

SENATE RESEARCH COMMITTEE*

April 27, 1992

Minutes of the Meeting

PRESENT: Irwin Rubenstein, John Basgen, Albert Yonas, WinAnn Schumi (for Tony Potami), Paul Sackett, Essie Kariv-Miller, Signe Betsinger, Kenneth Reid

REGRETS: Sara Evans, Anne Petersen, Eric Klinger, Robert Jones, Jonathan Wirtschafter

ABSENT: Danita Carlson, Dan Sargent, Nick LaFontaine, N. L. Gault

In the absence of Professor Mark Brenner, Professor Irwin Rubenstein, Chair, reviewed the draft Policy for Dealing with Academic Misconduct. He suggested that the Committee walk through the document page by page, comment, ask questions, and suggest changes. Professor Rubenstein said that the Committee's comments will be forwarded to Professor Mark Brenner. The Policy will then go to the Consultative Committee and on to the Senate. The Senate will discuss the Policy at the May 14 meeting.

Professor Rubenstein pointed out the three steps that the Policy deals with: the preliminary finding, the inquiry, and the investigation.

Referring to the document, the discussion turned to the establishment of the Science and Scholarly Advisory Board (SSAB), which is a committee of nine members representing the various scientific and scholarly disciplines at the University. Their names are suggested by the Regents' Professors and they are appointed by the Senior Vice President for Academic Affairs. The responsibilities of the SSAB are outlined in the document on page 3. Members agreed that the Board was a good idea.

Members discussed the role of the Board and the role of the Senior Administrator in terms of proceeding with an inquiry.

Considerable discussion was given to the section on page 6, relative to the Inquiry. Members wanted to know how the inquiry is to be handled by the administrator. The document does not spell out how the administrator is to proceed. Members discussed the issue of how to "guard against a white wash."

One member asked if there is a mechanism for complaining about the decision made by the administrator. Another member suggested that you could turn to the grievance procedure. Another member responded that the grievance procedure deals with an individual situation while this proposed policy is in behalf of the institution. One question is whether the complainant is afforded an avenue to appeal the decision by the administrator.

The following rewrite was recommended: Starting with line 152 -- "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."

* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate or Twin Cities Campus Assembly; none of the comments, conclusions, or actions reported in these minutes represent the views of, nor are they binding on, the Senate or Assembly, the Administration, or the Board of Regents.

~~The Senior Administrator may~~ make a preliminary 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 some further inquiry is required and that he/she will handle the inquiry personally. The Committee agreed that this clarifies the wording that otherwise might stimulate some confusion and that the senior administrator has the option of doing the investigation. The administrator could dismiss it; proceed with the inquiry on his/her own, refer it to a panel, or give it to another body to hear.

Members discussed whether the respondent should have a say as to who sits on the panel (page 7, first paragraph). Should the respondent have veto power? Considerable discussion was given to the conflict of interest issue. Most of the members said that the document should read as written because giving veto power could prolong the case.

The discussion moved on to the page 8, Section C, which describes the Findings of the Inquiry Activity. If an inquiry is done by an administrator, he/she must produce a written report, commented one member. Referring to this same section, one member asked can/should a lawyer be present? This issue was later clarified in the document. It was agreed that this issue should be addressed the first time it is used in line 288.

The document reads on page 9, Section D: "If the Senior Administrator decides not to conduct an investigation, no further formal action shall be taken other than informing all parties involved." One member stated that he would like the Senior Vice President for Academic Affairs as one of the parties to be informed.

One member commented that the "Panel" ought to be identified on page 9, line 247.

Members discussed where a respondent who is a faculty member would go to relative to when he/she files a grievance pertaining to the case. One member inquired whether a respondent would go to a standing committee or the judicial committee?

One member asked, who is responsible for taking the appropriate disciplinary action if the allegations of academic misconduct are found? The Committee suggested that the Senior Vice President for Academic Affairs be responsible.

Members suggested that "for promotion or tenure" be added on page 14, line 365. The notion is implied but not spelled out, commented one member.

Overall, the Committee was impressed with the new policy and felt that the document was well balanced.

-- Vickie Courtney