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Faculty Senate Meeting Minutes - April 2001

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UNIVERSITY OF SOUTH ALABAMA**Faculty Senate
Approved Minutes
18 April 2001****1. Call to Order:**

The meeting was called to order at 3:08 p.m.

2. Roll Call and Agenda Approval:

Present: Dagenais, Hill, Spector, Bowers, I. Brown, Comstock, Hanks, Hermanson, Kimball, Kwiatkowski, Mozur, Rogers, Shardo, Willis, Longenecker, Vest, Rowe, Bailey, Broughton, Gray, El-Saba, Olsen, Sylvester, Murray, Wheeler, Barik, Benoit, Boggs, M. Cohen, Figarola, Kayes, Painter, Perkins, Townsley, Wesenberg, Bracken, Hsu, Swofford, Weitzel

Absent: Gifford, Blackwell, S. Cohen, Matheson, Miller, Garmon, Ellis, Guest, Baker, Foster, McNair, Pettyjohn, Wilson, Beatty, Broome, Temple

The agenda was approved.

3. Approval of Minutes:

The minutes from the March 21, 2001 Faculty Senate meeting were presented and approved.

4. Report from the Chair:

Chairman Rogers made his annual report. (**Attachment 1**)

5. Reports from Senate Committees:

Evaluation Committee: Senator Wesenberg discussed this year's faculty survey. He announced that the survey was ready for a trial run and mentioned some security issues. Dr. Sylvester raised some questions about security of the survey and associated results. It was agreed that Dr. Longenecker would assist in assessing the security of the online survey.

Planning Committee: Senator Dagenais indicated that bids for the Library addition should be solicited in May and that, hopefully, work will begin this Summer. He also announced that Phase 2 of the MCOB renovations are almost complete and that the track should be completed in the near future. There has been some talk of meetings being held with administrators with regard to tenure policies and procedures.

Senator Dagenais presented the committee's annual report. (**Attachment 2**)

Policy and Handbook Committee: Senator R. Brown presented the committee's annual report. (**Attachment 3**)

Salary and Fringe Benefits Committee: Senator Townsley presented the committee's annual report. **(Attachment 4)**

6. Reports From Caucus Leaders:

None of the caucus leaders presented a formal report.

7. Old Business:

Sylvia Friedl, Manager of Research Compliance and Assurance, presented and answered questions concerning proposed changes to University policies and procedures that would also affect sections of the Faculty Handbook.

Motions were made and seconded to approve the revisions that would affect Chapter 7 of the Faculty Handbook. A modification of the fourth paragraph of the section pertaining to "research involving human participants" was suggested and approved. The motions were **approved** by unanimous votes. **(The text of the revisions are shown as Attachments 5, 6, and 7.)**

Professor Richmond Brown presented a **resolution regarding revisions to teaching load** policies. A motion was made and seconded that the resolution be approved. After much discussion, the motion was **tabled**.

8. New Business:

A motion concerning a resolution indicating Senate **support for increased local funding for Mobile County Schools** was made and seconded.

Whereas, the University of South Alabama Faculty Senate values education at all levels from K-12 and higher education, and

Whereas, Mobile County Public Schools receive inadequate local funding, and

Whereas, the vote on May 15 is an opportunity to provide more local funding for the Mobile County Public School System,

Now therefore be it resolved that the University of South Alabama Faculty Senate does hereby publicly endorse and support the vote for increased local funding for Mobile County Public Schools and urges all citizens of Mobile County to vote YES on May 15, 2001.

Be it further resolved that the Chair of the Faculty Senate communicate this resolution to members of the University community and to the community at large.

This motion was **approved** by a unanimous vote.

9. Election of officers and committee chairs for the 2001-2002 term.

Elections were held for the new executive committee. Officers and chairs are:

Senate Chair - Dan Rogers, College of Arts and Sciences

Senate Vice-Chair - Bob Bracken, Mitchell College of Business

Senate Secretary - Sally Murray, Library

Evaluation Committee Chair - Richard Wesenberg, College of Medicine

Planning Committee Chair - Sharon Vest, School of Computer and Information Sciences

Policy and Handbook Committee - David Ellis, College of Education
Salary and Fringe Benefits Committee - Jane Boggs, College of Medicine

10. Adjournment:

The meeting was adjourned at approximately 4:36 p.m.

Respectfully submitted by:

R. Bracken, Secretary

ATTACHMENT 1

End of the Year Report Dan Rogers, Senate Chair

I didn't get the year I expected, but I would be willing to bet nobody ever does.

At the beginning of the year, I stressed several goals for my service. These included working toward more faculty participation in campus governance; creating a sense of history and institutional memory for the Senate through storage of our current and past records online; creating a means for faculty to vote on-line; and of course I wanted to strive to represent the faculty to the best of my ability.

I would like to comment on each of these areas.

Faculty Participation in Campus Governance: I cannot say that major improvements have been made in faculty participation in campus governance. The Senate presented a report to the administration urging a number of specific reforms. It was clear that the Administration was far less enthusiastic about them than we were. While willing to discuss anything with us, on very few issues could we come to an outright agreement. So, for example, instead of granting our request that the Board of Trustees be asked to admit the chair of the Faculty Senate to the table during all Board sessions, the Administration agreed to ask the chairman pro tempore of the Board to introduce the Senate chair at meetings and make a statement welcoming any input (this occurred twice and then the practice was abandoned). Instead of helping the Senate find secretarial support for its activities, we were offered priority for a work study student. Instead of Faculty Senate representatives on the Council of Deans and on College Councils of Chairs, the Deans were asked to begin meeting frequently with their college's senators.

Ultimately, when the greatest potential crisis to face this University in the last decade emerged in the form of proration beyond anyone's worst nightmare, the lack of Faculty Senate participation in initial stages opened the door for misunderstanding, resentment, and loss of morale. If I have one great regret this year, it's that I was not persuasive enough in making the case for such increased Senate participation in administrative councils.

On the other hand, the Senate did continue a pattern of frequent contacts with the upper administration initiated by the previous chairs, Calvin Jones and Elise Labbé, and their executive committees. The contacts were furthered by a retreat at Brookley last October between the entire upper academic administration and the Senate, and we hope this will become an annual event. And the administration has been very communicative when the time has come to appoint faculty representatives to University committees.

Web Site Improvements: Our web site has been expanded to include minutes from 1991-92, and all meetings from 1997 on. A search engine was added so that keyword searches of our records are now easy.

Online voting: Thanks to the Evaluation Committee's initiative, the Faculty Survey will be conducted online this year. The same means used to authenticate faculty participants and record their survey responses could easily be used in future faculty-wide votes or surveys.

Policies approved this year include:

- A vacation policy for 12-month colleges and divisions (April 2000) - we understand that the implementation may need further monitoring.
- Football reports - thanks to Richmond Brown's extraordinary donation of his time and skills in the Senate's reports, the Board of Trustees adopted a plan for sponsoring club football with student activity fees.
- Two ad hoc committees on the budget and recruitment/retention clarified these matters for the Senate, and the Office of Financial Affairs has agreed to provide cost estimates for major salary or fringe benefit or other questions as needed.
- Faculty and student acceptable computer use policy
- Part-time faculty policy
- A sabbatical to replace the current FSDA awards
- Minor changes to the section of the Faculty Handbook concerning syllabi

Resolutions this year were:

- To support the administration's proposal for an undergraduate computer and software access requirement.
- To increase graduate stipends
- To call for the establishment of an University Intellectual Property committee
- To call on the Alabama Attorney General to take steps to insure an audit of the USA Foundation

ATTACHMENT 2

Final Report of the Academic Policy and Faculty Handbook Committee (2000-01)

Presented by

Richmond F. Brown, Chair

April 16, 2001

The members of the Policy and Handbook Committee were as follows: Susan Baker, Linda Broughton, Isabel Brown, Richmond Brown, Steve Cohen, David Ellis, Richard Hitt, Lyle Miller, Steve Morris, Linda Payne, Connie Rowe, Robert Ryder, James Stubbs, Jim Swofford, Jean Temple, Kathy Wheeler, and Marilyn Weitzel.

The committee met approximately each month the senate met. The main items considered were the following:

- Revisions to the FSDA Policy
- Revisions to the Policy/Agreement on Intellectual Property in Distance Learning
- Revisions to the Teaching Load Policy
- An Ombudsman for Faculty Grievances

1) Following considerable research on the policies of peer institutions, the committee proposed a new sabbatical policy (with revised guidelines) to replace the existing FSDA policy and guidelines. The policy revision passed the senate unanimously in October 2000. The new policy and guidelines were approved unanimously by the AAPC in January. The Council of Deans subsequently proposed minor revisions which were accepted by the Senate. The revised policy and guidelines were approved overwhelmingly at the March 2001 meeting of the Senate. (See Appendix A)

2) After considerable discussion (this year and last year), it became clear that the existing agreement on intellectual property rights in distance learning courses was and is unacceptable. It amounts to a forcible transfer of faculty rights without a comparable transfer of legal responsibility. Additionally the policy was deemed to be too narrowly conceived, and silent on important issues, including work load. Consequently, the committee proposed, and the senate passed unanimously, a resolution calling for a revised policy. Subsequently, the VPAA agreed to appoint two faculty senators to a university committee charged to develop a fairer and more comprehensive policy. Committee members Bob Ryder (since deceased) and Marilyn Weitzel were appointed to the university committee. A replacement for the late Professor Ryder will be named soon. (See Appendix B).

3) Finally, the committee proposed a revision to the Faculty Workload Policy. A resolution was introduced at the March 2001 meeting. The resolution will be discussed and perhaps voted on in the April 2001 meeting. (See Appendix C).

4) A resolution creating an ombudsman to assist in faculty grievances was proposed by the Long Range Planning Committee. The senate referred it to the Policy and Handbook committee, which deliberated and ultimately decided not to act on the proposal.

For the future, this committee should continue to monitor the distance learning, sabbatical, and teaching load issues. A likely future concern will be hiring policies, namely tenure track versus non-tenure track lines, and the use of part-time and adjunct faculty, and graduate teaching assistants. The committee should see to it that any new policies are incorporated into the Faculty Handbook correctly, and generally, that any revisions or proposed revisions to the Handbook receive proper consideration from the Senate.

ATTACHMENT 3

Report of Activities, Academic Year 2000-2001 Planning and Development Committee

The following is a list of the activities that were undertaken by members of the Planning and Development of the Faculty Senate, 2000-2001.

1. Committee on Committee. There were several meetings with Dr. Stout and Dr. Dagenais during the Fall 2000 Semester. Committee responsibilities were reviewed with the basic outcome that the current University Standing Committees were adequately meeting their charge.

2. Transportation Committee. The University formed this committee to investigate the implementation of a multi-million dollar transportation system on Campus. Dr. Gahan Bailey participated on this committee. Meetings are to continue into the next year.

3. Graduate Student Stipends. Increases in funding for GA's have not occurred in at least 10 years. The administration has asked the foundation for assistance with this. Dr. Wolfe provided statistics supporting a need for increases. Dr. Covey encouraged the senate to develop a resolution that can be used with a renewed request to the USA Foundation for increased funding. A resolution requesting increases in Graduate Student Stipends was passed by the senate (attached).

4. Ombudsman. The committee presented a resolution to the senate requesting the creation of a number of Faculty Ombudsmen positions. The Ombudsmen would assist junior faculty in the process of filing a grievance. This resolution was passed to Handbook committee which took no action. Planning and Development met and revised the grievance to include additional duties whereby senior faculty could assist junior faculty in multiple ways when dealing with the university system. The committee did not ratify this resolution. As such it was not reintroduced to the full senate (attached).

5. **Parking.** As the transportation system for which the University received a \$2.5 million grant will be a while in being implemented, more immediate action may be necessary to alleviate the problem of parking on main campus. Many students have valid faculty/staff permits. The cost of permits was discussed as well as the availability of multiple permits per faculty/staff member. Several questions regarding parking were included in the faculty survey.

6. **Graduation.** Faculty attendance at graduation has been very poor. Possible options were discussed by the committee. Discussion centered around the possibility of changing graduation such that each college would hold its own ceremony, possibly by staggering the ceremonies during one day. As such it would be more personal for the students and their families. It would be a shorter day for faculty. It would be a longer day for President and the VPAA. Each college might have their own speaker. These options were added to the annual survey for response by the faculty at large.

Submitted by Paul Dagenais
Chair, Planning and Development, 2000-2001

ATTACHMENT 4

Senate Salary & Fringe Benefits Committee End-of-Year Report, 2000-2001 Mary I. Townsley

1. **Vacation policy:** A vacation policy for faculty in the Colleges of Allied Health Professions, Medicine, Nursing and the University Library was implemented October 1, 2000 (see the Faculty Handbook, Ch. 5, Pg. 11). The implemented policy differed from the approved Senate resolution with respect to a) the mechanism providing for vacation leave in the first year following implementation and b) resolution of vacation leave conflicts with teaching or clinical responsibilities. However, discussions with administration did not lead to any change in the implemented policy.

2. **Dental insurance:** The issue of dental insurance coverage was investigated by the University Fringe Benefits committee. The current (Senator Townsley) and one former (Dr. John Foster) Chair of the Senate committee participated in the interviews with representatives from Mutual of Omaha and Protective Life Insurance. The University Fringe Benefits Committee chose the plan offered by Mutual of Omaha and an open enrollment period was initiated September 18, 2000. Unfortunately at the close of this open enrollment period in mid-October, only 12% of eligible employees had elected to participate. Since Mutual of Omaha required a minimum participation of 35%, the plan was not implemented. It is possible that success of this plan would have been aided by partial payment of costs for employees by the University, in a manner similar to that for health insurance.

3. **Benefits web page:** On behalf of the committee, Senator Kayes developed a web page detailing the benefits available to University faculty. The draft is awaiting final approval from the Office of Personnel Relations, but hopefully will be available on-line shortly. We are indebted to him for this service.

4. **Faculty service and development awards policy:** Members of this committee contributed to the discussions regarding revision of this policy.

5. **Sick leave donation:** The committee drafted a policy for donation of sick leave. The impetus for this derived from the fact that the implementation of vacation and sick leave policies led to a vulnerability of new faculty faced with major illness, in that they would not have had the opportunity to accrue sufficient leave for such an emergency. Further, with the implementation of these formal leave policies for faculty, the previous policy for 6-weeks paid maternity leave for faculty was abolished. A resolution was introduced (April, 2001) recommending the implementation of a sick leave donation policy.

6. There are several issues which could be pursued in the coming year:

- **University matching contribution to TIAA:** The Senate resolution passed in 1995 requesting an increase in University-contributed matching funds from 3 to 5% has not been acted upon. This issue should be revisited. The 3-year waiting period for matching funds for newly hired Assistant Professors may be detrimental in recruiting; this policy should be considered for possible revision.
- **Sick leave donation:** Discussions with the administration should be continued regarding implementation of this policy.
- **Health insurance:** The committee should contribute to the ongoing discussion regarding health insurance, i.e., the potential switch from Prime Health to Blue Cross/Blue Shield.
- **Day care:** The issue of on-campus child care has been discussed for several years. However, the results of the 13th Faculty Senate survey did not lend strong support for this notion. Overall, 44% of faculty responded to the survey (306 total respondents) and overall the notion of an on-campus day care facility was rated highly. However, of the respondents, only 14% (39 faculty) reported having children of day-care age and 61% (of 74 faculty respondents) felt that they would utilize such a service if costs were similar to those available in the community. There does not appear to be overwhelming need and/or support for such a move among faculty. Further, the administration has discussed this issue with external child care providers and found that there would not be any fiscal benefit to users with an on-campus facility. A more detailed survey of all employees may yield a more accurate picture of potential utilization and may be required before this issue can move forward.

Submitted April 5, 2001

ATTACHMENT 5

7.1 RESEARCH MISSION STATEMENT

The University of South Alabama is a comprehensive coeducational state-assisted institution that explicitly recognizes that the expansion of knowledge is central to the functioning of any university. The University of South Alabama encourages and supports basic and applied scholarship as well as instructional scholarship for the purposes of increasing knowledge, enhancing classroom instruction, and contributing to the personal and professional development of students, faculty, alumni, and the immediate and extended community served by the University.

Scholarship is broadly defined to include all investigative efforts that lead to the origination, integration, application and transfer of knowledge pertinent to the various disciplines and expertise within the University community. A program of sustained scholarship is the responsibility of each faculty member. The University is responsible for using its resources and processes to encourage, support, and reward scholarship.

Basic scholarship includes both original and integrative research. Original research involves investigation that seeks to increase human knowledge and experience in the various disciplines and fields of expertise within the University. Integrative research seeks to combine and extend what is known in the various disciplines in new and useful ways by discovering linkages between known, causal, intervening, and outcome variables.

Applied scholarship includes research efforts seeking to find solutions to problems in society while simultaneously contributing to the improvement of practice within each discipline, and among disciplines in an interdisciplinary context. This will be accomplished by applying the results of original and integrative research to practical problems within and among the disciplines.

Instructional scholarship is research that enhances the educational value of instruction within and beyond the University through the integration of current basic and applied scholarship with classroom instruction. This may

include, but is not limited to, peer reviewed scholarly activities such as authoring textbooks. Although each faculty member has a primary responsibility for the design and conduct of scholarly activities, the University endeavors to encourage scholarly activity in a variety of ways including providing incentives, facilities, funding, and reassigned time to faculty. In addition, the University rewards scholarly activity on the part of the faculty through the systematic consideration of such scholarship within the context of tenure, promotion, and merit pay decisions.

Suggested Addition:

Responsible Conduct in Research

The University of South Alabama promotes responsible research practices, including ongoing education for all research investigators, their staff, and students.

Education should include the following areas:

Data acquisition, management, sharing, and ownership

Mentor/trainee relationships

Publication practices and responsible authorship

Peer review

Collaborative science

Human subjects

Research involving animals

Research misconduct

Conflict of interest and commitment

This policy is implemented through the Office of Research Compliance and Assurance.

The Office of Research Compliance

140 CSAB

Phone: 334 460 6625

sfriedl@usamail.usouthal.edu

<http://southmed.usouthal.edu/com/research/compliance.html>

ATTACHMENT 6

Research Involving Human Participants

All research conducted at the University of South Alabama involving human participants, their records, or materials from a human source must be reviewed and approved by the Institutional Review Board (IRB) prior to the commencement of the research activity. The proposal must comply with the University's Multiple Projects Assurance (an agreement on file with the U.S. Department of Health and Human Services (DHHS, in accordance with Federal Policy 45 CFR 46).

The IRB has oversight responsibility for the review of all University projects which involve human participants to ensure that the rights and welfare of the participants are adequately protected. In most cases, the IRB review involves approval of a clearly worded consent form which assures that the participant is fully informed of the risks inherent in participation and of the benefits which might be reasonably expected. The IRB's jurisdiction includes projects which involve the participation of University of South Alabama personnel, including members of the faculty, employees, students, hospital and clinic employees, as well as use of the facilities of the University of South Alabama and affiliated hospitals and clinics. Any project that is done in cooperation with an outside affiliate also requires IRB approval. All research is subject to audit by the IRB and university, state and federal regulatory agencies.

Approved research must be renewed at least once annually, or more often as recommended by the IRB. Any revisions or amendments to the approved research activity must be submitted to the IRB prior to implementing the new activity in order to determine the need for additional committee review.

Any unanticipated problem involving risks and/or complications to participants or others must be reported immediately by telephone to the IRB. A written report of such a problem must also be submitted promptly.

Additional information and appropriate institutional forms are available at:

The Office of the Institutional Review Board

138 CSAB

Phone: 334 460 6308

<http://southmed.usouthal.edu/com/research/humansubjects.html>

All investigators and their key personnel are required to complete education in research involving human participants prior to the start of the project. For information about this requirement contact:

The Office of Research Compliance

140 CSAB

Phone: 334 460 6625

sfriedl@usamail.usouthal.edu

<http://southmed.usouthal.edu/com/research/compliance.html>

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ATTACHMENT 7

7.5 Misconduct in Research

The University of South Alabama does not tolerate misconduct in any form of research or scholarly activity. The University of South Alabama has adopted the definition of misconduct as stated by the Office of Science and Technology Policy (OSTP) to include the following. 1) Fabrication, falsification, or plagiarism, in proposing, performing, or reviewing research, or in reporting research results. Fabrication is making up data or results and recording or reporting them. Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit. Research misconduct does not include honest error or differences of opinion. 2) A finding of research misconduct requires that there be a significant departure from accepted practices of the relevant research community; and the misconduct be committed intentionally, or knowingly, or recklessly; and the allegation be proven by a preponderance of evidence (65 FR 76260).

The University of South Alabama will undertake diligent efforts to protect the position and reputation of the complainant, protect the complainant's privacy to the maximum extent possible, and provide the complainant with those portions of the investigation report that address his or her role and opinions (42 CFR 50.103(d)(2) and (13) and 50.104(a)(2), respectively). In addition, the University will handle complaints of retaliation of any kind against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith (45 CFR Part 689 section 1 and the Office of Research Integrity (ORI) Guidelines for Institutions and Whistleblowers).

This policy applies to all research activities regardless of funding source. It is to be used by the University and its various schools and colleges conducting fundamental or applied research as well as other forms of scholarly activities. The following university-wide procedure for dealing with charges of misconduct applies to all students, faculty, staff, and employees of the University of South Alabama.

Reporting Misconduct

Issues of research misconduct involving University personnel engaged in activities outside the University must be directed to the Office of the President of the University. In the event of such allegations, the President shall immediately notify the Senior Vice President for Academic Affairs or the Vice President for Medical Affairs (as appropriate) and the dean of the involved school(s) or college(s).

This regulation does not deal with questions of Animal Welfare or the Protection of Human Subjects in research. Questions of misconduct in these areas should be directed to the Office for Human Research Protection (OHRP) of the National Institutes of Health (NIH) through the corresponding University committees responsible for those activities. For issues concerning potential violations of Food and Drug Administration (FDA) regulated research, all questions should be referred to the FDA Office or Regulatory Affairs. [NOTE: The Vice President for Medical Affairs is the University signatory in these areas.]

For allegations of misconduct within the University, the accuser should report his/her concern to the department chair. The chair shall immediately notify both the faculty member(s) against whom the allegations have been made and the dean of the involved school or college. If the accuser feels substantial discomfort in first reporting to the chair of his/her department and feels he/she can substantiate this allegation, then the dean of his/her school or college may be contacted directly to report the allegation of misconduct. In this case, the dean will notify the department chair. In all cases, the dean must initiate the inquiries. So-called "hearsay evidence" (e.g., gossip, third-party report) alone is not adequate cause to warrant an inquiry.

Inquiry

Once the allegation has been made and the above parties have been notified, the dean will determine if further investigation is warranted. If so, an inquiry is initiated. At the outset of the inquiry, the accused parties shall be informed in writing by the dean of the complete allegations against him/her. The University of South Alabama and its schools and colleges shall protect the rights and reputation of all parties involved in allegations of research misconduct. Therefore, in all matters of inquiry of research misconduct, the dean shall attempt to afford maximum confidential treatment of all affected individuals, and shall see that a prompt and thorough examination occurs and that all affected parties have a reasonable opportunity to comment on all allegations and findings of the inquiry within the college and/or following investigation by the University Committee on Misconduct in Research. The accuser(s) should be informed that if the accusations have merit, and his/her testimony is required by either the ad hoc committee or the Committee on Standards in the Conduct of Research, his/her anonymity may not be protected any longer.

If the allegations appear to have merit and there is evidence of wrongdoing, the dean of the college will appoint an ad hoc committee of inquiry, composed of three persons with no involvement in the research effort in question. Ad hoc committee members selected for the inquiry should not have published any manuscripts or scientific reports or made any joint research support applications with either the accuser or the accused. The ad hoc committee will be composed of full-time tenured members of the faculty or the administration. At least one of the ad hoc committee members must be a tenured full-time faculty member. If two or more colleges are involved, the respective deans of those colleges shall convene a joint ad hoc committee of inquiry. Other authors of multi-authored reports detailing investigation may share equally the responsibility for the veracity and authenticity of any reports or publications questioned as representing misconduct. The inquiry shall be completed within 30 working days of its initiation. If no grounds for misconduct are found by the inquiry, the dean, in consultation with the accused, shall act to protect the reputation of the accused as outlined herein.

Following the inquiry, a written report must be prepared by the ad hoc committee conducting the inquiry that lists any evidence of wrongdoing which the committee may have confirmed in its initial deliberations, names of

the accused party(ies), a statement that this evidence has been reviewed, summarizing relevant interviews, and including the conclusions of the inquiry. The individual(s) accused shall receive a copy of the report immediately. If the accused party(ies) comment(s) on that report, those comments may be a part of the record. If the inquiry takes longer than 30 days to complete, the record shall include documentation of the reasons for exceeding the 30-day limit.

If the inquiry committee determines that no formal investigation is required, the dean of the college shall maintain detailed records and documentation of the inquiry to permit later assessment of the reasons for determining that an investigation was not warranted. These records must be maintained for three years after termination of the inquiry in the dean's office. These confidential records must be supplied to the Director of either the Office of Research Integrity (ORI) or Office of the Inspector General (OIG) of the National Science Foundation (NSF) upon formal request and receipt of a reasonable explanation. The accused party(ies) must be informed in writing by the dean of the reasons given by the ORI or the OIG for requesting these records.

Investigation

Formal investigation will be initiated if the ad hoc committee of the college finds cause as a result of the inquiry. All information will be provided by the dean to the Committee on Standards in the Conduct of Research. The Committee must be composed of full-time tenured faculty members who are experienced in research and who have no involvement in the research effort in question. At least one committee member must have knowledge in the field of study of the accused.

At this point, the dean will consult and review the matter with the University Attorney and either the Senior Vice President for Academic Affairs or the Vice President for Medical Affairs. The dean(s) of the school(s) or college(s) where charges have arisen shall be responsible to the Committee on Standards in the Conduct of Research and the Senior Vice-President for Academic Affairs/Vice President for Medical Affairs for overall compliance with these procedures.

Either the University or the accused party may have legal counseling during the interviews with either the inquiry committee, the investigation committee, or the Committee on Standards in the Conduct of Research. All involved parties shall be notified if an attorney is to be present. The attorney can act as an advisor only and may not address the committee.

The dean(s) of the school(s) or college(s) involved shall notify any funding agency supporting this research if these agencies require notification in the event of an allegation of research misconduct.

If the research carried out by the accused is sponsored by the Public Health Service (PHS), the dean(s) of the school(s) or college(s) involved shall immediately notify the ORI following the procedures described in Section 493 of the PHS Act, Sub-part A to 42 CFR Part 50 dealing with "Responsibilities of Awardee and Applicant Institutions for Dealing With and Report of Possible Misconduct in Science."

If the research carried out by the accused is sponsored by the NSF, the dean(s) of the school(s) or college(s) involved shall notify at this time the OIG of the NSF following the procedures described in 45 CFR Part 689 section 3 dealing with "Misconduct in Science and Engineering."

The Committee on Standards in the Conduct of Research must undertake its investigation of the allegations revealed by the inquiry of the school or college within 30 calendar days after notification by the dean of the involved school or college that sufficient basis for an investigation is found. The investigation should be completed in less than 120 working days. Such an investigation shall include examination of all documentation of misconduct, including but not limited to relevant research data, publications, correspondence, and memoranda of telephone calls. Whenever possible, interviews should be conducted with all individuals involved, either in making the allegations or against whom the allegations are made, as well as individuals who might have information regarding key aspects of the allegations. When deemed necessary by the dean(s) or by the Committee on Standards in the Conduct of Research, appropriate scientific review must be secured to carry out a thorough, authoritative and fair evaluation of the relevant evidence in any inquiry or investigation. Complete

summaries of those interviews, dated and witnessed, should be prepared, provided to interviewed parties for comment or revisions, and included as a part of the investigation/inquiry file. All this information must be provided to the accused party(ies) in a timely manner.

If the subject research by the accused investigator is supported by federal funds through NSF or PHS, the OIG or the ORI, respectively, must be notified of the final outcome of the investigation and all documents made available to them. A permanent record of the committee's report, exhibits, records, minutes of investigational meetings, etc. should be kept in the office of the Senior Vice President for Academic Affairs/Vice President for Medical Affairs.

The dean and the University's administration will undertake diligent efforts to restore the reputations of persons alleged to have engaged in research misconduct when allegations are not confirmed, and also to undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, have made the allegations.

The University shall impose sanctions on individuals when allegations of misconduct in research have been substantiated through the due process herein described. Sanctions shall include: 1) notification of the sponsoring agency; 2) a demand of withdrawal of all papers and abstracts emanating from the fraudulent research with appropriate notification of the involved journal editors and societies; 3) notification of institutions and sponsoring agencies with which the individual has had past research associations if there is any question about the authenticity or validity of that research activity as revealed in the inquiry or investigation; and 4) any sanction imposed by the President of the University through the faculty disciplinary process.

In order to protect the integrity of the University, institutional administrators, in consultation with legal counsel, shall consider release of information to the public to protect the University and the public interest.

Appeals of findings of misconduct in research should be directed in writing to the Senior Vice President for Academic Affairs/Vice President for Medical Affairs and copied to the appropriate dean(s) of the schools and college(s) within ten days after receiving notice of the findings. The Vice President will review the grounds for an appeal with the University Attorney. This review shall be limited to the adequacy of the procedures followed and to the appropriateness of the disciplinary action taken. All involved parties will be notified, in writing, of the appeal decision within ten days. The Vice President's decision is final and no further appeal is allowed.

It is noteworthy that in cases where the inquiry or investigation reveals substantive evidence of malicious intent by an accuser to cause harm to the reputation of the accused where no wrongdoing is in evidence, the University of South Alabama will not be able to prevent legal action brought by the accused against the accuser. In such matters, the University of South Alabama shall have no responsibility in the legal defense of the accuser or in abetting the legal actions brought by the accused.

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