

**FACULTY SENATE MEETING
DECEMBER 8, 2009 – 3:30 PM – THE FORUM, FERGUSON CENTER**

UNAPPROVED MINUTES

ABSENT WITHOUT ALTERNATE: Seth Appiah-Opoku, John Blitz, Tsun-Zee Mai, Osiris Molina, Seth Panitch, Karen Steckol, Chapman Greer, John Hill, Lew Silver, Lonnie Strickland, Janis Edwards, Margot Lamme, Miguel Mantero, David Arnold, Shuhui Li

ABSENT WITH ALTERNATE: Bruce Kim/Keith Woodbury; Tom Zeiler/Ajay Agrawal

GUESTS: Cresandra Smothers, Dialog; Adam Jones, Tuscaloosa News; Joe Benson, Vice President for Research

The minutes of the November 17, 2009 Faculty Senate meeting were approved.

Clark Midkiff, Faculty Senate Vice President, presided at the meeting due to the absence of President Karen Steckol.

Vice President's Report – *(Clark Midkiff)* Clark Midkiff reported Provost Judy Bonner consulted with Faculty Senate President Karen Steckol and Vice President Clark Midkiff concerning dismissal of classes on Wednesday, January 6; Thursday, January 7 and Friday, January 8, 2010 to accommodate tremendous interest in attending the BCS National Championship football game. The University's football team, band, faculty, students and others will be traveling to Pasadena, California for the January 7, 2010 football game. Spring semester classes will begin Monday, January 11, 2010. Students will have additional work requirements to make up for missed class time. It was stated the Provost was under time constraints to make a decision concerning the dismissal of classes. Michael Martone asked if there had been any effort made to bring the issue before the entire Senate. The subject will be discussed under New Business on the agenda.

Secretary's Report – *(Jeanette VanderMeer)* No report.

Academic Affairs – *(John Vincent & Marcia Barrett)* The Academic Affairs Committee has submitted a draft resolution addressing learning goals and prologue to the Core Curriculum Committee. A response has not been received.

Faculty Life – *(Deidre Leaver-Dunn & Lowell Baker)* No report.

Financial Affairs – *(Katrina Ramonell & Steven Hobbs)* Dr. Lynda Gilbert has rescheduled the budget presentation to be given January 12, 2010 in Room 2436 located in the Science and Engineering Complex, Phase II at 3:30 P.M. This will constitute the Steering Committee meeting with an invitation to attend extended to all faculty members.

Information Technology – (*Ray White & Jim Hall*) No report.

Research & Service – (*Ed Stephenson & Harold Stowell*) The Research and Service Committee presented an overview of the proposed **“Policies and Procedures for Responding to Allegations of Misconduct in Research and/or Scholarship”** document. The presentation outline is appended to these minutes. The approved version of this document will replace Appendix “L” in the Faculty Handbook. The Faculty Senate Steering Committee voted for the following amendments – removing the sentence in Section 1A “This policy replaces Appendix L” and to make the necessary formatting changes to conform to the Faculty Handbook format and adding a statement that “The Vice President for Research may not serve as the Research/Scholarship Integrity Officer” which is a federally mandated position. The Faculty Senate will vote on the document at the January 19, 2010 meeting. Anyone presently or formerly employed by the University, paid by the University, a student of the University, affiliated with the University in any way is covered by this policy. Graduate student research misconduct would be covered by this policy. Undergraduate or graduate student *academic* misconduct would not be covered by this policy. There would be an Inquiry Panel and an Investigation Panel in the assessment of research misconduct allegations. There are special requirements for federal and institutional reporting. The people involved are the Vice President for Research and a position specified by federal guidelines to serve as the Research/Scholarship Integrity Officer (RSIO). The University will appoint a Research Compliance Officer. The respondent is the person alleged to be involved in misconduct and the complainant is the person bringing misconduct charges. The process begins when the Vice President for Research becomes aware of misconduct charges brought by the complainant. Charges must be timely and credible. The Vice President for Research appoints an Inquiry Panel to review the allegations and determine if moving forward is warranted. The VPR would locate the respondent and inform him/her of the allegation. The process would go forward even if the person has left or leaves the University during the process. The RSIO sequesters research documents with the respondent allowed to keep copies or have supervised access. These actions are required by the federal government. The VPR defines the allegation and charges the Inquiry Panel. The Inquiry Panel will make a preliminary evaluation, submit a report with for/against recommendations and will have sixty days total for the inquiry phase. The respondent may have comments added to the report. The Investigation Panel will begin action thirty days following the Inquiry Panel’s recommendation to pursue the issue. The Provost will appoint the Investigation Panel of three or more, notify and identify the panel to the respondent, the RSIO sequesters research records and the Provost charges the panel. The investigative phase is a full-fledged investigation examining all records, data, interviewing witnesses including the complainant and respondent, recommending action to be taken. A maximum of 120 days are allowed for the investigation phase. The Provost will make the decision to accept the report and recommendations, notifies the respondent and complainant and determines what outside agencies, etc. to be notified/involved. If Public Health Service funding is involved, UA will comply with the Office of Research Integrity (ORI) policies regarding reporting. If other funding agencies require, UA will report results to them as well. The Provost will determine

administrative actions to be taken. If it is determined misconduct has not occurred, the University will take reasonable steps to restore the respondent's reputation. UA will also take reasonable steps to protect the complainant and others from any form of retaliation. If it is determined by the Provost that charges have not been made "in good faith", the accusing complainant will be subject to administrative action. Vice President for Research, Joe Benson, proposed the amendment regarding the person filling the RSIO position read as follows: "Should the position of the University Research Compliance Officer be vacant at the time of an allegation, an acting RSIO shall be appointed. Neither the Vice President for Research nor the Provost may serve as RSIO". Questions and discussion included what constitutes "poor record keeping" or "maintaining" records, removing records from a respondent's home and the obligations of sponsoring industries. Significant portions of this document have been taken directly from federal guidelines. Joe Benson expressed appreciation to the Faculty Senate Research and Service Committee for time and effort, patience and input concerning this document.

The Research and Service Committee has been reviewing procedures to evaluate **internal proposals** and approval to go forward to obtain funding. Concerns have been the lack of communication in the areas of grant selections, criteria, deadlines and feedback for those involved. The Office of Research has been working on some of these issues. A website will be established to advertise due dates for proposals and specific criteria concerning remitting a proposal. Joe Benson, Vice President for Research, has accepted these suggestions and efforts are underway to establish each one.

Faculty & Senate Governance – (*Michael Martone & Marci Daugherty*) No report.

Student Affairs – (*Melondie Carter & Carolyn Cassady*) This committee met with SGA External Affairs Representative, Jason Fowler. A review of issues being addressed by the SGA is available on their website. Brandon Clark, SGA Vice President for Academic Affairs, was successful in obtaining a \$300,000 grant to expand the textbook rental program.

Legislative Agenda – (*Margaret Garner*) March 4, 2010 is **Higher Education Day** to be held in Montgomery, Alabama. Dates for visits with Legislators have not been established.

New Business – Michael Martone made a point of order that Vice President Clark Midkiff, presiding in the absence of President Karen Steckol, could not join in the discussion but could answer any questions to the best of his ability. Senator John Vincent expressed his extraordinary disappointment in the Provost's decision to dismiss classes and delay the spring semester starting date to January 11 to accommodate those traveling to Pasadena, California for the BCS Football Championship game on January 7, 2010. It is his opinion that the suspension of classes penalizes 95% of students for 5% of students traveling to the game and other options were available such as official/administrative letters of excuse from those obligated to attend the game such as football players, cheerleaders and band members. He also feels that the cancellation of classes is a poor reflection on the University's academic value system. John Vincent made a motion

seconded by Michael Martone to ask the Provost to reverse this decision and to forward the motion to the President, Chancellor and the Board of Trustees. The motion reads “The Faculty Senate of The University of Alabama asks the Provost to repeal the dismissal of classes for the BCS Championship game and to forward the motion to President Witt, Chancellor Portera and the Board of Trustees”. Discussion and debate included the schedules of other institutions in similar situations, lack of Faculty Senate impact and involvement in this decision, consideration of moving the semester one week ahead, impact on international students and new student orientation. The national attention of playing for the BCS football championship involves mandated travel for many students and involves time and academic issues. The later starting date for the spring semester would be an advantage for them. Melondie Carter stated students should come first and attending a football game does not mean academics are less of a priority. The Provost consulted Faculty Senate President Steckol, Faculty Senate Vice President Midkiff and the SGA and was supported in the decision to cancel classes. Friendly amendments made to change the language of the motion were not accepted by John Vincent. The final version of the motion reads “The Faculty Senate is profoundly disappointed with Provost Bonner’s decision to dismiss classes for the BCS Championship Game.” Vicki Peeples, Human Developmental Studies Professor, stated “The national attention given an institution playing for the National Championship has meaning of value to many people and does not over-arch what we do here – it only supplements and draws students to the University not reached by any other means. This can be viewed as an opportunity and a positive situation”. The Faculty Senate was called to question by Lowell Baker and approved to suspend discussion and vote on the final version of the motion. The vote by the Faculty Senate was 23 for – 10 against – 1 abstention. Clark Midkiff will forward the motion to the Provost, President and Chancellor for routing to the Board of Trustees. Margaret Garner made a motion to convey the Faculty Senate motion and Senate vote to the Provost only. The motion was defeated – for 15 – against 16 – abstentions 2. Michael Martone made the motion - “The Faculty Senate is profoundly disappointed with the *method* the Provost used to communicate her decision to the Senate”. He expressed his opinion that consulting with the Faculty Senate President and Vice President only was inadequate and the Senate should have a greater role in administrative decisions. John Vincent disagreed with Martone’s motion. The motion was withdrawn. Clark Midkiff proposed the issue be discussed at the January Senate meeting.

Meeting adjourned 5:05 PM.

12/9/2009

1 Policies and Procedures for Responding to Allegations of Misconduct in Research and/or Scholarship

Faculty Senate, 8 December 2009

Justification

- _ Federal granting agencies require policies to govern research misconduct.
- _ Will replace Appendix L of Faculty Handbook.
 - Amendment from the Steering Committee: Remove the sentence in the Policy that states that the Policy will replace Appendix L.

What and who is covered

_ Misconduct in research and scholarship includes

- data fabrication / falsification
- plagiarism
- significant departures from commonly accepted practices within the relevant research or academic community

_ Who is covered

- Any current or past University employee, staff, student, ie., any person under the control of or affiliated with the University.
- Does not include student Academic Misconduct.

Overview of procedure

1. Assessment of allegations.
2. Inquiry Panel.
3. Investigation Panel.
4. Federal reporting.
5. Institutional administrative action.

Persons Involved

- ⌘ Vice President for Research (VPR).
- ⌘ Research/Scholarship Integrity Officer (RSIO): federally mandated official who carries out the policy.

_ UA Research Compliance Officer will serve in this capacity.

_ Amendment from the Steering Committee: Forbid the VPR from serving as the RSIO.

⌘ Respondent: Person alleged to have committed misconduct.

⌘ Complainant: Person who brings a charge of misconduct.

1. Assessment of allegations

_ VPR determines whether allegations fall within definition of research misconduct, and are timely, credible, and specific that misconduct can be identified.

_ < 1 week.

2 Inquiry

_ VPR consults Dean (or equivalent administrator) and appoints Inquiry Panel (< 15 days). At least 3 members; a majority from the University.

_ VPR locates Respondent and informs him/her of allegation.

_ RSIO sequesters research records. Respondent may keep copies and/or be granted supervised access.

_ VPR defines allegation as closely as possible and charges Panel.

_ Inquiry Panel makes preliminary evaluation of evidence to determine whether investigation is warranted.

_ Inquiry Panel submits report; recommends for or against further investigation.

_ Respondent may provide comments which become part of the report.

_ 60 days total for Inquiry phase.

3. Investigation

_ Begins within 30 days after recommendation from Inquiry Panel.

_ Provost appoints Investigation Panel. 3 or more persons. Majority from within UA.

_ Provost notifies Respondent of panel makeup. Respondent may request removal of member(s) of the panel.

_ RSIO sequesters research records.

_ Provost charges the panel.

3. Investigation

- _ Investigation Panel examines all relevant records and interviews the Complainant, Respondent and other witnesses.
- _ Investigation Report lists conclusions of the panel and evidence, and recommends actions to be taken.
- _ Comments from the Respondent are solicited and added to the Report.
- _ 120 days total for Investigation phase.

3. Investigation

- _ Provost decides whether to accept the report, its findings and/or recommended administrative actions.
- _ Provost notifies both Respondent and Complainant.
- _ Provost determines whether law enforcement agencies, journals, professional societies, collaborators, etc should be notified. RSIO responsible for maintaining compliance with funding agency(ies).

4. Federal reporting

- _ If Public Health Service funding is involved, UA will comply with Office for Research Integrity (ORI) policies regarding reporting.
- _ If other funding agencies require, UA reports results to them as well.

5. Administrative actions

- _ Provost will determine administrative actions to be taken, which may include:
 - withdrawal or correction published works;
 - removal of the responsible person from the particular project;
 - letter of reprimand;
 - probation;
 - suspension;
 - salary reduction;
 - initiation of steps leading to possible rank reduction;
 - termination of employment; and/or
 - restitution of funds as appropriate.

Miscellaneous

- _ Inquiry / investigation will occur even if Respondent resigns prior to completion of process.
- _ If no misconduct has occurred, UA will take reasonable steps to restore the Respondent's reputation.
- _ UA will take reasonable steps to protect Complainant, panel members, etc from retaliation.
- _ Complainant who accuses "not in good faith" is subject to administrative actions, determined by Provost.