

**AGENDA:**

**Tuesday, April 1, 2014, 3:00-5:00 pm, Goodwin Forum (NHE 102)**

1. Announcement of Proxies
2. Approval of and Adoption of Agenda
3. Approval of Minutes from the Meeting of [March 11, 2014](#)
4. Reports, Announcements, and Communications of the Chair
5. Reports of Standing Committees, Statewide Senators, and Ex-officio Members ([Written reports](#))
6. Consent Calendar from the Integrated Curriculum Committee (ICC) – [April 1, 2014](#)
7. TIME CERTAIN: 3:15-3:30 PM – Open Forum for the Campus Community ([Open Forum Procedures](#))
8. Nominations for 2013/2014 Distinguished Faculty Awards (Faculty Awards Committee) [Executive Session]
9. TIME CERTAIN: 3:45-4:00 PM - Discussion of Draft Baccalaureate Student Learning Outcomes (Elisabeth Harrington, Chair, GEAR Curriculum and Assessment Committee)
10. Resolution on Amendments to Appendix J Regarding Election of University Faculty Personnel Committee (UFPC) Members (#34-13/14-AEC) – [Second Reading](#) ; [Attachment](#)
11. Resolution to Amend the University Senate Bylaws and Eliminate the Campus Climate Committee (CCC) as a University Senate Standing Committee (#36-13/14-EX) – [Second Reading](#)
12. Resolution on Revision to the “Guidelines for Approving New Degree and Credential Programs at HSU” (#10-13/14-ICC) – [Second Reading](#) ; [Attachment](#)
13. Resolution on HSU Policy for Cross-Listing of Courses (#37-13/14-APC) – [First Reading](#) ; [Attachment](#)
14. Resolution on Elimination of CWT Course Designation (#38-13/14-APC) – [First Reading](#)
15. Resolution Establishing the Policy and Procedure for Responding to Allegations of Research Misconduct (#39-13/14-EX) – [First Reading](#) ; [Attachment](#)

A “[Call for Nominations for Senate Elections on April 15](#)” is included in the packet. Please review the positions to be elected and forward your nominations to the [Senate Chair](#) and the [Senate Office](#) by noon, Tuesday, April 8.

#### SUMMARY OF ACTIONS TAKEN AT THE MEETING ON MARCH 11, 2014

- Resolution on Administrative-Academic Probation and Disqualification (#12-13/14-APC) (Second Reading) – Passed Unanimously.
- Resolution on Course Substitutions to Create Articulation Agreements (#32-13/14-APC) (Second Reading) – Passed Unanimously.
- Resolution on “Guidelines for Approving New Certificate Programs” (#29-13/14-ICC) (Second Reading) – Passed Unanimously.
- M/S/U to approve the Draft (March 4, 2014) Academic Calendar for 2015/2016; forwarded to the President as an Emergency Item
- Commendation for Merry Phillips for Outstanding Service to the Humboldt State University (#35-13/14-EX) – Passed Unanimously.

Chair Zerbe called the meeting to order at 3:02 pm on Tuesday, March 11, 2014, in Nelson Hall East, Room 102 (Goodwin Forum). A quorum was present.

Members present: Abell, Blake, Braithwaite, Bruce, Creadon, Ercole, Fulgham, Geck, Gold, Karl, Meyer, Mola, Moyer, Ortega, Pierce, Shellhase, Stubblefield, Virnoche, Wrenn, Zerbe.

Members absent: Cervantes, Lopes, Richmond, Shaeffer, Thobaben, Tillinghast.

Guests: Paynton, Budig-Markin, Zechman.

### **1. Announcement of Proxies**

Moyer for Alderson, Burges for Snyder, Abell for Fulgham, Virnoche for Dye, Creadon for Eschker.

### **2. Approval of and Adoption of Agenda**

M/S/U (Ortega/Abell) to approve and adopt the agenda without changes.

### **3. Approval of Minutes from the Meeting of February 25, 2014**

M/S/P (Bruce/Mola) to approve the minutes from the meeting of February 25, 2014 as written. Motion Passed with one Abstention.

### **4. Reports, Announcements, and Communications of the Chair**

The Enrollment Management Working Group met and discussed moving toward impaction for science programs. CAHSS Dean Ayoob will provide a report to chairs this coming Thursday.

The Advisory Committee to the Trustees' Selection Committee for President of Humboldt State University in San Francisco on Friday to interview candidates and forwarded names to the Board of Trustees (BOT). The new president will be announced at the BOT meeting on Thursday, March 26.

### **5. Reports of Standing Committees, Statewide Senators, and Ex-officio Members**

In addition to the written reports included in the packet, the following reports were made.

Academic Policies Committee (APC) (Mola): In addition to the two resolutions on today's agenda, the APC is preparing two more resolutions for the next Senate meeting.

Appointments and Elections Committee (AEC) (Ortega): A General Faculty election is currently underway; senators were asked to help get the word out to vote.

Integrated Curriculum Committee (ICC) (Moyer): The ICC continues to work on curriculum proposals, and several other 'big picture' items such as developing guidelines for defining an option and dealing with the logistics of DARS as an alternative to requiring major contracts.

University Resources and Planning Committee (URPC) (Blake): The URPC had a lively conversation at the last meeting, but no decisions were made regarding budget requests for 2014/2015. The committee may not meet the end of March deadline for its recommendation to the President.

The committee is struggling with how to deal with ca. \$2 million dollars in requests for new initiatives or ongoing funding for previously one-time funded initiatives as well as a benefits shortfall in the OAA budget of ca. \$600,000. The shortfall has been funded with one-time monies in the past, but the campus cannot continue to do that.

Associated Students (AS) (Ercole): Both CSU Student Trustees are on campus today soliciting input for the presidential search. HSU students attended the recent lobby day in Sacramento. The colleges are planning Spring mixers.

## **6. Consent Calendar from the Integrated Curriculum Committee (ICC)**

13-261 – GSP 570: Geospatial Modeling – approved without objection.

11-466 – GEOG 309 C “Social Justice [and the Environment] in Africa” – pulled from the Consent Calendar and put at the end of the current business agenda for further discussion.

## **7. TIME CERTAIN: 3:15-3:30 PM – Open Forum for the Campus Community**

There were no speakers for the Open Forum.

## **8. Resolution on Special Cases of Administrative-Academic Probation and Disqualification (#12-13/14-APC) – Second Reading**

Resolution on Administrative-Academic Probation and Disqualification  
12-13/14-APC – March 11, 2014 – Second Reading

**Resolved:** That the University Senate of Humboldt State University recommends to the President that the attached document, *Policy on Administrative-Academic Probation and Disqualification*, be approved for inclusion in the 2014-2015 HSU catalog.

**Rationale:** On September 15, 2008 CSU Chancellor Charles Reed issued, “Executive Order No. 1038 relating to minimum requirements for probation and disqualification” (see attached). As noted in the document, “In accordance with policy of the California State University, the campus president has the responsibility for implementing executive orders...” In accordance with the order, the language of EO 1038 has been incorporated into the proposed catalog language regarding administrative-academic probation and disqualification. Since policies in the HSU catalog already exist for academic probation

and disqualification, these sections in EO 1038 are not addressed. Please note that in the proposed policy document, language adding additional student safeguards has been added. This language requires that decisions regarding administrative-academic probation and disqualification must be made in consultation with other relevant parties. Also, as directed by EO 1038, appeal processes for any student subject to this policy, have been developed.

It was noted that the text regarding notification of students has been added back in to the policy and appeal processes for both undergraduate and graduate students have been added.

Second Reading Discussion (three pros and three cons):

Q: On page 3, it is not clear under what conditions a graduate student would be disqualified.

A: The statement on disqualification applies to both undergraduate and graduate students.

Q: It is not clear what the conditions are for disqualification. A: If the student doesn't meet the criteria for having probation removed, the student is disqualified. On page one it states that "the student shall be notified in writing and shall be provided with the conditions for removal from probation and the circumstances that would lead to disqualification, should probation not be removed."

Q: Why is failure of a thesis defense in this section rather than under academic probation/disqualification? A: Academic probation is strictly based on GPA.

Voting on Resolution #12-13/14-APC occurred and Passed unanimously.

## **9. Resolution on Course Substitutions to Create Articulation Agreements (#32-13/14-APC) – Second Reading**

Resolution on Course Substitutions to Initiate Articulation Agreements  
#32-13/14-APC – March 4, 2014 – Second Reading

**Resolved:** That the University Senate of Humboldt State University (the Senate) recommends to the President that our current process, known as the *Petition to Substitute*, be modified such that when agreed upon by the student's advisor, the chair of the department whose course is the subject of the substitution and the Dean or designee in the appropriate college, the approved petition *by default* gives the HSU Registrar's Office the authority to initiate an articulation agreement between HSU and the other institution ; and be it further

**Resolved:** That there also be a mechanism on the petition such that the department whose course is the subject of the substitution may make an exception to the above default, thereby allowing only for the one-time substitution for a particular student.

**Rationale:** *Our students arrive on the HSU campus from a myriad of locations and prior institutions. Many of them have completed coursework that should articulate with our courses but we may not yet have an articulation agreement with their prior institution. The Petition to Substitute allows for such students to substitute a course from another institution to be used as a degree requirement in place of an HSU course, upon approval by the student's advisor, the chair of the department whose course is the subject of the substitution and the Dean or designee in the appropriate college. This resolution would allow the Registrar's Office to automatically initiate articulation agreements with the students' prior*

*intuitions based on the curricular review required for the agreed upon substitution(s), requiring signatures from the appropriate parties. In cases where the substitution is approved by the appropriate stakeholders but an articulation agreement should not be made, there will be an exception to allow the substitution to count only for that individual student rather than initiate the articulation agreement process.*

The resolution is unchanged from the first reading. There was no discussion on the second reading.

Voting on Resolution #32-13/14-APC occurred and Passed unanimously.

### **10. Resolution on “Guidelines for Approving New Certificate Programs” (#29-13/14-ICC – Second Reading**

Resolution on “Guidelines for Approving New Certificate Programs”  
#29-13/14-ICC – March 11, 2014 – Second Reading

RESOLVED: That the University Senate of Humboldt State University recommends to the Provost the attached “Guidelines for Proposing New Certificate Programs” (Integrated Curriculum Committee, March 2014) be approved, and be it further

RESOLVED: That use of the Guidelines shall begin in Spring 2014.

*RATIONALE: Part of the ICC’s initial charge was to develop Guidelines for faculty proposing new programs. The Senate has already approved guidelines for New Degree Programs, New Minors, and Adding Online Versions of Existing Programs. In recent years, we have begun receiving proposals for new Certificate programs, so some Guidelines are clearly needed.*

There was no discussion on the second reading. Voting on Resolution #29-13/14-ICC occurred and Passed unanimously.

### **11. Approval of the Draft (March 4, 2014) Academic Calendar for 2015/2016**

There was no discussion of the draft Academic Calendar for 2015/2016. Voting occurred and the draft calendar Passed unanimously.

M/S/P (Abell/Ortega) to make this an emergency item for immediate transmittal to the President.

### **12. Resolution on Amendments to Appendix J Regarding Election of University Faculty Personnel Committee (UFPC) Members (#34-13/14-AEC) – First Reading**

M/S (Ortega/Virnoche) to place the resolution on the floor.

Resolution on University Faculty Personnel Committee (UFPC) Composition  
#34-13/14-AEC – March 11, 2014 – First Reading

RESOLVED: That the University Senate of Humboldt State University (Senate) recommends that Appendix J, Section VIII.D.2(b) be eliminated from the HSU Faculty Handbook:

b) The University Senate Appointments and Elections Committee shall nominate a minimum of two candidates for each vacancy. The General Faculty President will notify the faculty of the nominees and request further nominations. No candidate shall be nominated for more than one vacancy.

; and be it further

RESOLVED: That the Senate recommends that Appendix J, Section VIII.D.2(c) of the HSU Faculty Handbook be amended to read:

c) The University Senate Appointments and Elections Committee shall hold elections in the spring before teaching schedules for the following fall term are determined. Electors may vote for one candidate for each vacancy according to the rules governing the General Faculty Elections. All electors may vote for any vacancy. 15.40

; and be it further

RESOLVED: That the Senate recommends that these proposed changes be put to a vote of the General Faculty in Spring 2014; and be it further

RESOLVED: That, subject to approval by a vote of the General Faculty, these changes become effective for the 2014-15 academic year.

*RATIONALE: The current requirement for the election of UFPC positions is that there must be two candidates for each vacancy. Because some UFPC vacancies have been unable to get more than one nominee, the existing Appendix J rules have delayed or prohibited the election of some positions on the UFPC. This amendment will help to ensure that there will be at least one faculty member from each college on the UFPC by permitting a yes/no vote for any UFPC election in which there is a single candidate. Members of the UFPC will continue to be elected by the probationary and tenured members of the General Faculty.*

Discussion:

The resolution aims to facilitate the election of faculty to the University Faculty Personnel Committee by eliminating the requirement for a minimum of two candidates for each position and using the current election rules which provide for a Yes/No vote for a single candidate and require a simple majority of those voting for a candidate to be elected.

It was suggested that wording be added to the resolution's Rationale regarding the requirement of a simple majority for election.

**13. Resolution to Amend the University Senate Bylaws and Eliminate the Campus Climate Committee (CCC) as a University Senate Standing Committee (#36-13/14-EX) – First Reading**

M/S (Bruce/Ortega) to place the resolution on the floor.

**Resolution to Amend the Senate Bylaws and Eliminate Campus Climate Committee (CCC) as a University Senate Standing Committee**

#36-13/14-EX – March 11, 2014 – First Reading

RESOLVED: That the University Senate of Humboldt State University approves the elimination of the Campus Climate Committee (CCC) as a Standing Committee of the University Senate and amending the Senate Bylaws by having the following section, and all other references to the Committee, removed:

Strike from University Senate Bylaws:

**~~11.8 Campus Climate Committee (CCC)~~**

~~11.81 Chair: The Chair of the Committee shall be a senator, elected during the regular annual election within the Senate.~~

~~11.82 Membership: The membership of the Campus Climate Committee shall be as follows:~~

- ~~• Two (2) Senators (at least one of whom is a faculty senator) appointed by the Appointments and Elections Committee~~
- ~~• One (1) At-Large Faculty member, appointed by the Appointments and Elections Committee~~
- ~~• One (1) At-Large Staff member, elected by Staff Council~~
- ~~• One (1) Student, appointed by Associated Students~~
- ~~• One (1) Representative of the Office of Diversity and Inclusion~~
- ~~• One (1) Representative of the Office of Human Resources.~~

~~11.83 Terms: Elected and appointed members of the Committee shall serve two years.~~

~~11.84 Duties:~~

- ~~i. Support and promote a collegial, respectful, and responsive campus community;~~
- ~~ii. Review and recommend policy to the Senate that encourages and promotes opportunities for faculty, staff, students, and administrators to interact and exchange ideas, within the context of a shared campus community; and~~
- ~~iii. Identify issues and recommend policy or other actions regarding diversity, equity, and access in order to promote a more inclusive campus community.~~

*Rationale: The CCC was suspended for AY2013/2014 by the University Senate (Resolution 31-12/13-Gold) because the CCC's charge duplicated duties performed by other groups in supporting diversity, collegiality, and inclusivity.*

Senator Bruce introduced the resolution. Last year, the Senate suspended the Campus Climate Committee (CCC) via a resolution stipulating that it be reviewed this year. Both the Constitution and Bylaws Committee (CBC) and the Senate Executive Committee have had discussions and come to a consensus to eliminate the committee. Its assigned tasks are either unclear or overlap with work done by other committees on campus.

Discussion:

The idea of the Committee originated from the recommendations of the Cabinet for Institutional Change (CIC) as a way to address concerns expressed by WASC. The campus needs to provide evidence to WASC that concerns are being addressed. If the Committee is

eliminated, will that evidence be provided other ways, for example, through the Office of Diversity?

The Change Steering Committee process, which followed the CIC report, was intended to set priorities for the campus and monitor the progress toward goals. The Committee passed on those responsibilities to the Senate [Spring 2012].

Q: How is the collegiality piece of the CCC's duties being addressed? A: The college deans have taken on some of that by hosting faculty get-togethers every month. It is not clear what else the CCC could do.

Currently, there isn't a need for the CCC as a standing committee. If it is needed in the future, it can be reinstated.

The campus will need to re-visit its strategic plan. The CCC could be used to identify campus priorities, track activities across campus, identify responsibilities for implementation, and monitor progress towards prioritized goals.

Progress on improving campus governance and collegiality has been made, but with a new administration, there may be different opportunities consider the duties described for the CCC.

The final assessment of the CBC was that the committee shouldn't be eliminated just because it hasn't been active. Even if the charge regarding diversity issues is removed, there are the other two other duties that could be valuable for the CCC to address.

Committees are not necessarily the best way to get things done. It would be better to eliminate the committee.

It was noted that standing committees of the Senate exist, to carry out assigned tasks as needed. Suspending the committee ensures that no tasks will be assigned to it. The committee should either be eliminated or left in the Bylaws, if necessary, restructured.

M/S/P (Virnoche/Bruce) to table Resolution #35 (the next agenda item) and address the pulled ICC Consent Calendar item from earlier in the meeting.

**Pulled Consent Calendar Item:**

11-466 – GEOG 309 C "Social Justice [and the Environment] in Africa" – pulled from the Consent Calendar and put at the end of the current business agenda for further discussion.

[Note: Part of the title, "and the Environment," was left off the summary but appeared in the ICC materials]

Discussion:



It is not clear how this course satisfies Area B. There are quite a few courses being taught in the Social Sciences that would do as good a job of meeting Area B requirements as this course.

The course adheres to the scientific method; testing of a hypothesis, etc. Measurements being taken are of environmental conditions and areas – temperature, salinity, etc. The course also considers the ethical implications of science, involves pre-testing and post-testing, observation of natural phenomenon, etc.

It was observed that if this course is approved, there may be other courses in the social sciences that would meet Area B requirements.

Q: Why does the course not meet Area C and D as well? A: It is part of a summer program that already has Area C and Area D courses.

M/S (Moyer/Braithwaite) to approve the curriculum item. Voting occurred and Passed with three abstentions

#### **14. Resolution of Commendation to be presented from the floor (#35-13/14-EX)**

M/S (Virnoche/Mola) to place the resolution on the floor. Chair Zerbe read the resolution.

Commendation for Merry Phillips for Outstanding Service to the Humboldt State University  
#35-13/14-EX – March 11, 2014

WHEREAS, Merry Phillips has since 2003 served with distinction both Humboldt State University's Academic Senate and its University Senate; and

WHEREAS, through her wisdom, institutional knowledge and understanding of parliamentary procedure, Merry has kept the Senate functioning despite our best effort to create confusion and uncertainty; and

WHEREAS, Merry has provided invaluable support to the Academic and University Senates, as well as the University Faculty Personnel Committee and the Emeritus and Retired Faculty Association of Humboldt State University; and

WHEREAS, Merry provided invaluable guidance and assistance to faculty and staff leaders across campus; and;

WHEREAS, Merry's generous spirit and goodwill always helped to brighten often cloudy days in Humboldt County; and

WHEREAS, Merry was a steadfast supporter of shared governance across campus; and

WHEREAS, Merry's departure will create a hole in the University Senate that will not be easily filled; now therefore be it

RESOLVED that the University Senate extends its deepest thanks and appreciation for Merry's eleven years of outstanding service to the Senate, the UFPC and ERFA; and be it further

RESOLVED that the University Senate commends Merry Phillips for her commitment to Humboldt State University; and be it further

RESOLVED that the University Senate extend its sincere congratulations and best wishes to Merry on the occasion of her retirement.

[Thank you all! ~Merry]

M/S/P (Bruce/Meyer) to adjourn. Meeting adjourned at 4:16 pm for refreshments.

## Call for Nominations for Senate Elections on April 15

At the April 15, 2014 University Senate meeting, the Senate will hold elections for the following positions, beginning in 2014/2015. If you are interested in running for a position or nominating a colleague, please email Noah Zerbe ([noah.zerbe@humboldt.edu](mailto:noah.zerbe@humboldt.edu)) and the Senate Office ([senate@humboldt.edu](mailto:senate@humboldt.edu)) by Tuesday, April 8 (noon).

(Elections shall be conducted in the following order)

Chair, Faculty Affairs Committee (also serves as the Vice Chair of the Senate and ex-officio Vice President of the General Faculty) – 1-year term (6 WTUs per year)

Eligible: faculty senators

Chair, Academic Policies Committee (also serves as the Third Officer of the Senate and the ex-officio Vice President of the General Faculty) – 1-year term (6 WTUs per year)

Eligible: faculty senators

Co-Chair, University Resources and Planning Committee – 2-year term (3 WTUs per year)

Eligible: faculty senators

Chair, Constitution and Bylaws Committee – 1-year term

Eligible: all senators

Chair, Campus Climate Committee – 2-year term

Eligible: all senators

NOTE: If the Campus Climate Committee is eliminated or suspended, then the Senate needs to select a faculty senator to serve as a Liaison to the Diversity and Inclusion Campus Advisory Council for a 1-year term

Appointments and Elections Committee – nominees for faculty, staff and student members are forwarded to the Senate to be affirmed by vote during regular annual election – 1-year terms (chair is selected by the committee)

Eligible: all faculty, staff and students [call for nominations has been sent to HSU General Faculty and Staff Council]

Note: Senate Bylaws (10.32) state that “each elected senator shall serve on a minimum of one Standing, *Ad hoc*, or Campus committee when committee positions are available.” Watch for a future announcement regarding committee vacancies.



Integrated Curriculum Committee (ICC) (Moyer):

During the ICC meeting on March 25,

- The full ICC approved revised New Degree Guidelines (coming to the Senate soon)
- The full ICC offered feedback to the Academic Policies Committee regarding a draft resolution to eliminate the CWT designation.
- The full ICC heard an update from the GEAR committee on revisions of the Baccalaureate Outcomes
- The Course and Degree Changes Subcommittee tested electronic versions of curriculum forms.
- The Academic Master Planning Subcommittee worked on defining Options within majors.
- The Academic Master Planning Subcommittee got help from computer folks so that NoliJ will work better for committee members.

**Faculty Affairs Committee / Prepared by George Wrenn, Committee Member**  
**Report from Meeting of March 27, 2014**

The Faculty Affairs Committee meets 12:30-1:30, Thursdays in BSS 402.

Committee Members Present: Nancy Dye, Colleen Mullery, Ben Shafer, Sharon Tuttle, George Wrenn. Absent: Stephanie Burkhalter, Mary Virnoche (Chair)

**Electronic WPAF Update from Colleen Mullery**

A Request for Quote (RFQ), required by University policy, has been sent to vendors. The group working on Electronic WPAF expects to receive quotes sometime in the first two weeks of April. Quotes received will be scored, and the selected vendor will be put forward to the Provost and President for a funding decision.

Laura Hahn is coordinating the training of new faculty in the scanning and uploading of documents to prepare faculty to use whatever system is chosen.

**Identification of Student Respondents to Teaching Evaluations (Update from Benjamin Sharer and Colleen Mullery)**

Benjamin is drafting a resolution for discussion at the next Faculty Affairs meeting asking CFA and CSU to renegotiate the teaching evaluation article in the contract to allow for confidential evaluations.

**Identify Verification for Electronic RTP**

The Faculty Affairs Committee is drafting a Resolution on Revision of Appendix J: Electronic Identity Verification. The revisions under consideration are intended to support the

electronic RTP process, specifying the types of written signatures allowed and expanding the policy to include system-based identity verification.

**APC Written Report For April 01 Senate Meeting**

Members: Andrew Stubblefield, Benjamin Marschke, Clint Rebik, Jena' Burges, Mark Teeter (student), Monty Mola, Su Karl

APC has two resolutions on this week's agenda:

1. Policy on Cross-Listed courses
2. Elimination of the CWT designation

On March 13 a draft policy on co-listed graduate and undergraduate courses was discussed at the Provost's Council of Chairs meeting. On March 25 we invited Dr. David Hankin from FISH and Dr. Margaret Lang from ENGR to further discuss with us the issues at stake with regard to the co-listed courses. A day later we were made aware of the 1st reading of a resolution at the CSUAS which if passed will make these discussions moot, as the resolution asks to change Title V so that a graduate degree of study must consist of 60% stand-alone graduate units.

An ad hoc committee with representation from APC has met twice now to discuss the suggestion of Service Learning Leadership designation for the HSU transcript. These discussions have directed APC to create a task force to investigate co-curricular transcripts. Such a task force would begin work at the beginning of next term, provided we can get its charge and creation accomplished this term.

**ICC Consent Calendar for April 1 2014** (Note: See the Senate Standing Rules (posted online with Senate packet materials) for the process of approving ICC items on the Senate Consent Calendar)

Please review the proposal information below prior to the Senate meeting. If you have questions, please go to the Nolij site for additional information on the proposals.

To Access the Nolij site, go to: <https://nolij.humboldt.edu> and login through 'MyHumboldt'. Click on "University Senate" (folder) for all items for Senate review. Firefox is recommended to access Nolij.

[Instructions for Accessing Nolij](#) – Further step-by-step instructions.

If, after reviewing the proposal information on Nolij, you have further questions about items, contact Cindy Moyer, ICC Chair.

13-437

OCN 304: Resources of the Sea - remove the pre-requisite of OCN 109. (The program just added the pre-requisite last year and discovered that it created problems, so now they would like to go back to the way things were before.)

HUMBOLDT STATE UNIVERSITY  
University Senate

**Resolution on University Faculty Personnel Committee (UFPC) Composition**  
#34-13/14-AEC – April 1, 2014 – Second Reading

RESOLVED: That the University Senate of Humboldt State University (Senate) recommends that Appendix J, Section VIII.D.2(b) be eliminated from the HSU Faculty Handbook:

b) The University Senate Appointments and Elections Committee shall nominate a minimum of two candidates for each vacancy. The General Faculty President will notify the faculty of the nominees and request further nominations. No candidate shall be nominated for more than one vacancy.

; and be it further

RESOLVED: That the Senate recommends that Appendix J, Section VIII.D.2(c) of the HSU Faculty Handbook be amended to read:

c) The University Senate Appointments and Elections Committee shall hold elections in the spring before teaching schedules for the following fall term are determined. Electors may vote for one candidate for each vacancy according to the rules governing the General Faculty Elections. All electors may vote for any vacancy. 15.40

; and be it further

RESOLVED: That the Senate recommends that these proposed changes be put to a vote of the General Faculty in Spring 2014; and be it further

RESOLVED: That, subject to approval by a vote of the General Faculty, these changes become effective for the 2014-15 academic year.

*RATIONALE: The current requirement for the election of UFPC positions is that there must be a minimum of two candidates for each vacancy. Because some UFPC vacancies have been unable to get more than one nominee, the existing Appendix J rules have delayed or prohibited the election of some positions on the UFPC. This amendment will help to ensure that there will be at least one faculty member from each college on the UFPC by permitting a yes/no vote for any UFPC election in which there is a single candidate. Candidates must receive a simple majority of votes cast to be elected. Members of the UFPC will continue to be elected by the probationary and tenured members of the General Faculty.*



- c) The IUPC may provide a meeting where faculty and students can personally consult with the committee. All comments received shall be submitted or summarized in writing and identified by name before placement in the WPAF. 15.16, 15.17b
- d) Recommendations of the IUPC shall be based primarily upon written evaluations of candidates made by colleagues in the unit. Evaluations by colleagues within the unit shall be substantiated by other evidence such as written statements from colleagues outside the unit, peers outside the university, former students, and student classroom evaluations.
- e) The IUPC shall include in the WPAF a written description of procedures employed to solicit collegial letters and student letters and procedures employed in making its recommendation.
- f) For candidates holding a joint appointment, evaluation shall be obtained from all affected IUPCs. 15.13
  - (1) After considering recommendations from affected Deans, the Vice President for Academic Affairs shall inform candidates and committees which IUPC will serve as the primary committee.
  - (2) The primary IUPC shall assist candidates in WPAF compilation.
  - (3) Other IUPCs shall forward their recommendations to the primary IUPC.

### **C. College Committee**

1. Function
  - a) Review recommendations and WPAFs received from IUPCs and make its own recommendations to the UFPC. (Note: Library personnel committee and counselor personnel committee recommendations shall be forwarded directly to the UFPC.)
  - b) Insure that IUPCs carry out the duties assigned to them.
2. Organization
  - a) Colleges shall elect members each spring to fill vacancies on their personnel committee(s).
  - b) Each college may determine its own policies and procedures consistent with university policies and the CBA.
3. Procedures
  - a) Recommendations of college committees shall be based upon materials contained in WPAFs.
  - b) College committees shall include in each WPAF a written description of procedures employed in making recommendations.

### **D. University Faculty Personnel Committee**

1. Function
  - a) Review recommendations and WPAFs received from lower level peer review committees and make final recommendations regarding RTP to the President.

- (1) Endorse retention recommendations of lower level committees if lower level committees are in agreement, unless a candidate specifically requests a review by the UFPC.
    - (a) Append comments on perceived candidate deficiencies which may lead to unfavorable tenure recommendations in the future.
    - (b) Review candidates for second year retention when IUPC and Dean recommendations differ.
  - (2) Perform a full review of candidates for tenure and promotion regardless of lower level committee recommendations.
- b) Review request for insertion of materials in the WPAF after the IUPC has forwarded it to the next higher committee. 15.12b
  - c) Review procedures employed by lower level committees to insure they are consistent with university policies and the CBA.
  - d) Report at least annually to faculty unit employees and hold an open informational meeting each May for personnel committees and candidates for RTP.
2. Organization
- a) The UFPC shall be composed of five seats: One seat shall be held by a faculty member of the College of Natural Resources and Sciences, one by a faculty member of the College of Arts, Humanities and Social Sciences, one by a faculty member of the College of Professional Studies, and two by faculty members from the general faculty at-large. Members of the UFPC must be tenured and hold the rank of professor, librarian, or SSP-AR III. The term of office shall be for two years. The amount of assigned time will be determined annually through the faculty governance recommending process of the Executive Committee of the University Senate.
  - b) The University Senate Appointments and Elections Committee shall nominate a minimum of two candidates for each vacancy. The General Faculty President will notify the faculty of the nominees and request further nominations. No candidate shall be nominated for more than one vacancy.
  - c) The University Senate Appointments and Elections Committee shall hold elections in the spring before teaching schedules for the following fall term are determined. Electors may vote for one candidate for each vacancy. All electors may vote for any vacancy. 15.40
  - d) Any vacancies which occur during the academic year shall be immediately filled for the remainder of the academic year by a special election called by the General Faculty President.
3. Procedures
- a) Immediately following its election in the spring, the UFPC may recommend dates to the President for the performance review process for the next academic year. 15.4, 14.5, 13.5
  - b) The UFPC shall forward to the President its recommendations, along with supporting rationale, on every candidate which it has reviewed.
  - c) The President shall consult with the UFPC before making a final decision on any candidate. The President shall use reasoned judgment in support of any decision he/she makes regarding a recommendation from the UFPC. In the event that the President's recommendation differs from

HUMBOLDT STATE UNIVERSITY  
University Senate

**Resolution to Amend the Senate Bylaws and Eliminate Campus Climate Committee (CCC) as a University Senate Standing Committee**

#36-13/14-EX – April 1, 2014 – Second Reading

RESOLVED: That the University Senate of Humboldt State University approves the elimination of the Campus Climate Committee (CCC) as a Standing Committee of the University Senate and amending the Senate Bylaws by having the following section, and all other references to the Committee, removed:

Strike from University Senate Bylaws:

~~**11.8 Campus Climate Committee (CCC)**~~

~~11.81 **Chair:** The Chair of the Committee shall be a senator, elected during the regular annual election within the Senate.~~

~~11.82 **Membership:** The membership of the Campus Climate Committee shall be as follows:~~

- ~~• Two (2) Senators (at least one of whom is a faculty senator) appointed by the Appointments and Elections Committee~~
- ~~• One (1) At-Large Faculty member, appointed by the Appointments and Elections Committee~~
- ~~• One (1) At-Large Staff member, elected by Staff Council~~
- ~~• One (1) Student, appointed by Associated Students~~
- ~~• One (1) Representative of the Office of Diversity and Inclusion~~
- ~~• One (1) Representative of the Office of Human Resources.~~

~~11.83 **Terms:** Elected and appointed members of the Committee shall serve two years.~~

~~11.84 **Duties:**~~

- ~~i. Support and promote a collegial, respectful, and responsive campus community;~~
- ~~ii. Review and recommend policy to the Senate that encourages and promotes opportunities for faculty, staff, students, and administrators to interact and exchange ideas, within the context of a shared campus community; and~~
- ~~iii. Identify issues and recommend policy or other actions regarding diversity, equity, and access in order to promote a more inclusive campus community.~~

*Rationale: The CCC was suspended for AY2013/2014 by the University Senate (Resolution 31-12/13-Gold) because the CCC's charge duplicated duties performed by other groups in supporting diversity, collegiality, and inclusivity.*

HUMBOLDT STATE UNIVERSITY  
University Senate

**Resolution on Revision of the “Guidelines for Approving New Degree  
and Credential Programs at HSU”**

#10-13/14-ICC – April 1, 2014 – Second Reading

RESOLVED: That the University Senate of Humboldt State University recommends to the Provost the attached revised version of the “Guidelines for Approving New Degree and Credential Programs at HSU” (March 2014) be approved, and be it further

RESOLVED: That use of the revised Guidelines shall begin in Spring 2014.

*RATIONALE: The changes to the document appear with underline and include the addition of the following:*

*“All new degree programs will be housed in a department and given curricular oversight by qualified HSU faculty. Self-support programs may be housed administratively in the College of eLearning and Extended Education, but ideally their curricular oversight will be based in a state-side department with stateside tenured/tenure-track faculty.”*

*As budget realities are encouraging the University to create new self-support programs, the ICC has realized that we need to clarify that responsibility for the day-to-day oversight of curriculum remains centered in the faculty at HSU. Furthermore, it is our understanding that WASC (which must approve all online programs) and the CSU Chancellor’s office (which approves all new programs) look for evidence of oversight by permanent faculty when evaluating programs.*

University Senate:  
Provost:

HUMBOLDT STATE UNIVERSITY

***Guidelines for Approving New Degree and Credential Programs at HSU***  
***(revised March 2014, ICC)***

***Introduction***

The Academic Master Planning (AMP) subcommittee of the Integrated Curriculum Committee (ICC) is working to establish curricular guidelines for degree programs (Majors, Credentials, and Master's degrees). When proposing new degree programs, faculty should document how their program meets the standards, or provide a rationale for an exception.

***Background***

The AMP subcommittee's initial charge included developing criteria for approving new degree programs, with the goal of making the process more transparent and efficient. These guidelines will apply to all new degree programs, both those funded by the state and those funded through self-support.

***Process***

Initial planning for a new degree-program should begin with extensive informal conversations with all interested parties including the departmental faculty, Dean(s), and College Council(s) of Chairs. Departments are welcome, but not required, to consult the AMP as well at this stage. When all interested parties agree that the basic idea of the new program is acceptable, then the program begins the formal approval process.

Formal approval of a new degree program is a three-step process.

**The first step** includes a letter of intent that describes the purpose and characteristics of the degree, the connection between the degree and the campus mission and the campus and societal need for the degree. ICC approval of the letter of intent will result in a request to the Chancellor's Office (CO) to add the program to HSU's Academic Master Plan. The ICC's response to the initial proposal will be transmitted to the Senate as an information item.

**The second step** of the process requires completing a draft of the CO's paperwork for New Programs. In this step, the proposed curriculum, student learning outcomes, and resource implications of the program will be examined in detail. In addition, all proposals will be evaluated by an outside reviewer (a CO requirement). Typically, proposals go through several revisions as this point as the AMP subcommittee and the program collaborate to develop plans for a program that will succeed at HSU. Completion of the second step will be reported to the full ICC as an information item.

**In the third step** of the process, the program submits the final version of the CO forms and all related curriculum change forms (new course forms, course change forms, etc.). While a few minor changes may still occur to the CO forms at this point, the majority of the work in Step Three will involve getting the details of the courses correct. When Step Three is complete, the complete package of proposals will go to the full-ICC and then the University Senate and the Provost's office for approval before being sent to the CO for final approval.

## ***Step One: Letter of Intent***

### **Process**

The letter of intent will include all the information needed for the CO's "New Degree Projections on the Academic Master Plan." [\(see Appendix for a summary of the needed information\)](#) The letter of intent should be brief (no more than 2-3 pages), and provide a very general picture of what the new program would be as well as reasons that HSU should be offering this new program.

The AMP subcommittee will consider the letter of intent before sending it to the full ICC for possible approval. When ICC approval has been granted, the campus will submit the program to the CO for addition to HSU's Academic Master Plan. Once the program is added to the Academic Master Plan, the campus has permission to begin full-scale planning for the new degree.

### **Standards for Step One**

The ICC will consider the factors listed below:

1. The degree supports the University Vision/Mission/Core Values and HSU Student Learning Outcomes.
2. The degree is grounded in a recognized scholarly discipline [or interdisciplinary field recognized at other universities](#).
3. The degree serves a recognized student, or societal need.

## ***Step Two: The Chancellor's Office Academic Program Proposal***

### **Process**

The program submits a draft of the CO "Academic Program Proposal" form to the ICC as well as to at least one off-campus reviewer who can comment on the proposed curriculum. The proposal will include the full curriculum, student learning outcomes mapped onto the curriculum, evidence of student demand for the program, projected student enrollments, and projected costs including new faculty hires.

### **Standards for Step Two**

The AMP subcommittee will consider the factors listed below:

#### **I. COHERENT CURRICULUM**

1. The degree program has a stated curricular focus, a set of related student learning outcomes, and an explanation of how the curriculum supports those learning outcomes.
2. The set of courses required in the degree program is justified with respect to the development of student learning; each course in the degree is mapped to student learning outcomes.

3. All undergraduate major proposals are expected to demonstrate that students can complete the major and all General Education/All-University requirements in no more than 120 units. (With the exception of combined BA/Credential programs, the Chancellor's office generally will not approve programs of more than 120 units.) In addition, the program will create 4-year student course plans (MAP) to demonstrate that students can complete all the degree requirements in that time. Similar 2-year plans will be developed for transfer students showing how students who have completed Star Act AA degrees can effectively transition from community college programs to completing their degree in two more years.
4. To ensure that students easily understand the degree requirements, the Major curriculum will include all required courses (no hidden pre-requisites, no pre-major courses).
5. New degree programs will not duplicate existing offerings at HSU. Where appropriate, the proposal will address ways that this degree is similar or different from existing programs at HSU.
6. The program will provide comparisons of the proposed degree curriculum to that of similar programs at comparable institutions in order to demonstrate how much this program reflects trends in the discipline.
- ~~6-7.~~ All new degree programs will be housed in a department and given curricular oversight by qualified HSU faculty. Self-support programs may be housed administratively in the College of eLearning and Extended Education, but ideally their curricular oversight will be based in a state-side department with state-side tenured/tenure-track faculty.

## II. RESOURCES AND VIABILITY

1. The proposal will discuss resources needed for the new program. A five-year course rotation plan will show what courses will need to be offered for the program. Based on this plan, the proposal will include a calculation of the number of FTEF needed to teach the curriculum, and the number of majors needed for classes to have sufficient enrollment. In addition, the proposal will identify significant needs including new faculty, facilities, equipment, staff, library resources, faculty time for curriculum oversight/advising needs, etc.
2. If the new program will need Accreditation, the proposal will discuss the implications of this including costs and standards for accreditation such as SFR, curriculum, or educational background of faculty.
3. The program will create four-year degree plans showing how prepared students can complete the degree in four years. The degree plan must be coordinated with the department's course-rotation plan.
4. The proposal will provide evidence of student interest and demand for this new degree program. Some of the evidence will include comparisons with similar degree programs at comparable institutions, and/or predictions of future employment trends. At minimum, the program will provide information about the number of majors in the comparable degree programs and the annual number of graduates. Where appropriate, the evidence for student interest should also include information about enrollment trends in the discipline.

5. The proposal will include a cost/efficiency statement completed by the relevant Dean's office(s).

### ***Step Three: The Complete Final Proposal***

#### **Process**

The final proposal will include:

1. Completed CO Paperwork
2. Completed curriculum proposals including new course proposals, syllabi and catalog copy.

Once the final proposal is in order, it will be submitted for approval to the full ICC, then the University Senate, then the Provost's office, and finally the CO.

The Senate resolution recommending approval of the program will include information about the expected start-up date for the program as well as a statement that the program and the Provost will negotiate appropriate benchmarks for the program.

Programs that are approved using the CO's Pilot Program process may operate at HSU for three years before the program must submit a revised version of the CO proposal for ICC and Senate approval.

#### **Standards**

1. Curriculum proposals are complete.
2. Syllabi conform to the HSU syllabus policy.
3. Course C-classifications are appropriate for the proposed mode of instruction, and expected student workload conforms to the *CSU Definition of Credit Hour (AA-2011-14)*
4. Course numbering conforms to HSU policies and practices for course numbering.
5. All remaining details are corrected in the Chancellor's Office form.

#### **Definitions:**

*Program* – programs are new Majors or new Graduate degrees. New options within existing programs are not new programs, and thus not covered by these guidelines.

*Degree Plan* – a plan showing how a student can complete a degree in four years. The Degree Plan includes major courses as well General Education and All-University (GEAR) requirements and space for elective units.



Appendix: Information needed for Academic Master Plan (as of March, 2014)**When reporting new degree program projections on the academic plan**

In addition to the table update, please include a *very* brief summary for each proposed new projection on the academic plan. Please note that new bachelor's degrees should be as enduring as possible in content and title. Breadth is the hallmark of bachelor's degrees, and more narrow specialization occurs at the graduate level. Summaries should address concisely the following elements, which are the criteria by which proposed changes to the CSU Academic Master Plan are evaluated:

1. Delivery mode: fully face-to-face, hybrid, or fully online program;
2. A brief summary of the purpose and characteristics of the proposed degree program;
3. The program's fit with the campus mission and strategic plan;
4. Support mode: state support or self-support/extended education;
5. Anticipated student demand;
6. Workforce demands and employment opportunities for graduates;
7. Other relevant societal needs;
8. An assessment of the required resources and a campus commitment to allocating those resources; and
9. As applicable:
  - a. If the projection is a pilot program, please list the academic years during which the program will operate in pilot status.
  - b. For new degree programs that are not already offered in the CSU, please provide a compelling rationale explaining how the proposed subject area constitutes a coherent, integrated degree program that has potential value to students and meets CSU requirements for an academic program at the undergraduate or graduate level.

Developed by the Integrated Curriculum Committee, 04/17/12

University Senate: Passed Unanimously, 04/24/12 (Resolution #36-11/12-ICC)

Provost Snyder: Approved 05/02/12

Revision (March 2014) (Resolution #10-13/14-ICC):

University Senate:

Provost Snyder:

Humboldt State University  
University Senate

**Resolution on HSU Policy for Cross-Listing of Courses**

#37-13/14-APC – March 25, 2014 – First Reading

**Resolved:** That the University Senate of Humboldt State University (the Senate) recommends to the President that the attached “HSU Policy for Cross-listing of Courses” (draft, March, 2014) be approved and become effective immediately.

**Rationale:** A cross-listed course is a single course that is offered in two or more academic subject areas with the same title, credits, mode of instruction, description, and prerequisites (e.g. WS 317 & ANTH 317). The attached policy details the conditions under which new cross-listed courses will be approved.

University Senate:  
President Richmond:

## **HSU Policy for Cross-listing of Courses (draft, March, 2014)**

A cross-listed course is a single course that is offered in two or more academic subject areas with the same title, credits, mode of instruction, description, and prerequisites (e.g. WS 317 & ANTH 317). A cross-listed course provides faculty and students an opportunity to collaborate across disciplinary lines and recognizes and encourages the value of interdisciplinary connections. It also makes possible an adequate representation of that interdisciplinarity in the catalog and in the class schedule. There must be a clear curricular benefit for a course to be cross-listed; this benefit should be determined at the level of the programs considering cross-listing and articulated on course proposal forms (see below). For instance, an interdisciplinary program which includes another field's courses in its lists of courses that may satisfy major requirements, some disciplines may have fields that intersect, and some programs might collaborate to develop classes intentionally joining the expertise of multiple perspectives.

*Humboldt State University recognizes two types of cross-listed courses:*

- The first type of cross-listed course consists of a cooperative venture between/among departments. All departments share in the development and delivery of the course; often these courses are either team taught, taught by a rotation of faculty within the cooperative departments, or taught by an instructor with a joint appointment in the relevant academic areas. For accounting purposes, all FTEs are credited to the department/program funding the instructor. If a course is team-taught, the participating departments will split the FTEs in the same way that the WTU are split in that course.
  
- The second type of cross listed course consists of a “Home” unit which has primary responsibility for the course staffing and delivery. Those units wishing to cross-list will identify a single home unit when the course is proposed or revised. All FTEs are credited to the department funding the instructor. The purpose of this type of cross listing is to underscore the interdisciplinarity of the course content and the relevance of the course to students outside the home department. This type of cross listing is especially useful for informing students of the relevance of an interdisciplinary course to their program of study, particularly for Bachelor of Arts programs with a non-prescriptive curriculum.

## Procedures:

- A. For the home unit-single instructor type of cross listed course described above, a cross-listed course must have a primary home in one program which will be responsible for scheduling, staffing, and assessing the course. A cross-listed course cannot be offered without approval of the program in which it is primarily housed.
- B. For new cross-listed courses to be approved, *each participating department* must:
  - a. Submit a new course proposal form for the course. The new course proposal forms must be identical in every way, with the exception of the subject code and must be submitted simultaneously.
  - b. Clearly explain on the new course proposal form how the course meets the criteria for cross-listing, and how the cross-listing benefits students.
  - c. Agree on the course level student learning outcomes and explain how the course level outcomes develop specific program outcomes.
  - d. Explain how the new course fits within their curriculum, i.e., whether the course is a program requirement, restricted elective, non-restrictive elective, etc., and whether the program has room below the 120 unit limit to add such a course.
- C. Programs wishing to cross list their prefix to an established course must follow the same procedure outlined in B. above.
- D. All programs cross-listing a course must be notified before modifications are made to the course.
- E. A cross-listed course may be taught in multiple sections as long as the course content and learning outcomes for all sections are the same.
- F. The catalog description for each cross-listed "section" will include a statement identifying the course as cross-listed, and provide the course identity of the cross-listed version of the course.
- G. Course syllabi will reflect the cross-listed nature of the course (listing all of the identities of the course), and any of the prefixes of a cross-listed course will be accepted as satisfying a particular degree requirement as all "sections" are equivalent.
- H. Course capacities for each "section" will be managed by PeopleSoft such that each "section" of a cross-listed course is designated as "combined" into one course, thereby allowing the software to adapt the enrollment in order to maintain the maximum enrollment for the course.

**Resolution on the Elimination of the CWT Designation**

#38-13/14-XX – April 1, 2014 – First Reading

**Resolved:** That the University Senate of Humboldt State University (the Senate) recommends to the Provost that the designation of “Communication and Ways of Thinking” (CWT) will no longer be used to describe certain upper-division General Education (GE) courses in our catalog; and be it further

**Resolved:** That the Senate recommends the 309 course number be reserved only for those interdisciplinary courses which have been approved to satisfy *more than one* upper-division GE area’s Student Learning Outcomes (SLOs); and be it further

**Resolved:** That the Senate recommends that any course currently designated as CWT *and* that has a 309 course number which only satisfies *one* upper division General Education area’s SLOs shall change its course number to 30X where X is a positive integer between 0 and 8.

**Rationale:** CWT courses may meet the student learning outcomes of more than one upper-division GE area, and thereby allows a student to choose which upper-division GE area requirement is satisfied upon completion of a given CWT course. This resolution would remove the CWT designation from the HSU Catalog but would not change anything about the courses (or future courses) which may still be used to satisfy any one of the multiple upper-division GE areas for which the course satisfies the student learning outcomes. This resolution also ensures that the 309 course number may only be used for courses that satisfy more than one upper-division GE area’s SLOs. Finally, elimination of the CWT designation will de facto eliminate any and all CWT guidelines and SLOs.

University Senate:

Provost Snyder:

**HUMBOLDT STATE UNIVERSITY  
University Senate**

**Resolution Establishing the Policy and Procedure for Responding to Allegations of Research  
Misconduct**

#39-13/14-EX – April 1, 2014 – First Reading

RESOLVED: That the University Senate of Humboldt State University recommends to the President the adoption of the attached “Policy and Procedure for Responding to Allegations of Research Misconduct,” dated March 2014.

*RATIONALE: An audit by the Office of Research Integrity at the Department of Health and Human Resources revealed that Humboldt State University lacked the required policy document dealing with research misconduct. The proposed policy is drawn from similar policies in place at San Francisco State University, CSU Dominguez Hills, and San Jose State University and meets the requirements laid out by major federal granting agencies including the National Science Foundation and the National Institutes of Health/Department of Health and Human Resources.*

## **POLICY AND PROCEDURE FOR RESPONDING TO ALLEGATIONS OF RESEARCH MISCONDUCT**

**Issued: March 2014**

### **I. PURPOSE**

Humboldt State University (University) is committed to ethical principles and procedures regarding integrity in all forms of research activity for which the University is responsible. This policy is also intended to conform to the requirements of the United States Department of Health and Human Services (HHS), the U.S. Public Health Service (PHS), the National Science Foundation (NSF) and Federal regulations including, but not limited to, the "Public Health Service Policies on Research Misconduct" [42 Code of Federal Regulations (CFR) 93] and the "National Science Foundation Regulations on Misconduct in Science and Engineering Research" [45 CFR, Part 689].

Members of the University community engaged in research and creative activities are not to: fabricate data or results; change or knowingly omit data or results to misrepresent results in the research record; or intentionally misappropriate the ideas, writings, research, or findings of others. All those engaged in research are expected to pursue the advancement of knowledge while meeting the highest standards of honesty, accuracy, and objectivity in their work in general and as authors. This standard extends to all publications. They are also expected to demonstrate accountability for sponsors' funds and to comply with specific terms and conditions of contracts and grants.

### **II. SCOPE**

This policy applies to research conducted under an externally funded sponsored project that is awarded to the University or one of its auxiliary organizations, internally funded research and unfunded research conducted by faculty, staff, or students. Any individual who may work on or contribute to such a project, whether for monetary compensation or not, is covered by this policy. All members of the University community engaged in sponsored project activities are expected to conduct their projects with integrity and intellectual honesty at all times, to act responsibly with respect to the use of funds, and to ensure that they and those who work with them comply with all campus, system wide, agency, and government regulations.

The scope of this policy includes any research proposed, performed, reviewed or reported, or any research record generated from that research, regardless of whether an application or proposal for external funds resulted in an award. The scope of this policy does not apply to authorship or collaboration disputes. It applies only to allegations of research misconduct that occurred within six years of the date the institution or the sponsor received the allegation, subject to the subsequent use, health and safety of the public, and grandfather exceptions in 42 CFR 93.105(b).

### III. DEFINITIONS

**Allegation:** A disclosure of possible research misconduct through any means of communication. The disclosure may be by written or oral statement or other communications to a University or HHS official.

**Complainant:** A person who in good faith makes an allegation of research misconduct.

**Conflict of Interest:** The real or apparent interference of one person's interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.

**Deciding Official (DO):** The person responsible for making the final decision on misconduct findings, administrative actions, and other items as listed in this policy and procedure. The Deciding Official will be the Provost and Vice President of Academic Affairs and should have no direct prior involvement in University's inquiry, investigation, or allegation assessment. A Deciding Official's appointment of an individual to assess allegations of research misconduct, or to serve on an inquiry or investigation committee, shall not be considered direct prior involvement.

**Evidence:** Any document, tangible item, or testimony offered or obtained during a research misconduct proceeding that tends to prove or disprove the existence of an alleged fact.

**Fabrication:** Making up data or results and recording or reporting them.

**Falsification:** 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.

**Good Faith as applied to a complainant or witness:** Having a belief in the truth of one's allegation or testimony that a reasonable person in the complainant's or witness's position could have, based on the information known to the complainant or witness at the time. An allegation or cooperation with a research misconduct proceeding is not in good faith if it is made with knowing or reckless disregard for information that would negate the allegation or testimony. Good faith as applied to a committee member means cooperating with the purpose of helping University meet its responsibilities under any applicable federal regulations and this policy. A committee member does not act in good faith if his/her acts or omissions on the committee are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the research misconduct proceedings.

**Inquiry:** Preliminary information-gathering and preliminary fact-finding that meets the criteria and follows the procedures set forth in federal regulations.

**Investigation:** The formal development of a factual record and the examination of that record leading to a decision not to make a finding of research misconduct or to a recommendation for a finding of research misconduct which may include a recommendation for other appropriate actions, including administrative actions.



**Misconduct in Research (Research Misconduct):** Fabrication, falsification, or plagiarism or other practices that seriously deviate from those that are commonly accepted within the academic community for proposing, performing, or reviewing research, or in reporting research results. Misconduct in research does not include honest error or differences of opinion.

**Office of Research Integrity (ORI):** The federal office to which the HHS Secretary has delegated responsibility for addressing research integrity and misconduct issues related to PHS supported activities.

**Plagiarism:** The appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

**Preponderance of the evidence:** Proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

**Research:** A systematic experiment, study, evaluation, demonstration or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research) relating broadly to a particular discipline or subject by establishing, discovering, developing, elucidating or confirming information about the discipline or subject of the research.

**Research Integrity Officer (RIO):** The RIO is responsible for: (1) assessing allegations of research misconduct to determine if they fall within the definition of research misconduct, are covered by federal regulations, and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified; and (2) overseeing inquiries and investigations and (3) the other responsibilities described in this policy. For this policy, the RIO is the Dean of Research, Economic and Community Development.

**Research record:** The record of data or results that embody the facts resulting from scientific inquiry, including but not limited to research proposals, laboratory records, both physical and electronic progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and any documents and materials provided to a federal agency or University official by a respondent(s) in the course of the research misconduct proceeding.

**Respondent(s):** The person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding. There can be more than one respondent(s) in any inquiry or investigation.

**Retaliation:** An adverse action taken against a complainant, witness, or committee member by the institution or one of its members in response to (1) a good faith allegation of research misconduct; or (2) good faith cooperation with a research misconduct proceeding.

#### **IV. RIGHTS AND RESPONSIBILITIES**

##### **A. Research Integrity Officer (RIO)**

The Dean of Research, Economic and Community Development will serve as the RIO who will have primary responsibility for implementation of the institution's policies and procedures on research misconduct. The RIO's responsibilities include the following duties related to research misconduct proceedings:

- Consult confidentially with persons uncertain about whether to submit an allegation of research misconduct;
- Receive allegations of research misconduct either in writing or orally;
- Assess each allegation of research misconduct in accordance with this policy to determine whether it falls within the definition of research misconduct and warrants an inquiry;
- As necessary, take interim action and notify ORI of special circumstances, in accordance with this policy;
- Sequester research data and evidence pertinent to the allegation of research misconduct in accordance with this policy and maintain it securely in accordance with this policy and applicable law and regulation;
- Provide confidentiality to those involved in the research misconduct proceeding as required by 42 CFR 93.108, other applicable law, and institutional policy;
- Notify the respondent(s) and provide opportunities for him/her to review/ comment/respond to allegations, evidence, and committee reports in accordance with this policy;
- Inform respondent(s), complainants, and witnesses of the procedural steps in the research misconduct proceeding;
- Appoint the chair and members of the inquiry and investigation committees, ensure that those committees are properly staffed and that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence;
- Determine whether each person involved in handling an allegation of research misconduct has an unresolved personal, professional, or financial conflict of interest and take appropriate action, including recusal, to ensure that no person with such conflict is involved in the research misconduct proceeding;
- In cooperation with other institutional officials, take all reasonable and practical steps to protect or restore the positions and reputations of good faith complainants, witnesses, and committee members and counter potential or actual retaliation against them by respondent(s) or other institutional members;
- Keep the Deciding Official and others who need to know apprised of the progress of the review of the allegation of research misconduct;
- Notify and make reports to ORI as required by 42 CFR Part 93 or any other relevant federal regulations and/or notify and make reports to the appropriate regulatory agency or sponsors as required by regulations and this policy;
- Ensure that administrative actions taken by the institution and ORI are enforced and take appropriate action to notify other involved parties, such as sponsors, law enforcement agencies, professional societies, and licensing boards of those actions; and
- Maintain records of the research misconduct proceeding and make them available to ORI in accordance with this policy.

## **B. Complainant**

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation. As a matter of good practice, the complainant should be interviewed at the inquiry stage and given the transcript or recording of the interview for correction. The complainant must be interviewed during an investigation, and be given the transcript or recording of the interview for correction.

## **C. Respondent(s)**

The respondent(s) is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry and investigation. The respondent(s) is entitled to:

- A good faith effort from the RIO to notify the respondent(s) in writing at the time of or before beginning an inquiry;
- An opportunity to comment on the inquiry report and have his/her comments attached to the report; Be notified of the outcome of the inquiry, and receive a copy of the inquiry report that includes a copy of, or refers to 42 CFR Part 93 and the institution's policies and procedures on research misconduct;
- Be notified in writing of the allegations to be investigated within a reasonable time after the determination that an investigation is warranted, but before the investigation begins (within 30 days after the institution decides to begin an investigation), and be notified in writing of any new allegations, not addressed in the inquiry or in the initial notice of investigation, within a reasonable time after the determination to pursue those allegations;
- Be interviewed during the investigation, have the opportunity to correct the recording or transcript, and have the corrected recording or transcript included in the record of the investigation;
- Have interviewed during the investigation any witness who has been reasonably identified by the respondent(s) as having information on relevant aspects of the investigation, have the recording or transcript provided to the witness for correction, and have the corrected recording or transcript included in the record of investigation; and
- Receive a copy of the draft investigation report and, concurrently, a copy of, or supervised access to the evidence on which the report is based, and be notified that any comments must be submitted within 30 days of the date on which the copy was received and that the comments will be considered by the institution and addressed in the final report.

The respondent(s) should be given the opportunity to admit that research misconduct occurred and that he/she committed the research misconduct. With the advice of the RIO and/or other institutional officials, the Deciding Official may terminate the institution's review of an allegation that has been admitted, if the University's acceptance of the admission and any proposed settlement is approved by ORI.

## **D. Deciding Official (DO)**

The DO will receive the inquiry report and after consulting with the RIO and/or other institutional officials, decide whether an investigation is warranted under the criteria in 42 CFR

93.307(d). Any finding that an investigation is warranted must be made in writing by the DO and must be provided to ORI, together with a copy of the inquiry report meeting the requirements of 42 CFR 93.309, within 30 days of the finding. If it is found that an investigation is not warranted, the DO and the RIO will ensure that detailed documentation of the inquiry is retained for at least 7 years after termination of the inquiry, so that ORI may assess the reasons why the institution decided not to conduct an investigation.

The DO will receive the investigation report and, after consulting with the RIO and/or other institutional officials, decide the extent to which this institution accepts the findings of the investigation and, if research misconduct is found, decide what, if any, institutional administrative actions are appropriate. The DO shall ensure that the final investigation report, the findings of the DO and a description of any pending or completed administrative actions are provided to ORI, as required by 42 CFR 93.315.

At Humboldt State University, the University Vice President and Provost of Academic Affairs will serve as the DO.

## **V. General Policies and Procedures**

### **A. Responsibility to Report Misconduct**

All University members will report observed, suspected, or apparent research misconduct to the RIO. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may meet with or contact the RIO to discuss the suspected research misconduct informally, which may include discussing it anonymously and/or hypothetically. If the circumstances described by the individual do not meet the definition of research misconduct, the RIO will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

### **B. Cooperation with Research Misconduct Proceedings**

University members will cooperate with the RIO and other institutional officials in the review of allegations and the conduct of inquiries and investigations. University members, including respondent(s), have an obligation to provide evidence relevant to research misconduct allegations to the RIO or other University officials.

### **C. Confidentiality**

The RIO shall (1) limit disclosure of the identity of the respondent(s), complainants and witnesses to those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding consistent with applicable laws and regulations; and (2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct proceeding. The RIO should use appropriate mechanisms to ensure that there is no disclosure of identifying information.

#### **D. Protecting Complainants, Witnesses, and Committee Members**

University members may not retaliate in any way against complainants, witnesses, or committee members. University members should immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the RIO, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.

#### **E. Protecting the Respondent(s)**

As requested and as appropriate, the RIO and other institutional officials shall make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in research misconduct, but against whom no finding of research misconduct is made. During the research misconduct proceeding, the RIO is responsible for ensuring that respondent(s) receive all the notices and opportunities provided for in federal regulations and the policies and procedures of the University.

#### **F. Interim Administrative Actions and Notifying ORI of Special Circumstances**

Throughout the research misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to public health, federal or other sponsor funds and equipment, or the integrity of the PHS or other sponsor supported research process. In the event of such a threat, the RIO will, in consultation with other University officials and ORI or other appropriate regulatory agencies and/or sponsor, take appropriate interim action to protect against any such threat. Interim action might include additional monitoring of the research process and the handling of federal/sponsor funds and equipment, reassignment of personnel or of the responsibility for the handling of federal/sponsor funds and equipment, additional review of research data and results or delaying publication. The RIO shall, at any time during a research misconduct proceeding, notify ORI or any other appropriate regulatory agency and/or other sponsor immediately if he/she has reason to believe that any of the following conditions exist:

1. Health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
2. HHS or other sponsor resources or interests are threatened;
3. Research activities should be suspended;
4. There is a reasonable indication of possible violations of civil or criminal law;
5. Federal action is required to protect the interests of those involved in the research misconduct proceeding;
6. The research misconduct proceeding may be made public prematurely and HHS action may be necessary to safeguard evidence and protect the rights of those involved; or
7. The research community or public should be informed.

## **VI. Conducting the Assessment and Inquiry**

### **A. Assessment of Allegations**

Upon receiving an allegation of research misconduct, the RIO shall immediately assess the allegation to determine whether it is sufficiently credible and sufficiently specific so that potential evidence of research misconduct may be identified, whether it is within the jurisdictional criteria of federal agencies, and whether the allegation falls within the definition of research misconduct in this policy and any applicable federal regulations. An inquiry must be conducted if these criteria are met.

The assessment period should be brief. In conducting the assessment, the RIO need not interview the complainant, respondent(s), or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified. The RIO shall, on or before the date which the respondent(s) is notified of the allegation, obtain custody of, inventory, and sequester all research records and evidence needed to conduct the research misconduct proceeding, as provided in the Notice to Respondent(s); Sequestration of Research Records section below.

### **B. Initiation and Purpose of Inquiry**

If the RIO determines that the criteria for an inquiry are met, he or she will immediately initiate the inquiry process. The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to conduct an investigation. An inquiry does not require a full review of all the evidence related to the allegation.

### **C. Notice to Respondent(s); Sequestration of Research Records**

At the time of or before beginning an inquiry, the RIO must make a good faith effort to notify the respondent(s) in writing, if the respondent(s) is known. If the inquiry subsequently identifies additional respondent(s), they must be notified in writing. On or before the date on which the respondent(s) is notified, or the inquiry begins, whichever is earlier, the RIO must take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence and sequester them in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. The RIO may consult with the appropriate regulatory agency for advice and assistance in this regard.

### **D. Appointment of Inquiry Committee**

The RIO, in consultation with other institutional officials as appropriate, will appoint an inquiry committee and committee chair as soon after the initiation of the inquiry as is practical. The inquiry committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry and should

include individuals with the appropriate scientific expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry.

#### **E. Charge to the Committee and First Meeting**

The RIO will prepare a charge for the inquiry committee that:

- Sets forth the time for completion of the inquiry;
- Describes the allegations and any related issues identified during the allegation assessment;
- States that the purpose of the inquiry is to conduct an initial review of the evidence, including the testimony of the respondent(s), complainant and key witnesses, to provide information to the RIO who will communicate to the DO whether an investigation is warranted, not to determine whether research misconduct definitely occurred or who was responsible;
- States that an investigation is warranted if the committee determines: (1) there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and is within the jurisdictional criteria of the appropriate federal code; and, (2) the allegation may have substance, based on the committee's review during the inquiry.
- Informs the inquiry committee that they are responsible for preparing or directing the preparation of a written report of the inquiry that meets the requirements of this policy.

At the committee's first meeting, the RIO will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The RIO shall be present or available throughout the inquiry to advise the committee as needed.

The respondent(s) shall be notified in writing by the RIO within ten (10) days of the receipt of the allegation or as soon as possible consistent with the need to assemble appropriate expertise and secure potential evidence that a complaint has been lodged and that an Inquiry has been initiated. The respondent(s) must be informed of the nature of the allegation and the procedures to be followed. The RIO shall invite the respondent(s) to make a written response to the allegation(s) and to comment during the course of the Inquiry. Those comments will be included in the final Inquiry Report.

#### **F. Inquiry Process**

The inquiry committee shall normally interview the complainant, the respondent(s) and key witnesses as well as examining relevant research records and materials. The inquiry committee shall evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members will decide whether an investigation is warranted based on the criteria in this policy and in any applicable federal or other appropriate

regulations (42 CFR 93.307(d)). The scope of the inquiry is not required to and does not normally include deciding whether misconduct definitely occurred, determining definitely who committed the research misconduct or conducting exhaustive interviews and analyses. However, if a legally sufficient admission of research misconduct is made by the respondent(s), misconduct may be determined at the inquiry stage if all relevant issues are resolved. In that case, the University shall promptly consult with the ORI or appropriate federal regulatory agency to determine the next steps that should be taken. If a non-federal sponsor is involved without federal funds, the RIO will consult with appropriate University officials to determine the next steps.

### **G. Time for Completion**

The inquiry, including preparation of the final inquiry report and the decision of the DO on whether an investigation is warranted, must be completed within 60 calendar days of initiation of the inquiry, unless the RIO determines that circumstances clearly warrant a longer period. If the RIO approves an extension, the inquiry record must include documentation of the reasons for exceeding the 60-day period.

The respondent(s) and all involved individuals are expected to cooperate by timely response to request for documents and/or information.

## **VII. The Inquiry Report**

### **A. Elements of the Inquiry Report**

A written inquiry report shall be prepared that includes the following information: (1) the name and position of the respondent; (2) a description of the allegations of research misconduct; (3) the funding support, if any, for example, grant numbers, grant applications, contracts and publications listing specific financial support; (4) the names and titles of the committee members and experts who conducted the inquiry; (5) a summary of the inquiry process used; (6) a list of research records reviewed; (7) summaries of any interviews; (8) the basis for recommending or not recommending that the allegations warrant an investigation; (9) any comments on the draft report by the respondent or complainant and (10) whether any actions should be taken if an investigation is not recommended. University counsel and/or other official with compliance background should review the report for legal sufficiency. Modifications should be made as appropriate in consultation with the RIO and the inquiry committee.

### **B. Notification to the Respondent(s) and Opportunity to Comment**

The RIO shall notify the respondent(s) whether the inquiry found an investigation to be warranted, include a copy of the draft inquiry report for comment within 10 working days, and include a copy of or refer to the applicable federal or other appropriate regulations and the University policy on research misconduct.



Any comments that are submitted will be attached to the final inquiry report. Based on the comments, the inquiry committee may revise the draft report as appropriate and prepare it in final form. The committee will deliver the final report to the RIO.

### **C. University Decision and Notification**

#### **1. Decision by Deciding Official**

The RIO will transmit the final inquiry report and any comments to the DO, who will determine in writing whether an investigation is warranted. The inquiry is completed when the DO makes this determination.

#### **2. Notification to ORI**

Within 30 calendar days of the DO's decision that an investigation is warranted, the RIO will provide ORI or other appropriate regulatory agency and/or sponsor with the DO's written decision and a copy of the inquiry report. The RIO will also notify those institutional officials who need to know of the DO's decision. The RIO must provide the following information to ORI upon request: (1) the institutional policies and procedures under which the inquiry was conducted; (2) the research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and (3) the charges to be considered in the investigation.

#### **3. Documentation of Decision Not to Investigate**

If the DO decides that an investigation is not warranted, the RIO shall secure and maintain for 7 years after the termination of the inquiry sufficiently detailed documentation of the inquiry to permit a later assessment by ORI of the reasons why an investigation was not conducted. These documents must be provided to ORI or other authorized HHS personnel upon request.

### **VIII. Conducting the Investigation**

#### **A. Initiation and Purpose**

The investigation must begin within 30 calendar days after the determination by the DO that an investigation is warranted. The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to recommended findings on whether research misconduct has been committed, by whom, and to what extent. In conducting the investigation, the RIO will pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of additional instances of possible research misconduct, and continue the investigation to completion. If in the course of the investigation, the RIO determines there are additional instances of research misconduct, he or she will notify the respondent(s).

#### **B. Notifying ORI and Respondent(s); Sequestration of Research Records**

On or before the date on which the investigation begins, the RIO must: (1) notify the ORI Director of the decision to begin the investigation and provide any appropriate regulatory

agency or sponsor a copy of the inquiry report; and (2) notify the respondent(s) in writing of the allegations to be investigated. The RIO must also give the respondent(s) written notice of any new allegations of research misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation.

The RIO will, prior to notifying respondent(s) of the allegations, take all reasonable and practical steps to obtain custody of and sequester in a secure manner all research records and evidence needed to conduct the research misconduct proceedings that were not previously sequestered during the inquiry. The need for additional sequestration of records for the investigation may occur for any number of reasons, including the institution's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

### **C. Appointment of the Investigation Committee**

The RIO, in consultation with other University officials as appropriate, will appoint an investigation committee and the committee chair within 10 days of the beginning of the investigation or as soon thereafter as practical. The investigation committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation, are not a complainant and, where practical, should include individuals with appropriate scientific or professional expertise to evaluate the evidence and issues related to the allegation. Individuals appointed to the investigation committee may also have serviced on the inquiry committee.

### **D. Charge to the Committee and First Meeting**

#### **1. Charge to the Committee**

The RIO will define the subject matter of the investigation in a written charge to the committee that:

- Describes the allegations and related issues identified during the inquiry;
- Identifies the respondent(s);
- Informs the committee that it must conduct the investigation as prescribed below in the Investigation Process section;
- Defines research misconduct;
- Informs the committee that it must evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, the type and extent of it and who was responsible;
- Informs the committee that in order to determine that the respondent(s) committed research misconduct it must find that a preponderance of the evidence establishes that: (1) research misconduct, as defined in this policy, occurred (respondent(s) has the burden of proving by a preponderance of the evidence any affirmative defenses raised, including honest error or a difference of opinion); (2) the research misconduct is a significant departure from accepted practices of the relevant research community; and

(3) the respondent(s) committed the research misconduct intentionally, knowingly, or recklessly; and

- Informs the committee that it must prepare or direct the preparation of a written investigation report that meets the requirements of this policy and any applicable federal regulations (42 CFR 93.313).

## **2. First Meeting**

The RIO shall convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee shall be provided with a copy of this policy and any applicable federal regulations. The RIO shall be present or available throughout the investigation to advise the committee as needed.

## **E. Investigation Process**

The investigation committee and the RIO shall:

- Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of each allegation;
- Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
- Interview each respondent(s), complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent(s), and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation; and
- Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible research misconduct, and continue the investigation to completion.

## **F. Time for Completion**

The investigation is to be completed within 120 days of beginning it, including conducting the investigation, preparing the report of findings, providing the draft report for comment and sending the final report to ORI or other appropriate regulatory agency or sponsor. However, if the RIO determines that the investigation will not be completed within this 120-day period, when appropriate, he/she will submit to ORI a written request for an extension, setting forth the reasons for the delay. The RIO will ensure that periodic progress reports are filed with ORI, if ORI grants the request for an extension and directs the filing of such reports.

## **IX. The Investigation Report**

### **A. Elements of the Investigation Report**

The investigation committee and the RIO are responsible for preparing a written draft report of the investigation that:

- Describes the nature of the allegation of research misconduct, including identification of the respondent(s);
- Describes and documents the PHS and/or other support, including, for example, the numbers of any grants that are involved, grant applications, contracts, publications listing sponsor support, and any other documentation found;
- Describes the specific allegations of research misconduct considered in the investigation;
- Includes the University policies and procedures under which the investigation was conducted, unless those policies and procedures were provided to ORI previously;
- Identifies and summarizes the research records and evidence reviewed and identifies any evidence taken into custody but not reviewed; and
- Includes a statement of findings for each allegation of research misconduct identified during the investigation. Each statement of findings shall: (1) identify whether the research misconduct was falsification, fabrication, or plagiarism, and whether it was committed intentionally, knowingly, or recklessly; (2) summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the respondent(s), including any effort by the respondent(s) to establish by a preponderance of the evidence that he or she did not engage in research misconduct because of honest error or a difference of opinion; (3) identify the specific financial support; (4) identify whether any publications need correction or retraction; (5) identify the person(s) responsible for the misconduct; and (6) list any current support or known applications or proposals for support that the respondent(s) has pending with any federal agencies or other sponsors.

### **B. Comments on the Draft Report and Access to Evidence**

#### **1. Respondent(s)**

The RIO shall give the respondent(s) a copy of the draft investigation report for comment and, concurrently, a copy of, or supervised access to the evidence on which the report is based. The respondent(s) shall be allowed 30 days from the date he/she received the draft report to submit comments to the RIO. The respondent(s)'s comments shall be included and considered in the final report.

#### **2. Confidentiality**

In distributing the draft report, or portions thereof, to the respondent(s), the RIO shall inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality. The RIO may require that the recipient sign a confidentiality agreement.

### **C. Decision by the Deciding Official**

The RIO shall assist the investigation committee in finalizing the draft investigation report, including ensuring that the respondent's comments are included and considered, and transmit the final investigation report to the DO, who shall determine in writing: (1) whether the University accepts the investigation report, its findings, and the recommended institutional actions; and (2) the appropriate University actions in response to the accepted findings of research misconduct. If this determination varies from the findings of the investigation committee, the DO shall, as part of his/her written determination, explain in detail the basis for rendering a decision different from the findings of the investigation committee. Alternatively, the DO may return the report to the investigation committee with a request for further fact-finding or analysis.

When a final decision on the case has been reached, the RIO shall normally notify both the respondent(s) and the complainant in writing. After informing the appropriate federal regulatory agency and/or other sponsors, the DO shall determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent(s) in the work, or other relevant parties should be notified of the outcome of the case. The RIO shall be responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

### **D. Notice to the Appropriate Federal Agency and/or Other Sponsor**

Unless an extension has been granted, the RIO must within the 120-day period for completing the investigation prepare the following: (1) a copy of the final investigation report with all attachments and any appeal; (2) a statement of whether the institution accepts the findings of the investigation report or the outcome of the appeal; (3) a statement of whether the institution found misconduct and, if so, who committed the misconduct; and (4) a description of any pending or completed administrative actions against the respondent(s).

### **E. Maintaining Records for Review by ORI**

The RIO must maintain and provide to ORI, or other appropriate regulatory agencies or sponsors, upon request "records of research misconduct proceedings" as that term is defined by 42 CFR 93.317 or any subsequent regulations. Unless custody has been transferred to HHS or ORI has advised in writing that the records no longer need to be retained, records of research misconduct proceedings must be maintained in a secure manner for 7 years after completion of the proceeding or the completion of any PHS proceeding involving the research misconduct allegation. The RIO is also responsible for providing any information, documentation, research records, evidence or clarification requested by ORI to carry out its review of an allegation of research misconduct or of the institution's handling of such an allegation.

### **X. Completion of Cases; Reporting Premature Closures to Appropriate Regulatory Agency**

Generally, all inquiries and investigations will be carried through to completion and all significant issues will be pursued diligently. The RIO must notify the appropriate regulatory

agency, specifically including ORI when required, in advance if there are plans to close a case at the inquiry, investigation, or appeal stage on the basis that respondent(s) has admitted guilt, a settlement with the respondent(s) has been reached, or for any other reason, except: (1) closing of a case at the inquiry stage on the basis that an investigation is not warranted; or (2) a finding of no misconduct at the investigation stage.

## **XI. Institutional Administrative Actions**

If the DO determines that research misconduct is substantiated by the findings, he or she shall decide on the appropriate actions to be taken, after consultation with the RIO when required. The administrative actions may include, but are not limited to:

- Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;
- Removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment as guided by appropriate University officials and Collective Bargaining Agreements;
- Restitution of funds to the grantor agency as appropriate; and
- Other action appropriate to the misconduct.

## **XII. Other Considerations**

### **A. Termination or Resignation Prior to Completing Inquiry or Investigation**

The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the research misconduct proceeding or otherwise limit any of the institution's responsibilities under applicable law (42 CFR 93). If the respondent(s), without admitting to the misconduct, elects to resign his or her position after the institution receives an allegation of research misconduct, the assessment of the allegation shall proceed, as well as the inquiry and investigation, as appropriate based on the outcome of the preceding steps. If the respondent(s) refuses to participate in the process after resignation, the RIO and any inquiry or investigation committee shall use their best efforts to reach a conclusion concerning the allegations, noting in the report the respondent(s)'s failure to cooperate and its effect on the evidence.

### **B. Restoration of the Respondent(s)'s Reputation**

Following a final finding of no research misconduct and upon the request of the respondent(s), the RIO shall undertake all reasonable and practical efforts to restore the respondent's reputation. Depending on the particular circumstances and the views of the respondent(s), the RIO shall publicize the final outcome in any forum in which the allegation of research misconduct was previously publicized. Any institutional actions to restore the respondent(s)'s reputation should first be approved by the DO.

### **C. Protection of Complainant, Witnesses and Committee Members**

During the research misconduct proceeding and upon its completion, regardless of whether it was determined that research misconduct occurred, the RIO must undertake all reasonable and practical efforts to protect the position and reputation of, or to counter potential or actual retaliation against, any complainant who made allegations of research misconduct in good faith and of any witnesses and committee members who cooperate in good faith with the research misconduct proceeding. The DO will determine, after consulting with the RIO, and with the complainant, witnesses, or committee members, respectively, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them. The RIO will be responsible for implementing any steps the DO approves.

### **D. Allegations Not Made in Good Faith**

If relevant, the DO will determine whether the complainant's allegations of research misconduct were made in good faith, or whether a witness or committee member acted in good faith. If the DO determines that there was an absence of good faith he/she will determine whether any administrative action should be taken against the person who failed to act in good faith.

### **XIII. References**

- Title 42 Code of Federal Regulations, Part 93* – Public Health Service Policies on Research Misconduct
- PHS Sample Policy and Procedures for Responding to Allegations of Research Misconduct <http://ori.hhs.gov/ori-policies>