

MAN 112

UNIVERSITY OF MINNESOTA
FACULTY SENATE MINUTES

MAY 21, 1992

Professor Burton Shapiro convened the special meeting of the Faculty Senate at 2:30 p.m., on Thursday, May 21, 1992, in 25 Law Building, Minneapolis campus. Coordinate campuses were linked by telephone. Checking or signing the roll as present were 92 voting faculty members.

I. FACULTY CONSULTATIVE COMMITTEE
FACULTY AFFAIRS COMMITTEE
Faculty Compensation Policy
Action

FACULTY COMPENSATION POLICY

Background on Compensation at the University of Minnesota. Faculty are compensated for their contributions to teaching and advising, research and scholarship, and service to the institution and the state/region/nation/other nations, as well as their professions. Total compensation includes annual base salary plus fringe benefits, including retirement, health and dental coverage, and life and disability insurance. In some instances, annual base salary is augmented through internal sources, such as overload teaching, or from external sources in the case of approved external consulting.

Initial annual base salary is negotiated at the time of hire, with floors established for the instructor and assistant professor ranks only. Increases to annual base salary for faculty occur in the following ways: through annually determined merit increases; through acceptance of a retention offer that includes an increase; in conjunction with a promotion in rank and/or the awarding of indefinite tenure; through an augmentation attached to an administrative title or a set of administrative duties. For many faculty, annual base salary is supplemented with summer school or other internal summer employment, such as grant research. Annual base salary may also be supplemented internally during one's contract period through means such as extension teaching. Normally, new salaries go into effect for A base faculty on July 1 and for B base faculty on September 16 of each year.

The salary determination process must provide an objective unbiased evaluation of each faculty member following a thorough review of his/her work. The process must encourage continued good or improved performance, which in turn, should be rewarded by the compensation system.

Criteria for Annual Salary Increases and Promotion. Any salary determination process at the University of Minnesota must be nondiscriminatory. Initial salary offers, periodic increases, and retention offers may not be based on considerations related to the race, color, creed, religion, national origin, sex, sexual preference, marital status, public assistance status, veteran status, or age of the person being considered.

The criteria for determining salary increases must be similar to those used for promotion and tenure. The tenure and promotion regulations of the University, adopted 1985, provide the following instructions which form the framework within which salary decisions must be made:

7.11 General Criteria. The basis for awarding indefinite tenure is the determination that the achievements of an individual have demonstrated the individual's potential to continue to contribute significantly to the mission of the University and to its programs of teaching, research, and service over the course of the faculty member's academic career. The primary criteria for demonstrating this potential are effectiveness in teaching and professional distinction in research; outstanding discipline-related service contributions will also be taken into account where they are an integral part of the mission of the academic unit. The relative importance of the criteria may vary in different academic units, but each of the criteria must be considered in every decision.

7.12 Departmental Statement. Each academic unit must have a document that articulates with reasonable specificity the indices and standards which will be used to evaluate whether candidates meet the criteria of Section 7.11.

Faculty Involvement. Faculty members in each unit must assist in developing the procedures for making salary decisions. For the purposes of salary discussion and determination, the relevant academic unit is the departmental or budgetary unit, whichever is smaller. With the administrator of that unit, the faculty must develop a format or guideline for 1) the annual salary determination process and 2) a format for an annual review of each faculty member with the unit administrator. These documents shall be shared with the College Dean and the Office of Academic Affairs. The format for making salary decisions must assure that salary determinations are carried out in a consultative manner, and that faculty members within the unit have the opportunity to participate in the salary discussion and determination process as a committee-of-the-whole or through a salary committee consisting in whole or in part of elected members. At least once annually, the department chair (unit leader) must meet with faculty members individually to review their performance. The sessions shall review the past year's performance and offer suggestions for enhancing productivity, where appropriate. Units may choose to conduct more in depth evaluations on a periodic basis (e.g. 4 or 5 years) that would include outside evaluations.

Allocation Format. Each year the annual salary increase pool received by the unit will be divided into portions for across-the-board and merit increases in ratios prescribed by central administration following appropriate consultation. Each faculty member will receive an across-the-board increase equal to his/her proportion of the total salary base for the decision-making unit. Merit increase amounts for individual faculty members will be based on criteria specified in the University tenure document and the departmental faculty evaluation document.

Unsatisfactory performance, which shall be documented and communicated to the individual involved, shall serve as justification for withholding the across-the-board portion, as well as the merit portion, of an individual's increase.

Promotion Increases. Beginning with the 1993-94 salary year, promotion from assistant professor to associate professor will be accompanied by an extraordinary \$1,500 increase in base salary and promotion from associate professor to professor will be accompanied by an extraordinary \$2,000 increase in base salary. These funds will be provided and controlled by central administration. It is intended that this promotion increment will receive typical inflation-related increases in future years.

Other Recommendations. A standing administrative and faculty compensation committee (including representatives of the Senate Faculty Affairs Committee) will examine and make recommendations on policies such as salary levels in the University as a whole, salary disparity among units, minimum salary levels for associate and full professors, and salary compression.

THOMAS SCOTT, Chair
Faculty Consultative Committee
AVNER BEN-NER, Chair
Faculty Affairs Committee

DISCUSSION:

Professor Carl Adams, member of the Senate Committee on Faculty Affairs, presented the motion to approve the Faculty Compensation Policy. The policy, he said, had been discussed by the Faculty Senate at its May 14 meeting and subsequently four amendments had been proposed for Senate consideration. The following three were accepted as friendly amendments:

- 1. To amend the third paragraph, second sentence, to read: "The process must encourage continued good or improved performance, which in turn, should be rewarded by the compensation system."*
- 2. To amend the "Faculty Involvement" paragraph, second to the last sentence, to read: "The sessions shall review the past year's performance and offer suggestions for enhancing productivity, where appropriate."*
- 3. To amend the "Faculty Involvement" paragraph, fifth sentence, to read: "The format for making salary decisions must assure that salary determinations are carried out in a consultative manner, and that faculty members within the unit have the opportunity to participate in the salary discussion and determination process as a committee-of-the-whole or through a salary committee consisting in whole or in part of elected members."*

A fourth amendment to delete the phrase "...through an elected salary committee or as a committee-of-the-whole" from the fifth sentence of the "Faculty Involvement" section was considered. Senators arguing against the amendment, said deletion of the phrase would eliminate faculty participation in the salary determination process. The purpose of having elected faculty, one senator said, is to ensure broad participation in salary decisions. The motion to delete the phrase failed on a 47-28 vote.

The Faculty Compensation Policy, as amended, was then approved.

APPROVED

[Policy includes amended language]

II. FACULTY CONSULTATIVE COMMITTEE RESEARCH COMMITTEE

Policies and Procedures for Dealing with Academic Misconduct Action

UNIVERSITY OF MINNESOTA POLICIES AND PROCEDURES FOR DEALING WITH ACADEMIC MISCONDUCT

INTRODUCTION

Academic misconduct (defined below) undermines the scholarly enterprise in ways that go far beyond the waste of public or private funds. Although rare events relative to the large body of scholarly literature, violations inevitably appear in scholarly publications. As a leading research university, the University of Minnesota has a major responsibility not only to provide an environment that demands integrity but also to establish and enforce policies and procedures that deal effectively and judiciously with allegations or evidence of academic misconduct.

The University of Minnesota expects the utmost professionalism from its employees at all times and in all circumstances. University employees may not engage in actions that constitute misconduct in research or other scholarly activity.

In dealing with this problem it is important to avoid creating an atmosphere that might discourage openness and creativity. Exemplary and innovative science, scholarship, and artistic endeavors cannot flourish in an atmosphere of heavy regulation. Moreover, it is particularly important to distinguish academic misconduct from honest error and the ambiguities of interpretation that are inherent in the scientific and scholarly process, but are normally corrected by further research.

Once an allegation of academic misconduct has been made, the procedures that should be pursued to resolve the allegation are detailed below in the following stages: (1) an inquiry to determine whether the allegation or related issues warrant further investigation, (2) when warranted, an investigation to collect and thoroughly examine evidence, (3) a finding and appropriate personnel action, (4) a hearing by procedures beyond this policy to be initiated by the respondent that will result in a formal finding, and result in (5) appropriate disposition of the matter.

APPLICATION

The policy and procedures set forth herein shall apply to all research, scholarly and artistic activities of all University employees and others who are involved in such activities¹ under the aegis of the University as part of their employment responsibilities. This policy and procedures shall not apply to consulting by University employees with entities outside the University carried

¹In those instances in which it is not clear whether this policy should apply to an individual, the Scientific and Scholarly Activity Panel (described below) will adjudicate the question.

out according to other applicable University policies (Disclosure of Conflict of Interest) except where considered appropriate under the circumstances of the alleged misconduct. Copies of the University of Minnesota Policies and Procedures for Dealing with Academic Misconduct shall be disseminated widely.

Due to the difficulties of investigating old claims and the unfairness to the respondent, allegations of misconduct that occurred seven or more years prior to the submission of the allegation will not be investigated unless the circumstances indicate that the alleged conduct was not discoverable earlier.

DEFINITIONS

Academic Misconduct² for the purpose of this policy shall mean the fabrication or falsification of data, research procedures, or data analysis; plagiarism; or other fraudulent actions in proposing, conducting, reporting, and reviewing research or other scholarly activity.

Retaliation shall mean any damaging action against a person who reports or provides information about suspected or alleged misconduct. Individuals alleged to have retaliated against others involved in an academic misconduct case shall be subject to the appropriate disciplinary actions according to the policies or applicable collective bargaining agreements for the respective University employee groups.

Complainant(s) shall mean the individual(s) who submits an allegation of academic misconduct.

Respondent(s) shall mean the individual(s) against whom the allegation(s) has been submitted.

Senior Administrator shall mean the dean or other individual identified by the academic vice president, vice provost, or vice chancellor of the line unit of the respondent and approved by the Senior Vice President of Academic Affairs. The Senior Administrator has the responsibility of directing the case from the inquiry process through disposition of the case.

Inquiry/Investigative Panel, also referred to as **the Panel**, shall mean the group of individuals appointed by the Senior Administrator and given the charge to determine whether the allegation(s) is frivolous or to identify sufficient information to warrant an investigation. (See Inquiry—Process Section for further details). If an investigation is warranted, the same panel shall be given the additional charge by the Senior Administrator to further seek and analyze all relevant information regarding the allegation, and then determine whether sufficient evidence exists to report that academic misconduct occurred. The report of the Panel is the basis of any subsequent hearing. (See Investigation—Process Section for further details).

Sponsor shall mean any external entity, including, but not limited to, a company, agencies of the U.S. federal and state governments, foundations, industry associations, and others, that supports the scholarly work upon which the allegation is based.

Science and Scholarly Advisory Board (SSAB) shall mean a committee of nine members representing the various scientific and scholarly disciplines at the University. Members will be nominated for staggered three-year terms by the Regents Professors and will be appointed by the Senior Vice President for Academic Affairs. The SSAB shall have the following responsibilities: (1) provide advice on the implementation of this policy, (2) assist the steering of potential allegations, (3) advise the Senior Administrator on potential members of the Inquiry/Investigation Panel, and (4) advise the Senior Administrator on the appropriate disciplinary actions when misconduct has been found. The SSAB members will elect annually a chair of the SSAB.

PROCESS FOR HANDLING ALLEGATIONS OF ACADEMIC MISCONDUCT

SUBMISSION OF AN ALLEGATION

The University has the responsibility to pursue an allegation of academic misconduct and shall carry out this responsibility fully to resolve questions regarding the integrity of the scholarly activity. In an inquiry and any investigation that may follow, the individuals involved in considering the case shall focus on the substance of the issues and shall be vigilant to prevent any personal conflicts between colleagues from obscuring the facts.

Prior to submitting a complaint, a potential complainant may arrange to meet privately with any member(s) of the SSAB or an academic administrator (dean or other academic officer) from the unit in which the alleged misconduct occurred. All parties involved shall be informed that all issues related to the complaint (allegation) must be kept private at this stage. The purpose of this meeting is to provide advice to the complainant. The meeting shall help distinguish whether the case is one of academic misconduct or one to be resolved by other deliberative or mediation procedures, such as the grievance procedure, or by other specialized committees, such as the Student Conduct Code, the Human Subjects Committee or the Animal Care Committee.

Within 10 working-days of having sought advice from either the dean, academic officer, or SSAB member, the complainant must inform the individual(s) consulted of whether an allegation will be filed. If the complainant wishes to file an allegation, he/she shall submit a written allegation to the Senior Vice President for Academic Affairs. Until an allegation is filed, there shall be no inquiry or investigative activity regarding concerns expressed by the complainant.

The member(s) of the SSAB or academic administrator who meets with a complainant has the responsibility of submitting the allegation if the complainant chooses not to make a formal allegation and the SSAB member or academic administrator believes there is sufficient cause and evidence to warrant an inquiry. In such a case, there is no complainant for the purposes of these procedures. Instead, a three-member subcommittee of SSAB or the academic administrator (the party the complainant consulted) shall draft a written report (allegation) to be submitted to the Senior Vice President for Academic Affairs.

The Senior Vice President for Academic Affairs shall refer the case to the academic vice president, vice provost, or vice chancellor of the unit in which the alleged misconduct occurred. The academic vice president, vice provost, or vice chancellor shall refer the allegation to the dean of the unit in which the case originated. The dean shall be assigned to serve as the Senior Administrator and shall be responsible for pursuing all allegations to resolution. This includes directing an inquiry and, if necessary, an investigation of academic misconduct. If the dean has a conflict of interest with a case, the case shall be referred to a dean from another unit or another individual, who shall serve as the Senior Administrator.

²Intent has been deliberately omitted as part of this definition, but should be considered if any disciplinary action is recommended. Scholastic dishonesty, as differentiated from academic misconduct defined by this policy, by a student in the performance of academic work is a violation of the Student Conduct Code. Complaints of alleged scholastic dishonesty are resolved in accordance with established collegiate and Student Conduct Code policies and procedures.

From the time the allegation is received, all activity related to the case shall be carefully documented. All individuals who are contacted shall be assured that, as much as possible, the privacy of their comments will be maintained. In turn, all individuals involved with the case are expected to sustain the privacy of the case. The Senior Administrator shall promptly move to locate and secure the originals of all relevant research data if it is ascertained that such data will be part of the case. Supervised access to the data shall be available to the Inquiry/Investigative Panel and the respondent. The Senior Administrator also shall chart the elements of the case as it is understood at that time.

Even if the respondent leaves the University before the case is resolved, the Senior Administrator on behalf of the University, when possible, shall continue the examination of the allegation and reach a conclusion. Further, the University shall cooperate with the process of another institution to resolve such questions to the extent permissible under the Minnesota Government Data Practices Act or any applicable federal law.

CONFLICTS OF INTEREST

Possible conflicts that must be avoided in the appointment of the Senior Administrator and members of the Inquiry/Investigative Panel include the following: a) co-authoring a book, paper, or grant proposal with any of the individuals directly involved with the misconduct case (complainant or respondent); b) professional or personal relationship with any of these individuals (e.g., current or former students or mentor, direct supervisory or subordinate relationship, direct collaborator within the past seven years, close friendship); c) professional differences of opinion with any of the involved individuals that will affect objectivity in considering the case; d) financial ties to the involved individuals; or e) other reasons that might affect the ability of the individuals to make fair and impartial judgments.

INQUIRY

A. Purpose

Whenever an allegation or a complaint involving the possibility of academic misconduct is made, the Senior Administrator shall initiate an inquiry, which is the first step of the review process. In the inquiry stage, factual information is gathered and expeditiously reviewed to determine if an investigation of the charge is warranted. An inquiry is not a formal hearing or an in-depth analysis of the allegation; it is designed to separate allegations deserving further investigation from frivolous, unjustified, or clearly mistaken allegations. As soon as sufficient information is obtained that indicates an investigation is warranted, the inquiry process shall terminate, and a report shall be submitted to the Senior Administrator. It is the responsibility of the Senior Administrator to ensure that the inquiry is conducted in a fair and just manner.

B. Process

The Senior Administrator shall meet with the complainant to review details of the allegation and describe the process that shall be followed to resolve the allegation. The Senior Administrator shall explain that while every attempt will be made to maintain anonymity through the inquiry phases of the process, the respondent shall learn the complainant's identity during the investigative process, and the complainant may have to face the respondent during a subsequent hearing if the case proceeds that far.

The Senior Administrator shall meet with the respondent to present the details of the allegation (a written statement of the allegation shall also be provided along with a copy of this policy) and the evidence³ upon which the allegation is based, explain the process to be followed, and obtain the respondent's preliminary explanation of the allegation. The Senior Administrator shall remind the respondent of the obligation to provide all the evidence relevant to the allegation. In order to avoid claims of alteration of the data, the Senior Administrator shall secure all original pertinent documents (for example, data books and manuscripts) at the time the respondent is notified of the allegation. The Senior Administrator shall also inform the respondent that unreasonable refusal to provide relevant material or other uncooperative behavior may result in an immediate recommendation that an investigation is justified. The Senior Administrator also shall tell the respondent that he/she shall have the opportunity to be interviewed by the Inquiry/Investigative Panel and to provide any documentation or names of individuals who might help clear the claim against the respondent.

After the Senior Administrator has met with both the complainant and respondent, he/she then shall decide within 10 working days whether to personally handle the inquiry or refer the case to an Inquiry/Investigative Panel. Alternatively, the Senior Administrator may make a determination that the allegation is frivolous, or that it is more appropriate to refer it to another deliberative resolution system (Grievance, Student Conduct Code, Human Subjects, Animal Care), or that it is most appropriate to refer it to an Inquiry/Investigative Panel. If the Senior Administrator determines on the basis of a preliminary investigation that there is no substance to the allegation, he/she shall submit a written report that explains the basis for closing the case to the academic vice president, vice provost, or vice chancellor of the unit in which the allegation is based. If the academic vice president, vice provost, or vice chancellor approves closing a case, the Senior Administrator shall notify both the complainant and the respondent of the decision.

If the Senior Administrator wishes to have the case examined by an Inquiry/Investigative panel, then individuals who have the appropriate scientific, scholarly, or artistic expertise on the issues in question shall be selected. Members of the Inquiry/Investigative Panel may be chosen from within or outside of the University. They shall have no direct involvement in the academic activity under inquiry, be impartial, and have no interests that would conflict with the interests of the University in securing a fair and thorough inquiry. The Senior Administrator shall obtain nominations from the SSAB on suitable members to serve on the Inquiry/Investigative Panel and shall obtain approval from the academic vice president, vice provost, or vice chancellor of the unit before the final Inquiry/Investigative Panel is appointed. While normally the Panel shall be composed of all faculty members, at least one member of the Panel should be from the same employment category as the respondent [faculty (94XX), graduate students and professional trainees (95XX), P & A (96XX, 93XX, 97XX), or civil service]. The Panel shall have an odd number of members, preferably three. The Senior Administrator shall identify one member as chair. The Senior Administrator shall inform both the complainant and respondent of the proposed composition of the Panel and give each of them five working days to notify the SSAB if any of the Panel members might have a potential serious conflict of interest. The SSAB shall arbitrate all claims of conflict of interest.

³A summary of the evidence shall be provided if the allegation is based on extensive documentation; however, the respondent shall have supervised access to review all of the evidence held by the Senior Administrator.

The Senior Administrator shall provide the Panel with an explicit charge for the inquiry activity. The University's Office of General Counsel shall advise the chair of the panel on the appropriate protocol and practices that should be followed.

Whether a case can be reviewed effectively without the involvement of a complainant depends upon the nature of the allegation and the evidence available. Cases that depend specifically upon the observations or statements of a complainant cannot proceed without the open involvement of that individual. Cases that can rely on documentary evidence may permit a complainant to remain anonymous. While it may be desirable to keep the identity of a complainant private during an inquiry, such privacy cannot necessarily be guaranteed under the Minnesota Government Data Practices Act.

The Senior Administrator shall assume responsibility for disseminating information to the appropriate individuals. Notification shall be made in writing, and copies shall be filed in the office of the Senior Administrator. The safety and security of all documents must be assured. All individuals involved with the case shall be reminded that they are responsible for keeping all aspects of the case private.

The Senior Administrator shall inform all individuals involved in the case that data produced as part of research at the University belong to the University and the sponsor, if applicable. Therefore the data must be accessible upon request of the Senior Administrator.

The Panel shall examine the appropriate material to determine whether there is evidence that academic misconduct has occurred. All faculty, staff, and students are obligated to cooperate with the Panel by supplying requested documents and information. The following types of information relevant to the allegations raised by the case shall be submitted to the Panel upon request: a) research notes, papers and notebooks, logs, source documents, computer printouts, and machine-readable materials; b) a list of all current and former collaborators and co-workers; c) a list of published abstracts, papers, and books; and copies of abstracts, papers, and books pending publication; d) a list of reports and grant applications submitted to outside foundations and funding agencies and copies of such reports and applications; and e) other pertinent scientific or scholarly data the Panel deems necessary. The Panel may also take written or oral evidence in considering the case. Transcripts of taped interviews shall be prepared and submitted to the interviewed person(s) and the Panel for comment or revision.

Due to the sensitive nature of an allegation of academic misconduct, each case shall be resolved expeditiously. Reasonable deadlines shall be established for each case to facilitate the process. An inquiry (conducted by either the Senior Administrator or the Panel) shall be completed as quickly as possible and not more than 25 calendar days after its initiation unless circumstances clearly warrant a longer period of time. If, when the Panel convenes, it anticipates that the established deadlines cannot be met, a report, citing the reasons for the delay and progress to date, shall be submitted for the record to the Senior Administrator, and the respondent and other involved individuals shall be informed.

C. Findings of the Inquiry Activity

Upon completion of the inquiry a written report shall be produced that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusion of the inquiry. The report shall be sufficiently detailed regarding the reasons for determining that an investigation is not warranted, if such is the case. The Panel's written report then shall be referred to the Senior Administrator and the respondent. If the report recommends that an investigation be conducted, it may propose subject matter to be included in the investigation. The respondent has 10 working days to review the report and submit written comments to the Senior Administrator. Summaries of all interviews and data examined by the Panel shall be made available for the respondent to review.

If the Senior Administrator obtains information at any stage of the inquiry that reasonably indicates possible criminal violations have occurred, the Senior Administrator shall notify any appropriate office of the sponsoring federal agency and the appropriate law enforcement officials within 24 hours.

D. Senior Administrator's Determination Based on the Inquiry Report

Upon receiving the Inquiry Panel's recommendation and the respondent's statement, the Senior Administrator shall determine within 10 working days whether the case shall be closed or an investigation initiated. The Senior Administrator shall notify the complainant and respondent as to whether the complainant's allegations shall be subject to further investigation. The Senior Administrator shall maintain the records of an inquiry in a secure manner for at least three years.

If the Senior Administrator decides not to conduct an investigation, no further formal action shall be taken other than informing all parties involved. The procedures shall preserve privacy consistent with law for all parties to these procedures. If privacy is breached, the Senior Administrator shall take reasonable steps to minimize the damage to reputations that may result from inaccurate reports. Allegations that have not been brought in good faith may lead to appropriate disciplinary actions according to the University policies⁴ or applicable collective bargaining agreements for the respective employee groups. Complainants shall be made aware from the outset that their privacy shall not be maintained if a complaint is maliciously motivated and false.

INVESTIGATION

A. Purpose

An investigation shall be initiated only after the Senior Administrator issues a finding that an investigation is warranted. The purpose of the investigation is to explore further the allegation(s) and assemble all the evidence that supports or refutes the allegation. The investigation shall focus on allegations of academic misconduct as defined above and shall examine the factual materials of the case. The investigation shall look carefully at the substance of the charges and shall examine all relevant evidence. The Inquiry/Investigative Panel's charge is to generate a report that compiles all the information it considers and its conclusion regarding whether there is sufficient evidence to support the allegation of misconduct. This report is the basis of any subsequent hearing. During an investigation, additional information may emerge that justifies broadening the scope of the investigation beyond the initial allegations. The respondent shall be informed if new and different allegations are discovered during the course of the investigation.

⁴Tenure Code, the Academic Professional and Administrative Staff Policy and Procedures, the Civil Service Rules.

B. Structure

The investigation shall be carried out by the Panel described above as a continuance of its work. If the inquiry was completed without a Panel than one should be appointed as described above (Inquiry—Structure). If additional expertise for the Panel is deemed desirable, the Senior Administrator shall request additional nominations from the SSAB. If the Panel is augmented, it still shall have an odd number of members. The Senior Administrator shall identify one member as chair. The respondent and complainant shall be informed of the proposed new members for the Panel and each given five working days to notify the SSAB of potential serious conflicts of interest any of the Panel members might have. The SSAB has the authority to arbitrate any questions regarding conflicts of interest.

C. Process

The Senior Administrator shall provide a charge to the Panel within 10 days of the notification that an investigation is warranted. An investigational process shall be established for each investigation, and the complainant and respondent shall be notified when the investigation phase of this procedure commences. The respondent may seek the assistance of an advisor (legal counsel or another individual) at this point, if he or she has not already done so. All parties involved shall cooperate with the proceedings in providing information relating to the case. All necessary information shall be provided to the respondent in a timely manner to facilitate the preparation of a response. The respondent shall have the opportunity to address the charges and evidence in detail at the inception and close of the Panel's activities during the investigative phase of this procedure.

If warranted, the University shall take interim administrative actions to protect the health and safety of research subjects and patients, and/or the interests of students and colleagues. Such actions may range from slight restrictions to reassignment of the activities of the respondent. In extreme circumstances, the respondent may be suspended temporarily until the case is resolved following the procedures specified in the University Regulations Concerning Faculty Tenure or other applicable employee policies. Interim administrative actions shall be taken in full awareness of how they might affect the respondent and the ongoing research of the University.

If the sponsoring agency of the academic activity requires notification of suspected academic misconduct, that agency shall be notified as soon as the decision has been made to undertake an investigation. Significant developments during the investigation, as well as the final determination of the case shall be reported to the sponsor when required. If at any stage during the investigation there is a reasonable indication of possible criminal violations, the Senior Administrator shall notify the appropriate office of the sponsoring agency and the appropriate law enforcement officials within 24 hours. The Senior Administrator also shall notify the sponsoring agency during the investigation if emergency conditions exist as defined under federal regulations.

All interviews conducted during this investigative phase by the Panel shall be tape recorded. A transcript first shall be approved by the Panel and then shall be submitted to the interviewed person(s) for comment or revision.

If the respondent wishes to have an advisor present during his/her interview with the Panel, notice of the advisor's participation shall be submitted to the Panel at least 48 hours prior to the interview. The respondent shall have the opportunity to provide evidence, request expert witnesses, identify witnesses directly involved in the case, and be directly interviewed.

The investigation shall be conducted as expeditiously as possible and generally shall be completed within 120 days. However, the nature of some cases may render that schedule difficult to meet. If the Panel determines that the deadline cannot be met, it shall request an extension, which the Senior Administrator shall grant or deny. If necessary, the Senior Administrator shall submit a report to the sponsoring agency regarding this action.

D. Findings of the Investigation

When the Panel reaches a conclusion regarding the case, a preliminary report, which reviews all the information considered and the Panel's conclusion, shall be transmitted to the respondent. The report shall detail the explicit evidence that supports or refutes each allegation included in the Panel's charge. The report shall then specify the Panel's conclusion as to whether any of the proven allegations represent academic misconduct. The respondent shall be allowed 10 working days to prepare written comments, which the Panel shall consider before the report is finalized. The completed report along with the respondent's comments on the preliminary report then shall be submitted to the Senior Administrator. When there is more than one respondent, each shall receive all parts of the report that are pertinent to his/her role.

FINDING AND PROPOSED RESOLUTION

Upon receipt of the Panel's report, the Senior Administrator shall review the report and determine whether to accept all or part of the Panel's recommendations. There are two possible findings:

1. that academic misconduct was committed;
2. that no academic misconduct was found.

For those cases in which the Senior Administrator accepts a finding of misconduct, he/she shall determine the disciplinary action within 15 days of receiving the report. The Senior Administrator may consult with a subcommittee of the SSAB on this matter, and the final decision shall be made with the concurrence of the appropriate academic vice president, vice provost, or vice chancellor. The Senior Administrator shall notify the respondent in writing of his/her determinations on the case and the reasons for them. The respondent, who may be accompanied by his/her advisor, shall meet with the Senior Administrator and the appropriate academic vice president, vice provost, or vice chancellor to discuss the disciplinary action.

The University may choose disciplinary action as warranted by the circumstances of each case. Examples may include:

- Oral reprimand with no permanent record
- Letter of reprimand that becomes part of the respondent's permanent record
- Special monitoring of future work
- Removal from particular project
- Probation
- Suspension
- Salary reduction
- Rank reduction
- Termination of employment

The respondent may accept the disciplinary action or request a hearing as specified for his/her employment classification.⁵

If the Senior Administrator determines that no academic misconduct was found, then the discussion with the respondent shall focus on how the respondent's record shall be cleared. This shall include removing all material related to this case from the respondent's personnel files.⁶ The complainant and other concerned parties shall be informed by the Senior Administrator of the disposition of the investigation to the extent permitted under the Minnesota Government Data Practices Act. The Senior Administrator also shall discuss with the respondent the appropriateness and desirability of notifying other individuals or agencies about the outcome of the investigation. All records related to this case shall be maintained privately and securely under the supervision of the Senior Administrator for at least three years. All parties involved in the case shall be reminded that except as required by federal law, all information about the case cannot be released outside the institution unless and until: 1) the allegations results in a finding of misconduct, 2) final discipline is imposed and 3) all avenues of appeal (if pursued) have been exhausted.

If the allegations of academic misconduct are found to be maliciously motivated, appropriate disciplinary actions shall be taken against those responsible. If the allegations, however incorrect, are found to have been made in good faith, no disciplinary measures shall be taken.

The sponsoring agency initially informed of the investigation shall be notified promptly of the outcome of the investigative and any subsequent hearing. The Senior Administrator shall retain the records of the investigation. Even when no culpable misconduct was found but serious erroneous information was published, the Senior Administrator shall consider means to correct the published record affected by the alleged misconduct.

Records of the investigation and possible hearing shall include all documentation reviewed by the Investigative Panel, summaries of witness interviews, and the findings of the panel.

Retaliation

When a complaint has been brought in good faith, even if mistakenly, the University shall seek to protect the complainant against retaliation. Individuals who provide information to assist in resolving of an inquiry or investigation also shall be protected by these same guidelines. Individuals engaging in acts of retaliation shall be disciplined according to the appropriate University policies or applicable collective bargaining agreements.

Minnesota Government Data Practices Act

References are made throughout this policy to the Minnesota Government Data Practices Act. This act governs access to and release of all data collected, created, received, maintained or disseminated by public entities, including the University of Minnesota. The University will adhere to the requirements of the Minnesota Government Data Practices Act with respect to all actions taken and all information generated in the course of an academic misconduct inquiry and/or investigation under this policy.

THOMAS SCOTT, Chair
Faculty Consultative Committee
IRWIN RUBENSTEIN, Chair
Research Committee

DISCUSSION:

Professor Irwin Rubenstein, chair of the Senate Research Committee, presented the motion to approve Policies and Procedures for Dealing with Academic Misconduct. The policy, he said, had been discussed at the May 14 Faculty Senate meeting and, if approved, would supersede the November 1989 Interim Policy.

One senator, urging non-passage of the motion, suggested the document was an administrative policy that does not fall under Senate jurisdiction. Additionally, she expressed concern about the policy giving total responsibility to the deans and, thereby, eliminating the opportunity for outside impartial reviews.

Associate Dean Mark Brenner urged the Faculty Senate to consider the motion. He said the policy is a reflection of changes occurring on the national level regarding protecting the rights of the respondent and addressing the issue of hearings. If approved, the policy will be one of the first in the country to clearly state that hearings should be held. Moreover, he said the Senate Research Committee and the Faculty Consultative Committee were consulted extensively and support its adoption.

Another senator suggested adding on page three of the policy language clarifying that the Science and Scholarly Advisory Board nominates individuals for the Inquiry/Investigative Panel, and including on page seven clarification about selection of the panel chair.

In response to concerns about follow-up on the policy, Professor Rubenstein said the Senate Research Committee would be the appropriate body for that task.

The policy was then approved.

APPROVED

III. OLD BUSINESS

NONE

IV. NEW BUSINESS

NONE

V. ADJOURNMENT

The meeting was adjourned at 3:35 p.m.

MARTHA KVANBECK
ABSTRACTOR

⁵When the respondent files a grievance pertaining to the case, the University shall bear the burden of proof for all issues related to the allegation(s) of misconduct. The respondent shall bear the burden of proof for any claims against the process followed.

⁶The respondent shall be informed by the Senior Administrator of the source of all correspondence regarding the case so that records may developed for this case may be tracked and removed from all files.