, and graphic works of any kind by (1) a faculty member or other employee of the University as part of their non-instructional scholarly activities, or (2) a student in fulfillment of any independent study requirement at the University whose product is intended to be an original scholarly or creative work of potentially publishable quality (including, but not limited to, a master’s or doctoral thesis).

“Deliberate Material Failure to Comply with Federal, State, or University Requirements Affecting Research” means violations involving the use of funds or resources; data management; care of animals; human subjects; investigational drugs; recombinant products; new devices; radioactive, biologic or chemical materials; or the health and safety of individuals or the environment.

“Deliberate Misrepresentation of Qualifications” means misrepresentation of experience or research accomplishments to advance a research program or to obtain external funding.

“Designated Officer” means a University official responsible for implementing and overseeing this policy consistent with applicable laws. The Senior Vice President and Provost shall appoint the Designated Officer.

“Evidence” means any document, tangible item, or testimony that is received, or that may be offered, during a Misconduct Proceeding to prove or disprove the existence of a fact relevant to the Allegation at issue in that Misconduct Proceeding. Depending on the Allegation, Evidence could include, but is not limited to:

- proposals, grant applications, and comments thereon;
- relevant Research data and related records;
- laboratory notebooks and computer files;
- telephone logs and memos of calls;
- correspondence and electronic communications;
- manuscripts, posters, publications, and recordings of oral presentations and interviews.

“Fabrication” means intentionally generating Research data or results that are fictitious in some regard, and recording or reporting these data or results as being genuine.

“Falsification” means manipulating Research materials, equipment, or processes,

or changing or omitting Research data or results in a way that deviates from common practice in the field, such that Research purposely is not accurately represented in the Research Record.

“Good Faith” means having a belief in the truth of one’s Allegation or testimony that a reasonable person in the individual’s position could have based on the information known to the individual at the time. An Allegation or cooperation with a Misconduct Proceeding is not in Good Faith if made or done with a knowing or reckless disregard for information that would negate the Allegation or testimony.

“Improprieties of Authorship” means the improper assignment of credit that is not in accordance with accepted standards in the relevant discipline, such as inclusion of individuals as authors who have not made a substantial contribution to the published work, exclusion of individuals as authors who have made a substantial contribution to the published work, or submission of multi-authored publications without the concurrence of all authors.

“Inquiry” means preliminary information gathering and initial fact-finding to determine whether an Allegation warrants an Investigation.

“Inquiry Committee” means a group of at least three persons appointed by the RIO to conduct an Inquiry.

“Investigation” means the formal, thorough examination and evaluation of all facts relevant to an Allegation to determine if Scholarly Misconduct occurred and to assess its extent, gravity, and actual and potential consequences.

“Investigation Committee” means a group of at least three persons appointed by the RIO to conduct an Investigation.

“Misappropriation of Funds or Resources” means the misuse of funds or resources intended to support research activities identified in the context of a Scholarly Misconduct investigation.

“Misconduct Proceeding” means any proceeding under this policy related to the review of an Allegation of Scholarly Misconduct, including Preliminary Assessments, Inquiries, Investigations, and internal appeals.

“Misconduct Proceeding Records” means: (1) evidence secured for any Misconduct Proceeding; (2) a record of the RIO’s review of other documents, tangible items, and testimony received or secured by the RIO in connection with that Misconduct Proceeding but determined by the RIO to be irrelevant to the Allegation at issue in the Misconduct Proceeding or to duplicate Evidence that has been retained; (3) the Preliminary Assessment report or referral and final (not draft) documents produced in the course of preparing that report or referral, including any other documentation of a decision that an Inquiry is not warranted; (4) the Inquiry report and final (not draft) documents produced in the course of preparing that report, including any other documentation of a decision that an Investigation is not warranted; (5) the Investigation report and all records (other than drafts of the Investigation report) in support of that

report, including the transcripts of each interview or hearing conducted during an Investigation; and (6) the complete record of an internal appeal (see Section IX below) from a finding of Scholarly Misconduct.

“Plagiarism” means the representation of another person’s ideas, processes, results, words, images, or other creative works as one’s own without giving appropriate credit.

“Preliminary Assessment” means initial information gathering to determine whether there is sufficient credible Evidence to support further review of an Allegation and whether the Respondent’s alleged conduct could constitute Scholarly Misconduct or Unacceptable Research Practices.

“Preponderance of the Evidence” means that based on the totality of the Evidence, it is more likely than not that a violation of this policy occurred.

“Questionable Research Practices” means practices that do not constitute Scholarly Misconduct or Unacceptable Research Practices but that require attention because they may erode confidence in the integrity of the Research or Creative Activities.

“Research” means formal investigation conducted for the purpose of producing or contributing to generalizable knowledge, and the reporting thereof, by (1) a faculty member or other employee of the University as part of their non-instructional scholarly activities, or (2) a student in fulfillment of any independent study requirement at the University whose product is intended to be an original scholarly or creative work of potentially publishable quality (including, but not limited to, a master’s or doctoral thesis).

“Research Record” means the record of data or results from scholarly inquiry, including, but not limited to, research proposals, laboratory records (in any format), progress reports, abstracts, theses, oral presentations, internal reports, journal articles, books, other publications of any kind in any media, and any material in any media necessary to support the content of any such document, presentation, or publication.

“Respondent” means a person who is the subject of an Allegation. A Respondent must be an employee of the University or a student at the University, or must have been an employee or a student at the time the Scholarly Misconduct allegedly occurred.

“Responsible Administrator” means the unit administrator who has most immediate responsibility for the Respondent and who is not disqualified from serving as Responsible Administrator by a Conflict of Interest. The RIO shall identify the Responsible Administrator. If the Responsible Administrator is a dean or other higher-level administrator, the Responsible Administrator may designate a subordinate to act as Responsible Administrator. If the Respondent is a student, the Responsible Administrator shall be the chairperson or appropriate unit head of the department or program with which the student is affiliated. If an Allegation involves multiple Respondents, the RIO shall identify an appropriate individual or individuals to serve as the Responsible Administrator or Administrators.

“Retaliation” means an adverse action taken against an individual who has, in Good Faith, participated in a Misconduct Proceeding (as Complainant, witness, Inquiry Committee member, Investigation Committee member, Counsel, Responsible Administrator, Designated Officer, or RIO) or otherwise cooperated in the review of an Allegation under this policy, where there is a clear causal link between the participation or cooperation and the adverse action. The context in which an adverse action has occurred, including its materiality, is a relevant and important factor to be taken into account in determining whether it constitutes Retaliation.

“RIO” means the University’s Research Integrity Officer. The Designated Officer will appoint the RIO.

“Scholarly Misconduct” means Fabrication, Falsification, Plagiarism, or any other practice that seriously deviates from practices commonly accepted in the discipline or in the academic and research communities. Scholarly Misconduct may take many forms, including, but not limited to, Improprieties of Authorship; Abuse of Confidentiality/Misappropriation of Ideas; Deliberate Misrepresentation of Qualifications; Deliberate Material Failure to Comply with Federal, State, or University Requirements Affecting Research; and Violation of Generally Accepted Research Practices. Other common terms such as research fraud, scientific misconduct, or research misconduct are subsumed within Scholarly Misconduct for the purposes of this policy. Scholarly Misconduct does not include appropriative practices in the Creative Arts insofar as they accord with accepted standards in the relevant discipline. Scholarly Misconduct does not include unintentional error or differences in the interpretation or judgment of Research data or results that can be reasonably substantiated by the data or results.

“Self-Plagiarism” means Fabrication, Falsification, Plagiarism, or any other practice that seriously means the representation of the same materials as original in more than one publication. Self-Plagiarism can include reuse of one’s own words, images, data, or other products of Research without appropriate attribution and/or, in the case in which copyright is held by another person or organization, without receiving appropriate permission. When not in accordance with accepted standards in the relevant discipline, Self-Plagiarism may constitute Scholarly Misconduct.

“Unacceptable Research Practices” means practices that do not constitute Scholarly Misconduct but that violate applicable laws, regulations, or other governmental requirements, or University rules or policies, of which the Respondent had received notice or of which the Respondent reasonably should have been aware, for proposing, performing, reviewing, or reporting Research or Creative Activities.

II. GENERAL

- a. Anonymous Allegations.** The University shall review anonymous Allegations under this policy.
- b. Confidentiality.**
 - (1) Limited Disclosure of Allegation/Misconduct Proceedings. To the extent

possible consistent with a fair and thorough review of an Allegation, disclosure of an Allegation and the resulting Misconduct Proceedings should be limited to those who need to know about them. In amplification, and not in limitation, of the foregoing:

- (A) except as otherwise permitted or required by this policy, or as required by law, members of Inquiry Committees and Investigation Committees, the Responsible Administrator, the Designated Officer, the RIO, and University administrators involved in the review of an Allegation under this policy shall make diligent efforts to preserve the confidentiality of the Allegation and resulting Misconduct Proceedings out of respect for the privacy of those involved, especially the Respondent; and
 - (B) if an Allegation results in an Investigation, the RIO may confidentially advise any person or entity that has plans to publish or disseminate the results of the Research or Creative Activities to which the Allegation relates of the pending Investigation.
- (2) **Complainant Identity.** The University shall make diligent efforts to honor the request of any Complainant that their identity be kept confidential during the University's review of the Allegation under this policy.
 - (3) **Breaches of Confidentiality.** The RIO shall be informed immediately of breaches of confidentiality. The RIO will investigate the breach of confidentiality and refer the matter to the appropriate unit administrator for review and such further action, if any, as the unit administrator may deem appropriate.
- c. Cooperation.** To preserve the integrity of the environment for Research and Creative Activities, members of the University community are expected to cooperate in the review of Allegations under this policy (for example, by providing documents, materials, and testimony, if requested to do so by the RIO).
 - d. Location and Timeframe of Alleged Scholarly Misconduct.** An Allegation may be reviewed by the University under this policy no matter where or when the Scholarly Misconduct allegedly occurred.
 - e. Events Requiring Immediate Action.** If, at any stage of this policy, the RIO obtains reasonable information about
 - (1) a possible criminal violation;
 - (2) an immediate health hazard or other imminent risk of danger to public health or safety or to experimental subjects;
 - (3) the need to take immediate action to protect the funds or equipment of any governmental or other sponsor of Research or Creative Activities, or to

assure compliance with the terms of a contract sponsoring Research or Creative Activities;

- (4) the need to take immediate action to protect any Complainant, Respondent, witness, member of an Inquiry Committee or an Investigation Committee, or other person involved in any Misconduct Proceeding;
- (5) the need to take immediate action to prevent the loss, destruction, or adulteration of any Evidence;
- (6) the need to take immediate action to prevent or stop an imminent or continuing violation of an applicable law, regulation, or other governmental requirement or of a University rule or policy; or
- (7) the probable public disclosure of an Allegation or any Misconduct Proceeding;

then the following shall occur:

The RIO shall immediately notify the Designated Officer, the Office of General Counsel, and, if appropriate, the pertinent government official or sponsor of the Research or Creative Activities, and, following consultation with the Office of General Counsel, the RIO shall promptly make recommendations to the Designated Officer as to responsive actions.

Notwithstanding any other provision of this policy, appropriate University administrators shall have authority to take any actions they deem necessary or appropriate to safeguard University personnel, other participants in any Misconduct Proceeding, public health or safety, experimental subjects, sponsors' funds or equipment, Evidence, or the integrity of the research environment. That any such action is taken shall not be deemed to predetermine any finding or conclusion from the University's review of an Allegation under this policy, but any information arising from any such action may constitute Evidence.

f. Notice. Any notice or other document issued pursuant to this policy shall be in writing and shall include an explanation of any decision or opinion stated therein. The RIO shall provide the Respondent copies of all such documents in a timely manner.

g. Interpretation.

- (1) Time Periods. Unless otherwise specified in this policy:
 - (A) the failure to exercise any right granted under this policy within the stated time period shall constitute a waiver of that right;
 - (B) references to days in this policy shall mean calendar days; and

- (C) the RIO may extend timelines and deadlines specified in the policy for good cause, through written notice to all parties.
- (2) Plural Usage. The text of this policy generally assumes a single Complainant, Respondent, witness, and Allegation. Where there are multiple Complainants, Respondents, witnesses, or Allegations, this policy shall be construed accordingly.

h. Objections.

- (1) Both the Respondent and the Complainant may challenge the RIO's appointment of an Inquiry Committee member or an Investigation Committee member, but only on the basis of asserted Conflict of Interest on the part of the Inquiry Committee member or Investigation Committee member.

A Respondent or Complainant who wishes to file a challenge must do so in writing to the RIO, with accompanying rationale, within five (5) days of receiving notice of the membership of the committee. The RIO is expected to respond to the challenge in writing within five (5) days, either accepting it and taking appropriate action, or rejecting it for stated cause.

- (2) Other Objections and Complaints. If the Complainant or Respondent objects to any decision, procedural or substantive, made during the current or any previous Misconduct Proceeding in the review of the Allegation, they may raise that objection:
 - (A) with the RIO during the Preliminary Assessment;
 - (B) with the Inquiry Committee during the Inquiry;
 - (C) with the Investigation Committee during the Investigation; and
 - (D) with the Provost during an internal appeal under Section IX below.

i. Limitations.

Final procedural and substantive determinations made under this policy by the RIO, the Designated Officer, a Responsible Administrator, an Inquiry Committee, an Investigation Committee, or the Provost cannot be challenged or overturned under any other University policy or procedure.

III. ROLE OF THE RESEARCH INTEGRITY OFFICER (RIO)

The RIO shall coordinate implementation of this policy and shall be responsible for its fair and impartial administration. The RIO shall not be an advocate for the Complainant or the Respondent.

The RIO shall serve as an advisor to Inquiry Committees and Investigation Committees.

If so requested, the RIO shall provide logistical support, recruit expert witnesses, and arrange for legal advice to the committees by the Office of General Counsel.

When an Allegation involves Research or Creative Activities supported by a federal funding source, the RIO shall see that the University meets all legal requirements to apprise it of the status of an Inquiry or an Investigation into that Allegation. The RIO also shall report regularly to the Designated Officer on the status of each Inquiry and each Investigation.

The RIO shall identify the Responsible Administrator. The RIO also shall disqualify any Responsible Administrator, and any potential or sitting member of an Inquiry Committee or Investigation Committee, if the RIO determines that such person has a Conflict of Interest before or during the Misconduct Proceedings.

The RIO shall take all reasonable and practical steps to obtain custody of all the Evidence needed to conduct the review of an Allegation under this policy, inventory the Evidence, and sequester it in a secure manner. The RIO may take custody of copies of the Evidence on instruments shared by a number of users, so long as those copies are substantially equivalent to the evidentiary value of the original Evidence. The RIO will give the Respondent copies of, or reasonable supervised access to, the Evidence. The RIO and the RIO's administrative staff will make every effort to ensure that the sequestration of Evidence does not impede the ongoing scholarly activities of faculty, staff, and/or students who are not impacted by the Allegation, unless such activities have been halted or restricted as a result of immediate actions taken under II(e) above.

Misconduct Proceeding Records will be kept in a secure manner, accessible only to the RIO's administrative staff. In cases that terminate following a Preliminary Assessment, the records related to the Preliminary Assessment will be kept for three (3) years. For all other cases, Misconduct Proceeding Records will be kept for at least seven (7) years after the completion of the Misconduct Proceedings to which they relate.

Other RIO responsibilities are set forth elsewhere in this policy.

Provisions regarding the designation, selection, reporting responsibilities, and evaluation of the RIO are set forth in the Appendix.

IV. OTHER INTERNAL OR EXTERNAL PROCEEDINGS

The conduct which forms the basis for an Allegation may also involve possible violation of other University policies or the policies of other institutions, and of external laws and regulations, and may occasion other internal or external adjudicatory proceedings. The following shall govern the handling and sequencing of such proceedings.

- a. Other Institution's Review.** Another educational or research institution may have the right to review the same Allegation (or a related Allegation) against the same Respondent. In such an event, the RIO shall consult with their counterpart at the other institution to determine whether the University or the other institution is best able to review the Allegation. If the RIO determines that the other institution is best able to review the Allegation, the RIO shall so advise the Designated Officer, who

has authority to stay or terminate the University's review of the Allegation based on the review conducted at the other institution, as set forth in Section IV(f) and Section V(d) below. The University and the other institution may also agree to conduct a joint review of the Allegation.

- b. Research Collaborator.** In the event of an Allegation involving Research or Creative Activities undertaken by a Respondent in collaboration with a colleague at another educational or research institution, the RIO shall advise their counterpart at the other institution confidentially of the Allegation, and ascertain if a similar allegation has been made against the collaborator. If it has, the University, through the RIO, may attempt to cooperate and share information confidentially with the other institution in their respective reviews of the Allegation and of the related allegation involving the collaborator. The University and the other institution may also agree to conduct a joint review of the Allegation and the related Allegation involving the collaborator.
- c. Government Investigation.** Certain federal funding sources have the option, at any stage in this policy, to initiate an independent investigation of an Allegation involving Research or Creative Activities supported by the funding source. In the event a federal funding source initiates such an investigation, the RIO shall consult the federal funding source regarding its investigation and shall advise the Designated Officer whether the University should suspend its review of the Allegation during the federal funding source's investigation, which the Designated Officer shall have authority to do, as set forth in Section IV(f) below.
- d. Criminal Process.** In general, University review of an Allegation under this policy may occur in parallel with criminal processes. If an Allegation is also the subject of a criminal investigation or proceeding and the pertinent governmental authority advises the University that the University's review of the Allegation under this policy may prejudice or interfere with that investigation or proceeding, the Designated Officer shall have authority to stay any Misconduct Proceeding until the criminal investigation or proceeding is complete.
- e. Civil Litigation.** The existence of civil litigation involving the University may necessitate staying a Misconduct Proceeding. The Designated Officer shall make such decisions on a case-by-case basis and promptly report them to the RIO.
- f. Designated Officer Stay of Proceedings.** The Designated Officer shall have authority to stay any Misconduct Proceeding if, following consultation with the Office of the General Counsel and the RIO, the Designated Officer determines that other University procedures mandated by law must be completed prior to the University's further review of an Allegation under this policy. Such governmentally mandated procedures may involve various forms of regulatory action (for example, the removal or clean-up of radioactive or other hazardous materials).
- g. Sequencing of Proceedings.** Subject to Section IV(f) above and to the University's right to take interim action under any University policy or contract, review of an Allegation under this policy may proceed simultaneously with other internal

University proceedings against a Respondent that relate to or arise out of the alleged Scholarly Misconduct.

V. PROCEDURES FOR CONDUCT OF MISCONDUCT PROCEEDINGS – GENERAL

- a. Determination of Procedures.** Those charged with conducting a Misconduct Proceeding shall determine the procedures that will be followed, provided that:
- (1) the procedures they adopt shall be those they deem best suited to achieve a fair and equitable review of the Allegation;
 - (2) the procedures they adopt shall reflect a spirit of mutual respect and collegiality, and may, therefore, be as informal as they deem appropriate under the circumstances;
 - (3) in Preliminary Assessments and Inquiries, testimony shall be obtained from witnesses through private interviews rather than through a hearing;
 - (4) in Investigations, the Investigation Committee may choose to obtain testimony from witnesses through a series of private interviews with witnesses, or at a hearing at which the Complainant and the Respondent shall be invited to be present, provided that the Respondent may, within five (5) days of receiving a notice that the Investigation Committee has decided to conduct private interviews, deliver a notice to the RIO requiring that a hearing be conducted instead of such interviews;
 - (5) at a hearing, the Respondent and the Complainant shall have the opportunity to raise questions for the Investigation Committee to pose to each witness about the testimony of that witness and the Allegation;
 - (6) may proceed even when a Complainant declines to appear to give testimony, if the Investigation Committee determines there is credible Evidence of possible Scholarly Misconduct by the Respondent to justify proceeding with the hearing apart from the Complainant's Allegation;
 - (7) the Respondent shall have the right to be advised by Counsel in all Misconduct Proceedings;
 - (8) the Complainant shall have the right to be advised by Counsel in all Misconduct Proceedings;
 - (9) in all Preliminary Assessments, Inquiries, and Investigations, the Respondent shall have the right to present Evidence and to identify persons who might have Evidence about the Allegation;
 - (10) formal rules of evidence shall not apply;
 - (11) the Complainant and the Respondent shall have the right to review documents, reports, and other Evidence submitted in support of their

testimony, and the Complainant and the Respondent may provide or be asked to provide corrections of misrepresentations and errors, along with supporting documentation, and may supply additional documentation in response to the Evidence;

- (12) each Misconduct Proceeding shall be conducted confidentially and in private except that, in the event of a hearing, the Investigation Committee may decide that it will be open if requested by the Respondent and if permissible under applicable regulations; and
- (13) to the extent that a published regulation of a federal funding source requires a specific procedural element in the review and adjudication of an Allegation concerning a proposal to or an award from that federal funding source, that procedural element shall be included in the procedures adopted.

At the start of each Misconduct Proceeding, the RIO shall notify the Complainant and the Respondent of the procedures that will be followed during that Misconduct Proceeding.

- b. General Counsel Advice.** The Office of General Counsel shall, when so requested, provide legal advice regarding the implementation of this policy and other aspects of the University's review of an Allegation under this policy to the RIO, the Designated Officer, the Responsible Administrator, the Inquiry Committee, the Investigation Committee, the individual hearing an appeal, and the Provost.
- c. Respondent Questions.** The RIO shall contact the Respondent at the start of each Misconduct Proceeding and attempt to answer any questions about that Misconduct Proceeding.
- d. Admission of Scholarly Misconduct.** The Designated Officer shall have authority to terminate the University's review of any Allegation under the Procedures upon the admission by the Respondent that Scholarly Misconduct occurred and that the Respondent was responsible for it. The Designated Officer should consider whether the termination of the review of the Allegation would prejudice the University's review of another Allegation against that Respondent or against a different Respondent or the University's ability to assess the extent and consequences of the Scholarly Misconduct and what action should be taken in response to it.
- e. Records to Agency.** When the alleged Scholarly Misconduct involves Research or Creative Activity supported by a federal funding source, the RIO shall make available to its authorized personnel any Misconduct Proceeding Records that such personnel request.
- f. Additional Respondents.** If, during the course of any Misconduct Proceeding, additional Respondents are identified, they shall be
 - (1) Notified immediately;

- (2) Provided an opportunity to respond in writing to the notification within fourteen (14) days of receiving notice; and
- (3) Incorporated into the ongoing investigation from the point of notification, unless the RIO otherwise determines that a separate investigation is warranted.

VI. ALLEGATIONS OF SCHOLARLY MISCONDUCT AND PRELIMINARY ASSESSMENTS

- a. **Allegation of Scholarly Misconduct.** Any member of the University community or other person who wishes to make an Allegation shall contact the RIO. The Allegation should include sufficient detail and documentation to facilitate the inquiry process.

The RIO shall advise the Designated Officer of all Allegations.

- b. **Preliminary Assessment.** In the event of an Allegation, the RIO shall promptly conduct a Preliminary Assessment to determine whether an Inquiry is warranted. The RIO shall typically complete a Preliminary Assessment within fourteen (14) days of receiving an Allegation.
- c. **Purpose and Nature of Preliminary Assessment.** The Preliminary Assessment is a preliminary process whose purpose is to cull out a clearly erroneous, unsubstantiated, or Bad Faith Allegation before the Respondent is subjected to an Inquiry or an Investigation. Hence, in conducting the Preliminary Assessment, the RIO is not obligated to conduct any interviews on the Allegation or to engage in an exhaustive review of all Evidence relevant to such an Allegation.

If the RIO determines that Evidence may be needed, the RIO shall notify the Respondent promptly of the Allegation and begin the process of sequestering Evidence. The RIO shall notify the Respondent of their right to be advised by Counsel during all Misconduct Proceedings. The RIO shall provide the Respondent with a copy of this policy, describe the phases of the process and typical timelines, communicate the Respondent's right to challenge the Allegation and explain how to do so, and attempt to answer the Respondent's questions.

Other offices or administrators may be notified and given the facts of the Allegation as appropriate and necessary to facilitating the process. All parties, witnesses, members of committees involved in the process, and administrators and others who are notified of the Allegation on a need to know basis are expected to preserve confidentiality throughout the process.

- d. **Determination Regarding Inquiry.** The RIO shall determine if the Allegation rises to the level of a potential violation of the policy.
 - (1) **Preliminary Assessment - Standard for Determination.** The RIO shall determine that an Inquiry is warranted if, in their judgment, (1) the Respondent's alleged conduct could constitute Scholarly Misconduct or

Unacceptable Research Practices, and (2) there is credible Evidence to support further review of the Allegation.

- (2) **Inquiry Warranted.** If the RIO determines that an Inquiry is warranted, the RIO shall prepare a Preliminary Assessment referral, which explains the basis for the determination. The RIO shall transmit copies of the Preliminary Assessment referral to the Respondent and the Designated Officer. The RIO shall also notify the Complainant of the outcome of the Preliminary Assessment and provide the Complainant with a brief summary of the Preliminary Assessment referral.

The RIO shall provide the Respondent with an opportunity to respond to the Allegation in writing. The Respondent shall have fourteen (14) days from receipt of the Preliminary Assessment referral to submit a written response. The RIO will include the written response in the record for review by the Inquiry Committee.

After completing the Preliminary Assessment referral, the RIO shall immediately initiate an Inquiry.

- (3) **Inquiry Not Warranted.**
- (A) **Preliminary Assessment Report.** If the RIO determines that an Inquiry is not warranted, the RIO shall prepare a Preliminary Assessment report that states the basis and rationale for their determination. The RIO shall provide a copy of the Preliminary Assessment report to the Respondent, the Complainant, and the Designated Officer.
 - (B) **Response from the Respondent.** The RIO shall provide the Respondent with an opportunity to respond to the Allegation in writing. The Respondent shall have fourteen (14) days from receipt of the Preliminary Assessment report to submit a written response if they so choose. The RIO will include the written response in the Misconduct Proceeding Record.
 - (C) **End of Review.** The RIO's determination that an Inquiry is not warranted shall normally conclude the University's review of that Allegation.
 - (D) **Designated Officer Override — Initiation of Inquiry.** If the Designated Officer determines that an Inquiry is warranted within fourteen (14) days of receiving the Preliminary Assessment Report, the Designated Officer may issue a decision to the RIO and the Respondent overruling the RIO's determination for stated cause and instructing the RIO to initiate an Inquiry immediately. Upon receiving the decision of the Designated Officer, the RIO shall initiate an Inquiry.

- (E) Challenge by Complainant. The Complainant may challenge the RIO's determination that an Inquiry is not warranted in writing. The challenge will be reviewed by the Designated Officer, who may reject it for stated cause or overrule the RIO's determination as described above.
- e. **Bad Faith.** If the RIO concludes that the Complainant acted in Bad Faith in making the Allegation, or that the Complainant or any witness acted in Bad Faith during the Preliminary Assessment, the RIO shall refer the matter for administrative review and appropriate action as set forth in Section XII(a)(1) below.

VII. INQUIRY

- a. **Committee.** If the RIO determines that an Inquiry is warranted, the RIO shall promptly, and normally within thirty (30) days, appoint a Committee of Inquiry of at least three members, chosen for their pertinent expertise. Prior to the appointment of the Committee, each party shall be given an opportunity to challenge potential members, as outlined in Section II(h). While Inquiry Committees will usually be composed of University faculty, they may also include persons other than University faculty when the RIO determines that such persons have experience or expertise useful to the Inquiry. The Inquiry Committee shall select one of its members to act as its chairperson.
- b. **Charge.** The RIO shall draft a Charge to the Inquiry Committee based upon the Preliminary Assessment referral. The RIO shall submit that Charge and a copy of the Preliminary Assessment referral to the Inquiry Committee and the Respondent at the beginning of the Inquiry. Based on the evidence reviewed during the Inquiry phase, the RIO may modify the initial Charge to the Inquiry Committee.
- c. **Briefing.** Before the Inquiry begins, the RIO and an attorney from the Office of General Counsel shall brief the Inquiry Committee on this policy, other relevant University regulations, and legal and procedural issues that the Inquiry Committee is likely to encounter in conducting the Inquiry.
- d. **Standard for Determination.** The Inquiry Committee shall conduct the Inquiry to determine whether an Investigation is warranted. The Inquiry Committee shall determine that an Investigation is warranted if, in its judgment, an Investigation Committee could reasonably conclude that Scholarly Misconduct occurred. To so determine, the Inquiry Committee must find that the Respondent's alleged conduct could constitute Scholarly Misconduct and that there is credible Evidence to support further review of the Allegation, but must also find that there is sufficient credible Evidence and credible Evidence of such merit that an Investigation Committee could reasonably conclude, in accordance with the criteria in Section VIII(e) below, that Scholarly Misconduct occurred.
- e. **Purpose and Nature of Inquiry.** Like the Preliminary Assessment, the Inquiry is a preliminary process. Its purpose is to cull out an insufficiently substantiated, erroneous, or Bad Faith Allegation before the Respondent is subjected to an

Investigation. Although it is expected that the Inquiry will be more comprehensive than the Preliminary Assessment, the Inquiry Committee, like the RIO, is not obligated to conduct any interviews or hearings on the Allegation or to engage in an exhaustive review of all Evidence relevant to the Allegation. When a majority of the members of the Inquiry Committee conclude that an Allegation warrants an Investigation, the Inquiry Committee shall proceed to draft the Inquiry report.

- f. Assistance for Committee.** The RIO shall secure for the Inquiry Committee such special scientific or technical assistance as it requests to evaluate an Allegation.
- g. RIO.** The RIO shall not participate in the deliberations of the Inquiry Committee or vote on whether an Investigation is warranted. The Inquiry Committee may request the assistance of the RIO during its deliberations and in the preparation of the Inquiry report, but shall not seek the RIO's opinion as to whether an Investigation is warranted.
- h. Timing.** Every effort shall be made to complete the Inquiry within sixty (60) days of its inception unless circumstances warrant a longer period. The Designated Officer shall decide whether the delay is warranted. If the Designated Officer determines that it is, the RIO shall notify the Respondent of the reason for the delay and the date on which the RIO expects that the Inquiry will be completed. If the Designated Officer finds the delay unwarranted, the RIO shall work with the Respondent and the Inquiry Committee to expedite completion of the Inquiry, but the Inquiry shall continue until its completion if, despite their diligent efforts, it cannot be finished in sixty (60) days. The RIO's report about the delay will become part of the Misconduct Proceeding Records.
- i. Inquiry Report.**
 - (1) Content. The Inquiry Committee shall prepare an Inquiry report with the following information:
 - (A) the name and position of the Respondent if the Respondent is an employee of the University, or the name and degree program of the Respondent if the Respondent is a student at the University;
 - (B) the name and position of the Complainant or other source of the Allegation;
 - (C) the nature of the alleged Scholarly Misconduct and how it does or does not fit within the definition of Scholarly Misconduct;
 - (D) a description of the Evidence it reviewed and the sufficiency, credibility, and merit of that Evidence;
 - (E) summaries of any interviews it conducted; and
 - (F) a determination of whether an Investigation is warranted.
 - (2) Deviation from Practice. If the alleged Scholarly Misconduct involves a

serious deviation from commonly accepted practices, Evidence of such practices and an analysis of the Allegation in light of such practices shall be included in the Inquiry report.

- (3) Investigation Warranted. If the Inquiry Committee determines that an Investigation is warranted, the Inquiry report may be summary in nature, provided that the Inquiry Committee sets forth the Evidence that supports its determination in sufficient detail for the Respondent and an Investigation Committee to understand the basis for the Inquiry Committee's decision.
- (4) Investigation Not Warranted. If the Inquiry Committee determines that an Investigation is not warranted, the Inquiry report shall be more comprehensive and shall include a detailed statement of why the Respondent's alleged conduct would not, under the definitions in this policy, constitute Scholarly Misconduct, or why the available Evidence is insufficient, or lacks sufficient credibility or merit, to warrant an Investigation.
- (5) Draft Report; Comments. The RIO shall send the Respondent a copy of the draft Inquiry report. The Respondent may return comments on the draft Inquiry report to the RIO within seven (7) days of receipt of the draft Inquiry report. If the Respondent comments on the draft Inquiry report, the Inquiry Committee shall consider such comments and make any changes in the Inquiry report it deems appropriate in light of such comments. The Respondent's comments shall be included as an appendix to the final Inquiry report.
- (6) Designated Officer Opinion on Final Draft Report.
 - (A) After making any changes it deems appropriate in the draft Inquiry report in light of the Respondent's comments, the Inquiry Committee shall prepare a final draft of the Inquiry report. The RIO shall send the Designated Officer a copy of the final draft of the Inquiry report, attaching any RIO comments regarding procedural questions and concerns. Within twenty-one (21) days after delivery of the final draft Inquiry report to the Designated Officer, the Designated Officer may submit an opinion to the RIO, the Responsible Administrator, and the Inquiry Committee on either or both of the following grounds:
 - (i) If the Designated Officer, with advice from the Office of General Counsel, finds that the final draft Inquiry report reflects procedural error by the Inquiry Committee in conducting the Inquiry, the Designated Officer shall so inform the RIO and shall identify and explain the Inquiry Committee's procedural error. The Inquiry Committee shall either correct the error before completing the Inquiry and

the Inquiry report or shall notify the Designated Officer in, or concurrently with the issuance of, the final Inquiry report that it does not believe a material procedural error occurred.

- (ii) If the Designated Officer finds that the Inquiry Committee's determination, as set forth in the final draft Inquiry report, is substantively incorrect because the Evidence does not support the Inquiry Committee's determination, the Designated Officer shall so inform the RIO and shall identify and explain the reason the Designated Officer believes the Inquiry Committee's determination to be in error. The Inquiry Committee shall reconsider its decision in light of the opinion by the Designated Officer. If the Inquiry Committee changes its determination in light of the opinion by the Designated Officer, it shall submit a new draft of the Inquiry report to the Respondent for further comment. If the Inquiry Committee does not change its determination in light of the opinion by the Designated Officer, the Inquiry Committee shall respond to the Designated Officer in completing the Inquiry report and make any changes in the Inquiry report that it deems appropriate in light of the opinion by the Designated Officer.

(B) The opinion by the Designated Officer shall be included as an appendix to the final Inquiry report.

- (7) Distribution of Final Report. The RIO shall send the Designated Officer and the Respondent a copy of the final Inquiry report.

j. Determination Regarding Investigation.

- (1) Initiation of Investigation. If the Inquiry Committee determines that an Allegation warrants an Investigation, the RIO shall initiate an Investigation.
- (2) Designated Officer Overrule - Initiation of Investigation. If the Inquiry Committee determines that an Investigation is not warranted, the Designated Officer may, within fourteen (14) days of receiving the final Inquiry report, issue a decision to the RIO and the Respondent overruling the Inquiry Committee for stated cause and instructing the RIO to initiate an Investigation immediately. Upon receiving the decision of the Designated Officer, the RIO shall initiate an Investigation.
- (3) No Investigation. If the Inquiry Committee determines that an Investigation is not warranted and the Designated Officer does not overrule the determination of the Inquiry Committee, the determination of the Inquiry Committee will conclude the University's review of that

Allegation, except as provided in Section XI below.

- (4) Dissent. Any member of the Inquiry Committee who does not agree with the determination of the majority of the Inquiry Committee may file a dissent to the Inquiry report.
 - (5) Bad Faith. If the Inquiry Committee concludes that the Complainant acted in Bad Faith in making the Allegation, or that the Complainant or any witness acted in Bad Faith during the Inquiry, the Inquiry Committee shall refer the matter for administrative review and appropriate action, as set forth in Section XII(a)(1) below.
- k. Notification.** Promptly after completion of the Inquiry, the RIO shall notify the Complainant of its outcome and provide the Complainant with a brief summary of the Inquiry report and the opinion of the Designated Officer, if one was issued.

VIII. INVESTIGATION

- a. Committee.** The RIO shall make every effort to initiate an Investigation within thirty (30) days of the Inquiry Committee's determination or the decision of the Designated Officer that an Investigation is warranted. The RIO shall appoint an Investigation Committee of not less than three (3) members, chosen for their pertinent expertise. No members of the Inquiry Committee shall serve on the Investigation Committee. Prior to the appointment of the Investigation Committee, each party shall be given an opportunity to challenge potential members, as outlined in II(h) While Investigation Committees will usually be composed of University faculty, they may also include persons other than University faculty when the RIO determines that such persons have experience or expertise useful to the Investigation. The Investigation Committee shall select one of its members to act as its chairperson.
- b. Notifications.**
- (1) Notification - Internal. The RIO shall notify the Designated Officer and the Office of General Counsel of the initiation of the Investigation.
 - (2) Notification - Funding Source. When the alleged Scholarly Misconduct involves Research or Creative Activities supported by an external (non-University) funder, the RIO shall also notify the source of the funding of the Investigation before the start of the Investigation. Such notification shall include the name of the Respondent, the general nature of the Allegation, and the relevant grant application, grant number, or other identification, if applicable.
- c. Charge.** The RIO shall draft a Charge to the Investigation Committee based on the Inquiry report and the opinion of the Designated Officer, if one was issued. The RIO shall submit a copy of that Charge, the Preliminary Assessment referral, the Inquiry report, and the overruling decision of the Designated

Officer, if one was issued, to the Investigation Committee and the Respondent at the beginning of the Investigation.

- d. **Briefing.** Before the Investigation begins, an attorney from the Office of General Counsel and the RIO shall brief the Investigation Committee on this policy, other relevant University regulations, and legal and procedural issues that the Investigation Committee is likely to encounter in conducting the Investigation.
- e. **Standard for Determination.** The Investigation Committee shall determine if Scholarly Misconduct occurred, if the Respondent was responsible for it, and the extent, gravity, and actual and potential consequences of the Scholarly Misconduct. To conclude that Scholarly Misconduct occurred, a majority of the members of the Investigation Committee must find:
 - (1) that there was a significant departure from accepted practices of the relevant research community; and
 - (2) that the Scholarly Misconduct was committed intentionally, knowingly, or recklessly; and
 - (3) that the Allegation was proven by a Preponderance of the Evidence.
- f. **Evidence Review.** The Investigation Committee shall examine all Evidence that it deems pertinent to the Allegation. At its discretion, the Investigation Committee may also inspect laboratories and examine laboratory specimens, materials, procedures, and methods.

The Respondent will be provided copies of, or supervised access to, all Evidence made available to the Investigation Committee.

- g. **Testimony.**
 - (1) Interviews or Hearing. In accordance with V(A)(4), the Investigation Committee may conduct private interviews or a hearing with the Complainant, the Respondent, and other persons, if any, who have material information regarding the Allegation.
 - (2) Transcript. The RIO shall arrange for the preparation of a transcript of each witness's interview or hearing testimony and shall send the transcript to the witness for comment or correction. The witness shall have seven (7) days after receipt of the transcript to deliver comments on, and corrections of any errors in, the transcript to the RIO. Both the transcript and any such comments and corrections shall be made part of the Misconduct Proceeding Records. The RIO shall give the Respondent a copy of the corrected transcript of any interview or hearing testimony.
- h. **Assistance for Committee.** If the Investigation Committee decides that it needs special scientific or technical expertise to evaluate an Allegation, it shall so

advise the RIO, who shall secure for the Investigation Committee the assistance that it requests.

- i. RIO.** The RIO shall not participate in the deliberations of the Investigation Committee or vote on whether Scholarly Misconduct occurred. The Investigation Committee may request the assistance of the RIO during its deliberations and in the preparation of the Investigation report, but shall not seek the RIO's opinion as to whether Scholarly Misconduct occurred.
- j. Timing.** The Investigation Committee shall use its best efforts to complete the Investigation within one hundred and twenty (120) days of its inception.

 - (1) Extension. If the Investigation cannot be completed in that period, the RIO may request an extension from the Designated Officer, in which event the RIO shall notify the Respondent of the reason for the delay and the date on which the RIO expects that the Investigation will be completed. The RIO's report about the delay shall be included in the Misconduct Proceeding Records. If the alleged Scholarly Misconduct involves Research or Creative Activities supported by a federal funding source, the RIO shall notify it of the delay, request an extension, explain why the extension is necessary, and provide a progress report of the Investigation Committee's activities to date and an estimate of the completion date of the Investigation.
 - (2) Notice of Stay. If the Investigation is stayed and the alleged Scholarly Misconduct involves Research or Creative Activities supported by a federal funding source, the RIO shall promptly inform it of the date and expected duration of the stay, and of the reason for staying the Investigation.
- k. Investigation Report.**

 - (1) Content. The Investigation Committee shall prepare a written Investigation report. It shall include:

 - (A) the name and position of the Respondent if the Respondent is an employee of the University or the name and degree program of the Respondent if the Respondent is a student at the University;
 - (B) the relevant application or grant number, if the alleged Scholarly Misconduct involves sponsored Research or Creative Activities;
 - (C) a description of the Allegation and the name of the Complainant, if known and not held in confidence;
 - (D) a summary of the Evidence reviewed, including, but not limited to, an account of how and from whom it was obtained;

- (E) a transcript of each interview or hearing conducted during the Investigation;
 - (F) for each separate Allegation, an analysis of any explanation offered by the Respondent and the Evidence in support thereof;
 - (G) an analysis of each separate Allegation pursuant to the standards set forth in Section VIII(e) above;
 - (H) in an Allegation of serious deviation from accepted practices, a description of the Evidence regarding the accepted practices in the discipline and an analysis of the Allegation in light of such practices; and
 - (I) a copy of this policy and any other University policies and procedures relevant to the Investigation.
- (2) Scholarly Misconduct Finding. If the Investigation Committee finds that Scholarly Misconduct occurred, the Investigation report must include:
- (A) the Investigation Committee's determination that:
 - (i) there was a significant departure from accepted practices of the relevant research community; and
 - (ii) the Scholarly Misconduct was committed intentionally, knowingly, or recklessly; and
 - (iii) the Allegation was proven by a Preponderance of the Evidence.
 - (B) a determination whether any part of the Research Record needs correction or retraction as a result of the finding of Scholarly Misconduct, and, if so, an explanation of that correction or retraction.
- (3) No Scholarly Misconduct Found. If the Investigation Committee does not find that Scholarly Misconduct occurred, it shall explain the reasons for its decision in the Investigation report, with specific reference to the pertinent criteria set forth in Section VIII(e) above.
- (4) Draft Report; Comments. The RIO shall send the Respondent a copy of the draft Investigation report. The Respondent may return comments on the draft Investigation report to the RIO within thirty (30) days of receipt of the draft Investigation report. If the Respondent comments on the draft Investigation report, the Investigation Committee shall consider such comments and make any changes in the Investigation report it deems appropriate in light of such comments. The Respondent's comments shall be included as an appendix to the final

Investigation report.

(5) Designated Officer Opinion on Draft Report.

(A) After making any changes it deems appropriate in the draft Investigation report in light of the Respondent's comments, the Investigation Committee shall prepare a revised draft of the Investigation report. The RIO shall send the Designated Officer a copy of the draft of the Investigation report, attaching any RIO comments regarding procedural questions and concerns. Within thirty (30) days after delivery of the draft Investigation report to the Designated Officer, the Designated Officer may submit an opinion to the RIO, the Responsible Administrator, and the Investigation Committee on either or both of the following two grounds:

(i) If the Designated Officer, with advice from the Office of General Counsel, finds that the draft Investigation report reflects procedural error by the Investigation Committee in conducting the Investigation, the Designated Officer shall so inform the RIO and shall identify and explain the Investigation Committee's procedural error.

The Investigation Committee shall either correct the error before completing the Investigation and the Investigation report or shall notify the Designated Officer in, or concurrently with the issuance of, the final Investigation report that it does not believe a material procedural error occurred.

(ii) If the Designated Officer finds that the Investigation Committee's determination, as set forth in the draft Investigation report, is substantively incorrect because the Evidence does not support the Investigation Committee's determination, then the Designated Officer shall so inform the RIO and shall identify and explain the reason the Designated Officer believes the Investigation Committee's determination to be in error. The Investigation Committee shall reconsider its decision in light of the opinion by the Designated Officer. If the Investigation Committee changes its determination in light of the opinion by the Designated Officer, it shall submit a new draft of the Investigation report to the Respondent for further comment. If it does not change its determination in light of the opinion by the Designated Officer, the Investigation Committee shall respond to the opinion by the Designated Officer in completing the Investigation report and make any changes in the Investigation report that it deems

appropriate in light of the opinion by the Designated Officer.

- (B) In most cases, the Investigation Committee should be expected to finalize the Investigation report within thirty (30) days of receiving the Designated Officer's opinion.
 - (C) The opinion by the Designated Officer shall be included as an appendix to the final Investigation report.
- (6) Dissent. Any member of the Investigation Committee who does not agree with the determination of the majority of the Investigation Committee may file a dissent to the Investigation report.
- l. Bad Faith.** If the Investigation Committee concludes that the Complainant acted in Bad Faith in making the Allegation, or that the Complainant or any witness acted in Bad Faith during any Misconduct Proceeding, the Investigation Committee shall refer the matter for administrative review and appropriate action as set forth in Section XII(a)(1) below.
- m. Final Report; Provost Overrule.**
- (1) Copy to Provost. The Designated Officer shall send the Provost a copy of the final Investigation report.
 - (2) Overrule; New Investigation. If the Provost believes the Investigation Committee's determination is incorrect, the Provost may, within fourteen (14) days of receiving the final Investigation report, issue a written decision to the Designated Officer and the RIO overruling the Investigation Committee for stated cause and instructing the RIO to impanel another Investigation Committee immediately.
 - (3) Second Investigation Committee. If a second Investigation Committee is impaneled, it shall conduct a new Investigation. Subject to the Respondent's right to appeal pursuant to Section IX below, the second Investigation Committee's determination shall be binding.
- n. Distribution of Final Report; Comments.** The RIO shall send a copy of the final Investigation report to the Respondent after the Provost has had an opportunity to review and overrule the Final Report as appropriate. The Respondent may deliver comments on the Investigation report to the RIO within fourteen (14) days of the delivery of the final Investigation report to the Respondent. The RIO shall include any such comments in the Misconduct Proceeding Records.
- o. Notifications.**
- (1) Complainant. Promptly after completion of the Investigation, the RIO shall notify the Complainant of its outcome and provide the

Complainant with a brief summary of the Investigation report, including those portions of the Investigation report that address the Complainant's role and testimony, if any, in the Investigation.

- (2) **Federal Support.** When the alleged Scholarly Misconduct involves Research or Creative Activities supported by a federal funding source, the RIO shall submit the Investigation report to it. It may accept the Investigation report, ask for clarification or additional information, which shall be provided by the RIO, or commence its own independent investigation.
- (3) **Other Funding Source.** When the alleged Scholarly Misconduct involves Research or Creative Activities supported by a non-federal funding source, the RIO shall notify it of the outcome of the Investigation promptly after the completion of the Investigation and provide it with a brief summary of the Investigation report and such other information, if any, as it may request in response to the RIO's notification.

IX. APPEAL

- a. Appeal Rights.** All Respondents who are found to have committed Scholarly Misconduct have the right to an internal University appeal. During appellate proceedings, no disciplinary proceeding will be commenced as a consequence of the finding of Scholarly Misconduct. In addition, a Respondent who has applied for or received support from a federal funding source for the Research or Creative Activities in relation to which the Scholarly Misconduct occurred has the right under certain circumstances to appeal a finding of Scholarly Misconduct by an Investigation Committee to that federal funding source.

During appellate proceedings, appropriate University administrators may initiate on an interim basis actions they deem necessary to safeguard University personnel, other participants in any Misconduct Proceeding, public health or safety, experimental subjects, sponsors' funds or equipment, Evidence, or the integrity of the research environment. These actions do not indicate that a conclusion has been reached from the University's review process, and such actions may be revised, revoked, or made permanent upon the confirmation of a final outcome once appellate proceedings have concluded.

- b. External Appeal Record.** If the Respondent appeals a finding of Scholarly Misconduct by an Investigation Committee to a federal funding source, the RIO shall attempt to obtain copies of all documents filed in that appeal.
- c. Procedure.**
 - (1) **Internal Appeal.** The Respondent may appeal a finding of Scholarly Misconduct to the RIO within thirty (30) days of the date of the final Investigation report. The appeal must be in writing and must set forth the substantive or procedural reasons the Respondent believes the finding of

Scholarly Misconduct is incorrect. The RIO will submit the appeal to the Provost for decision.

- (2) **Review and Recommendation.** The Provost may appoint a University faculty member or administrator who does not have a Conflict of Interest and who has not previously been involved in the review of the Allegation under this policy to review the Misconduct Proceeding Records and the appeal and make recommendations to the Provost.
 - (3) **Request for Additional Information.** The Provost, or the Provost's designee, may request further information about the Misconduct Proceedings in writing from the RIO. A copy of such information shall be provided to the Respondent.
 - (4) **Basis for Decision.** The Provost's decision on the appeal shall be based on the Misconduct Proceeding Records, as clarified or supplemented by the RIO in response to any request for further information about the Misconduct Proceedings, the Respondent's appeal, and, if available, the recommendations from Section IX(c)(2) above.
- d. New Evidence.** If the RIO learns of previously unavailable material Evidence relevant to the finding of Scholarly Misconduct during the appeal, the RIO shall inform the Provost and the Respondent of the new Evidence. If the Provost concurs that the new Evidence could materially affect the finding of Scholarly Misconduct, the Provost shall remand the finding to the Investigation Committee that made the finding for its consideration of the new Evidence. The Investigation Committee shall notify the Provost within fourteen (14) days that it finds the new Evidence immaterial to its prior finding or that it wishes to reopen the matter. The Provost may extend this period for good cause by notice to the Respondent and the RIO.
- e. Decision.** The Provost shall issue a decision and rationale affirming or reversing the finding of Scholarly Misconduct within thirty (30) days after the submission of the appeal to the RIO. The Provost may extend this period for good cause by notice to the Respondent and the RIO.

X. FINAL RESOLUTION AND OUTCOME

- a. Exoneration.** If the Preliminary Assessment results in a determination that an Inquiry is not warranted, or if the Inquiry Committee decides that an Investigation is not warranted, or if an Investigation Committee does not find that Scholarly Misconduct has occurred, or if a finding of Scholarly Misconduct is reversed on appeal, the Responsible Administrator and the RIO shall make diligent efforts, if requested by the Respondent, to restore the Respondent's reputation. These efforts shall be undertaken in consultation with the Respondent, provided that they shall: (1) be reasonable and practicable under the circumstances and proportionate to the damage to the Respondent's reputation as

a result of the Allegation; (2) be consistent with applicable federal funding source expectations, if the Research or Creative Activities which were the subject of the Allegation were supported by that federal funding source; and (3) not affect the University's ability to take action against the Respondent for Unacceptable Research Practices which come to the University's attention as a result of the review of the Allegation under this policy.

b. Scholarly Misconduct Found.

- (1) Actions. After all appeals have been decided, or the opportunity for an appeal has expired, and there is a final decision that Scholarly Misconduct has occurred:
 - (A) the Responsible Administrator, after consultation with the Provost, shall take appropriate actions in response to the finding of Scholarly Misconduct. Such actions may include:
 - (i) the imposition of sanctions within the authority of the Responsible Administrator and initiating University disciplinary proceedings appropriate to the finding of Scholarly Misconduct pursuant to applicable University policies, procedures, and contracts; or
 - (ii) referral of the finding of Scholarly Misconduct to another administrator who has authority to impose sanctions and initiate disciplinary proceedings.
 - (B) the RIO, after consultation with the Office of General Counsel and the Provost, shall attempt to correct, and/or seek retraction of, any part of the Research Record or other relevant records materially affected by the Scholarly Misconduct. The Respondent will not interfere with the RIO's efforts in these regards. Those affected by the Scholarly Misconduct are permitted to share this information with their colleagues.
- (2) Disciplinary Action. The University views Scholarly Misconduct as grounds for disciplinary action pursuant to applicable University policies, procedures, and contracts. Disciplinary action may include suspension and/or termination of employment of a faculty or staff member found responsible for Scholarly Misconduct. Disciplinary action may include termination of enrollment and/or degree revocation for a student found responsible for Scholarly Misconduct. Disciplinary action may be challenged or grieved according to relevant University policies.
- (3) Government Sanctions. In addition to sanctions imposed by the University, certain federal funding sources may impose sanctions of their own, if the Scholarly Misconduct involved Research or Creative Activities which they supported.

- (4) **Serious Deviation.** The University may take action, including disciplinary action, in response to a finding of Scholarly Misconduct based on a serious deviation from accepted practices even if another Allegation of Scholarly Misconduct against the same Respondent has not been sustained and the University has an obligation under Section X(a) above with respect to the unsustained Allegation.
- c. New Evidence.** After all appeals have been decided, or if the opportunity for appeal has expired, and there is a final decision that Scholarly Misconduct has occurred, if the Respondent learns of previously unavailable material Evidence relevant to the determination of Scholarly Misconduct, within thirty (30) days from the appeal decision or thirty (30) days from the date the opportunity to appeal has expired, the Respondent shall send that Evidence to the RIO with an explanation of its origin and importance. The RIO shall submit the new Evidence to the Investigation Committee that conducted the Investigation of the Scholarly Misconduct. The Investigation Committee shall promptly consider the new Evidence and notify the Provost of its impact on its finding of Scholarly Misconduct and on its Investigation report. Based on the new Evidence and the information from the Investigation Committee, the Provost may reverse or affirm the previous finding of Scholarly Misconduct, or remand the matter to the Investigation Committee to conduct a new Investigation in light of the new Evidence. The Provost shall issue that decision with stated rationale within thirty (30) days of receiving the notice from the Investigation Committee, but may extend this period for good cause by notice to the Respondent and the RIO.
- d. Termination.** If the Designated Officer terminates the review of any Allegation under Section V(d), an explanation for such termination shall be included in the Misconduct Proceeding Records.

XI. UNACCEPTABLE AND QUESTIONABLE RESEARCH PRACTICES

- a. Referral from Proceedings.** An Inquiry Committee may find that while a Respondent's conduct does not warrant an Investigation, it nevertheless constitutes an Unacceptable Research Practice or Questionable Research Practice. Similarly, an Investigation Committee may find that while a Respondent's conduct does not constitute Scholarly Misconduct, it nevertheless constitutes an Unacceptable Research Practice or a Questionable Research Practice. Any such finding shall be referred to the appropriate administrator for review. The administrator may deem further action appropriate, including, in the case of Unacceptable Research Practices, disciplinary action pursuant to applicable University policies, procedures, and contracts. Disciplinary action may be challenged or grieved according to relevant University policies.
- b. Discovery and Report.** Unacceptable Research Practices or Questionable Research Practices may also be discovered in circumstances other than a review of an Allegation under this policy. When that happens, the alleged Unacceptable Research Practice or Questionable Research Practice should be referred to the appropriate administrator for review and such further action, if any, as the administrator may deem appropriate, including, in the case of Unacceptable Research Practices,

disciplinary action pursuant to applicable University policies, procedures, and contracts, including procedures for challenging or grieving disciplinary action.

XII. BAD FAITH

a. Complainant or Witness.

- (1) Referral for Action. If the RIO, an Inquiry Committee, or an Investigation Committee concludes that a Complainant or witness who is a University employee or student acted in Bad Faith in a Misconduct Proceeding, the matter shall be referred to the appropriate administrator for review. The administrator may deem further action appropriate, including disciplinary action.
- (2) Discipline. The University views Bad Faith by a Complainant or witness who is a University employee or student as grounds for disciplinary action pursuant to applicable University policies, procedures, and contracts.

XIII. PROTECTING PARTICIPANTS IN MISCONDUCT PROCEEDINGS

a. Protection of Position and Reputation. The University shall make diligent efforts to protect the position and reputation of each individual who has, in Good Faith, participated in a Misconduct Proceeding as a Complainant, witness, Inquiry Committee member, Investigation Committee member, Counsel, Responsible Administrator, Designated Officer, or RIO, or who has otherwise cooperated in the review of an Allegation under this policy. These efforts shall be:

- (1) reasonable and practical under the circumstances;
- (2) proportionate to the risk to the individual's position and reputation; and
- (3) consistent with applicable funder expectations, if the Research or Creative Activities, which were the subject of the Allegation, were supported by a federal funding source.

b. Retaliation.

- (1) Prohibition. University employees and students shall not engage in or threaten Retaliation.
- (2) Referral for Action. If the RIO receives a complaint or report of Retaliation or threatened Retaliation by a University employee or student, the RIO shall refer the matter to the appropriate administrator for review and such action, if any, as the administrator may deem appropriate, including disciplinary action.
- (3) Discipline. The University views Retaliation by a University employee or student as grounds for disciplinary action pursuant to applicable

University policies, procedures, and contracts.

- (4) Protection against Retaliation. The University shall make diligent efforts to provide protection against Retaliation by individuals who are not University employees or students. These efforts shall be reasonable and practical under the circumstances and, if the Research or Creative Activities that were the subject of the Allegation whose review led to the Retaliation were supported by a federal funding source, shall be consistent with applicable funder expectations.

APPENDIX

Appointment and Evaluation of the Designated Officer and the Research Integrity Officer

I. APPOINTMENT OF THE DESIGNATED OFFICER

1. The Designated Officer shall be appointed by the Provost, and shall serve at the pleasure of the Provost.
2. The Designated Officer shall report to the Provost and shall keep the Provost informed about the progress of cases under this policy and about the educational and other activities of the RIO's office.
3. Should the Designated Officer be unable to fulfill the obligations and duties of the Designated Officer under this policy with respect to a particular Allegation due to conflicts of interest or other reasons, the Provost shall appoint a replacement Designated Officer.

II. APPOINTMENT OF THE RIO

1. The RIO shall be appointed by the Designated Officer, and shall serve at the pleasure of the Designated Officer.
2. The RIO shall report to the Designated Officer and shall keep the Designated Officer informed about the progress of cases under this policy and about the educational and other activities of the RIO's office. The RIO shall also perform such other duties as are assigned the RIO under this policy.
3. Should the RIO recuse himself or herself from the RIO's duties under this policy with respect to a particular Allegation, the Designated Officer shall appoint a replacement RIO.

II. EVALUATION OF THE RIO

1. The RIO shall submit a report annually to the Designated Officer which shall set forth the number of cases handled by the RIO's office during the previous academic year and their outcomes, along with information on the educational and other activities of the RIO's office during that academic year.
2. The Designated Officer shall evaluate the performance of the RIO biennially, pursuant to criteria established by the Designated Officer.

III. ADVISORY COMMITTEE TO THE RIO

1. The College-level Research Integrity Officers shall serve as an advisory resource for the RIO on issues relating to Scholarly Misconduct and this policy.



III-1.10(A) UNIVERSITY OF MARYLAND POLICY AND PROCEDURES CONCERNING RESEARCH MISCONDUCT

(Approved by the President August 1, 1991; Revised May 11, 2000; Revised May 13, 2008; Technical Amendment April 6, 2009; Approved on an Interim basis June 29, 2017)

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INTRODUCTION

Integrity in research is the responsibility of the entire academic community. All members of the university community – students, staff, faculty and administrators – share responsibility for developing and maintaining standards to assure honesty, accuracy and objectivity in scientific and scholarly work and other creative activities and detection of abuse of these standards. Misconduct in carrying out academic activities undermines the integrity of the educational system and the scientific enterprise, and erodes the public trust in the university community to conduct research and communicate results using the highest standards and ethical practices. The responsibility to prevent and detect misconduct, however, must be assumed without creating an atmosphere that discourages the openness and creativity which are vital to scholarship and the research enterprise.

Institutions that apply for or receive federal funds for research are required by law to share responsibility for the integrity of the research process (e.g., Public Health Service Policies on Research Misconduct, 42 CFR Part 93). The University of Maryland, College Park (University) voluntarily applies the common federal standards for integrity in research to all University research regardless of funding source. Both the University and its personnel have a duty to ensure the integrity of research and research training by assuming primary responsibility for responding to allegations of Research misconduct.

APPLICABILITY

This policy applies to all scientific and scholarly work, and other creative activity, research training, applications and proposals and related activity containing a research component, performed at the University by any person, including faculty, staff, students, visitors and others; or performed with the use of University resources; or performed elsewhere, by a person acting under the auspices of the University. This policy does not supersede other University System of Maryland or University policies and procedures, such as suspected fiscal irregularity, conflict of interest, and unethical conduct of research involving human or animal subjects. All other instances of research misconduct, whether the research is sponsored or not, will follow these policies and procedures. Allegations of misconduct by students in academic exercises, such as examinations and course requirements, are generally handled pursuant to the University’s Code of Academic Integrity.

POLICY

It is the policy of the University:

- A. To maintain high standards of honesty, accuracy and objectivity in science and other scholarly and creative works, to prevent research misconduct where possible, and to evaluate and to resolve promptly and fairly instances of alleged or apparent Research Misconduct.
- B. To take appropriate remedial and disciplinary action in response to findings of Research Misconduct, which may include termination of enrollment or employment of an individual responsible for Research Misconduct.
- C. To award no degree if Research Misconduct contributed to that degree, and when warranted, to revoke such a degree if Research Misconduct is discovered after its award.

I. DEFINITIONS

“Abuse of Confidentiality/Misappropriation of Ideas” means the improper use or appropriation of information obtained from scholarly exchanges and other types of confidential access, such as review of grant applications or manuscripts and service on peer review panels, editorial boards or University committees.

“Allegation” means a disclosure of possible Misconduct by a Respondent to the RIO by any means of communication. An allegation should include sufficient detail, and supporting evidence, if available, to permit a preliminary assessment by the RIO under this Policy and Procedure.

“Bad Faith” means a material and demonstrable failure to meet the standards for Good Faith set forth herein as a Complainant, a witness, an Inquiry Committee member, an Investigation Committee member, the Responsible Administrator, or the RIO. The context in which actions have occurred is a relevant and important factor to be taken into account in determining whether an individual has acted in Bad Faith.

“Complainant” means a person who makes an Allegation. A Complainant need not be a member of the University community.

“Complaint” means a formal, written communication to the RIO which contains allegations of research misconduct.

“Conflict of Interest” means any personal, professional, or financial relationship that influences or reasonably would be perceived to influence the impartial performance of a duty assigned under these Procedures.

“Counsel” means lay or legal counsel secured by a Complainant or Respondent to serve as an advisor during the Misconduct Proceedings, at the party’s own expense.

“Creative Activities” means the preparation or creation of computer programs, websites, motion pictures, sound recordings, and literary, pictorial, musical, dramatic, audiovisual, choreographic, sculptural, architectural, and graphic works of any kind by (1) a faculty member or other employee of the University as part of her or his non-

instructional scholarly activities, or (2) a student in fulfillment of any independent study requirement at the University whose product is intended to be an original scholarly or creative work of potentially publishable quality (including, without being limited to, a master's or doctoral thesis).

“Deliberate Material Failure to Comply with Federal, State or University Requirements Affecting Research” means violations involving the use of funds or resources, care of animals, human subjects, investigational drugs, recombinant products, new devices, radioactive, biologic or chemical materials or the health and safety of individuals or the environment.

“Deliberate Misrepresentation of Qualifications” means misrepresentation of experience or research accomplishments to advance a research program, to obtain external funding or for other professional or personal advancement.

“Evidence” means any document, tangible item, or testimony that is received, or that may be offered, as evidence during a Misconduct Proceeding to prove or disprove the existence of a fact relevant to the Allegation at issue in that Misconduct Proceeding. This could include, depending on the Allegation, materials such as:

- proposals, grant applications, and comments thereon,
- relevant research data and related records,
- laboratory notebooks and computer files,
- telephone logs and memos of calls,
- correspondence, or
- manuscripts, posters, publications, and recordings of oral presentations and interviews.

“Fabrication” means making up Research data or results and recording or reporting them.

“Falsification” means manipulating Research materials, equipment, or processes, or changing or omitting Research data or results, such that Research is not accurately represented in the Research Record.

“Good Faith” means having a belief in the truth of one’s Allegation or testimony that a reasonable person in the individual’s position could have based on the information known to the individual at the time. An Allegation or cooperation with a Misconduct Proceeding is not in Good Faith if made or done with a knowing or reckless disregard for information that would negate the Allegation or testimony.

“Improprieties of Authorship” means the improper assignment of credit, such as excluding or insufficiently citing others; misrepresentation of the same materials as

original in more than one publication; inclusion of individuals as authors who have not made a contribution to the published work; or submission of multi-authored publications without the concurrence of all authors.

“Inquiry” means information gathering and initial fact-finding to determine whether an Allegation warrants an Investigation.

“Inquiry Committee” means a group of at least three persons appointed by the RIO to conduct an Inquiry.

“Investigation” means the formal, thorough examination and evaluation of all facts relevant to an Allegation to determine if Misconduct occurred and to assess its extent, gravity, and actual and potential consequences.

“Investigation Committee” means a group of at least three persons appointed by the Senior Vice President and Provost to conduct an Investigation.

“Misappropriation of Funds or Resources” means the misuse of funds or resources for personal gain.

“Misconduct Proceeding” means any proceeding under these Procedures related to the review of an Allegation, including Preliminary Assessments, Inquiries, Investigations, and internal appeals.

“Misconduct Proceeding Records” means: (1) Evidence secured for any Misconduct Proceeding; (2) a record of the RIO’s review of other documents, tangible items, and testimony received or secured by the RIO in connection with that Misconduct Proceeding but determined by the RIO to be irrelevant to the Allegation at issue in the Misconduct Proceeding or to duplicate Evidence that has been retained; (3) the Preliminary Assessment report or referral and final (not draft) documents produced in the course of preparing that report or referral, including any other documentation of a decision that an Inquiry is not warranted; (4) the Inquiry report and final (not draft) documents produced in the course of preparing that report, including any other documentation of a decision that an Investigation is not warranted; (5) the Investigation report and all records (other than drafts of the Investigation report) in support of that report, including the transcripts of each interview or hearing conducted during an Investigation; and (6) the complete record of an internal appeal (see Section IX below) from a finding of Misconduct.

“Plagiarism” means the appropriation of another person’s ideas, processes, results, or words without giving appropriate credit.

“Preliminary Assessment” means initial information gathering to determine whether there is sufficient credible Evidence to support further review of an Allegation and whether the Respondent’s alleged conduct could constitute Misconduct or

Unacceptable Research Practices.

“Preponderance of the Evidence” means proof by Evidence that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

“Questionable Research Practices” means practices that do not constitute Misconduct or Unacceptable Research Practices but that require attention because they could erode confidence in the integrity of the Research or Creative Activities.

“Research” means formal investigation conducted for the purpose of producing or contributing to generalizable knowledge, and the reporting thereof, by (1) a faculty member or other employee of the University as part of his or her non-instructional scholarly activities, or (2) a student in fulfillment of any independent study requirement at the University whose product is intended to be an original scholarly or creative work of potentially publishable quality (including, without being limited to, a master's or doctoral thesis).

“Research Misconduct” means Fabrication, Falsification, Plagiarism, or any other practice that seriously deviates from practices commonly accepted in the discipline or in the academic and research communities generally in proposing, performing, reviewing, or reporting Research and Creative Activities, including Improprieties of Authorship; Abuse of Confidentiality/Misappropriation of Ideas; Deliberate Misrepresentation of Qualifications; Deliberate Material Failure to Comply with Federal, State or University Requirements Affecting Research; and Violation of Generally Accepted Research Practices. Misconduct does not include appropriate practices in the Creative Arts insofar as they accord with accepted standards in the relevant discipline. Misconduct does not include honest error or honest differences in the interpretation or judgment of Research data.

“RIO” means the University’s Research Integrity Officer. The RIO normally will be the University Senior Vice President and Provost or the Provost’s designee.

“Respondent” means a person who is the subject of an Allegation. A Respondent must be an employee of the University or a student at the University, or must have been an employee or a student at the time the Misconduct allegedly occurred.

“Responsible Administrator” means the unit administrator who has most immediate responsibility for the Respondent and who is not disqualified from serving as Responsible Administrator by a Conflict of Interest. The RIO shall identify the Responsible Administrator. If the Responsible Administrator is a dean or other higher level administrator, she or he may designate a subordinate to act as Responsible Administrator. If the Respondent is a student, the Responsible Administrator shall be the chairperson or appropriate unit head of the department or program with which the student is affiliated. If an Allegation involves multiple Respondents, the RIO shall identify an appropriate individual or individuals to

serve as the Responsible Administrator or Administrators.

“Research Record” means the record of data or results from scholarly inquiry, including, without being limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, books, and other publications of any kind in any media and any material in any media necessary to support the content of any such document, presentation, or publication.

“Retaliation” means an adverse action taken against an individual who has, in Good Faith, participated in a Misconduct Proceeding (as Complainant, witness, Inquiry Committee member, Investigation Committee member, Counsel, Advisor, Responsible Administrator, or RIO) or otherwise cooperated in the review of an Allegation under these Procedures, where there is a clear causal link between the participation or cooperation and the adverse action. The context in which an adverse action has occurred, including its materiality, is a relevant and important factor to be taken into account in determining whether it constitutes Retaliation.

“Unacceptable Research Practices” means practices that do not constitute Misconduct but that violate applicable laws, regulations, or other governmental requirements, or University rules or policies, of which the Respondent had received notice or of which the Respondent reasonably should have been aware, for proposing, performing, reviewing, or reporting Research or Creative Activities.

II. GENERAL

- a. **Anonymous Allegations.** The University shall review anonymous Allegations under these Procedures.
- b. **Confidentiality.**
 - (1) **Limited Disclosure of Allegation/Misconduct Proceedings.** To the extent possible consistent with a fair and thorough review of an Allegation, disclosure of an Allegation and the resulting Misconduct Proceedings should be limited to those who need to know about them. In amplification, and not in limitation, of the foregoing:
 - (A) except as otherwise permitted or required by these Procedures, or as required by law, members of Inquiry Committees, and Investigation Committees, the Responsible Administrator, the RIO, and University administrators involved in the review of an Allegation under these Procedures shall make diligent efforts to preserve the confidentiality of the Allegation and resulting Misconduct Proceedings out of respect for the privacy of those involved, especially the Respondent; and
 - (B) if an Allegation results in an Investigation, the RIO may

confidentially advise any person or entity that has plans to publish or disseminate the results of the Research or Creative Activity to which the Allegation relates of the pending Investigation.

- (2) **Complainant Identity.** The University shall make diligent efforts to honor the request of any Complainant that her or his identity be kept confidential during the University's review of his or her Allegation under these Procedures.
 - (3) **Breaches of Confidentiality.** The RIO should be informed immediately of breaches of confidentiality. The RIO will investigate the breach of confidentiality and refer the matter to the appropriate unit administrator for review and such further action, if any, as the unit administrator may deem appropriate.
- c. Cooperation.** To preserve the integrity of the environment for Research and Creative Activities, members of the University community are expected to cooperate in the review of Allegations under these Procedures, for example, by providing documents, materials, and testimony if requested to do so by the RIO.
- d. Location of Alleged Misconduct.** An Allegation may be reviewed by the University under these Procedures no matter where or when the Misconduct allegedly occurred.
- e. Events Requiring Immediate Action.** If, at any stage of these Procedures, the RIO obtains reasonable information about
- (1) a possible criminal violation;
 - (2) an immediate health hazard or other imminent risk of danger to public health or safety or to experimental subjects;
 - (3) the need to take immediate action to protect the funds or equipment of any governmental or other sponsor of Research or Creative Activities, or to assure compliance with the terms of a contract sponsoring Research or Creative Activities;
 - (4) the need to take immediate action to protect any Complainant, Respondent, witness, member of an Inquiry Committee, an Investigation Committee, or other person involved in any Misconduct Proceeding, the need to take immediate action to prevent the loss, destruction, or adulteration of any Evidence;
 - (5) the need to take immediate action to prevent or stop an imminent

or continuing violation of an applicable law, regulation, or other governmental requirement or of a University rule or policy; or

- (6) the probable public disclosure of an Allegation or any Misconduct Proceeding;

The RIO shall immediately so notify the Provost, the General Counsel, and, if appropriate, the pertinent government official or sponsor of Research or Creative Activities, and, following consultation with the Office of the General Counsel, the RIO shall promptly make recommendations to the Provost as to responsive actions.

Notwithstanding any other provision of these Procedures, appropriate University administrators shall have authority to take any actions they deem necessary or appropriate to safeguard University personnel, other participants in any Misconduct Proceeding, public health or safety, experimental subjects, sponsors' funds or equipment, Evidence, or the integrity of the research environment. That any such action is taken shall not be deemed to predetermine any finding or conclusion from the University's review of an Allegation under this Policy and Procedure, but any information arising from any such action may constitute Evidence.

- f. **Notice.** Any notice or other document issued pursuant to this Policy and Procedure shall be in writing and shall include an explanation of any decision or opinion stated therein. The RIO shall provide the Respondent copies of all such documents in a timely manner.

- g. **Interpretation.**

- (1) Time Periods. Unless otherwise specified in these Procedures:
 - (A) the failure to exercise any right granted under these Procedures within the stated time period shall constitute a waiver of that right; and
 - (B) references to days in these Procedures shall mean calendar days.
- (2) Plural Usage. The text of these Procedures generally assumes a single Complainant, Respondent, witness, and Allegation. Where there are multiple Complainants, Respondents, witnesses, or Allegations, these Procedures shall be construed accordingly.
- (3) Headings. Headings used in these Procedures are for convenience of reference only and shall not be used for interpreting content.

h. Objections.

Both the Respondent and the Complainant may challenge the RIO's identification of an Inquiry Committee member or an Investigation Committee member, but only on the basis of asserted Conflict of Interest on the part of the Inquiry Committee member or Investigation Committee member.

A Respondent or Complainant who wishes to file an objection must do so in writing, with accompanying rationale, within five (5) days of receiving notice. The objection shall be submitted to the RIO. The RIO must respond to the challenge in writing within five (5) days, either accepting it and taking appropriate action, or rejecting it for stated cause.

- (1) Extensions of Time. The deadlines in this Section II(h) may be extended by the RIO through written notice to the parties for good cause shown.
- (2) Other Objections and Complaints. If the Complainant or Respondent objects to any decision, procedural or substantive, made during the current or any previous Misconduct Proceeding in the review of the Allegation, he or she may raise that objection:
 - (A) with the RIO during the Preliminary Assessment;
 - (B) with the Inquiry Committee during the Inquiry;
 - (C) with the Investigation Committee during the Investigation;
and
 - (D) with the Provost during an internal appeal under Section IX below.

Neither procedural or substantive decisions nor findings made under these Procedures by the RIO, a Responsible Administrator, an Inquiry Committee, an Investigation Committee, or the Provost can be challenged or overturned under any other University policy or procedure.

III. ROLE OF THE RIO

The RIO shall coordinate implementation of these Procedures and shall be responsible for their fair and impartial administration. The RIO shall not be an advocate for the Complainant or the Respondent.

The RIO shall serve as an advisor to Inquiry Committees and Investigation Committees. If so requested, the RIO shall provide logistical support, recruit expert

witnesses, and arrange for legal advice through the Office of the General Counsel.

When an Allegation involves Research or Creative Activity supported by a federal funding source, the RIO shall see that the University meets all legal requirements to apprise it of the status of an Inquiry or an Investigation into that Allegation. The RIO also shall report regularly to the Provost, on the status of each Inquiry and each Investigation.

The RIO shall identify the Responsible Administrator. The RIO also shall disqualify any Responsible Administrator, and any potential or sitting member of an Inquiry Committee or Investigation Committee, if the RIO determines that such person has a Conflict of Interest.

The RIO shall take all reasonable and practical steps to obtain custody of all the Evidence needed to conduct the review of an Allegation under these Procedures, inventory the Evidence, and sequester it in a secure manner, except where the Evidence encompasses scientific instruments shared by a number of users. The RIO may take custody of copies of the Evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. The RIO will give the Respondent copies of, or reasonable, supervised access to, the Evidence.

Misconduct Proceeding Records will be kept in a secure manner, accessible only to the RIO's administrative staff. The RIO shall keep all Misconduct Proceeding Records for at least seven (7) years after the completion of the Misconduct Proceedings to which they relate, except that the RIO shall keep Preliminary Assessment reports and related Misconduct Proceeding Records for three (3) years after the completion of the Preliminary Assessment to which they relate and then destroy them.

Other RIO responsibilities are set forth elsewhere in these Procedures.

Provisions regarding the designation, selection, reporting responsibilities, and evaluation of the RIO are set forth in the Appendix.

IV. OTHER INTERNAL OR EXTERNAL PROCEEDINGS

The conduct which forms the basis for an Allegation may also involve the possible violation of other University policies or the policies of other institutions, and of external laws and regulations, and may occasion other internal or external adjudicatory proceedings. The following shall govern the handling and sequencing of such proceedings.

- a. Other Institution's Review.** Another educational or research institution may have the right to review the same Allegation (or a related Allegation) against the same Respondent. In such an event, the RIO shall consult her or his

counterpart at the other institution to determine whether the University or the other institution is best able to review the Allegation. If the RIO determines that the other institution is best able to review the Allegation, the RIO shall so advise the Provost, who has authority to stay or terminate the University's review of the Allegation based on the review conducted at the other institution, as set forth in Section IV(g) below. The University and the other institution may also agree to conduct a joint review of the Allegation.

- b. Research Collaborator.** In the event of an Allegation involving Research or Creative Activities undertaken by a Respondent in collaboration with a colleague at another educational or research institution, the RIO shall advise his or her counterpart at the other institution confidentially of the Allegation, and ascertain if a similar allegation has been made against the collaborator. If it has, the University, through the RIO, may attempt to cooperate and share information confidentially with the other institution in their respective reviews of the Allegation and of the related allegation involving the collaborator. The University and the other institution may also agree to conduct a joint review of the Allegation and the related allegation involving the collaborator.
- c. Government Investigation.** Certain federal funding sources have the option, at any stage in these Procedures, to initiate an independent investigation of an Allegation involving Research or Creative Activity supported by the funding source. In the event a federal funding source initiates such an investigation, the RIO shall consult the federal funding source regarding its investigation and shall advise the Provost whether the University should suspend its review of the Allegation during the federal funding source's investigation, which the Provost shall have authority to do, as set forth in Section IV(f) below.
- d. Criminal Process.** In general, University review of an Allegation under these Procedures may occur in parallel with criminal processes. If an Allegation is also the subject of a criminal investigation or proceeding and the pertinent governmental authority advises the University that the University's review of the Allegation under these Procedures may prejudice or interfere with that investigation or proceeding, the Provost shall have authority to stay any Misconduct Proceeding until the criminal investigation or proceeding is complete.
- e. Civil Litigation.** The existence of civil litigation involving the University may necessitate staying a Misconduct Proceeding. The Provost shall make such decisions on a case-by-case basis and promptly report them to the RIO.
- f. Provost Stay of Proceedings.** The Provost shall have authority to stay any Misconduct Proceeding if, following consultation with the Office of the General Counsel and the RIO, the Provost determines that other University procedures mandated by law must be completed prior to the University's further review of an Allegation under these Procedures. Such governmentally-mandated

procedures may involve various forms of regulatory action (for example, the removal or clean-up of radioactive or other hazardous materials).

- g. Precedence of Proceedings.** Subject to Section IV(f) above and to the University's right to take interim action under any University policy or contract, review of an Allegation under these Procedures shall precede all other internal University proceedings against a Respondent that relate to or arise out of the alleged Misconduct, including, without being limited to, disciplinary, anti-discrimination, and grievance proceedings.

V. PROCEDURES FOR CONDUCT OF MISCONDUCT PROCEEDINGS – GENERAL

- a. Determination of Procedures.** Those charged with conducting a Misconduct Proceeding shall determine the procedures that will be followed, provided that:
 - (1) the procedures they adopt shall be those they deem best suited to achieve a fair and equitable review of the Allegation;
 - (2) the procedures they adopt shall reflect a spirit of mutual respect and collegiality, and may, therefore, be as informal as they deem appropriate under the circumstances;
 - (3) in Preliminary Assessments and Inquiries, testimony shall be obtained from witnesses through private interviews rather than through a formal hearing;
 - (4) in Investigations, the Investigation Committee may choose to obtain testimony from witnesses through a series of private interviews with witnesses, or at a hearing at which the Complainant and the Respondent shall be invited to be present, provided, however, that the Respondent may, within five (5) days of receiving a notice that the Investigation Committee has decided to conduct private interviews, deliver a notice to the RIO requiring that a hearing be conducted instead of such interviews;
 - (5) at a hearing, the Respondent and the Complainant shall have the opportunity to raise questions for the Investigation Committee to pose to each witness about the testimony of that witness and the Allegation;
 - (6) if a Complainant who has requested that his or her identity be kept confidential declines to appear to give testimony at a hearing, the hearing may nevertheless be held, if the Investigation Committee determines that there is credible Evidence of possible Misconduct by the Respondent apart from the Complainant's Allegation and that such Evidence is sufficient to justify proceeding with the hearing;

- (7) if a Complainant who has requested that his or her identity be kept confidential declines to appear to give testimony at a hearing, the hearing may nevertheless be held, if the Investigation Committee determines that there is credible Evidence of possible Misconduct by the Respondent apart from the Complainant's Allegation and that such Evidence is sufficient to justify proceeding with the hearing;
- (8) the Respondent shall have the right to be advised by Counsel in all Misconduct Proceedings;
- (9) the Complainant shall have the right to be advised by Counsel in all Misconduct Proceedings;
- (10) in all Preliminary Assessments, Inquiries, and Investigations, the Respondent shall have the right to present Evidence and to identify persons who might have Evidence about the Allegation;
- (11) formal rules of evidence shall not apply;
- (12) each Misconduct Proceeding shall be conducted confidentially and in private except that, in the event of a hearing, the Investigation Committee may decide that it will be open if requested by the Respondent and if permissible under applicable regulations; and
- (13) to the extent that a published regulation of a federal funding source requires a specific procedural element in the review and adjudication of an Allegation concerning a proposal to or an award from that federal funding source, that procedural element shall be included in the procedures adopted.

At the start of each Misconduct Proceeding, the RIO shall notify the Complainant and the Respondent of the procedures that will be followed during that Misconduct Proceeding.

- b. General Counsel Advice.** The Office of the General Counsel shall, when so requested, provide legal advice regarding the implementation of this Policy and Procedure and other aspects of the University's review of an Allegation under this Policy and Procedure to the RIO, the Responsible Administrator, the Inquiry Committee, the Investigation Committee, an Appeals Committee, and the Provost.
- c. Respondent Questions.** The RIO shall contact the Respondent at the start of each Misconduct Proceeding and attempt to answer any questions about that Misconduct Proceeding.

- d. **Admission of Misconduct.** The Provost shall have authority to terminate the University's review of any Allegation under the Procedures upon the admission by the Respondent that Misconduct occurred and that the Respondent was responsible for it, if the termination of the review of that Allegation would not prejudice the University's review of another Allegation against that Respondent or against a different Respondent or the University's ability to assess the extent and consequences of the Misconduct and what action should be taken in response to it.
- e. **Records to Agency.** When the alleged Misconduct involves Research or Creative Activity supported by a federal funding source, the RIO shall make available to its authorized personnel any Misconduct Proceeding Records that such personnel request.
- f. **Additional Respondents.** If, during the course of any Misconduct Proceeding, additional Respondents are identified, they shall be notified immediately, and the RIO shall, to the degree feasible, attempt to coordinate the Misconduct Proceedings against all the Respondents.

VI. ALLEGATIONS OF MISCONDUCT AND PRELIMINARY ASSESSMENTS

- a. **Allegation of Misconduct.** Any member of the University community or other person who wishes to make an Allegation shall contact the RIO. The allegation should include sufficient detail and documentation to facilitate the inquiry process.

The RIO shall notify the Respondent promptly of an Allegation and advise both the Complainant and the Respondent of their right to be advised by Counsel during all Misconduct Proceedings.

The RIO shall advise the Provost of all Allegations.

- b. **Preliminary Assessment.** In the event of an Allegation, the RIO shall promptly conduct a Preliminary Assessment to determine whether an Inquiry is warranted.
- c. **Purpose and Nature of Preliminary Assessment.** The Preliminary Assessment is a preliminary process whose purpose is to cull out a clearly erroneous, unsubstantiated, or Bad Faith Allegation before the Respondent is subjected to an Inquiry or an Investigation. Hence, in conducting the Preliminary Assessment, the RIO is not obligated to do any interviews on the Allegation or to engage in an exhaustive review of all Evidence relevant to such Allegation.
- d. **Preliminary Assessment - Standard for Determination.** The RIO shall determine that an Inquiry is warranted if, in his or her judgment, (1) the Respondent's alleged conduct could constitute Misconduct or Unacceptable

Research Practices, and (2) there is credible Evidence to support further review of the Allegation.

- e. **Inquiry Warranted.** If the RIO determines that an Inquiry is warranted, the RIO shall prepare a Preliminary Assessment referral which explains the basis for his or her determination. The RIO shall transmit copies of the Preliminary Assessment referral to the Respondent and the Provost. The RIO shall also notify the Complainant of the outcome of the Preliminary Assessment and provide the Complainant with a brief summary of the Preliminary Assessment referral.

After completing the Preliminary Assessment referral, the RIO shall immediately initiate an Inquiry.

- f. **Inquiry Not Warranted.**

- (1) **Preliminary Assessment Report.** If the RIO determines that an Inquiry is not warranted, the RIO shall prepare a Preliminary Assessment report that states the basis and rationale for his or her determination. The RIO shall provide a copy of the Preliminary Assessment report to the Respondent, the Complainant, and the Provost.

- (2) **End of Review.** The RIO's determination that an Inquiry is not warranted shall conclude the University's review of that Allegation.

- g. **Bad Faith.** If the RIO concludes that the Complainant acted in Bad Faith in making the Allegation, or that the Complainant or any witness acted in Bad Faith during the Preliminary Assessment, the RIO shall refer the matter for administrative review and appropriate action as set forth in Section XII(a)(1) below.

VII. INQUIRY

- a. **Committee.** If the RIO determines that an Inquiry is warranted, she or he shall promptly appoint a Committee of Inquiry of at least three members, chosen for their pertinent expertise. While Inquiry Committees will usually be composed of University faculty, they may also include persons other than University faculty when the RIO determines that such persons have experience or expertise useful to the Inquiry. The Inquiry Committee shall select one of its members to act as its chairperson.
- b. **Charge.** The RIO shall draft a Charge to the Inquiry Committee based upon the Preliminary Assessment referral. The RIO shall submit that Charge and a copy of the Preliminary Assessment referral to the Inquiry Committee and the Respondent at the beginning of the Inquiry. Based on the evidence reviewed during the Inquiry phase, the RIO may modify the initial charge to the Inquiry

Committee.

- c. **Briefing.** Before the Inquiry begins, the RIO and an attorney from the Office of the General Counsel shall brief the Inquiry Committee on these Procedures, other relevant University regulations, and legal and procedural issues that the Inquiry Committee is likely to encounter in conducting the Inquiry.
- d. **Standard for Determination.** The Inquiry Committee shall conduct the Inquiry to determine whether an Investigation is warranted. A member of an Inquiry Committee shall determine that an Investigation is warranted if, in her or his judgment, an Investigation Committee could reasonably conclude that Misconduct occurred. To so determine, the member of the Inquiry Committee must find that the Respondent's alleged conduct could constitute Misconduct and that there is credible Evidence to support further review of the Allegation, but must also find that there is sufficient credible Evidence and credible Evidence of such merit that an Investigation Committee could reasonably conclude, in accordance with the criteria in Section VIII(e) below, that Misconduct occurred.
- e. **Purpose and Nature of Inquiry.** Like the Preliminary Assessment, the Inquiry is a preliminary process. Its purpose is to cull out an insufficiently substantiated, erroneous, or Bad Faith Allegation before the Respondent is subjected to an Investigation. Although it is expected that the Inquiry will be more comprehensive than the Preliminary Assessment, the members of the Inquiry Committee, like the RIO, are not obligated to conduct any interviews or hearings on the Allegation or to engage in an exhaustive review of all Evidence relevant to the Allegation. When a majority of the members of the Inquiry Committee concludes that an Allegation warrants an Investigation, the Inquiry Committee shall proceed to draft the Inquiry report.
- f. **Assistance for Panel.** The RIO shall secure for the Inquiry Committee such special scientific or technical assistance as it requests to evaluate an Allegation.
- g. **RIO.** The RIO shall not participate in the deliberations of the Inquiry Committee or vote on whether an Investigation is warranted. The Inquiry Committee may request the assistance of the RIO during its deliberations and in the preparation of the Inquiry report, but shall not seek the RIO's opinion as to whether an Investigation is warranted.
- h. **Timing.** Every effort shall be made to complete the Inquiry within 60 days of its inception unless circumstances warrant a longer period, in which event the RIO shall notify the Respondent of the reason for the delay and the date on which the RIO expects that the Inquiry will be completed. The Provost shall decide whether the delay is warranted. If the Provost determines that it is, the RIO shall so notify the Respondent. If the Provost finds the delay unwarranted, the RIO

shall work with the Respondent, and the Inquiry Committee to expedite completion of the Inquiry, but the Inquiry shall continue until its completion if, despite their diligent efforts, it cannot be finished in 60 days. The Provost shall make the RIO's report about the delay part of the Misconduct Proceeding Records.

i. Inquiry Report.

- (1) Content. The Inquiry Committee shall prepare an Inquiry report with the following information:
 - (A) the name and position of the Respondent if the Respondent is an employee of the University, or the name and degree program of the Respondent if the Respondent is a student at the University;
 - (B) the name and position of the Complainant or other source of the Allegation;
 - (C) the nature of the alleged Misconduct and how it does or does not fit within the definition of Misconduct;
 - (D) a description of the Evidence it reviewed and the sufficiency, credibility, and merit of that Evidence;
 - (E) summaries of any interviews it conducted; and
 - (F) a determination of whether an Investigation is warranted.
- (2) Deviation from Practice. If the alleged Misconduct involves a serious deviation from commonly accepted practices, Evidence of such practices and an analysis of the Allegation in light of such practices shall be included in the Inquiry report.
- (3) Investigation Warranted. If the Inquiry Committee determines that an Investigation is warranted, the Inquiry report may be summary in nature, provided that the Inquiry Committee sets forth the Evidence that supports its determination in sufficient detail for the Respondent and an Investigation Committee to understand the basis for the Inquiry Committee's decision.
- (4) Investigation Not Warranted. If the Inquiry Committee determines that an Investigation is not warranted, the Inquiry report shall be more comprehensive and shall include a detailed statement of why the Respondent's alleged conduct would not, under the definition in these

Procedures, constitute Misconduct, or why the available Evidence is insufficient, or lacks sufficient credibility or merit, to warrant an Investigation.

- (5) Draft Report; Comments. The RIO shall send the Respondent a copy of the draft Inquiry report. The Respondent may return comments on the draft Inquiry report to the RIO within seven (7) days of receipt of the draft Inquiry report. If the Respondent comments on the draft Inquiry report, the Inquiry Committee shall consider such comments and make any changes in the Inquiry report it deems appropriate in light of such comments. The Respondent's comments shall be included as an appendix to the final Inquiry report.
- (6) Provost Opinion on Final Draft Report.
 - (A) After making any changes it deems appropriate in the draft Inquiry report in light of the Respondent's comments, the Inquiry Committee shall prepare a final draft of the Inquiry report. The RIO shall send the Provost a copy of the final draft of the Inquiry report, attaching any RIO comments regarding procedural questions and concerns. Within 14 days after delivery of the final draft Inquiry report to the Provost, the Provost may submit an opinion to the RIO, the Responsible Administrator, and the Inquiry Committee on either or both of the following grounds:
 - (i) If the Provost, with advice from the Office of the General Counsel, finds that the final draft Inquiry report reflects procedural error by the Inquiry Committee in conducting the Inquiry, the Provost shall so inform the RIO and shall identify and explain the Inquiry Committee's procedural error. The Inquiry Committee shall either correct the error before completing the Inquiry and the Inquiry report or shall notify the Provost in, or concurrently with the issuance of, the final Inquiry report that it does not believe a material procedural error occurred.

If the Provost finds that the Inquiry Committee's determination, as set forth in the final draft Inquiry report, is substantively wrong because the Evidence does not support the Inquiry Committee's determination, the Provost shall so inform the RIO and shall identify and explain the reason the Provost believes the Inquiry Committee's determination to be in error. The Inquiry Committee shall reconsider its decision in light of the opinion by the Provost. If the Inquiry Committee changes its determination in light of the opinion by the Provost, it

shall submit a new draft of the Inquiry report to the Respondent for further comment. If the Inquiry Committee does not change its determination in light of the opinion by the Provost, the Inquiry Committee shall respond to the Provost in completing the Inquiry report and make any changes in the Inquiry report that it deems appropriate in light of the opinion by the Provost.

- (B) The opinion by the Provost shall be included as an appendix to the final Inquiry report.

(7) Distribution of Final Report. The RIO shall send the Provost and the Respondent a copy of the final Inquiry report.

j. Determination regarding Investigation.

- (1) Initiation of Investigation. If a majority of the members of the Inquiry Committee determine that an Allegation warrants an Investigation, the RIO shall initiate an Investigation.
- (2) Provost Override - Initiation of Investigation. If a majority of the members of the Inquiry Committee determine that an Investigation is not warranted, the Provost may, within 14 days of receiving the final Inquiry report, issue a decision to the RIO and the Respondent overruling the Inquiry Committee for stated cause and instructing the RIO to initiate an Investigation immediately. Upon receiving the decision of the Provost, the RIO shall initiate an Investigation.
- (3) No Investigation. If a majority of the members of the Inquiry Committee determine that an Investigation is not warranted and the Provost does not overrule the determination of the Inquiry Committee, the determination of the Inquiry Committee will conclude the University's review of that Allegation, except as provided in Section XI below.
- (4) Dissent. Any member of the Inquiry Committee who does not agree with the determination of the majority of the Inquiry Committee may file a dissent to the Inquiry report.
- (5) Bad Faith. If a majority of the members of the Inquiry Committee concludes that the Complainant acted in Bad Faith in making the Allegation, or that the Complainant or any witness acted in Bad Faith during the Inquiry, the Inquiry Committee shall refer the matter for administrative review and appropriate action, as set forth in Section XII(a)(1) below.

- k. **Notification.** Promptly after completion of the Inquiry, the RIO shall notify the Complainant of its outcome and provide the Complainant with a brief summary of the Inquiry report and, if one was issued, the opinion of the Provost.

VIII. INVESTIGATION

- a. **Committee.** The RIO shall make every effort to initiate an Investigation within 30 days of the Inquiry Committee's determination, or the decision of the Provost, that an Investigation is warranted. The RIO shall appoint an Investigation Committee of not less than three (3) members, chosen for their pertinent expertise. While Investigation Committees will usually be composed of University faculty, they may also include persons other than University faculty when the RIO determines that such persons have experience or expertise useful to the Investigation. The Investigation Committee shall select one of its members to act as its chairperson.
- b. **Notifications.**
 - (1) Notification - Internal. The RIO shall notify the Provost, and the General Counsel of the initiation of the Investigation.
 - (2) Notification - Funding Source. When the alleged Misconduct involves Research or Creative Activity supported by an external (non-University) funder, the RIO shall also notify the source of the funding of the Investigation before the start of the Investigation. Such notification shall include the name of the Respondent, the general nature of the Allegation, and the relevant grant application, grant number, or other identification for the support, if applicable.
- c. **Charge.** The RIO shall draft a Charge to the Investigation Committee based on the Inquiry report and, if one was issued, the decision of the Provost. The RIO shall submit a copy of that Charge, the Preliminary Assessment referral, the Inquiry report, and, if one was issued, the overruling decision of the Provost to the Investigation Committee and the Respondent at the beginning of the Investigation.
- d. **Briefing.** Before the Investigation begins, an attorney from the Office of the General Counsel and the RIO shall brief the Investigation Committee on this Policy and Procedure, other relevant University regulations, and legal and procedural issues that the Investigation Committee are likely to encounter in conducting the Investigation.
- e. **Standard for Determination.** The Investigation Committee shall determine if Misconduct occurred, if the Respondent was responsible for it, and the extent, gravity, and actual and potential consequences of the Misconduct. To conclude that Misconduct occurred, a majority of the members of the Investigation

Committee must find:

- (1) a significant departure from accepted practices of the relevant research community; and
- (2) that the Misconduct was committed intentionally, knowingly, or recklessly; and
- (3) that the Allegation was proven by a Preponderance of the Evidence.

f. Evidence Review. The Investigation Committee shall examine all Evidence that it deems pertinent to the Allegation. At its discretion, the Investigation Committee may also inspect laboratories and examine laboratory specimens, materials, procedures, and methods.

The Respondent will be provided copies of, or supervised access to, all Evidence made available to the Investigation Committee.

g. Testimony.

- (1) Interviews or Hearing. When possible, the Investigation Committee shall conduct interviews or a hearing with the Complainant, the Respondent, and other persons, if any, who have material information regarding the Allegation.
- (2) Transcript. The RIO shall arrange for the preparation of a transcript of each witness's interview or hearing testimony and shall send the transcript to the witness for comment or correction. The witness shall have seven (7) days after his or her receipt of the transcript to deliver comments on, and corrections of any errors in, the transcript to the RIO. Both the transcript and any such comments and corrections shall be made part of the Misconduct Proceeding Records. The RIO shall give the Respondent a copy of the corrected transcript of any interview or hearing testimony.

h. Assistance for Committee. If the Investigation Committee decides that it needs special scientific or technical expertise to evaluate an Allegation, it shall so advise the RIO, who shall secure for the Investigation Committee the assistance that it requests.

i. RIO. The RIO shall not participate in the deliberations of the Investigation Committee or vote on whether Misconduct occurred. The Investigation Committee may request the assistance of the RIO during its deliberations and in the preparation of the Investigation report, but shall not seek the RIO's opinion as to whether Misconduct occurred.

j. Timing. The Investigation Committee shall use their best efforts to complete the Investigation within 120 days of its inception.

- (1) Extension. If the Investigation cannot be completed in that period, the RIO may request an extension from the Provost, in which event the RIO shall notify the Respondent of the reason for the delay and the date on which the RIO expects that the Investigation will be completed. The RIO's report about the delay shall be included in the Misconduct Proceeding Records. If the alleged Misconduct involves Research or Creative Activity supported by a federal funding source, the RIO shall notify it of the delay; request an extension; explain why the extension is necessary; and provide a progress report of the Investigation Committee's activities to date and an estimate of the completion date of the Investigation.
- (2) Notice of Stay. If the Investigation is stayed and the alleged Misconduct involves Research or Creative Activity supported by a federal funding source, the RIO shall promptly inform it of the date and expected duration of the stay, and of the reason for staying the Investigation.

k. Investigation Report.

- (1) Content. The Investigation Committee shall prepare a written Investigation report. It shall include:
 - (A) the name and position of the Respondent if the Respondent is an employee of the University or the name and degree program of the Respondent if the Respondent is a student at the University;
 - (B) the relevant application or grant number, if the alleged Misconduct involves sponsored Research or Creative Activity;
 - (C) a description of the Allegation and the name, if known and not held in confidence, of the Complainant;
 - (D) a summary of the Evidence reviewed, including, without being limited to, an account of how and from whom it was obtained;
 - (E) a transcript of each interview or hearing conducted during the Investigation;
 - (F) for each separate Allegation, an analysis of any explanation offered by the Respondent and the Evidence in support thereof;
 - (G) an analysis of each separate Allegation pursuant to the standards set forth in Section VIII(e) above;

- (H) in an Allegation of serious deviation from accepted practices, a description of the Evidence regarding the accepted practices in the discipline and an analysis of the Allegation in light of such practices;
 - (I) a copy of these Procedures and any other University policies and procedures relevant to the Investigation.
- (2) Misconduct Finding. If the Investigation Committee finds that Misconduct occurred, the Investigation report must include:
- (A) the Investigation Committee's determination that:
 - (i) there was a significant departure from accepted practices of the relevant research community; and
 - (ii) the Misconduct was committed intentionally, knowingly, or recklessly; and
 - (iii) the Allegation was proven by a Preponderance of the Evidence; and
 - (B) a determination whether any part of the Research Record needs correction or retraction as a result of the finding of Misconduct, and, if so, an explanation of that correction or retraction.
- (3) No Misconduct Found. If the Investigation Committee does not find that Misconduct occurred, it shall explain the reasons for its decision in the Investigation report, with specific reference to the pertinent criteria set forth in Section VIII(e) above.
- (4) Draft Report; Comments. The RIO shall send the Respondent a copy of the draft Investigation report. The Respondent may return comments on the draft Investigation report to the RIO within 30 days of receipt of the draft Investigation report. If the Respondent comments on the draft Investigation report, the Investigation Committee shall consider such comments and make any changes in the Investigation report it deems appropriate in light of such comments. The Respondent's comments shall be included as an appendix to the final Investigation report.
- (5) Provost Opinion on Final Draft Report.
- (A) After making any changes it deems appropriate in the draft Investigation report in light of the Respondent's comments, the Investigation Committee shall prepare a final draft of the Investigation report. The RIO shall send the Provost a copy of the final draft of the Investigation report, attaching any RIO

comments regarding procedural questions and concerns. Within 14 days after delivery of the final draft Investigation report to the Provost, the Provost may submit an opinion to the RIO, the Responsible Administrator, and the Investigation Committee on either or both of the following two grounds:

- (i) If the Provost, with advice from the Office of the General Counsel, finds that the final draft Investigation report reflects procedural error by the Investigation Committee in conducting the Investigation, the Provost shall so inform the RIO and shall identify and explain the Investigation Committee's procedural error.
 - (ii) The Investigation Committee shall either correct the error before completing the Investigation and the Investigation report or shall notify the Provost in, or concurrently with the issuance of, the final Investigation report that it does not believe a material procedural error occurred.
 - (iii) If the Provost finds that the Investigation Committee's determination, as set forth in the final draft Investigation report, is substantively wrong because the Evidence does not support the Investigation Committee's determination, then the Provost shall so inform the RIO and shall identify and explain the reason the Provost believes the Investigation Committee's determination to be in error. The Investigation Committee shall reconsider its decision in light of the opinion by the Provost. If the Investigation Committee changes its determination in light of the opinion by the Provost, it shall submit a new draft of the Investigation report to the Respondent for further comment. If it does not change its determination in light of the opinion by the Provost, the Investigation Committee shall respond to the opinion by the Provost in completing the Investigation report and make any changes in the Investigation report that it deems appropriate in light of the opinion by the Provost.
- (B) The opinion by the Provost shall be included as an appendix to the final Investigation report.
- (6) Dissent. Any member of the Investigation Committee who does not agree with the determination of the majority of the Investigation Committee may file a dissent to the Investigation report.

- l. Bad Faith.** If a majority of the members of the Investigation Committee concludes that the Complainant acted in Bad Faith in making the Allegation, or that the Complainant or any witness acted in Bad Faith during any Misconduct Proceeding, the Investigation Committee shall refer the matter for administrative review and appropriate action as set forth in Section XII(a)(1) below.
- m. Final Report; Provost Overrule.**
- (1) Copy to Provost. The RIO shall send the Provost a copy of the final Investigation report.
 - (2) Overrule; New Investigation. If the Provost believes the Investigation Committee's determination is wrong, the Provost may, within 14 days of receiving the final Investigation report, issue a written decision to the RIO overruling the Investigation Committee for stated cause and instructing the RIO to impanel another Investigation Committee immediately.
 - (3) Second Investigation Committee. If a second Investigation Committee is impaneled, it shall conduct a new Investigation. Subject to the Respondent's right to appeal pursuant to Section IX below, the second Investigation Committee's determination shall be binding.
- n. Distribution of Final Report; Comments.** The RIO shall send a copy of the final Investigation report to the Respondent. The Respondent may deliver comments on the Investigation report to the RIO within 14 days of the delivery of the final Investigation report to the Respondent. The RIO shall include any such comments in the Misconduct Proceeding Records.
- o. Notifications.**
- (1) Complainant. Promptly after completion of the Investigation, the RIO shall notify the Complainant of its outcome and provide the Complainant with a brief summary of the Investigation report, including those portions of the Investigation report that address the Complainant's role and testimony, if any, in the Investigation.
 - (2) Federal Support. When the alleged Misconduct involves Research or Creative Activity supported by a federal funding source, the RIO shall submit the Investigation report to it. It may accept the Investigation report, ask for clarification or additional information, which shall be provided by the RIO, or commence its own independent investigation.
 - (3) Other Funding Source. When the Alleged Misconduct involves

Research or Creative Activity supported by a non- federal funding source, the RIO shall notify it of the outcome of the Investigation promptly after the completion of the Investigation and provide it with a brief summary of the Investigation report and such other information, if any, as it may request in response to the RIO's notification.

IX. APPEAL

- a. **Right.** A Respondent who has applied for or received support from a federal funding source for the Research or Creative Activity in relation to which the Misconduct occurred has the right under certain circumstances to appeal a finding of Misconduct by an Investigation Committee to that federal funding source. In addition, all Respondents who are found to have committed Misconduct have the right to an internal University appeal. During appellate proceedings, no sanction will be imposed and no disciplinary proceeding will be commenced as a consequence of the finding of Misconduct.
- b. **External Appeal Record.** If the Respondent appeals a finding of Misconduct by an Investigation Committee to a federal funding source, the RIO shall attempt to obtain copies of all documents filed in that appeal.
- c. **Procedure.**
 - (1) **Internal Appeal.** The Respondent may appeal a finding of Misconduct to the RIO within 30 days of the date of the finding. The appeal must be in writing and must set forth the reasons (whether substantive or procedural) the Respondent believes the finding of Misconduct is wrong. The RIO will submit the appeal to the Provost for decision.
 - (2) **Review and Recommendation.** The Provost may appoint a University faculty member or administrator who does not have a Conflict of Interest and who has not previously been involved in the review of the Allegation under these Procedures to review the Misconduct Proceeding Records and the appeal and make recommendations to the Provost.
 - (3) **Request for Additional Information.** The Provost, or the Provost's designee, may request further information about the Misconduct Proceedings in writing from the RIO. A copy of such information shall be provided to the Respondent.
 - (4) **Basis for Decision.** The Provost's decision on the appeal shall be based on the Misconduct Proceeding Records, as clarified or supplemented by the RIO in response to any request for further information about the Misconduct Proceedings, and the Respondent's appeal.

- d. **New Evidence.** If the RIO learns of previously unavailable material Evidence relevant to the finding of Misconduct during the appeal, the RIO shall inform the Provost and the Respondent of the new Evidence. If the Provost concurs that the new Evidence could materially affect the finding of Misconduct, the Provost shall remand the finding of Misconduct to the Investigation Committee that made the finding for its consideration of the new Evidence. The Investigation Committee shall notify the Provost within 14 days that it finds the new Evidence immaterial to its prior finding or that it wishes to reopen the matter. The Provost may extend this period for good cause by notice to the Respondent and the RIO.
- e. **Decision.** The Provost shall issue a decision and rationale affirming or reversing the finding of Misconduct within 30 days after the submission of the appeal to the RIO. The Provost may extend this period for good cause by notice to the Respondent and the RIO.

X. FINAL RESOLUTION AND OUTCOME

- a. **Exoneration.** If the Preliminary Assessment results in a determination that an Inquiry is not warranted, or if the Inquiry Committee decides that an Investigation is not warranted, or if an Investigation Committee does not find that Misconduct has occurred, or if a finding of Misconduct is reversed on appeal, the Responsible Administrator and the RIO shall make diligent efforts, if requested by the Respondent, to restore the Respondent's reputation. These efforts shall be undertaken in consultation with the Respondent, provided that they shall: (1) be reasonable and practicable under the circumstances and proportionate to the damage to the Respondent's reputation as a result of the Allegation; (2) be consistent with applicable federal funding source expectations, if the Research or Creative Activity which was the subject of the Allegation was supported by that federal funding source; and (3) not affect the University's ability to take action against the Respondent for Unacceptable Research Practices which come to the University's attention as a result of the review of the Allegation under these Procedures.

b. **Misconduct Found.**

(1) Actions. After all appeals have been decided, or the opportunity for an appeal has expired, and there is a final decision that Misconduct has occurred:

(A) the Responsible Administrator, after consultation with the Provost, shall take appropriate actions in response to the finding of Misconduct. Such actions may include:

(i) the imposition of sanctions within the authority of the Responsible Administrator and initiating University disciplinary proceedings appropriate to the finding of Misconduct pursuant to applicable University policies,

procedures, and contracts, or

(ii) referring the finding of Misconduct to another administrator who has authority to impose sanctions and initiate disciplinary proceedings; and

(B) the RIO, after consultation with the Office of the General Counsel and the Provost, shall attempt to correct, and/or seek retraction of, any part of the Research Record materially affected by the Misconduct. The Respondent will not interfere with the RIO's efforts in these regards.

(2) **Disciplinary Action.** The University views Misconduct as grounds for disciplinary action pursuant to applicable University policies, procedures, and contracts, including procedures for challenging or grieving disciplinary action.

(3) **Degree Revocation.** Misconduct which materially affects the original scholarly or creative work included in a master's or doctoral thesis submitted in fulfillment of degree requirements at the University constitutes grounds for the revocation of that degree.

(4) **Government Sanctions.** In addition to sanctions imposed by the University, certain federal funding sources may impose sanctions of their own, if the Misconduct involved Research or Creative Activities which they supported.

(5) **Serious Deviation.** The University may take action, including disciplinary action, in response to a finding of Misconduct based on a serious deviation from accepted practices even if another Allegation of Misconduct against the same Respondent has not been sustained and the University has an obligation under Section X(a)(2) above with respect to the unsustained Allegation.

c. New Evidence. After all appeals have been decided, or if the opportunity for appeal has expired, and there is a final decision, that Misconduct has occurred, if the Respondent learns of previously unavailable material Evidence relevant to the determination of Misconduct, the Respondent shall send that Evidence to the RIO with an explanation of its origin and importance. The RIO shall submit the new Evidence to the Investigation Committee that conducted the Investigation of the Misconduct. The Investigation Committee shall promptly consider the new Evidence and notify the Provost of its impact on its finding of Misconduct and on its Investigation report. Based on the new Evidence and the information from the Investigation Committee, the Provost may reverse or affirm the previous finding of Misconduct, or remand the matter to the Investigation Committee

to conduct a new Investigation in light of the new Evidence. The Provost shall issue that decision with stated rationale within 30 days of receiving the notice from the Investigation Committee, but may extend this period for good cause by notice to the Respondent and the RIO.

- d. **Termination.** If the Provost terminates the review of any Allegation under Section IV(f) or V(d), an explanation for such termination shall be included in the Misconduct Proceeding Records.

XI. UNACCEPTABLE AND QUESTIONABLE RESEARCH PRACTICES

- a. **Referral from Proceedings.** An Inquiry Committee may find that, while a Respondent's conduct does not warrant an Investigation, it nevertheless constitutes an Unacceptable Research Practice or Questionable Research Practice. Similarly, an Investigation Committee may find that, while a Respondent's conduct does not constitute Misconduct, it nevertheless constitutes an Unacceptable Research Practice or a Questionable Research Practice. Any such finding shall be referred to the appropriate administrator for review. The administrator may deem further action appropriate, including, in the case of Unacceptable Research Practices, disciplinary action pursuant to applicable University policies, procedures, and contracts, including procedures for challenging or grieving disciplinary action.
- b. **Discovery and Report.** Unacceptable Research Practices or Questionable Research Practices may also be discovered in circumstances other than a review of an Allegation under these Procedures. When that happens, the alleged Unacceptable Research Practice or Questionable Research Practice should be referred to the appropriate administrator for review and such further action, if any, as the administrator may deem appropriate, including, in the case of Unacceptable Research Practices, disciplinary action pursuant to applicable University policies, procedures, and contracts, including procedures for challenging or grieving disciplinary action.

XII. BAD FAITH

- a. **Complainant or Witness.**
 - (1) **Referral for Action.** If the RIO, an Inquiry Committee, or an Investigation Committee concludes that a Complainant or witness who is a University employee or student acted in Bad Faith in a Misconduct Proceeding, the matter shall be referred to the appropriate administrator for review. The administrator may deem further action appropriate, including disciplinary action.
 - (2) **Discipline.** The University views Bad Faith by a Complainant or witness who is a University employee or student as grounds for disciplinary

action pursuant to applicable University policies, procedures, and contracts.

XIII. PROTECTING PARTICIPANTS IN MISCONDUCT PROCEEDINGS

a. Protection of Position and Reputation. The University shall make diligent efforts to protect the position and reputation of each individual who has, in Good Faith, participated in a Misconduct Proceeding as a Complainant, witness, Inquiry Committee member, Investigation Committee member, Counsel, Advisor, Responsible Administrator, or RIO, or who has otherwise cooperated in the review of an Allegation under these Procedures. These efforts shall be:

- (1) reasonable and practical under the circumstances;
- (2) proportionate to the risk to the individual's position and reputation;
and
- (3) consistent with applicable funder expectations, if the Research or Creative Activity which was the subject of the Allegation was supported by a federal funding source.

b. Retaliation.

- (1) **Prohibition.** University employees and students shall not engage in or threaten Retaliation.
- (2) **Referral for Action.** If the RIO receives a complaint or report of Retaliation or threatened Retaliation by a University employee or student, the RIO shall refer the matter to the appropriate administrator for review and such action, if any, as the administrator may deem appropriate, including disciplinary action.
- (3) **Discipline.** The University views Retaliation by a University employee or student as grounds for disciplinary action pursuant to applicable University policies, procedures, and contracts.
- (4) **Protection against Retaliation.** The University shall make diligent efforts to provide protection against Retaliation by individuals who are not University employees or students. These efforts shall be reasonable and practical under the circumstances and, if the Research or Creative Activity which was the subject of the Allegation whose review led to the Retaliation was supported by a federal funding source, shall be consistent with applicable funder expectations.

On an interim basis, the RIO shall, after consultation with the Provost, and the Office

of the General Counsel, modify these Procedures to incorporate relevant requirements of new laws, regulations, executive orders, and other governmental requirements as such laws, regulations, orders, and requirements take effect. The RIO shall promptly report these changes to the Provost.

Replacement effective June 29, 2017 for:

III-1.10(A) University of Maryland Procedures for Scholarly Misconduct

APPENDIX

Appointment and Evaluation of the Research Integrity Officer

I. APPOINTMENT OF THE RIO

1. The RIO shall be appointed from the tenured faculty by the Provost, and shall serve at the pleasure of the Provost.
2. The RIO shall report to the Provost and shall keep her or him informed about the progress of cases under these Procedures and about the educational and other activities of the RIO's office. The RIO shall also perform such other duties as are assigned the RIO under these Procedures.
3. Should the RIO recuse himself or herself from the RIO's duties under these Procedures with respect to a particular Allegation, the Provost shall appoint a replacement RIO.

II. EVALUATION OF THE RIO

1. The RIO shall submit a report annually to the Provost which shall set forth the number of cases handled by the RIO's office during the previous academic year and their outcomes, along with information on the educational and other activities of the RIO's office during that academic year.
2. The Provost shall evaluate the performance of the RIO biennially, pursuant to criteria established by the Provost.

III. ADVISORY COMMITTEE TO THE RIO

The College-level Research Integrity Officers shall serve as an advisory resource for the RIO on issues relating to research misconduct and these Procedures.

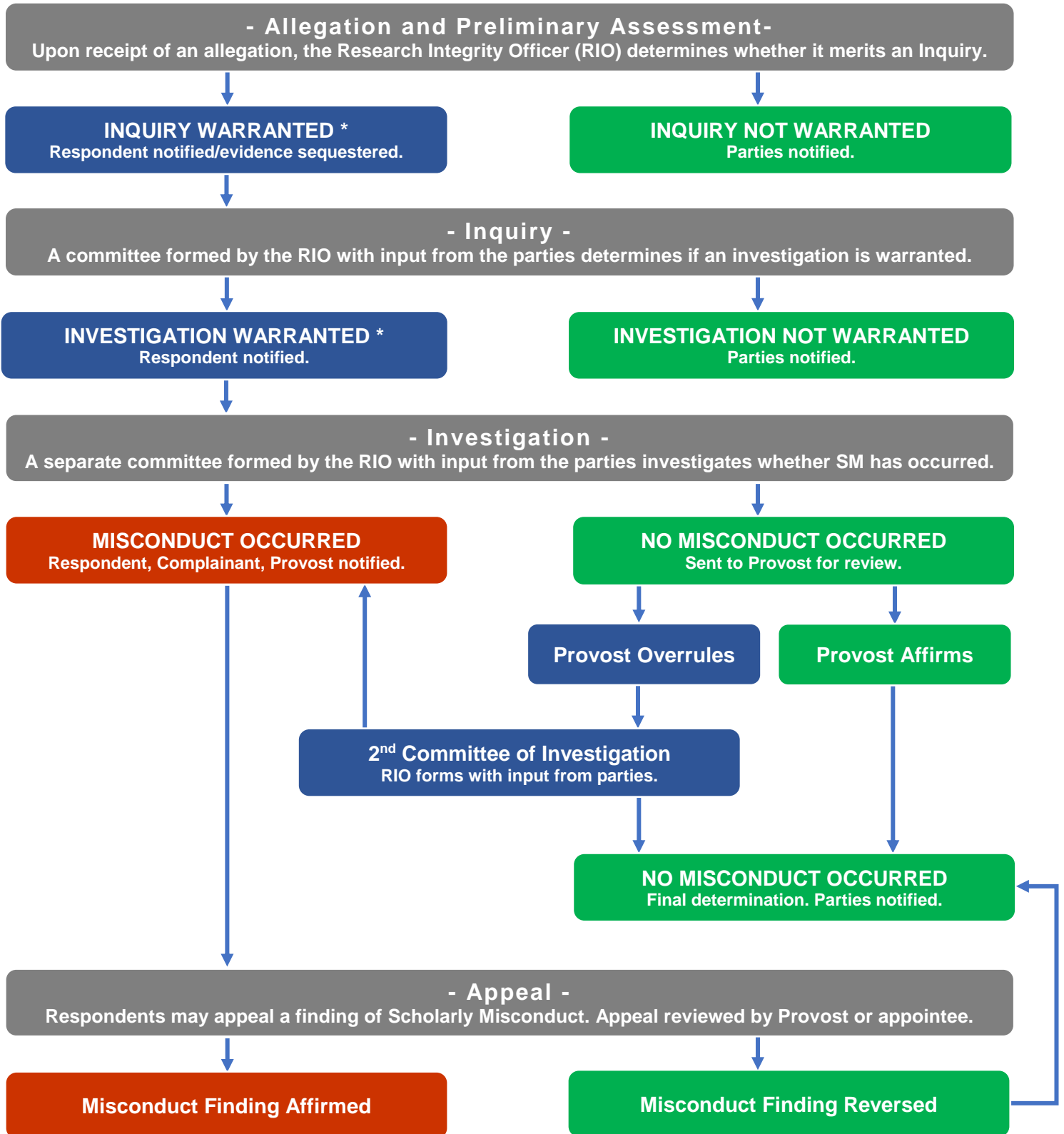
Appendix 3: Research on Policies at Big 10 and Peer Institutions

	Does the policy allow for interim actions?	Scope (funding source relevant, other types of misconduct)	Does misconduct definition account for accepted practices within a discipline?	Is self-plagiarism addressed?	Due Process Rights for Respondents	Who serves as the RIO?	What is role of counsel?	What is the role of the Provost?	Policy URL
University of Iowa	Yes	Applies to any research, funded or not. No reference to scholarly or professional misconduct.	Yes	Does not cover.	Ability to respond to reports and appeal disciplinary actions, challenge committee members.	Appointed by VP for Research and Economic Development	None specified.	If the Provost is the appropriate administrator, takes action based on findings.	Ethics in Research
Indiana University	Yes	Only to externally funded research. No reference to scholarly or professional misconduct.	Yes	Does not cover.	Informed of allegations that do not warrant action. Notified of inquiries, process and policy explained. Can respond to inquiry report. Can respond to investigation report, access all evidence. Responses part of record. Can appeal determination or sanctions. Can challenge committee members. Good faith effort to be interviewed.	RIO identified by Deciding Official (official appointed by President to implement policy)	Respondent can be accompanied at interviews by counsel, may advise but not participate.	None specified.	Research Misconduct
University of Illinois-Urbana Champaign	Yes	No reference to funding. Also covers other forms of misconduct.	Yes	Does not cover.	Can challenge committee members, can respond to the inquiry and investigation reports. Will be notified of any new allegations that arise, will be interviewed and allowed to present witnesses, see evidence. To be advised by counsel.	Appointed by Vice-Chancellor for Research.	Can consult with counsel throughout; may advise but not participate.	When complaints involve multiple units and deans disagree about whether an inquiry is needed, settles dispute. Is consulted by the Chancellor in final decision.	Policy and Procedures on Integrity in Research and Publication
University of Michigan	Yes	No reference to funding. Also covers other forms of misconduct.	No	Does not cover.	Can challenge committee members. Can respond to allegation, inquiry report (part of record).	Appointed by Vice President for Research.	Can consult with counsel throughout; may advise but not participate.	If respondent is a faculty member, Provost consulted to determine if it will be involved in the review.	Policy Statement on the Integrity of Scholarship
Michigan State University	Yes	No reference to funding. Also covers other forms of misconduct.	Yes	Does not cover.	Can challenge RIO's determination following preliminary assessment, committee members, may object to decisions throughout process. Can respond to inquiry and investigation reports. Can insist on hearings in place of private interviews.	Appointed by the President, reports to VP for Research and Graduate Studies.	Advises throughout, no information on nature of engagement in hearings.	Consulted (along with President, VPRGS, General Counsel) at various points. Consults, along with VPRGS, on appropriate disciplinary actions.	Procedures Concerning Allegations of Misconduct in Research and Creative Activities
University of Minnesota	Yes	No reference to funding. Also covers other forms of misconduct.	Yes	Does not cover.	Conference upon notification to explain process. Can review evidence supporting the allegation. May object to committee members. Can respond to inquiry report.	RIO is the Associate VP for Research. Deciding Officer is VP for Research	Can be accompanied by advisor.	None specified.	Research Misconduct
University of Nebraska	Yes	Applies to any research, funded or not. Applies to generalizable knowledge, does not apply to classroom exercises.	No	Does not cover.	Can decline to have an Academic Rights and Responsibilities Committee (ARCC) Observer present. Can challenge committee members, can respond to inquiry and investigation reports. Can access all evidence.	Appointed by Vice Chancellor for Research. Deciding Officer is Vice Chancellor for Research.	Can consult with counsel throughout; may advise but not participate.	None specified.	Policy and Procedures for Responding to Allegations of Research Misconduct

RM Peer Research

	Does the policy allow for interim actions?	Scope (funding source relevant, other types of misconduct)	Does misconduct definition account for accepted practices within a discipline?	Is self-plagiarism addressed?	Due Process Rights for Respondents	Who serves as the RIO?	What is role of counsel?	What is the role of the Provost?	Policy URL
Northwestern University	No	Applies to any research, funded or not. Applies to generalizable knowledge. No reference to scholarly or professional misconduct.	Yes	Does not cover.	Has right to be interviewed by investigation committee. Can comment on inquiry and investigation reports.	RIO is the Director of the Office of Research Integrity. Appointed by Vice President for Research.	Legal counsel only permitted at committee meetings by express invitation of committee. Non-attorney colleagues may advise respondent at meetings, but may not participate.	Provost consults with Vice President for Research and RIO, is responsible for imposing sanctions.	Policy for Reviewing Alleged Research Misconduct
Ohio State University	Yes	Applies broadly to research and scholarship.	No	Does not cover.	Meeting with dean and Coordinator to review process. Has access to evidence. May object to committee members. Can respond to inquiry, investigation reports.	RIO is Vice President for Research. Assisted by a Coordinator, who fulfills many of our RIO's duties.	Can consult with legal counsel. Legal counsel or advisor may attend interviews but may not participate.	Is informed throughout the process.	University Policy and Procedures Concerning Research Misconduct
Penn State University	Yes	Unclear.	No	Does not cover.	Can object to committee members. Can respond to inquiry, investigation reports.	RIO is the Associate Vice President for Research and Director of the Office for Research Protections. Designated by the Vice President for Research.	Can consult with legal counsel. Legal counsel or advisor may attend interviews but may not participate.	None specified.	Addressing Allegations of Research Misconduct
Purdue University	No	No reference to funding, does not cover other types of misconduct.	No	Does not cover.	Can object to committee members. Can respond in person or in writing to any allegation. Can respond to inquiry, investigation reports. May attend interviews with witnesses.	Appointed by Provost.	Can consult with counsel throughout; may advise but not participate.	Appoints RIO, any appeals committees. Imposes sanctions.	Research Misconduct
University of Wisconsin	Yes	No reference to funding, does not cover other types of misconduct.	No	Does not cover.	May review allegations in initial phase. Can respond to inquiry, investigation reports. Has right to be interviewed, review evidence. Will be notified of any new allegations that arise. May object to members of investigation committee.	RIO not specified. Provost is Deciding Official.	Advises throughout, no information on nature of engagement in hearings.	Provost is Deciding Official. Makes final determination, imposes sanctions.	Misconduct in Scholarly Research
Rutgers	No	References funding sources, implication is that it does not apply to other types of misconduct.	No	Explicitly does not cover.	Can respond to inquiry, investigation reports. Can be interviewed and present witnesses. Will be notified of any new allegations that arise. Can object to committee members.	RIO is VP for Research and Economic Development. VPRED makes final decision.	None specified.	None specified.	Research Misconduct
UC - Berkeley	Yes	Applies regardless of funding source.	Yes	Does not cover.	Notified of process at start of inquiry phase. Can object to committee members. Can comment on inquiry, investigation reports.	Vice Chancellor for Research (VCR) may appoint, or serve as, the RIO.	None specified.	Executive Vice Chancellor (Provost) determines discipline for faculty respondents in conjunction with VCR.	Research Misconduct: Policies, Definitions and Procedures
University of North Carolina-Chapel Hill					Policy not available.				
UCLA	No	Applies to production of generalizable knowledge. Does not apply to teaching, classroom exercises.	Yes	Does not cover.	Can respond to inquiry, investigation reports.	RIO is the Vice Chancellor for Research.	Advises throughout, no information on nature of engagement in hearings.	None specified.	Responding to Allegations of Research Misconduct

Appendix 4: Diagram of Scholarly Misconduct Process



***The Designated Officer may overrule any determination that an Inquiry or Investigation is not warranted.**

- If no finding of SM is made, respondents may still be referred for Unacceptable/Questionable Research Practices or potential violations of other University, USM, or state policies/laws.
- The University will take efforts to restore the reputation of Respondents if an inquiry or investigation is found Not Warranted, or if it is determined that no SM occurred.
- If a finding of SM is made, a Responsible Administrator determines/takes action; the RIO will work to correct the research record.



DIVISION OF RESEARCH

February 15, 2019

MEMORANDUM

TO: Jack Blanchard
Chair, Faculty Affairs

CC: John Bertot
Associate Provost for Faculty Affairs

FROM: George Hurtt, Chair, Research Council *George C Hurtt*

SUBJECT: Comments on University of Maryland Research Misconduct Policy

Thank you for briefing me and allowing the Research Council to provide feedback on the University of Maryland Policy and Procedures Concerning Research Misconduct. Following our in person meeting, I shared the policy and accompanying presentation with members of the Research Council for input. This memo acknowledges and summarizes our review of and perspective on the policy.

As a public research institution, the University of Maryland, College Park (UMD) is broadly engaged in the discovery and dissemination of new knowledge. Unethical behavior in research and scholarship is unacceptable and could cause significantly harm the institution its patrons. The University's approach to this issue needs to be proactive and institutionalized, not ad hoc. This document presents a clear and logical policy and set of procedures for handling such cases and is a major advance. While responses to allegations of research misconduct will vary with each case, we believe that the policy in the form that was provided to the Research Council strikes a sound and reasonable way by which such allegations will be reviewed.

Moving forward, a common understanding of this policy and its included expectations and responsibilities is critical and we strongly encourage the Faculty Affairs Committee to thoroughly discuss and deliberate the best means by which the new policy can be broadly, widely and effectively disseminated to the entirety of the UMD research community. We also hope to see that adequate resources are allocated to enforce the policy and make it as effective as possible. Finally, the Research Council recognizes the inherent need to review policies on a regular basis, so that they can be adjusted and improved as needed, and would recommend that this policy be reviewed no later than after five (5) years of implementation.



Interim University of Maryland Policy and Procedures Concerning Research Misconduct (Senate Document #17-18-07)
Faculty Affairs Committee | Chair: Patricio Korzeniewicz

The Senate Executive Committee (SEC) and Senate Chair Falvey request that the Faculty Affairs Committee review the interim University of Maryland Policy and Procedures for Research Misconduct (III-1.10[A]).

Specifically, it asks that you:

1. Review similar policies and procedures for research misconduct at the University of Maryland - Baltimore, Big 10, and other peer institutions.
2. Review the implementation of the University of Maryland - Baltimore, Big 10, and other peer institution research misconduct procedures, to include the infrastructure to support investigations, responsible division(s), and the composition of review committees.
3. Consider how the University's research misconduct policy and procedures should address infrastructure to support investigations, units responsible for the review process, joint appointments with the University of Maryland - Baltimore, and the composition of review committees.
4. Consult with the Associate Provost for Faculty Affairs.
5. Consult with the Vice President for Research and the University Research Council.
6. Consult with representatives of the Intellectual Property Committee.
7. Consult with representatives of the Conflict of Interest Committee.
8. Consult with the Office of General Counsel regarding the interim policy and on any proposed changes to the policy.
9. If appropriate, recommend whether the interim policy should be revised and submit recommended revisions to the interim policy for Senate consideration.

We ask that you submit a report to the Senate Office no later than **March 30, 2018**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

APAS Overview of Preliminary Directions on Its Student Course Evaluations Charge

Background

In 2005, the Senate endorsed four purposes intended to guide the creation of a new online course evaluation system. An implementation committee worked to develop fifteen items aligning with these purposes, which were shared with the Senate the following year. In 2008, the CourseEvalUM system was introduced. Since then, changes have been made to the evaluation platform, but [the Course Evaluation items](#) have remained essentially the same (a USM-mandated item related to the value of required texts was added in 2017).

In January 2017, the Senate Executive Committee (SEC) received a proposal from the Executive Director of the Teaching & Learning Transformation Center (TLTC). The proposal identified several areas where the CourseEvalUM system could be improved and called for a comprehensive review of the existing approach to evaluating courses and instructors, one informed by recent scholarly literature and intended to revise the course evaluation items used. The Senate's Academic Procedures & Standards Committee (APAS) was [charged](#) with this review. An APAS subcommittee worked extensively on the charge, consulting with experts in the field of course and instructor assessment; researching current uses of CourseEvalUM results by administrators, faculty, and students; conducting peer institution research; and reviewing [previous research](#) on CourseEvalUM. APAS is currently considering the subcommittee's recommendations. After soliciting feedback from a range of stakeholders, it will revise and refine its final recommendations to the Senate.

Original Purposes

The Senate initially intended the course evaluations to address four purposes. They were to serve as: **Formative Evaluations** to provide diagnostic feedback to faculty for the improvement of teaching; **Summative Evaluations** to provide one measure of teaching effectiveness for use in APT and related reviews; **Informative Evaluations** that can help students select courses and instructors; and **Outcome Evaluations** to document student learning.

Current System

The subcommittee found that the current system is not able to adequately address two of its original purposes (Formative & Outcome). Given results from the current system are not available until after each semester is over, instructors are unable to make mid-semester adjustments. Further, many of the current items do not address specific practices and are not actionable. The current items are also ill-suited to measuring student learning, which is better addressed by learning outcomes assessments and other mechanisms.

The subcommittee found that many of the current items are inappropriate or open to bias. Some ask students about topics for which they are not the best source of information. The nature of the current items also make them more open to bias, particularly those that involve vague or subjective criteria. Additionally, the subcommittee found significant concern over the open-ended item, which can yield biased and even hateful comments. The subcommittee also found that the results have at times been overly emphasized in evaluating instructor performance, particularly for professional track (PTK) faculty.

Some of the current items are also redundant, a result of the instrument's original design. Because the "evaluations" can be considered a form of personnel record, the CourseEvalUM results are limited to specific audiences. Administrators can only see responses to eight of the items, students see the remaining eight, and instructors have access to all of them. This "firewall," which in its consultation with the Office of General Counsel the subcommittee found may no longer be necessary, has resulted in overlap between items, further limiting the range of elements they can cover. **Given the**

above, the subcommittee believes that the current items represent a missed opportunity to gather a wider range of information about instructors and courses.

Overview of Preliminary Directions

The subcommittee's recommendations are premised on a belief that University-wide data on student experiences serve a useful purpose and should be retained and improved. The subcommittee approached its work as an opportunity to reimagine the instrument in light of current best practices; narrow its purpose; and develop a tool that provides more and better information to administrators, instructors, and students. Its key recommendations include:

The “course evaluation” system should be renamed to better communicate that it gathers students' perceptions of courses and instructors. While results may be used to inform personnel evaluations, the survey results are not evaluations of instructor performance, a distinction that current terminology may blur. The “firewall” should be eliminated, resulting in more results being available to administrators and students (open-ended items would only be visible to administrators and instructors, given they can contain personally identifiable information and unaggregated, unit-level data). **Given the limited information these survey results can give, they should not be used as the sole basis for personnel determinations** for PTK faculty, but should be supplemented with other sources of information. The subcommittee recommends that the University model its approach to AEP and related processes on APT evaluations, which are based on a holistic review of teaching effectiveness that encompasses a range of feedback and evidence. The Provost's Office should also develop guidance on how the survey results should be interpreted.

The subcommittee has identified a series of constructs that should guide the development of replacement items (see following page). These constructs focus on areas where students are the best or only source of information; ask about specific practices are less prone to bias; and are focused on assessing baseline teaching practices and on identifying usage of best practices of teaching effectiveness. Nearly all of these constructs are backed by substantial research indicating their value in assessing instructor effectiveness; several constructs intended to directly inform registration decisions are based on suggestions from students. **Items addressing these proposed constructs should be developed by those with expertise in such assessments and should be piloted.** The subcommittee recommends that these replacement items then be presented to the Senate as an informational item, as was done in 2006. The length of the instrument should remain approximately the same. The subcommittee recommends that **Colleges and units be able to add up to five additional items** from a bank of questions that should be developed by the Course Eval Advisory Group, in consultation with the TLTC. These additional questions should be based on baseline and best practices of teaching effectiveness, as derived from literature in the field. Colleges and units should be consulted as the bank is developed and should have a mechanism to add additional items in consultation with the TLTC.

The University should **consider ways to make survey results more accessible**, including through links on course selection websites. The subcommittee also recommends that **grade distributions be made available to students**, a request that was consistent across the students consulted by the subcommittee.

The subcommittee acknowledges that changing the items will temporarily disrupt the ability to compare results over time, which will require some administrators to reconsider how results are used and interpreted. However, new items developed using the recommended constructs will provide more, and more valuable, information to all users of these results.

Recommended Constructs

The below constructs represent specific practices associated with teaching effectiveness. While example item text is provided parenthetically to illuminate the constructs, **the subcommittee is *not* recommending these specific items**. Actual items and wording would be developed by subject-matter experts, tested using cognitive interviews, and piloted before being adopted.

Constructs that Address Baseline and Best Practices in Teaching Effectiveness

- **Timely feedback** (e.g. “I get timely feedback on my work” or “The instructor returned assignments and exams in a timely manner”)
- **Clear assignment expectations** (e.g. “Assignment expectations are clear to me” or “The instructor provided guidance for understanding course exercises”)
- **Clear grading expectations** (e.g. “Grading criteria are clear to me” or “The instructor grades consistently with the evaluation criteria”)
- **Focuses on course content in class sessions** (e.g. “Class sessions help me learn course material” or “The instructor used time effectively”)
- **Value of required texts** (e.g. “The required texts (e.g., books, course packs, online resources) help me learn course material”) - required by USM
- **Climate** (e.g. “The instructor helps students feel welcome” or “The instructor treats students with respect”)
- **Instructor support** (e.g. “I think the instructor wants students to succeed” or “The instructor was helpful when I had difficulties or questions”)
- **Quality feedback** (e.g. “The feedback (e.g., grades, comments, discussions, rubric scores) I get from the instructor helps me improve” or “The instructor provided constructive feedback”)
- **Scaffolding** (e.g. “My instructor helps me understand new content by connecting it to things I already know” or “The course presented skills in a helpful sequence”)
- **Cognitive engagement and/or rigor** (e.g. “The course developed my ability to think critically about the subject” or “This course was intellectually challenging”)
- **Alignment of instruction to assessment** (e.g. “Assessments (e.g., tests, quizzes, papers) relate to course content” or “Graded assignments helped me understand the course material”)

Constructs that Inform Student Registration Decisions

- **Course satisfaction** (e.g. “I would recommend this class” or “This course made me want to learn more about the subject”)
- **Instructor satisfaction** (e.g. “I would take another course from this instructor if given the opportunity” or “I consistently enjoyed coming to class” or “I enjoyed learning from this instructor”)
- **Time invested** (e.g. “On average, about how much time did you spend on this class each week (e.g., doing homework, meeting with project team, studying)?”)
- **Major/Non-Major** (e.g. “How does this class fit into your academic plan or course of study?”)

Constructs for Open-Ended Feedback (only visible to administrators and instructors)

- **Positive aspects** (e.g. “What did the instructor do that helped improve your learning in this course?”)
- **Areas for improvement** (e.g. “What could the instructor do better or differently next time to help improve your learning in this course?”)

A Future for University Honors

March 2019

Background

University Honors (UH) is the Honors College’s oldest and largest living-learning program. Of the 1,000 Honors students who matriculate to the University each year, more than half of them choose to join UH (Figure 1). But despite its size and centrality to the Honors College, UH has for decades struggled to deliver a satisfactory experience for these highly recruited students.

This situation has not passed unnoticed. A 2014-15 survey of Honors students revealed that fewer than 10% of UH students felt that they learned more than their peers in other Honors living-learning programs (LLPs) (Figure 2). And whereas 85% of students in the other six LLPs report a strong collegiate environment in their respective programs, fewer than 60% of UH students share this estimation (Figure 3).

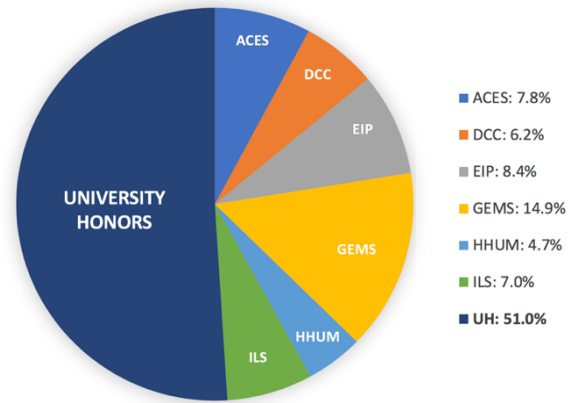


Figure 1. Honors Enrollment by LLP
Average Cohort Size: AY15-18

This evaluation is reinforced by studies dating back to the 1980s.¹ Report after report describes UH as an “underfunded,” “understaffed” “step-down” from the other LLPs, offering “few community-building activities” and an “unfocused” curriculum. Among the “major weaknesses” of the General Honors Program identified as early as the Markley Report (1988), for example, were the following:

“inadequate budgetary support,” “relatively low involvement of campus faculty,” and “quality issues within honors seminars stemming from ... the use of part-time faculty, and/or faculty teaching outside their disciplines.”

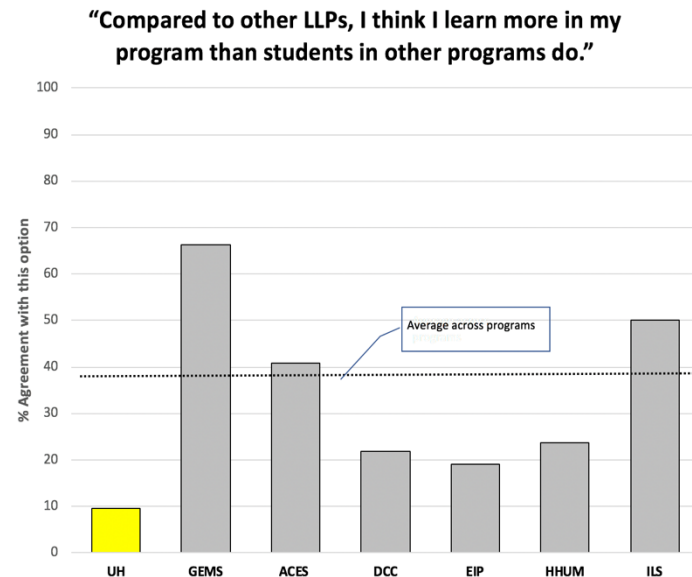


Figure 2. Student Satisfaction Survey (2014-15)

Commissioned by Provost Mary Ann Rankin and Associate Provost and Dean for Undergraduate Studies William Cohen in 2016 and submitted in April 2017, the most recent study was prepared by an Honors College Strategic Vision Committee (HCSVC) consisting of senior faculty, staff, and students from across campus. Observing that UH is plagued by “structural and funding arrangements that chronically undermine both the curriculum and students’ living-learning experiences,” the

¹ See, e.g., reports submitted by the Ad Hoc Committee on Undergraduate Honors Program (1988), Summer Working Group on Honors (1996), Honors Review Committee (2006), Committee on Living-Learning Programs (2009), Honors College Self-Study Committee (2014), Honors College External Review Committee (2015), and Honors College Strategic Vision Committee (2017).

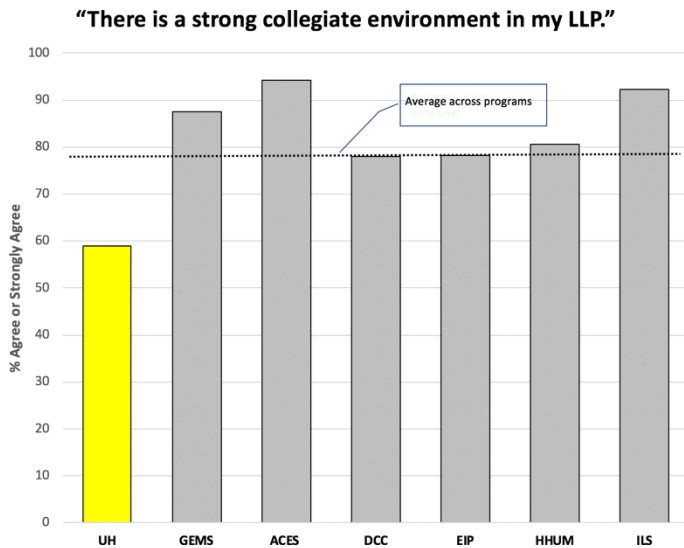


Figure 3. Student Satisfaction Survey (2014-15)

HCSVC’s report calls for a top-to-bottom reorganization, including a distinctive mission, a coherent curriculum, greater involvement from campus faculty, dedicated teaching resources, adequate staffing, increased funding, and intentional cocurricular programming.

At a December 2017 meeting of the Provost’s Academic Planning Advisory Committee (APAC), the Honors College presented a preliminary proposal for implementing these recommendations. The College has continued to refine this proposal in light of the feedback it has received from constituencies across campus, including Directors of the other Honors LLPs, Honors students, Associate Deans of the academic colleges and schools, the Office of Undergraduate Studies, the Enrollment Management Taskforce, Faculty

Affairs, Undergraduate Academic Planning committee (UGAP), and the Office of the Provost. The present document reflects the current state of this effort.

Challenges

The challenges facing UH fall into three broad categories:

(1) *Curriculum and Cocurricular Programming*

The current instructional staffing arrangement between the Honors College and the academic colleges and schools (Herman Targets) delivers an educational experience that both lacks internal coherence and fails to provide follow-up courses for interested students. Inadequate staffing results in insufficient cocurricular programming. For this community of the University’s most promising students, we can, and should, do better.

(2) *Faculty and Staff*

Despite offering more than 120 seminars per academic year, UH lacks a dedicated faculty. Departments are reluctant to “give up” their best tenure-line faculty to teach for UH, and tenure-line faculty are disinclined to develop courses that will be offered only once to non-majors. With minimal input in the selection of those who teach nearly 60% its courses, UH has limited quality control of its course offerings. Furthermore, whereas each of the other LLPs is led by a Director and enjoys staff-to-student ratios ranging from 1:38 to 1:100, UH lacks a Director and, with its two full-time staff members, has a staff-to-student ratio of approximately 1:500.

(3) *Mission and Brand*

Widely viewed as the “default” program in the Honors College, UH lacks a clear and distinctive mission. This perception is reinforced by the program’s name, which is non-descriptive, confusing, and uninspiring.

The present document outlines the Honors College’s strategy for addressing each of these challenges, with particular attention paid to the implications for the academic colleges and schools, as well as the other Honors LLPs.

Curriculum and Cocurricular Programming

At the heart of the proposed restructuring of UH is a rigorous, multidisciplinary curriculum comprised of collaboratively designed, thematically organized courses of contemporary significance. Instead of taking an assortment of disparate seminars and H-version courses, in the proposed UH, students will receive their citation upon completion of a cohesive, 15-credit sequence of classes and seminars.

Whilst students may complete their coursework anytime during their undergraduate careers, the typical pathway through this sequence will look as follows:

<i>Freshman Year</i>	<i>7 CR</i>	<i>Sophomore Year</i>	<i>6 CR</i>	<i>Junior/Senior Year</i>	<i>2 CR</i>
Gateway Seminar	1 CR	Cluster 2: I-Series Class	3 CR	Vantage Point Seminar	2 CR
Cluster 1: I-Series Class	3 CR	Cluster 2: Seminar A/B/C	3 CR		
Cluster 1: Seminar A/B/C	3 CR				

Gateway Seminar

UH freshmen begin their journey by taking this 1-credit, S/F seminar. Led by Lecturers, organized in partnership with I-Faculty Fellows (see below), and featuring invited guests, this conversation-based course gives students a window into how researchers, teachers, and DC-area practitioners cultivated their

passions, built their careers, and conceive of their contributions to education and society. UH freshmen will have the opportunity to learn about less familiar areas of study and career paths, network with faculty and prospective mentors, and introspect and write about their own futures. The Gateway Seminar replaces, and will incorporate some of the campus-orientation material currently provided by, HONR 100.



Figure 4. Sample Cluster Themes and Seminar Topics

Thematic Clusters

Typically in their freshman and sophomore years, students will complete two “Clusters” of courses. A Cluster consists of a group of thematically related, non-sequential, 3-credit courses (Figure 6). At the heart of each Cluster is an I-Series course taught by the Cluster’s I-Faculty Fellow. Each I-Series course will explore a “big” question of contemporary and enduring significance and will accommodate 60 UH students. Proposed by participating Faculty Fellows,

the theme of each Cluster can be engaged from multiple disciplinary perspectives, and the other seminars in the Cluster will do precisely that. Smaller in size (20) and somewhat narrower in scope, Seminar A will be taught by a Lecturer and Seminars B and C will be taught by Faculty Fellows. (Some illustrative examples are given in Figure 4.) Cluster topics and syllabi will be approved by the Honors Council. Learning outcomes will emphasize the traits of the Honors College Graduate (Figure 8). Any two-course combination within a Cluster will fulfill three GenEd requirements: one SCIS + two additional categories.

Theory and Practice Tracks

While most students will complete one two-course Cluster in their first year and one two-course Cluster in their second year, an alternative to the second Cluster is the “Theory and Practice Track.” Each Theory and Practice Track consists in two thematically related, non-sequential, 3-credit seminars: one taught by a Faculty Fellow “theoretician,” the other taught by a DC-based “practitioner” (illustrative examples given in Figure 5). These pairings ensure the continued involvement of DC-area experts, whose seminars have proven extremely popular with UH students.

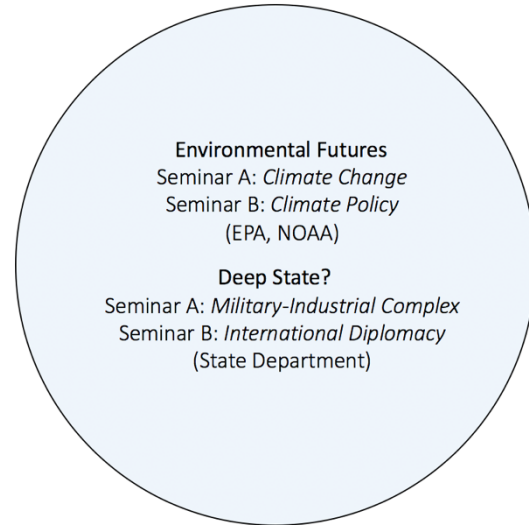


Figure 5. Sample Theory & Practice Themes and Topics

Vantage Point Seminar

Juniors and Seniors cap their experience in the proposed UH by completing this 2-credit, discipline-nonspecific seminar. Led by Lecturers, this course guides students through a process of self-inquiry as they revisit questions first explored in the Gateway Seminar, reflect on their curricular and co-curricular experiences at the university (e.g., clusters, study abroad), pivot toward completing their major programs and launching their postgraduate lives. Materials compiled and generated through this process (including, e.g., curriculum vitae, writing sample, professional website) will be collected in an ePortfolio. Students who complete this Seminar will receive their University Honors Citation at a ceremony at the conclusion of their senior year.

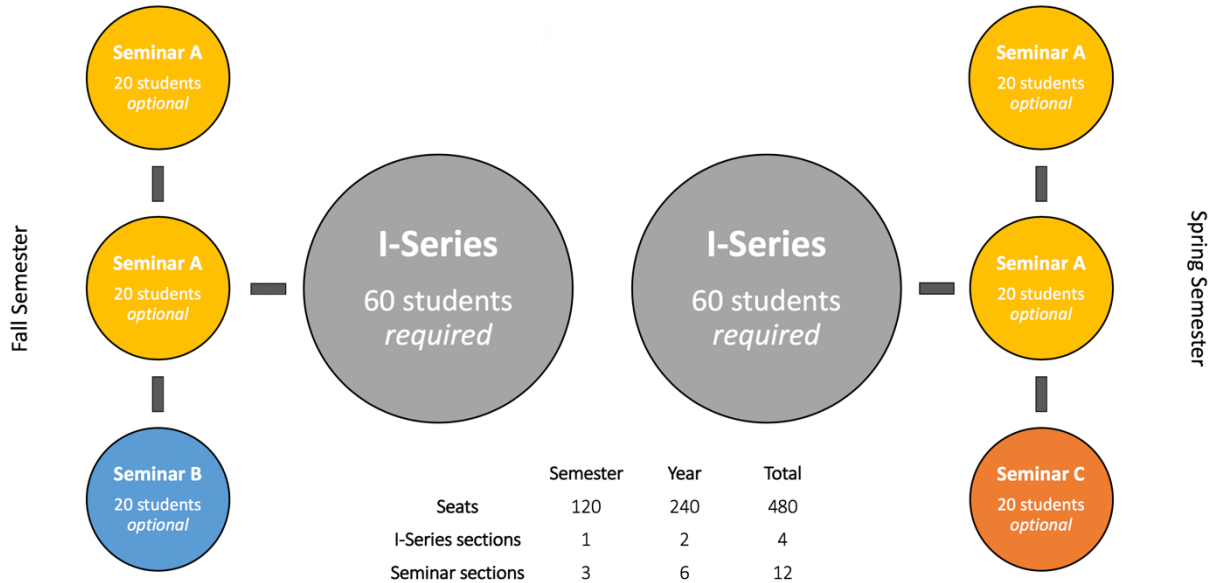


Figure 6. Thematic Cluster

Scheduling

It is crucial that the proposed UH curriculum preserves the sort of scheduling flexibility on which current UH students have come to rely (Figure 7).

- 8 Clusters run every year, and each Cluster runs for 2 years. For each Cluster, 1 section of the I-Series course and 3 sections of seminars (2 x Seminar A and 1 x Seminar B in Fall Semester, 2 x Seminar A and 1 x Seminar C in Spring Semester) is offered in every year in which the Cluster runs.
- 3 Theory & Practice Tracks are offered every year, and each Track runs for up to three years. Both Theory & Practice Track Seminars will be offered in both semesters of the year in which the Track runs.
- 12 sections of the Gateway and the Vantage Point Seminars will be offered each semester.

	AY 1		AY 2		AY 3		
	Fall	Spring	Fall	Spring	Fall	Spring	
Lecturer	Gateway Sem. (4 sec.)	Vantage Point (2 sec.) Course Fair	Cluster Sem. A (2 sec.) Vantage Point (2 sec.)	Cluster Sem. A (2 sec.)	Cluster Sem. A (2 sec.) Vantage Point	Cluster Sem. A (2 sec.) Vantage Point	THEMATIC CLUSTER
Lead Faculty Fellow	R&D Gateway Sem. (partic.)	Course Fair	Cluster I-Series	Cluster I-Series	Cluster I-Series	Cluster I-Series	
Faculty Fellow	-	Course Fair	Cluster Sem. B	-	Cluster Sem. B	-	
Faculty Fellow	-	Course Fair	-	Cluster Sem. C	-	Cluster Seminar C	
Faculty Fellow (Theoretician)	Theory & Practice Sem. T	Theory & Practice Sem. T	Theory & Practice Sem. T	Theory & Practice Sem. T	Theory & Practice Sem. T	Theory & Practice Sem. T	T&P TRACK
DC Practitioner	Theory & Practice Sem. P	Theory & Practice Sem. P	Theory & Practice Sem. P	Theory & Practice Sem. P	Theory & Practice Sem. P	Theory & Practice Sem. P	

Figure 7. Sample 3-year Schedule

Cocurricular Programming

The stability and coherence of the proposed curriculum will allow for development of the sort of robust cocurricular program currently absent in UH and which prospective students expect. Likely community-building activities and topics will include financial literacy, wellness, citizenship skills, career planning, etc.

Further Considerations

Among the features of this curricular structure are the following:

- Alignment with university’s strategic plans, specifically the *2016 Strategic Plan Update’s* commitment to “expand and enhance living-learning communities” and to “transform teaching to enhance learning” in ways that “increase opportunities for collaborative learning and discovery” and “result in deeper, long-term learning.”
- The university’s most promising students will be better served by a curriculum that is at once coherent and continually refreshed by new courses on topics of contemporary and enduring significance led by a reenergized faculty.
- Through the new Honors Council, research-active tenure-line faculty will play an integral role in the design and development of UH course offerings.
- Maximal flexibility for students, who may complete any Cluster or Track in a semester, a year, or over a period of up to 2 (Clusters) or 3 (Tracks) years.



Figure 8. Traits of UMD Honors Graduate

- Adaptable structure that can expand or contract to accommodate fluctuations in UH and Honors College enrollment.
- By decreasing its citation requirements from 16CR to 15CR, the proposed UH is brought into line with ACES, EIP, Honors Humanities, and ILS (all of which require 15CR) and will require fewer credits than both DCC (16CR) and Gemstone (18CR).
- Faculty are better incentivized to develop courses since all courses in the proposed UH are guaranteed to be offered more than once.
- Currently, fewer than half of the those who teach UH students are tenure-line faculty. A UH student today can complete her citation without ever taking a course designed or taught by a tenure-line faculty member (and many do). In the proposed UH, by contrast, 96% of all courses will be led by dedicated UH faculty—Faculty Fellows and/or Lecturers with fulltime appointments in UH—with the remaining 4% led by DC-based “Practitioners.”
- Stable structure that allows UH to develop lasting partnerships with stakeholders both on campus (e.g., Do Good Institute) and off (e.g., Phillips Collection, DC-area institutions and agencies).

Alternative Models Considered

Several alternatives to the proposed curriculum were considered and ultimately rejected. For example, the College explored a curriculum consisting of fifteen tracks per year. Among the features of this model were the following: *all* participating tenure-line faculty members would be required to make a 2-year, 1/1 commitment; each track was to consist of just two seminars; Lecturers would be provided with housing in the new Varsity Fields residence hall or in private apartments near campus. Following extensive consideration and consultation, this strategy was rejected in favor of the “Cluster” approach for several reasons, among them (a) the need for greater variety in the type of appointments open to tenure-line faculty members, due to the variety of standard teaching loads across campus—from 1/1 in some colleges to 4/4 in others; (b) operational challenges associated with devising, coordinating, and maintaining such a large number of small tracks; (c) insufficient scheduling flexibility for students enrolled in highly prescriptive degree programs; and (d) logistical challenges introduced by faculty living in residence with students.

The College also considered eliminating UH altogether and replacing it with six area-specific LLPs similar in size and scope to ACES, DCC, EIP, Honors Humanities, and ILS. This approach was similarly rejected for several reasons, including (a) cost; (b) the unlikelihood of identifying sponsoring colleges for each new program; (c) the undesirability of closing a program with such a long history and devoted alumni base; and (d) recognition of the fact that Honors students both value and benefit from a flexible program whose curriculum is discipline-nonspecific.

Faculty and Staff

Seminars in the proposed UH will be designed and taught by three cadres of faculty: 12 Lecturers, 27 Faculty Fellows (including 8 I-Faculty Fellows, 16 Faculty Fellows, and 3 “Theoretician” Faculty Fellows), and 3 “DC Practitioners” (Appendix 1).

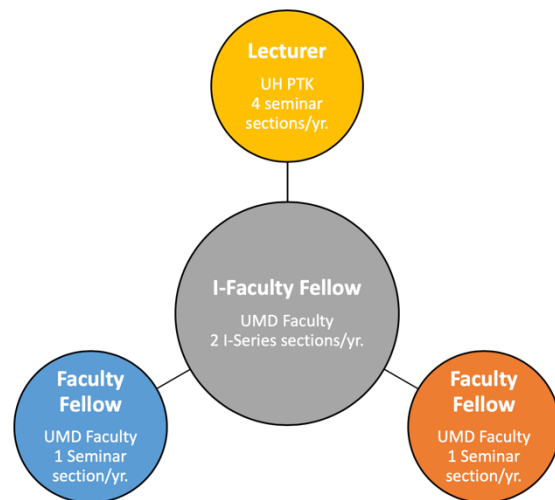


Figure 9. Cluster Faculty Group

Lecturers

Rotating group of recent PhDs (3 x cohorts of 4). 3-year appointment (possibly renewable in exceptional cases). Each Lecturer is paired with a I-Faculty Fellow, helping to develop, steward, and teach in 1 Cluster. 9-month salary, customary fringe benefits. Teaching load: 3/3. Year 1: 4 sections of Gateway Seminar + 2 sections of Vantage Point Seminar (i.e., 2 preps) + R&D. Years 2 and 3: 4 sections of Cluster Seminar A + 2 sections of Vantage Point Seminar (i.e., 2 preps).

Faculty Fellows

All 27 Faculty Fellows are tenure-line or PTK UMD faculty. In recognition of their commitment to the proposed UH, Faculty Fellows receive a stipend. This group falls into three categories:

- (1) 8 I-Faculty Fellows make a 2-year teaching commitment. Teaching load: 1/1. Years 1-2: 2 sections of Cluster I-Series (1 prep). Prior to the beginning of their term, I-Faculty Fellows will begin developing a Cluster theme, assist in the hiring of the Lecturer with whom they will be paired, and participate occasionally in the Gateway Seminar led by this Lecturer. For assistance in the Cluster I-Series courses, UH will provide each I-Faculty Fellow with TA support from his or her home department.
- (2) 16 Faculty Fellows teach one Cluster Seminar per year for two years. Teaching load: 1/0 for the Faculty Fellow teaching Seminar B, 0/1 for the Faculty Fellow teaching Seminar C. It is preferable but not necessary for Seminar B to differ from Seminar C. It is possible, in other words, for these two Faculty Fellows to trade off teaching the same course. Also, the 1/0-0/1 structure is not required. For example, one Faculty Fellow might teach Seminar B in Fall of academic year 1 and Spring of academic year 2, while her counterpart teaches Seminar C in Spring of year 1 and Fall of year 2.
- (3) Each of the remaining 3 Faculty Fellows is identified as a “Theoretician” and is paired with a “DC Practitioner.” The commitment is one year, and the teaching load is 1/1.

DC Practitioners

Rotating group of 3 experts drawn from the Washington, D.C. area. 3-year appointment. Per course stipend. Teaching load: 1/1 (1 prep). Each DC Expert partners with a Faculty Fellow to develop and teach in 1 Track. PTK titles for DC Practitioners will be determined on a case-by-case basis.

Staff

A program of this size, complexity, and importance requires leadership and adequate staff support. Currently, UH is served by two full-time staff members—an Assistant Director for Academics and a Coordinator—plus two graduate assistants. The proposed UH will retain these individuals and, by the end of the three-year ramp-up period, add a Director, an Assistant Director for Student Life, a Program Manager, plus two graduate assistants and several hourly student workers.

Mission and Brand

This past summer, the Honors College charged a small committee of UH and UH-affiliated staff members with the task of drafting a tag line and mission statement that could serve both immediately for the current UH and eventually for the proposed UH. The tentative results of this effort are as follows:

Tagline: *Awaken Your Curiosity*

Mission Statement: *University Honors is a gateway through which inquisitive minds encounter unfamiliar ideas, interrogate familiar ones, confront assumptions, grapple with uncertainty, and chart new possibilities. Comprised of promising students and expert faculty drawn from all backgrounds and disciplines, our inclusive community*

of fellow explorers is united by a shared commitment to leading a life propelled by curiosity.

To signal the program’s transformation, as well as to mitigate the persistent conflation of “University Honors” and the “Honors College,” a substantial rebranding exercise is recommended. Undertaken in



Figure 10. Varsity Fields Project

partnership with the new Honors Council, key stakeholders across campus, and/or the Committee on Living-Learning and Other Special Programs, this effort should be timed to coincide with the recruitment season prior to the first year of steady-state operations (Fall 2021), the opening of the Varsity Fields residence halls and program space (Fall 2021, Figure 10), and celebrations of the 50th anniversary of the first cohort of Maryland Honors graduates (2020-21).

Impact Assessment: Academic Colleges and Schools

As UH and the academic colleges and schools transition from one mode of operation to another, a degree of disruption is inevitable and to be expected. But we believe that the benefits of this proposed program to the colleges and schools (not to mention our students) will eventually far outweigh the tradeoffs.

The impact on academic colleges and schools will differ from unit to unit. But overall, commitments to UH will both decrease sharply from their current levels (Figure 11) and be distributed more equitably across campus. Collectively, colleges and schools will see a 51% reduction annually in seminars for which they

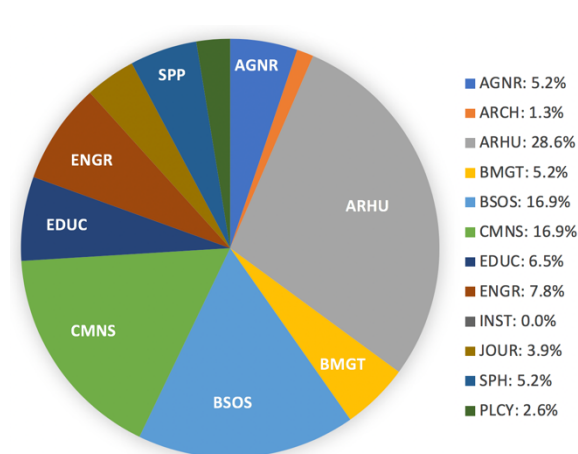


Figure 11. Herman Targets: Current UH

are responsible (from 77 presently to 38 by AY22) and a 65% reduction in individual faculty members who they “give up” to UH each year (from 77 presently to 27 by AY22). These reductions will generate savings due to the decrease in instructional replacement costs, though the recipient(s) of these recovered costs remains to be determined.

Currently, tenure-line faculty members who teach for UH receive no additional compensation and limited staff support. Moreover, course enrichment funding is insufficient and unevenly distributed. In the proposed UH, by contrast, Faculty Fellows will not only receive a stipend, but will also benefit from considerable administrative and teaching support: access to one UH GA, extensive course-development assistance from UH

staff, subsidized TA support from the faculty member’s home department, a budget for course enrichment, etc. The tradeoff required to make these reductions possible is a longer and deeper commitment on the part of participating Faculty Fellows. For 24 of the 27 Faculty Fellows, this means a 2-

year commitment of a 4-course (I-Faculty Fellows) or 2-course (Faculty Fellows) teaching load. The remaining 3 Faculty Fellows participating in the Theory & Practice Tracks make up to a 3-year commitment of a 1/1 teaching load.

Currently, Honors seminars developed and taught by tenure-line faculty members typically cannot be offered subsequently in their home departments because, among other things, they are designed for non-majors and are discipline-nonspecific. In the proposed UH, the Cluster I-Series courses may be adapted and subsequently offered in the Faculty Fellow's home departments.

Impact Assessment: Other Honors Living-Learning Programs

In several respects, UH stands in an asymmetrical relationship with respect to the other living-learning programs (LLPs) in the Honors College. First, Honors College policy permits open enrollment in UH seminars by *all* Honors students, regardless of program affiliation. The reverse is prohibited: UH students may not take courses offered by the other LLPs. Second, Honors College policy permits Honors students in other LLPs to transfer out of their program and into UH. The reverse is prohibited: Honors students may not transfer from UH into any of the other LLPs. Likewise, students who join the Honors College after their first year—whether as transfers from other institutions or from within the University—may transfer into UH, whereas the other LLPs do not permit students to begin their programs after their freshman year (except in rare instances).

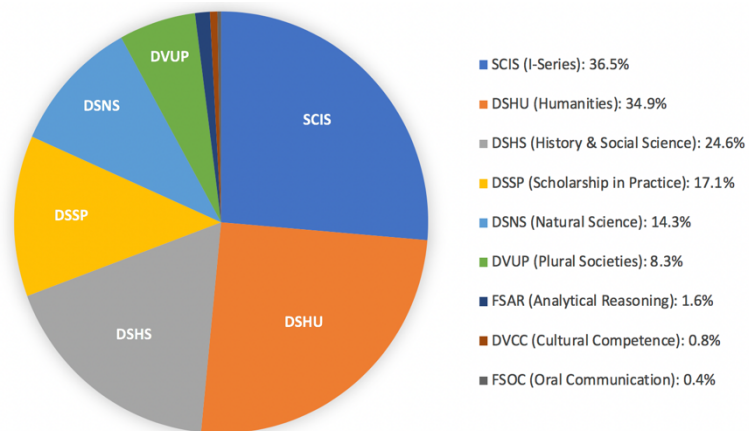


Figure 12. GenEd Distribution in UH Seminars (AY16-18)

In order for UH to achieve the distinctive identity called for in this proposal, it must establish the same sort of “boundary integrity” enjoyed by its peers. This in turn will necessitate changes to those policies and practices that have perpetuated UH’s role as the College’s “default” program and additionally taxed an already under-resourced program. Accordingly, it is recommended that the proposed UH be brought into alignment with the other LLPs by

- (1) permitting only UH students to enroll in UH courses; and
- (2) devising transfer policies that are both feasible and workable for all programs.

The impact of these changes remains to be seen. The effects of (1), for example, cannot be foretold simply by noting that, in recent years, roughly 30% of the annual enrollment in Honors seminars is by non-UH Honors students. Students’ reasons for enrolling in these seminars is also highly relevant, and only some students enroll in these courses because they are required to do so. (DCC and EIP currently require their students to complete 2 Honors seminars in order to receive their citation.) Others use the Honors seminars to satisfy GenEd requirements that could be alternately satisfied (Figure 12). Still others enroll in Honors seminars purely out of interest and because their schedules allow it. (The typical ILS student, for instance, enters the university with extensive Advanced Placement credit and thus has considerable scheduling flexibility.)

Consequently, more fine-grained data will be needed in order to gauge the impact of implementing (1) and (2). And the Honors College pledges to coordinate with all seven LLPs both to secure this data and to develop new policies that are equitable and mutually agreeable.

Consultation Process

In preparing this proposal, the Honors College has consulted widely with colleagues, partners, stakeholders, and friends of Honors from across campus. Versions of this proposal—in some cases, multiple versions on multiple occasions—have been, or will soon be, presented to Campus APAC, the Council of Deans, Undergraduate Academic Programs committee (UGAP), Undergraduate Programs Advising Committee (UPAC), the Enrollment Management Taskforce (EMT), the Office of Undergraduate Studies (UGST), University Relations, the Academy of Innovation and Entrepreneurship, the Teaching and Learning Transformation Center, all of the affected colleges and schools, the other living-learning programs in the Honors Colleges, Honors College central staff, as well as members of both the University Honors Student Advisory Board and the Honors College Student Advisory Board. At every step along the way, the proposal has been modified and shaped to respond to feedback and suggestions from these various constituencies.

Once the proposal is approved for implementation, we shall consult several additional constituencies, including current UH students, UH and “General Honors” alumni, the Office of Undergraduate Admissions, and faculty and staff with recent experience in launching and coordinating new programs on campus (e.g., FIRE). We shall also integrate the proposed UH into Honors College development materials and begin courting potential donors.

APPENDIX ONE: FACULTY FELLOWS

I-FACULTY FELLOW

Fall AY1: theme development

Spring AY1: hiring committee

Fall AY2: coordinate with Fellow(s), Lecturer;
Gateway Seminar

Spring AY2: participate in "course fair"

Fall AY3: 1 I-Series course

Spring AY3: 1 I-Series course

Fall AY4: 1 I-Series course

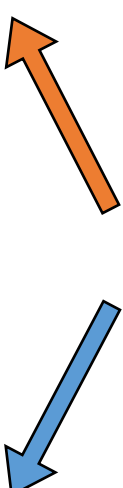
Spring AY4: 1 I-Series course

FACULTY FELLOW

Fall AY1: theme development - *optional*

Fall AY2: coordinate with Lead Faculty Fellow

Spring AY2: participate in "course fair"



Option 1: 2 Faculty (1/0 & 0/1)

Fall AY3: Seminar B

Spring AY3: Seminar C

Fall AY4: Seminar B

Spring AY4: Seminar C

Option 2: 1 Faculty (1/1)

Fall AY3: Seminar B

Spring AY3: Seminar B

Fall AY4: Seminar B

Spring AY4: Seminar B

THEORETICIAN FACULTY FELLOW

Fall AY1: coordinate with "Practitioner"

Spring AY1: participate in "course fair"

Fall AY2: 1 "Theory" seminar

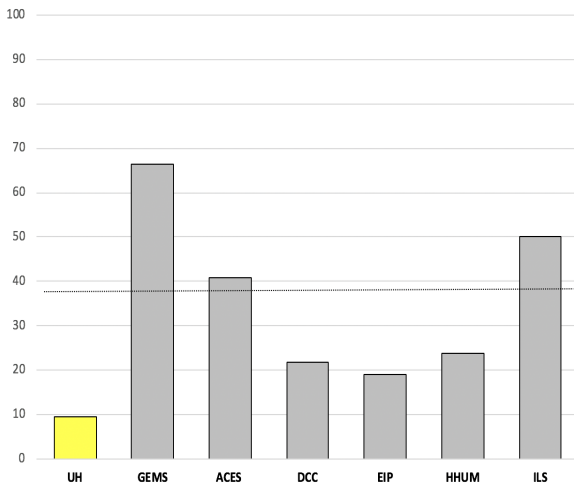
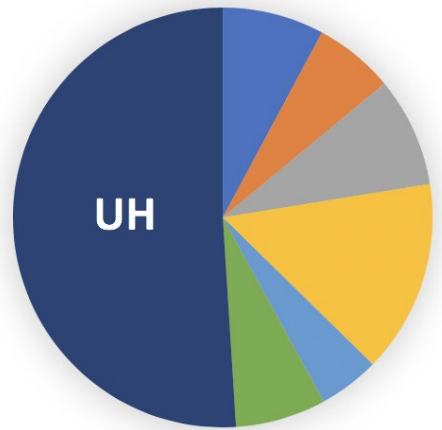
Spring AY2: "Theory" seminar

Fall AY3: "Theory" seminar

Spring AY3: "Theory" seminar

Fall AY4: "Theory" seminar

Spring AY4: "Theory" seminar



IMPETUS FOR ACTION

CHALLENGES

Curriculum & Cocurricular Programming
 Faculty and Staff
 Mission and Brand

REPORTS

Ad Hoc Committee on Undergraduate Honors (1988)
 Summer Working Group on Honors (1996)
 Honors Review Committee (2006)
 Committee on Living-Learning Programs (2009)
 Honors College Self-Study Committee (2014)
 Honors College External Review Committee (2015)
 Honors College Strategic Vision Committee (2017)

TIMING

Fall 2021: Varsity Fields Project
 2020-21: 50th Anniversary of 1st Honors Graduates

CONSULTATIONS

Academic Planning Advisory Committee (APAC)
 Council of Deans
 Academic Leadership Forum (ALF)
 Undergraduate Academic Programs Committee (UGAP)
 Enrollment Management Taskforce (EMT)
 Office of Undergraduate Studies (UGST)
 Undergraduate Programs Advising Comm. (UPAC)
 Living-Learning and Other Special Programs (LLOSP)
 University Relations
 Academic Colleges and Schools
 Honors College LLPs
 Honors College central staff
 Honors College Student Advisory Board (HCSAB)
 University Honors Student Advisory Board (UHSAB)
 Honors Alumni
 Office of Undergraduate Admissions (OUA)

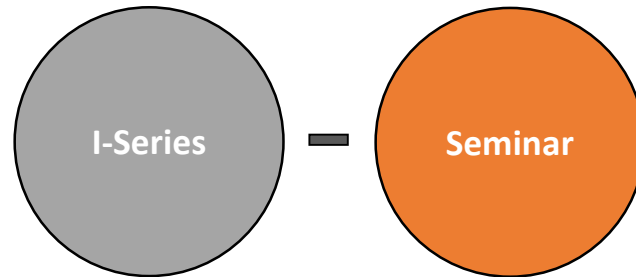
NEW UH: CITATION REQUIREMENT (15CR)



XXXX 100

Gives freshmen a window into how researchers, teachers, and DC-area practitioners cultivated their passions, built their careers, and conceive of their contributions to education and society.

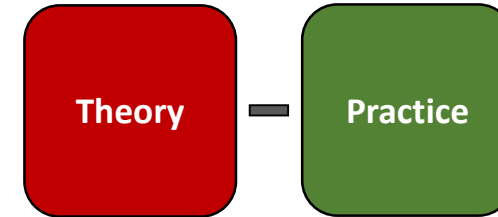
1 CR



THEMATIC CLUSTER

Thematically related, non-sequential courses in different disciplines. At the heart of each Cluster is an I-Series course taught by the Cluster's Lead Faculty Fellow. Each I-Series course explores a "big" question of contemporary and enduring significance. Cluster topics and syllabi will be approved by the Honors Council. Students take one I-Series (3CR) and choose one from among several associated Seminars (3CR).

6-12 CR



THEORY & PRACTICE TRACK

This track consists of two thematically related, non-sequential seminars: one taught by a Faculty Fellow "theoretician," the other taught by a DC-based "practitioner." Students take both the "Theory" seminar (3CR) and the "Practice" seminar (3CR).

0-6 CR



VANTAGE POINT SEMINAR

Guides students through a process of self-inquiry as they revisit questions first explored in the Gateway Seminar and pivot to post-UH opportunities (e.g., departmental honors).

2 CR