

## Report of the Ad Hoc University-Wide Governance Committee

Nov. 2, 2004

# Introduction

The University Senate approved the creation of an ad hoc University-wide Governance Committee on May 3, 2004. The Committee's charge includes "investigating alternative governance models and potential consequences of delegating increased autonomy in decisions about graduate curriculum, graduate academic standing, promotion and continuing appointment, and research programs to the schools and colleges while maintaining a university-wide Faculty governance structure for overarching policy, assessment, and appeal issues in these areas." The full text of the Senate motion creating the ad hoc University-wide Governance Committee, including the Committee's complete charge, is reproduced in Appendix A. The Committee membership was ratified by the Senate and announced on May 25, 2004. Committee members are identified in Appendix B.

The Committee initially convened on June 7 and met regularly throughout the summer and the Fall semester. The Committee invited several guests to meetings to help inform its deliberations. Committee members additionally consulted with representatives of numerous other academic institutions and made reference to information relevant to its charge available through institutional websites. The Committee met 19 times over the 21-week period spanning early June through the end of October. Deliberations at each meeting consumed two to three hours. Committee members additionally met on numerous occasions as subcommittees independently of scheduled Committee meetings. Copies of the minutes of the Committee's meetings are posted on the University Senate's home page.

This document presents a distillation of many hours of inquiry, discussion, debate, and reflection. We emphasize that our report is not yet complete. This report includes the Committee's recommendations and accompanying rationale about faculty governance matters regarding three areas of vital importance to the University and its essential mission: graduate curriculum and graduate academic standing, faculty promotion and continuing appointment, and research programs. Although the Committee's membership is drawn widely from the University community, Committee members did not act in a formally representative capacity with respect to particular constituencies. Faculty, professional staff, students, and administrative officials have not had the opportunity to review systematically and comment on the Committee's report and recommendations. Committee members unanimously and strongly concur that this report can and must serve only as a beginning point for further discussions within academic units and elsewhere across the University, and that those further discussions must help inform and shape policy concerning the important matters encompassed in the Committee's charge. Committee members invite questions and comment from their home academic units and other constituencies regarding this report. The Committee will reconvene following this

opportunity for constituencies to provide feedback and will complete its report prior to the conclusion of the Fall 2004 academic semester.

### Summary of Recommendations

# Graduate Curriculum and Academic Standing

1. A University-wide faculty governance structure is appropriate for establishing University-wide policy governing graduate academic and admissions standards, and for establishing procedures governing graduate course and program approvals, revisions, and terminations. (See pp. 5, 11)

2. A system for timely disseminating information about proposed changes in the graduate curriculum and academic programs should be instituted to inform interested parties about impending changes and facilitate collegial discussions about such matters. (See pp. 5, 11-12)

3. Senate Charter section SX.4.4 should be reaffirmed. That provision reads: “The [Graduate Academic] Council as a whole shall review all proposals for new graduate programs. It shall submit recommended program approvals to the University Senate for consideration.” (See pp. 6, 12-13)

4. The Committee’s views are divided with respect to proposals that would affect the continuation of graduate programs, a matter addressed in Senate Charter section SX.4.5. That section presently provides: “The Council as a whole shall review proposals that would affect the continuation of graduate programs.”

SX.4.5.1 It shall consider assessment reports pertaining to graduate programs including those from the Council on Academic Assessment and shall recommend changes it deems desirable.

SX.4.5.2 After due consideration, the Council may bring a recommendation to suspend or discontinue a program to the Senate.

Two competing views emerged following Committee discussion about this issue: (a) Sections SX.4.5, 4.5.1, and 4.5.2 should be reaffirmed in their entirety. (b) Proposals that affect the continuation of graduate programs *that originate within the affected department* shall be subject to final resolution at the School or College level, without University-level faculty review. (See pp. 6-7, 13-14)

5. Senate Charter section SX.4.6.1 (which presently reads, “The [Committee on Curriculum and Instruction] shall consider all revisions in existing graduate degree programs.”) should be amended as follows: “The Graduate Academic Council or a

designated committee shall consider all *major* revisions to existing graduate degree programs and final approval of such revisions shall be made by the Council.” (See pp. 6, 13)

6. Senate Charter section SX.4.6.2 (which presently reads, ““The [Committee on Curriculum and Instruction] shall review new graduate courses and substantive changes to existing graduate courses, as approved within the schools and colleges, subject to final review by the Council.”) should be amended as follows: “Following appropriate notice, Schools and Colleges shall have the authority to approve new graduate courses and approve changes to existing graduate courses.” (See pp. 5-6, 12)

7. Senate Charter section SX.4.7 presently reads, “The [Graduate Academic] Council, through its Committee on Admissions and Academic Standing, shall establish criteria for determining academic standing and admissions policy and its application. The committee shall include no more than eight members, including at least five Teaching Faculty, at least two of whom are on the Council.

SX.4.7.1 It shall review changes to standards and procedures for admission to graduate study recommended by the schools, colleges, and departments.

SX.4.7.2 It shall review changes in standards and procedures for admission to candidacy for graduate degrees recommended by schools, colleges, and departments.

SX.4.7.3 It shall review such actions of the Dean of Graduate Studies or of school deans and department chairs dealing with academic standing or academic grievances as are brought before it by any interested party.

SX.4.7.4 The committee shall submit all recommended changes and actions to the Council for final approval.

The Committee recommends that SX.4.7.1 and 4.7.2 should be eliminated, and that a new SX.4.7 should provide: “The Graduate Academic Council shall establish minimal criteria for graduate admissions, academic standing, and candidacy for degrees.” The Committee recommends that the present SX.4.7.3 and SX.4.7.4 should be reaffirmed. (See pp. 7, 14-15)

8. The Committee recommends that the responsibility of the GAC’s Committee on Educational Policy and Procedure, as defined in Senate Charter 4.8.1, be delimited by insertion of the following italicized language: “The committee shall recommend to the Council such *University-wide* graduate academic regulations as it deems necessary.” (See pp. 8, 15)
9. The Committee recommends that the GAC’s Committee on Admissions and Academic Standing be charged with ensuring that appropriate procedures exist within schools and colleges for the resolution of individual student academic grievances. This recommendation is a change from existing procedure: Senate Charter SX.4.8.2 presently

specifies that the GAC's Committee on Educational Policy and Procedure shall insure and review school and college procedures regarding individual student academic grievances. (See pp. 7-8, 15)

## Promotions and Continuing Appointments

1. A University-wide faculty body should have authority to establish policies and procedures relevant to promotion and continuing appointment decisions. Those policies and procedures necessarily must be consistent with rules established by the SUNY Board of Trustees, the negotiated Agreement between the United University Professionals and the State of New York, and other regulations binding the University at Albany. (See pp. 15-16, 17)
2. All cases regarding promotion and/or continuing appointment decisions should undergo review by faculty committees at at least two separate levels. (See pp. 15-16, 17)
3. The Committee has noted that, notwithstanding present practice, the regulations governing tenure and promotion decisions do not appear to require all cases to undergo substantive review (on the merits) by the Council on Promotions and Continuing Appointments (CPCA). Instead, present regulations appear to require CPCA substantive review of cases only where CPCA serves as the second-level review body. Although procedural review by CPCA appears to be required in all cases, substantive review of cases by CPCA does not appear to be required under present regulations in cases that already have undergone a second-level review at the School or College level. The Committee's views were divided about whether final-level review by a faculty committee should be required following a dean's review in all tenure and promotion cases. The competing views that emerged from Committee deliberations are: (a) Review by a faculty committee including members external to the academic unit supervised by the candidate's dean shall be required in all cases following the dean's recommendation. (b) Schools and colleges in which cases undergo two levels of review by faculty committees (*i.e.*, in the department and the school/college) should have the *option* of deciding whether to refer cases for subsequent, University-level faculty committee review. (See pp. 16, 17-20)

## Research Programs

The Committee recommends no devolution of research governance oversight and/or advisement to local academic units or administration, and thus proposes no changes in present University governance policies affecting research in the following areas:

1. Compliance and conduct

2. Indirect cost return
3. Research awards (funding)
4. Centers and institutes
5. Excellence awards (recognition).

(See pp. 24-25, 27-32) However, the Committee does recommend that the Council on Research and the University Senate consider developing and implementing specific faculty governance policies with respect to potential conflicts of interest involving University research and partnerships with business and industry. (See pp. 25-27)

## **Graduate Curriculum and Graduate Academic Standing**

The intellectual vitality of the University is sustained by and finds primary expression in the academic curriculum. The University's courses and programs of study are fundamental to its mission as an institution of higher learning and are intimately connected to the missions of the academic departments, schools, and colleges, the interests and expertise of faculty, and the needs of the students and the communities that the University serves. Decisions regarding course and program changes (creation, revision, and termination) rightfully depend on the faculty, who are chiefly responsible for the University's academic vigor.

The Committee was charged with "investigating alternative governance models and potential consequences of delegating increased autonomy in decisions about graduate curriculum [and] graduate academic standing . . . ." Accordingly, the functions of the Graduate Academic Council (GAC), the primary vehicle of University faculty governance in matters pertaining to the graduate curriculum, dominated the Committee's deliberations. The Committee explored whether and how the functions of the GAC might be distributed to Schools and Colleges and potential ramifications of such distribution. Deliberations differentiated several of the main functions of the GAC, including: course changes (creation, revision, and termination), the creation of new academic programs, the revision of existing programs, the termination of academic programs, establishment of criteria for determining admissions and academic standing, and student appeals in matters involving academic decisions.

## **Summary of Recommendations Regarding Graduate Curriculum**

The Committee unanimously advocates the development of an intra-campus communication system through which interested parties can obtain information about academic actions that occur throughout the University. The Committee envisions an electronic system through which interested parties on campus would be alerted periodically to course and program changes and given access to a database containing relevant details. A University Council, such as the GAC or a subcommittee, would ensure the integrity of such a communication system. Other deliberations of the Committee were based on the presumed existence of such an alert-and-access system and this assumption is important to several of the Committee's recommendations.

The Committee unanimously recommends that all actions related to the creation, revision, and termination of individual courses should be within the prerogative of Schools and Colleges without subsequent university-level review. The Committee endorsed the following motion:

Following appropriate notice, Schools and Colleges shall have the authority to approve new graduate courses and approve changes to existing graduate courses.

"Changes" to existing graduate courses includes revising as well as terminating ongoing courses. Votes were 13 yes, with no negative votes or abstentions. The Committee is of the view that course-change notices will be more effective if the unit proposing the course change is required to use and distribute a form identifying similar courses offered within the University and the potential impact of the course action on programs outside of the School or College. Adoption of this recommendation would require replacement of Senate Charter SX.4.6.2 (amended May 2004), which presently reads: "The committee [on Curriculum and Instruction] shall review new graduate courses and substantive changes to existing graduate courses, as approved within the schools and colleges, subject to final review by the Council.")

The Committee was nearly unanimous in endorsing the proposition that a University Council should review and approve the initiation of new graduate *programs* (collections of courses for specified certificates, concentrations, and degrees). Specifically, the Committee voted to reaffirm the language of Senate charter SX.4.4: "The [Graduate Academic] Council as a whole shall review all proposals for new graduate programs. It shall submit recommended program approvals to the University Senate for consideration." This motion passed with 11 in favor, 1 against, and no abstentions.

The Committee also considered the role of university-level faculty governance in reviewing and approving revisions to existing academic programs, and found it useful to distinguish between major and minor program revisions. Substantial support was garnered for a motion to amend Senate Charter SX4.6.1 as follows:

"The Council or a designated committee shall consider all major revisions to existing graduate degree programs and final approval of all such revisions shall be made by the Council." (At present, SX.4.6.1 reads: "The committee [on Curriculum and Instruction] shall consider all revisions to existing graduate degree programs and shall submit all recommended changes to the Council for final approval.")

Eight Committee members voted for this motion, three voted against, and there were no abstentions. Those who favor this charter revision believe that the GAC should provide a definition of "major" program revisions. Relevant considerations regarding "major" program revisions are likely to include: (1) how fundamentally the revisions alter the educational content of a program; (2) the potential impact of the revisions on other units; (3) the likelihood that the revisions require further review and approval by external bodies such as the State Department of Education; and (4) such other factors as GAC may deem relevant.

The Committee did not reach consensus regarding procedures for the *termination* (or concerning the "continuation") of academic programs. After considerable discussion, two motions were considered. The first motion stated:

Proposals that would affect the continuation of graduate programs that originate within the affected department shall be subject to final resolution at the School or College level, without University-level faculty review.

This motion passed narrowly (8 yes [3 present, 5 absentee], 5 no [5 present], no abstentions).

A related alternative motion did not pass (4 yes [4 present], 8 against [3 no, 5 absentee], 1 abstention [1 present]):

Senate Charter sections SX.4.5, 4.5.1, and 4.5.2 should be reaffirmed. (Those provisions presently specify: "SX.4.5. The [Graduate Academic] Council as a whole shall review proposals that would affect the continuation of graduate programs."

"SX.4.5.1 It shall consider assessment reports pertaining to graduate programs including those from the Council on Academic Assessment and shall recommend changes it deems desirable."

"SX.4.5.2 After due consideration, the Council may bring a recommendation to suspend or discontinue of [sic] a program to the Senate.")

There was complete agreement among Committee members that the Graduate Academic Council should have responsibility to establish minimum criteria and general policies regarding graduate admissions, academic standing, and candidacy for degrees. However, the Committee also was in general agreement that decisions by individual academic units regarding procedures for implementing those policies should not require approval by the Graduate Academic Council. The Committee approved the following motion:

The GAC shall establish minimal criteria for graduate admissions, academic standing, and candidacy for degrees. Senate charter SX.4.7. shall be modified accordingly, and SX.4.7.1 and SX.4.7.2 shall be eliminated.

This motion passed unanimously (13 yes [8 present, 5 absentee], no negatives, and no abstentions).

The provisions affected by the above motion presently specify:

“SX.4.7. The Council, through its Committee on Admissions and Academic Standing shall establish criteria for determining academic standing and admissions policy and its application. The committee shall include no more than eight members, including at least five Teaching Faculty, at least two of whom are on the Council.”

“SX.4.7.1. It shall review changes to standards and procedures for admission to graduate study recommended by the schools, colleges, and departments.”

“SX.4.7.2. It shall review changes in standards and procedures for admission to candidacy for graduate degrees recommended by schools, colleges, and departments.”

Members of the Committee also unanimously agreed that a University faculty body should ensure the existence of appropriate procedures in each academic unit for hearing individual student academic grievances, leaving the development of specific procedures to local discretion. The Committee believed this function was better suited to the Committee on Admissions and Academic Standing, the University faculty body that currently hears such grievances, than the Committee on Educational Policy and Procedure, where this responsibility currently resides. These suggestions were incorporated in a motion to revise Senate charter SX.4.8.2:

Senate charter SX.4.8.2 ("The committee [on Educational Policy and Procedure] shall insure and review procedures for individual student academic grievances at school and college levels.") shall be replaced as follows: "The Committee on Admissions and Academic Standing shall ensure appropriate procedures for individual student academic grievances at school and college levels." [Note: responsibility is transferred from the Committee on Educational Policy and Procedure to the Committee on Admissions and Academic Standing, and the charge is to "ensure appropriate procedures" rather than to "insure and review procedures."]

This motion passed unanimously by a vote of 9 yes with no abstentions.

The Committee unanimously affirms the role of the GAC, through the Committee on Educational Policy and Procedure, in determining *University-wide* graduate academic policy. This recommendation involves a change to Senate Charter SX.4.8.1, which presently reads: “The Committee [on Educational Policy and Procedure] shall recommend to the [Graduate Academic] Council such graduate academic regulations as it deems necessary.” The Committee recommends the following change:

Senate charter SX.4.8.1 "The committee shall recommend to the Council such University-wide graduate academic regulations as it deems necessary."

This motion passed unanimously by a vote of 9 yes with no abstentions.

## **Current Practices Relevant to Graduate Curriculum**

The following provisions of the Senate Charter specify the composition and functions of the Graduate Academic Council:

### **SX.4. Graduate Academic Council**

#### **SX.4.1. Composition:**

SX.4.1.1. The Dean of Graduate Studies or his/her designee, *ex officio*

SX.4.1.2. At least six but not more than eight Teaching Faculty (two of whom must be senators and one must be a member of the library staff), representing a balance of disciplinary areas.

SX.4.1.3. One Professional Faculty member

SX.4.1.4. At least one but not more than three graduate student(s) (one must be a senator)

SX.4.1.5. No more than one undergraduate student

SX.4.1.6. No more than 2 voting members selected from Faculty or Staff who are not students or Voting Faculty.

**SX.4.2. The staff support person for the Council shall be a designee of the Dean of Graduate Studies.**

**SX.4.3. The Council shall have the responsibility for the conduct of the University's graduate educational program.**

**SX.4.4. The Council as a whole shall review all proposals for new graduate programs. It shall submit recommended program approvals to the University Senate for consideration.**

**SX.4.5. The Council as a whole shall review proposals that would affect the continuation of graduate programs**

SX.4.5.1. It shall consider assessment reports pertaining to graduate programs including those from the Council on Academic Assessment and shall recommend changes it deems desirable.

SX.4.5.2. After due consideration, the Council may bring a recommendation to suspend or discontinue of a program to the Senate.

**SX.4.6. The Council, through its Committee on Curriculum and Instruction, shall have responsibility for the graduate academic curriculum. The committee shall have no more than eight members and shall include at least five Teaching Faculty, at least two of whom are on the Council.**

SX.4.6.1. The committee shall consider all revisions to existing graduate degree programs and shall submit all recommended changes to the Council for final approval.

SX.4.6.2. The committee shall review new graduate courses and substantive changes to existing graduate courses, as approved within the schools and colleges, subject to final review by the Council.

**SX.4.7. The Council, through its Committee on Admissions and Academic Standing shall establish criteria for determining academic standing and admissions policy and its application. The committee shall include no more than eight members, including at least five Teaching Faculty, at least two of whom are on the Council, and no more than 2 voting members selected from Faculty or Staff who are not students or Voting Faculty.**

SX.4.7.1. It shall review changes to standards and procedures for admission to graduate study recommended by the schools, colleges, and departments.

SX.4.7.2. It shall review changes in standards and procedures for admission to candidacy for graduate degrees recommended by schools, colleges, and departments.

SX.4.7.3. It shall review such actions of the Dean of Graduate Studies or of school deans and department chairs dealing with academic standing or academic grievances as are brought before it by any interested party.

SX.4.7.4. The committee shall submit all recommended changes and actions to the Council for final approval.

**SX.4.8. The Council, through its Committee on Educational Policy and Procedure shall provide recommendations on policies concerning the administration and the conduct of graduate programs. The committee shall consist of no more than eight members, including at least five Teaching Faculty, at least two of whom are on the Council.**

SX.4.8.1. The committee shall recommend to the Council such graduate academic regulations as it deems necessary.

SX.4.8.2. The committee shall insure and review procedures for individual student academic grievances at school and college levels.

SX.4.8.3. The committee shall submit all recommendations to the Council for approval. Policy changes are then brought to the Senate for consideration if approved by the Council.

The Committee sampled a range of curricular practices from other institutions internal and external to the SUNY system. (See Appendix C.) Among the institutions investigated, Rutgers, Florida State University, University of Massachusetts-Amherst, and Georgia Tech promoted university-level faculty governance in ways similar to UAlbany. SUNY Stony Brook, SUNY Buffalo, and the University of Michigan involved faculty governance in various decentralized configurations as outlined below.

1. *SUNY Stony Brook*: The role of faculty governance regarding course introduction, revision, and termination is executed at the School/College level. No university-wide governance body is charged with this responsibility. The university-wide Graduate Council will review new programs, program terminations, or major program changes forwarded to it by Deans. Admission policies and issues regarding academic standing that are school-specific are determined at the School/College level. These policies are in addition to Graduate School-wide policies put in place in consultation with the Graduate Council. This pathway represents increased School/College autonomy compared to the UAlbany model.
2. *SUNY Buffalo*: Similar to Stony Brook, Buffalo possesses a formal Graduate School which consults with university-wide faculty governance through its Graduate School Executive Committee. The primary role of faculty governance regarding curriculum is played by Divisional or Area Committees. These committees are comprised of faculty representatives from a single School/College or from multiple Schools/Colleges sharing commonalities in disciplines. The Divisional or Area committees carry out the bulk of curricular review. No individual course proposals go to the Graduate School Executive Committee. Nor do new program proposals, in general, advance to the GSEC. The typical route is for new program proposals to move from the relevant Dean and the Divisional or Area Committee to the Graduate Dean. The Divisional or Area Committees also form the faculty consulting bodies for academic standing, admission, and

academic appeal. This pathway represents increased School/College autonomy compared to the UAlbany and Stony Brook models.

3. *University of Michigan*: Quite self-consciously, the University of Michigan vests as much of the functions of faculty governance in the individual degree-granting units as possible: “*In degree-granting units, the governing faculty is in charge of the affairs of that unit, except as delegated to executive committees, if any. The governing faculty, subject to the ultimate authority of the Regents, determines the unit’s organizational structure and major operating procedures, such as departmental organization and committee structure, requirements for admission and graduation, and other educational matters, including grading regulations and class attendance.*” Comparison between the University of Michigan and the University at Albany is complicated by the existence of Michigan’s Rackham Graduate School. The Executive Committee of the Rackham Graduate School acts to review program proposals for graduate education. In some ways, this review constitutes activity comparable to University-wide governance, yet the University of Michigan considers it to be consistent with “decentralized” faculty governance because the Rackham School acts autonomously and, indeed, there are academic units within the University that do not participate in the Rackham School. Though the Graduate School Executive Committee sets rigorous specifications that a proposed graduate course must meet, the Committee itself does not review individual course proposals; they are reviewed by department and school/college committees.

## Discussion

The University at Albany Faculty Bylaws provide that “The Faculty shall be responsible for the development of the educational program of the University and for the conduct of the University’s instructional, research, and service programs, subject to the provisions of the New York State Education Law and *The Policies of the Board of Trustees.*” (Art. I § 2.1) These responsibilities include:

2.2.1. The Faculty may initiate and shall disapprove or approve and recommend for implementation:

(a) All changes in, additions to, or deletions from the Curriculum

(b) Policies or standards regarding evaluation of students’ academic work

The Committee unanimously endorsed and strongly advocated an electronic system of notification and information distribution related to curricular changes at the University. It seems highly desirable to announce changes to courses and academic programs via a database available to the entire University community. Interested parties (*e.g.*, Deans, Associate Deans, department curriculum committee chairs, and others) could sign up to receive periodic electronic notification of proposed or decided changes and gain access to

the public database for further details. Such a system would provide more widespread and complete information about curricular changes throughout the University and may enhance opportunities for negotiation, coordination, and collaboration that otherwise might not occur because of lack of knowledge. The presumed existence of this dissemination system served as a backdrop for many of the Committee's curricular discussions. The proposed communications system was envisioned as being a valuable addition that would facilitate faculty participation in curricular decisions regardless of the specific mechanisms by which the decisions are made.

Two qualifications accompanied the envisioned alert-and-access information system. First, some Committee members voiced concerns about premature public display of proposed programs. However, it was assumed that technical means exist (*e.g.*, password protection, availability to on-campus computers only, etc.) to control accessibility of proposals. Second, it was thought advisable that the announcement of course changes should include identification of other similar courses offered at the University and a statement indicating the potential impact of the course change on other academic units.

The Committee unanimously concurred that, against this backdrop of a University-wide system of notification for course changes, Schools and Colleges should be able to determine the initiation, revision, and termination of courses without need of subsequent University-level faculty review. The reasons for this recommendation are numerous. First, the Committee believes that course offerings are intimately tied to the interests and expertise of individual faculty and the local intellectual and resource climates in which they work. Course offerings should allow faculty to explore new ideas and disciplinary frontiers with students and colleagues. Local faculty, in collaboration with their School and College colleagues, seem best suited to determine if the right combination of expertise, student interest, resources, and consistency with mission exists to make a particular course viable. Second, Schools and Colleges already enjoy considerable authority in controlling the delivery of courses. Faculty can create new courses with modest formal approval by designating them as "topics" offerings. Schools and Colleges can determine whether or not to offer courses, even if the courses are approved and "on the books." Approved course descriptions appropriately allow considerable leeway to faculty in designing the specific content of the courses. Thus, course content and delivery already are significantly controlled locally in all of these ways. Third, as the Committee considered possible criteria (*e.g.*, quality, redundancy, consistency with mission, adequacy of resources, etc.) by which courses might be evaluated by a University-level committee, it became clear that such judgments would be better informed at the local level, with necessary questions directed more profitably about academic programs (collections of courses) rather than the content of specific courses. Finally, the current Senate Charter was amended in May 2004 to alter the role of the GAC from a course-approving body to a course-reviewing body (Senate Charter SX.4.6.2 (amended May 2004): "The committee [on Curriculum and Instruction] shall review new graduate courses and substantive changes to existing graduate courses, as approved within the schools and colleges, subject to final review by the Council."). The Committee interpreted this change as an imperfect (because of the ambiguity of the word "review") move toward strengthening the role of Schools and Colleges in determining

their courses. The Committee's recommendation is simply to eliminate mandatory review or approval of course changes by the Graduate Academic Council.

The Committee carefully deliberated about the role of University-level faculty governance in the approval of proposals for new graduate programs. The Senate Charter currently charges the GAC with responsibility for reviewing "all proposals for new graduate programs" and submitting "recommended program approvals to the University Senate for consideration" (SX.4.4). The Committee discussed concerns about the ability of a University-level body, removed from the proposing faculty's expertise, disciplinary norms, knowledge of potential students, interests, and familiarity with available local resources, to engage in substantive review of academic proposals. The Committee considered the possibility that academic proposals should require University-level faculty approval only if concerns were raised after University-wide notification and opportunity for review. However, it was feared that a public review period with the possibility of subsequent appeal might delay the normal procedures for program change review. In the end, the Committee agreed almost unanimously that the current system of review for proposals of new programs should be retained. The initiation of a new program by one unit can have considerable effect on other units. There may be situations where a University-level faculty committee could reasonably question whether a new program is consistent with the University's mission. Interdisciplinary programs, which are likely to become increasingly common in the University, might benefit from review beyond the local or individual unit context. Proposals for new academic programs must obtain approval by agents outside of the University at Albany (*e.g.*, SUNY Board of Trustees, NYS Education Department). Review by a Council of faculty who are somewhat removed from the local context in which the proposal has been initiated could offer an important "trial" for the proposal's documentation. If completed in conjunction with a University-wide alert-and-access system for announcing proposed program initiation, the review and approval of new programs could be better informed by feedback from throughout the University community. For all of these reasons, the Committee recommends that the current system for reviewing and approving proposals to create new programs be preserved.

The Committee was in less agreement regarding the role of University-level faculty governance in reviewing and approving proposed changes to existing programs. The same tensions between "local expertise" and "University-wide perspective" that emerged in discussion about approval of new programs were noted again regarding approval of program changes. However, more Committee members felt that Schools and Colleges should be able to make at least some adaptations to programs without University-level review. It was presumed that increased "local" authority to make program changes would allow Schools and Colleges to respond more quickly to fluctuations in student needs, faculty expertise, and the demands of a discipline. Recognizing increased local authority also would allow Schools and Colleges opportunities to make curricular innovations in existing programs, and to "reconceptualize" existing programs by making large or small alterations. The Committee considers implementing "major" program changes to be akin to initiating new programs and therefore more likely to benefit from a University-level review than instituting "minor" program changes. The Committee

recommends that the Graduate Academic Council establish criteria defining “major” program changes. Such criteria are likely to include the extent and import of the changes on the program’s educational mission and curricular offerings, the potential impact of the revisions on other units, and the likelihood that the revisions will require further review and approval by external bodies such as the State Department of Education.

Opinions differed markedly about appropriate procedures for determining the continuation of academic programs. It was generally agreed that a University-level committee, such as the GAC, should retain the prerogative of recommending termination of an academic program if, after due consideration of assessment information and consultations with interested parties, it believed such termination served the best interests of the University. This policy is currently codified in Senate Charter SX4.5.1 and SX4.5.2. Debate centered on whether departments (with the approval of a second-level review in departmentalized schools and colleges) should be authorized to terminate their own academic programs without the subsequent review and approval of the Graduate Academic Council. Committee members interpreted the current language of the charter differently. Some interpreted the charter as authorizing the GAC to review and recommend for Senate approval all proposals regarding the continuation of academic programs. Other committee members read the charter as allowing GAC to review all proposals for termination of academic programs but only making recommendations on proposals that it initiates, and not on proposals that are received from schools and colleges.

Beyond the debate regarding interpretation of current charter language, principled reasons were offered for and against devolving responsibility for program continuation to departments, schools, and colleges. In general, all members of the Committee acknowledged that termination of academic programs is a relatively rare event, and all agreed that recommendations to terminate a program that emanate from the faculty who administer it should receive great weight. Those who favored the full authority of departments to terminate programs when the impetus to do so originates within the department (with approval of school and college curriculum committees in departmentalized units) argued that faculty who administer a particular academic program are the most competent to determine if the program has outlived its usefulness. Pursuant to this view, faculty should not be pressured by colleagues from other units to continue a program that they have determined is undesirable. Indeed, departments could effectively terminate programs by suspending admissions or failing to schedule required classes. Those who favored University-level review of program terminations pointed out that the Committee has recommended retention of University-level faculty review of new program proposals. Under this view, termination of programs is as important as their initiation and should be subject to the same review. Some Committee members imagined a case where a department’s determination to eliminate a program was contentious and divided; subsequent review at the University level could illuminate the implications of such a termination for the larger University community. No consensus was reached on this matter, though a slight majority voted for the primacy of Schools and Colleges in deciding continuation of programs when terminations are proposed at the departmental level by the faculty administering the programs.

The Committee achieved consensus in its deliberations regarding the role of the Graduate Academic Council on matters of graduate admissions, students' admission to candidacy, and academic standing. The committee noted the ambiguous language in Senate Charter section SX.4.7, which charges the GAC to "review" standards, procedures, and actions. In particular, it is unclear whether the power to "review" includes the power to recommend or act on proposed changes. Some members of the Committee felt that, because program requirements and expectations differ greatly based on local and disciplinary conditions, University-level policy and review of procedures would be inappropriately intrusive and poorly informed. However, on further discussion, all members of the Committee recognized the value of having uniform minimum or threshold standards for various aspects of academic life. Academic units could have the authority to set higher or additional standards, devise different strategies for meeting the standards, or appeal to the GAC for exceptions to the standards. The motion to charge the GAC with responsibility for creating minimal criteria for graduate admissions, academic standing, and candidacy was unanimously approved. This same motion recommended elimination of Senate Charter SX.4.7.1 and 4.7.2, which were interpreted as giving the GAC some authority over the specific methods by which departments would meet those standards.

Members of the Committee agree that a University-level faculty body should ensure that academic units establish appropriate procedures to address individual student academic grievances. However, the Committee recommends that the particulars of those procedures should be left to the determination of local academic units. There was discussion surrounding the merits of having a uniform grievance procedure throughout the University, but Committee members were of the opinion that situational nuances and the benefits of experimentation through diverse approaches would make local variation advisable. In light of the importance of local variation, some members of the Committee voiced concern over the "review" responsibilities given to the Graduate Academic Council's Committee on Educational Policy and Procedure in the current Senate Charter. Concerned members worried that this review function might hinder academic units from instituting procedures they deem appropriate for their local settings. Although Committee members believe that a University faculty body should ensure the availability of appropriate academic grievance processes in all the academic units, the function of reviewing such procedures could be entrusted in part to the Dean of Graduate Studies on behalf of the GAC. It was felt that the Committee on Admissions and Academic Standing, the GAC committee responsible for hearing student grievances, would have the most experience with and be best informed about the grievance procedures of academic units. A motion to make the Committee on Admissions and Academic Standing the University faculty body responsible to ensure appropriate grievance procedures in Schools and Colleges passed unanimously.

Finally, the Committee determined unanimously that the Graduate Academic Council's Committee on Educational Policy and Procedure is the appropriate body for reviewing, initiating, and revising graduate academic policy. However, Committee members believed that this authority should encompass only matters of university-wide policy, and

not specific practices of graduate education that appropriately are decided by Schools and Colleges. A motion to this effect passed unanimously.

# Promotion and Continuing Appointment

## Summary of Issues and Recommendations

Decisions regarding the promotion and continuing appointment of faculty are of paramount significance to the involved faculty members, their departments, Schools, and Colleges, and to the University's missions of scholarship, teaching, and professional service. Committee members unanimously endorse this premise. Nevertheless, principled differences exist among Committee members concerning how faculty governance procedures should be structured with respect to promotion and continuing appointment decisions. The Committee's consideration of other universities' promotion and continuing appointment procedures revealed multiple approaches, suggesting that different models also have reasoned support in the greater academic community.

The Committee agreed without dissent about two governance-related matters pertaining to faculty promotion and continuing appointment.

1. A University-wide faculty body should have authority to establish policies and procedures relevant to promotion and continuing appointment decisions. Those policies and procedures necessarily must be consistent with rules established by the SUNY Board of Trustees, the negotiated Agreement between the United University Professionals (UUP) and the State of New York, and other regulations binding the University at Albany. The Committee supported this principle by vote of 10-0, with one abstention.
2. All cases regarding promotion and/or continuing appointment decisions should undergo review by faculty committees at at least two separate levels. The Committee supported this principle by vote of 11-0.

The Committee did not achieve consensus about whether final-level review by a faculty committee should be required following a dean's review in all tenure and promotion cases. The votes on two motions related to this issue were:

- Review by a faculty committee including members external to the academic unit supervised by the candidate's dean shall be required in all cases following the dean's recommendation: 5 Yes; 5 No; 1 Abstain.
- Schools and colleges in which cases undergo two levels of review by faculty committees (*i.e.*, in the department and the school/college) should have the option of deciding whether to refer cases for subsequent, University-level faculty committee review: 5 Yes; 5 No; 1 Abstain.

The Committee discussed the possibility of having a University-wide body serve to consider appeals of aggrieved candidates in promotion and tenure cases. It did not endorse this possibility, instead favoring reliance on present grievance procedures.

The Committee noted the importance of the composition of faculty committees that consider promotion and tenure cases. Issues include whether the composition of a faculty committee should be “generally balanced” with respect to academic units or instead specifically determined to reflect proportional representation; whether participation should be limited to faculty holding a minimum rank and/or tenure; and the participation of professional faculty and students. The Committee made no recommendation on such issues, considering them to be less central to its charge than other matters. The Committee nevertheless suggests that appropriate faculty governance bodies give specific consideration to these issues.

### Discussion

The University at Albany Faculty Bylaws provide that “The faculty may initiate and shall disapprove or approve and recommend for implementation . . . [p]olicies and standards for appointment, promotion, and tenure (continuing appointment) of teaching faculty” (art. I § 2.2.1 (f)). The first principle endorsed by the Committee—that a University-wide faculty body should have authority to establish policies and procedures relevant to promotion and continuing appointment decisions—is consistent with this provision.

The second principle endorsed by the Committee recognizes that all promotion and tenure cases should undergo at least two levels of review involving the participation of faculty committees. This principle reaffirms present University procedures. The initial academic review currently is conducted at the departmental level by faculty and the department chair, or by the School or Library faculty and dean in units that are not departmentalized (*e.g.*, the Schools of Criminal Justice, Information Science and Policy, and Social Welfare, and the University Libraries). At least one subsequent academic review involving a faculty committee is conducted in all cases. The Council on Promotions and Continuing Appointments (CPCA) serves as the second (and final) level of faculty committee review in cases originating in units that are not departmentalized or have fewer than three departments (*i.e.*, Rockefeller College). A College or School promotion and tenure committee performs a subsequent academic review of cases originating in other units—the College of Arts and Sciences, and the Schools of Business, Education, and Public Health. Present *practice* involves the CPCA performing a third-level review of cases originating in units where cases already undergo two internal levels of review. As is explained more fully below, the Committee notes an apparent discrepancy between written regulations and practice regarding CPCA substantive review of cases that have undergone two prior levels of review. The Committee’s unanimous endorsement of the principle that all cases undergo at least two levels of review makes no specific assumptions about the identity of the faculty committees performing those reviews.

The Committee did not reach consensus about whether, following the relevant dean's consideration, all cases should undergo mandatory review by a faculty committee that includes members external to the academic unit (school/college/library) supervised by the candidate's dean. Different models of final-level faculty committee review were discussed, including: (1) retention of a University-wide committee (*e.g.*, the CPCA) to engage in mandatory review of all cases; (2) requiring review in all cases by a faculty committee external to the candidate's dean, yet allowing for possibilities other than a single, University-wide committee; and (3) allowing academic units in which cases undergo at least two levels of review the *option* of referring cases for additional faculty committee review following the dean's consideration, or instead referring cases directly to the Provost.

Several major issues emerged as points of debate in discussions about the value of faculty review of tenure and promotion cases subsequent to a dean's recommendation. Among the central issues are: (1) the relative *competency* of a University-wide vs. school/ college committee to evaluate candidates' cases on the merits; (2) the ability of the respective committees *to guard against the potential that arbitrary factors* will influence decisions (*e.g.*, social ties, biases across disciplines or schools, resource constraints or pressures); (3) the importance of *faculty review of a dean's recommendations* prior to final administrative action; (4) the value of real or perceived *consistency* in the application of standards and adherence to procedures under the different approaches; and (5) whether greater *decisional authority* concerning promotion and tenure recommendations should reside with faculty in schools/colleges or at the University level. Other considerations also are relevant. A summary of the perceived strengths and weaknesses of the different approaches follows.

### *Mandatory University-wide Review*

#### *Strengths:*

--The potential of a University-wide group of faculty of diverse backgrounds to (a) bring a rich range of perspectives, broadly informed about the University's culture and norms of scholarship, teaching, and service, in assessing cases, (b) protect against excessively sectional interests and influences, and (c) help legitimate decisions that would be perceived as emanating from the faculty as a whole, beyond possible taints of inappropriate influences and biases at lower levels

--The symbolic significance of the entire University faculty, through a single, University-wide committee, exercising what is unquestionably one of the most important and central roles of faculty governance

--The likelihood that fewer direct social ties will exist between candidates and faculty reviewers

--Faculty reviewers will have greater separation from the dean of a candidate's academic unit

--Faculty reviewers are likely to be more insulated or removed from local resource constraints (*e.g.*, fiscal, close connections with external business partner) or prevailing norms (*e.g.*, disproportionate emphasis on research, teaching or service) that may operate within a particular academic unit and skew application of standards

--There is greater potential for more consistent application of standards and observance of procedures when all cases throughout the University are considered by a single committee

--A centralized final-level review committee may have greater ability to serve in a “watchdog” capacity—*i.e.*, knowledge that cases will be subject to later review by a central committee may inspire a greater degree of compliance and increased rigor at earlier levels of review

--Cases involving interdisciplinary candidates have a greater likelihood to be evaluated knowledgeably by a faculty review committee with diverse perspectives

--Routing all cases through a single committee helps ensure that the committee will consider a sufficient number of cases to allow members to develop necessary experience and perspective about application of standards and procedures

#### *Weaknesses:*

--A committee comprised of faculty from across the University is apt to be less competent to evaluate the substance of candidates’ cases because of disciplinary differences and incomplete understanding of disciplinary norms with respect to research, scholarship, and other issues

--Mandatory review by a University-wide committee is inconsistent with the degree of autonomy apparently available to one unit (the College of Nanoscale Science and Engineering), thus potentially engendering perceived inequities in other academic units

--Subjecting cases to additional review beyond the candidate’s school or college has the potential to cause disaffection in or alienate academic units because of differences in substantive evaluations or procedural expectations

--Review of cases by a single, University-wide committee may be unlikely to promote the objective of “consistency” because differential weight must be afforded to criteria and standards in cases arising from different disciplines and because members of a University-wide committee may simply act on their own biases or idiosyncrasies when considering cases

-- A University-level review arguably is not necessarily “independent” or “detached” from factors that might improperly influence cases at lower levels because such review depends on the information gathered at prior stages and relies heavily on the evaluations and interpretations made at prior levels of review

--Members of a University-level review committee may know candidates whose cases are being reviewed or may have developed partially formed impressions of candidates, thus undermining the objective of detached impartiality

--Members of a University-level review committee may have their own concerns about University resources and may be influenced by political considerations, thus not insulating their decisions from arbitrary considerations

--Subjecting cases to review beyond a candidate's college or school may undermine the perception of faculty at prior stages that they are making meaningful contributions to the governance process

--Requiring review by a University-wide committee perpetuates a system whereby cases from different academic units undergo a different number of reviews, which could in fact disadvantage some candidates and be perceived as disadvantaging some candidates (depending, among other things, on whether an additional layer of review is perceived as being burdensome or protective for a candidate)

--Requiring review by a University-wide committee beyond a second-level review completed in candidates' academic units produces increased inefficiencies associated with the investment of person-hours and accompanying delays

--A third level of review arguably is largely superfluous and rarely inconsistent with prior levels of review

#### *Mandatory Review by Faculty Committee Independent of Candidate's Dean*

This approach would require that all cases undergo review by a committee (a) comprised of faculty independent of the candidate's dean and (b) subsequent to the dean's review. It does not presume that a single University-wide committee necessarily would fulfill this role. Instead, different faculty committees could be formed to review cases originating in different academic units or clusters. Accordingly, this approach aspires to promote faculty judgment detached from local departmental and school/college concerns and concurrently allow review committees to include faculty who are likely to bring greater disciplinary familiarity and expertise to their review of cases than a generic, University-wide review committee. The first review of cases would be performed at the departmental level (in units that are departmentalized) or at the School level (or Library) in units that are not departmentalized.

## ***Strengths***

--This approach shares many potential strengths of a University-wide committee (for example, this approach could increase the likelihood of faculty deliberations that are less influenced by local (departmental and school/college-level) conditions), yet also aspires to allow faculty review committees to be comprised of members with greater substantive

expertise in the candidate's discipline than may be found in a single University-wide review committee

- This approach preserves the traditional sequence of alternating review involving faculty body-administrator-faculty body-administrator, etc., and ensures that a dean's recommendation is considered by a faculty body before being referred to the Provost
- This approach is compatible with allowing additional, optional review by a University-wide review committee, and hence is consistent with the principle of allowing for greater autonomy in schools and colleges or academic clusters

## **Weaknesses**

--This approach is less likely than review by a single committee to promote "consistent" application of standards and procedures and support perceptions regarding consistent treatment of cases

--Details remain to be worked out about the composition of a second-level review committee—*e.g.*, how to achieve the best combination of independence and greater disciplinary familiarity or expertise regarding candidate

*Optional (or Elective) University-wide Review* (available only to departmentalized Schools and Colleges in which cases already have undergone at least two reviews)

### *Strengths*

--Allowing units to determine whether cases should undergo additional review, beyond a second level in candidates' home academic units, grants greatest authority to make recommendations regarding promotion and tenure to faculty likely to have greater understanding of the candidate's scholarship and the value of teaching and service contributions

--This approach may be perceived as being more equitable in light of the measure of autonomy apparently already residing in the College of Nanoscale Science and Engineering

--The "optional" approach acknowledges the considerable deference that University-level review committees already appropriately recognize regarding prior levels of review

--Allowing units to refrain from having cases undergo a third-level review streamlines the promotion and tenure process and makes it more meaningful to faculty participants at the departmental and school/college levels

--This approach helps ensure at least two meaningful and substantive levels of faculty governance on every case

--This approach helps avoid potential biases and misinformation that can influence a University-level review committee

--Department- and school-level reviews must still adhere to University-wide policies regarding standards and procedures for promotion and tenure

--This approach supports the work of a University-level committee to help maintain quality and consistency of reviews by ensuring that required policies and procedures are observed and could be accomplished, for example, by auditing School/College processes (rather than deliberating on individual cases)

--The “optional” approach allows the faculty of units with two levels of review to make their own decisions about the respective strengths and weaknesses of a University-wide committee, thus vesting those faculty with greater decisional autonomy and acknowledging that the identified strengths and weaknesses of different approaches may not have uniform application throughout the University

--This approach helps avoid potential friction and alienation that may be associated with disagreements about matters of substance and procedure involving mandatory University-wide review committee

### *Weaknesses*

--The option of enlisting review by a third-level University-wide committee is available only to units with two levels of “internal” review, thus requiring other units either to form larger groups that may have scant logical connection in order to avail themselves of a similar option, or else requiring those other units to have their cases reviewed by a committee of disparate faculty

--This approach may be less likely to support “consistent” application of standards and procedures across the University

--Faculty reviewers within the same academic unit as the candidate and the candidate’s dean may be more susceptible to “local”-level influences (*e.g.*, social ties, fiscal constraints, etc.) in their deliberations

--Fewer cases will be considered by review committees that are specific to Schools or Colleges, which may inhibit committee members from accumulating experience in considering cases and the application of standards to them

--This approach allows a dean’s recommendations to bypass faculty review and eliminates an additional opportunity for faculty to participate in the recommendation process for tenure and promotion

### Description of Current Regulations Governing Faculty Promotion and Continuing Appointment

Regulations governing decisions about faculty promotions and continuing appointments are included in: (a) the SUNY Board of Trustees' *Policies*; (b) the *Agreement* between the United University Professions (UUP) and the State of New York; (c) the University at Albany *Faculty Bylaws*; (d) the *Charter of the University at Albany Senate*; (e) the University at Albany *Guidelines Concerning Promotion and Continuing Appointment* (enabling legislation approved by the University Senate); and (f) the University at Albany *Administrative Procedures for the Preparation of Recommendations for Promotions and Continuing Appointment* (prepared by the Office of Academic Affairs). Relevant provisions of the above documents are reprinted in Appendix D. These provisions are summarized below.

Promotion and continuing appointment (tenure) decisions at the University at Albany of course must conform to the SUNY Board of Trustees' *Policies* and the *Agreement* between the UUP and the State of New York. The SUNY Board of Trustees' *Policies* define the substantive standards or criteria to be applied in promotion and tenure cases. The State's *Agreement* with UUP requires adherence to the SUNY Board of Trustees' *Policies* and outlines "job security review procedures." Those procedures include definitions of academic employees' "initial academic review" and "subsequent academic review." However, neither the SUNY Board of Trustees' *Policies* nor the UUP-State of New York *Agreement* details the specific procedures governing promotion and tenure decisions.

**The University at Albany Faculty Bylaws specify that “[t]he faculty may initiate and shall disapprove or approve and recommend for implementation . . . [p]olicies and standards for appointment, promotion, and tenure (continuing appointment) of teaching faculty” (art. I, § 2.2.1 (f)).**

The *Charter of the University Senate* creates a Council on Promotions and Continuing Appointments (CPCA). The Senate *Charter* invests the Council with the authority to recommend faculty to the President for promotion and/or continuing appointment “in accordance with the *Guidelines Concerning Promotion and Continuing Appointment*” and the Board of Trustees' *Policies*. The Council is directed to “examine *all* files containing documents pertaining to individual applications for promotion and/or continuing appointment prior to their being transmitted to the President, *to determine that they conform to the Guidelines . . .*” (emphasis added). The Council additionally is instructed to “consider and make recommendations to the Senate concerning all matters of policy and procedure pertaining to the applications of faculty members for promotion and/or continuing appointment” except in matters already mandated in a negotiated contract.

The *Guidelines Concerning Promotion and Continuing Appointment* (University Senate Bill No. 7980-32; amended by University Senate Bills Nos. 8283-09, 8687-17, 8990-28) establish more detailed procedures for promotion and tenure cases. The *Guidelines* provide for the first level of academic review to occur in a faculty member's "department" (including the Library and some of the smaller schools). Departmental faculty members vote and the vote is reported with a summary of the related discussion. The department chair (or dean of the Library or smaller schools) writes a separate recommendation.

In schools or colleges with three or more academic departments, the school or college promotion and continuing appointment review body is the "subsequent academic review committee." The school or college review committee reviews the case and transmits its recommendation to the dean. The dean reviews the case and "transmits all materials to the Vice President for Academic Affairs, along with his/her own recommendation" (emphasis added).

The CPCA is defined as the "subsequent academic review committee" in schools or colleges having fewer than three academic departments and for the Library.

The CPCA examines "recommendation[s] *transmitted to it* to verify" compliance with rules (emphasis added) and then makes its own recommendations to the Vice President for Academic Affairs.

Thus, the Senate *Charter* requires the CPCA to examine *all* files to verify compliance with the *Guidelines Concerning Promotion and Continuing Appointment*. However, the *Guidelines* require the CPCA to serve as the "subsequent academic review committee" *only* in cases that have undergone a single (initial) prior review. The *Charter* and *Guidelines* can be interpreted to contemplate that cases already reviewed by a "subsequent academic review committee" at the school or college level should thereafter be referred to the Provost. Although those cases must be reviewed by the CPCA to confirm compliance with the *Guidelines*, the CPCA does not appear to be instructed to offer a recommendation on the merits in those cases.

However, the Office of Academic Affairs' *Administrative Procedures for the Preparation of Recommendations for Promotions and Continuing Appointment*, as well as University practice, differ from this interpretation. Under the Office of Academic Affairs *Administrative Procedures*, and in practice, *all* cases—including those that already have undergone "subsequent academic review" by a college or school review committee—are reviewed by the CPCA not only for compliance with the *Guidelines*, but *also* for the purpose of making a recommendation about a candidate's promotion or continuing appointment.

Ultimately, the difference between the Committee's interpretation of the *Charter* and *Guidelines* and the *Administrative Procedures* and present practice regarding whether the CPCA is required to engage in substantive review of cases that already have undergone a second-level review does not influence the Committee's recommendations. The

Committee nevertheless recommends that the CPCA and the Senate consider clarifying the intent of the rules presently in effect.

### **Research Programs**

The committee examined potential areas for devolution of University-wide faculty governance pertaining to the promotion of research and its oversight. It has discussed and investigated a handful of categorical topics within its somewhat vague charge respecting research programs. We recognize some difficulties in distinguishing between the administrative role pertaining to research and the governance role. Discussion of five distinct areas forms the content of our report:

1. Compliance and Conduct
2. Indirect Cost Return
3. Research Awards (Funding)
4. Centers and Institutes
5. Excellence Awards (Recognition)

Each of the areas is discussed in the following sections of this report. In sum, the committee proposes no devolution of research governance oversight and/or advisement to local academic units or administration, although there was substantial discussion of such possibilities for items 2, 3 and 4. This report identifies and highlights important areas of concern for further consideration and notes comparative references.

#### *1. Compliance and Conduct*

***Faculty Bylaws: 2.2.1 The faculty may initiate and shall disapprove or approve and recommend for implementation: (b) policies and standards for the conduct and evaluation of research and teaching.***

***Senate Charter: SX.5.5 The Council [on Research] shall be responsible for all policies that guide research procedures being conducted by University members with regard to the well-being of animal and human subjects, safety standards, and compliance with other regulatory standards. The council will regularly confer with the University institutional review board in these matters, and will review their operation and policy implementation.***

The websites of the other three SUNY University Center campuses (Binghamton, Buffalo, Stony Brook) as well as four other aspirational peer institutions (University of South Carolina, University of Massachusetts, Rutgers, Florida State University) were scrutinized to obtain information on research compliance issues as well as policies/procedures for addressing faculty academic misconduct (fabrication, plagiarism,

falsification of data, etc.). In all cases, to the extent that information was available, these faculty governance functions (which all involve a role for administration as well) were performed centrally. For example, none of the campuses, including those with a medical school, had separate Institutional Review Boards (IRB) for individual schools or colleges; the University of South Carolina used to have such an arrangement, but evidently decided to consolidate its individual IRBs. There are good reasons for centralization of IRBs, including federal requirements for constitution of such boards, each of which must include a non-scientist and at least four other members, in addition to support staff. There were instances of multiple IRBs on a campus (e.g., SUNY Buffalo), but the IRBs were organized by population or topic (e.g., children and youth, health sciences, social and behavioral sciences) rather than unit.

Nor do there appear to be good arguments for having a decentralized mechanism for addressing faculty misconduct, especially since such events are generally rare. The adjudication of these difficult issues benefits from objectivity and professional distance, which would not be afforded if each unit (especially small units) had its own procedures for addressing these issues. At least two institutions (Florida State and SUNY Stony Brook) did not have a standing faculty committee to address misconduct but rather relied on deans or vice presidents for research to appoint ad hoc committees to investigate specific allegations. Most had a two-step process, beginning with an inquiry and followed by an investigation, if warranted.

**SX.5.3.            *The Council as a whole shall regularly review research activities and the allocation of funds within the University. It shall consider the relationship between teaching and research. The Council shall oversee policy on University research, including that described in the University Policy on Organized Research Units. It shall make policy recommendations to the Senate.***

Two additional issues that merit consideration by the Senate and Council for Research in the compliance area are faculty governance concerning conflict of interest and governance models regarding university-business/industry research and partnerships. These two issues loom as increasingly important for the University at Albany, especially as new schools and colleges focus on gaining external funding from and pursuing collaborations with industry. At the University of Albany, clear, detailed, and strong faculty governance policies and structures appear to be relatively underdeveloped to address issues that may arise in each of these areas. Reference to conflict of interest oversight is implicit in Senate Charter section SX.5.3 (above).

Although statewide policies exist to oversee conflict of interest situations among New York State employees (i.e., as promulgated by the State Ethics Commission), it may be valuable for the Senate to consider how to strengthen locally (i.e., on campus) both the implementation and span-of-authority aspects of a UAlbany-based conflict of interest effort. This observation derives from review of three institutions (University of Michigan, Penn State, and Florida State University) and their activities/policies around faculty conflict of interest. The first two institutions may be considered more “mature” research universities in terms of size and scope of research activities, research budgets,

and experiences with faculty conflict of interest situations. In these two cases, conflict of interest issues among faculty appear to be handled with greater and more diverse university-level faculty oversight than presently exists at our university. Florida State, on the other hand, is more consistent with established UAlbany policies regarding oversight of potential conflict of interest matters. At Penn State and the University of Michigan, the campus conflict of interest policy is enumerated in great detail and faculty-based oversight committees are provided specific powers to make recommendations in conflict of interest situations.

For example, the Penn State policy (entitled “Policy RA20 – Individual Conflict of Interest” and eight pages in length) is attached as an addendum (see Appendix E). The policy establishes a standing “University Conflict of Interest Committee” that reports to the Provost. Notably, this committee “shall represent the diversity of academic disciplines at Penn State...” This committee also is empowered to “recommend sanctions which may include disciplinary action ranging from a letter of reprimand to dismissal and termination of employment.” Penn State has additional detailed policy regarding institutional conflict of interest (see Appendix F: “Penn State University Policy RA21—Institutional Financial Conflict of Interest Involving Sponsored Projects, Dedicated Gifts, Research, Scholarship, and Technology Transfer”). The University of Michigan is similarly detailed in its policies concerning conflict of interest. Its “Conflict of Interest” web site contains links to ten additional pieces of information pertaining to conflict of interest, ranging from a detailed Conflict of Interest policy to a “Conflict of Interest Committee Member” manual. The University of Michigan has two separate conflict of interest committees (one for the medical school and one for all other units). The number of members of both of these committees is noteworthy (approximately 10-14 per committee, including faculty from different units across campus).

At present, the University at Albany has minimal faculty oversight around research conflict of interest. The UAlbany “Conflict Review Committee” has a limited scope (reviewing financial disclosure statements) and is less diverse, having only a “representative” from the faculty to sit alongside representatives from the Research Foundation, Human Resources, and the University Research Compliance Officer. Under stated policy, this committee also has a limited sphere of authority, *i.e.*, only being able to make suggestions about the status of faculty research involved in a conflict of interest situation. Notably, both the University of Michigan and Penn State efforts appear to be fairly recent in terms of pushing forward a stronger oversight function on campus for conflict of interest situations. However, it should be noted that conflict of interest committee recommendations are still advisory to the VP for Research and Research Office for all three of the other universities mentioned.

All three universities appear to have developed formal structures (*i.e.*, offices) that deal with “entrepreneurial” faculty activity (*e.g.*, business-academic research). In this area, however, all three universities appear to emphasize administrative oversight (*i.e.*, Office of Research, VP for Research) over faculty control. Thus, it appears as if university-level faculty input is minimal in this area, other than as it relates to conflict of interest and IRB issues. It is clear, however, especially at Penn State yet also at Michigan, that primary

authority resides at the university level in reviewing and approving all research that in any way bears the university name. While not directly relevant to university faculty control, it appears that these institutions have developed much more sophisticated mechanisms for dealing with research that involves industry than the University at Albany presently has. They all have formal Offices for Corporate-University Research on their campus.

It also should be noted that, at least at the University of Michigan, it is clear that any research that uses the university name in any way, regardless of an academic unit's relationship to the university, falls subject to the same strict oversight by the university as a whole. Thus, no school or college is exempt because of a unique administrative relationship with the larger university from having its research subject to university oversight and decision making. Every unit is subject to the same administrative oversight in this regard.

## 2. *Indirect Cost Return*

The possibility that indirect cost return (ICR) might be devolved to more autonomous units was considered. However, there was some concern that the issue might be beyond the mission of the ad hoc governance committee as it does not clearly involve governance and is not referred to in the charter.

ICR policy now involves some devolution. Since the mid-1990s, a portion of the indirect costs generated by external funds received has been returned to departments and deans in proportion to the external funds generated by those units. This portion is currently 10% (although last spring the Council on Research recommended that the percentage be increased to 16%). Mandated expenses are not charged against these distributed funds, which are intended to be used to stimulate research activity. The remainder of the indirect costs generated is retained by the President, Provost, Vice President for Research, and financial officers and is used to support research and other operations of the campus.

Devolution could mean a further increase in return and the committee sought models from other institutions. Information obtained last spring for the deliberations of the Council on Research showed that rates of return vary substantially among peer and other institutions (from 35%-10%). However, at some institutions the individual units (schools, departments) are expected to pay for some campus operations (for example, library operations, chemical disposal), and these funds are used in part for that purpose. Therefore, the actual percentage of return to units is not very meaningful without knowing what charges are levied against units for the conduct of research. No charges are levied against the 10% return at the University at Albany,.

Therefore, the committee concluded that (1) the issue is complex, (2) all the information needed to make a rational decision is not available, and (3) the existing structure contains some degree of devolution.

### 3. *Research Awards (Funding)*

***SX.5.6. The Council shall conduct or participate in the review of applications to internal campus research support mechanisms. It may do so by the creation of ad hoc committees that include expertise from faculty who are not members of the Council.***

The primary internal competition for research resources occurs through the FRAP A and FRAP B competitions. These competitions have recently awarded about \$100,000 through FRAP A and \$70,000 through FRAP B. Other awards include conference and journal support and research support for graduate students.

The committee weighed various models that would further devolve or centralize FRAP resources. Most Universities that we examined (Binghamton, Buffalo, Stony Brook, Florida State, Rutgers, UMass-Amherst and South Carolina) either had programs similar to the FRAP or failed to indicate any non-categorical awards. Some had centralized awards but did not indicate any decentralized awards.

The committee concluded that the current balance is good. It recognizes the interests of schools and colleges in identifying worthy research (FRAP B) but also an interest in holding a substantial portion of resources for allocation across schools and colleges (FRAP A). Because the overall sum of money is relatively small, further devolution may:

- make allocations to some schools too small to be useful,
- create difficulty in deciding how much to devolve, as good proposals are not necessarily proportionately represented across schools,
- create difficulty in funding interdisciplinary proposals,
- create problems because local reviewers may lack objectivity.

#### **Description of Research Funding at University at Albany**

##### **FRAP A Category**

Competitive at the University level. Intended to stimulate new research that has the potential for subsequent external support. Priority shown to proposals outlining a collaborative and interdisciplinary approach. Junior faculty are especially encouraged to apply and receive special consideration; however, they must hold a tenure track, term appointment or, if currently in qualified academic rank, have documentation showing that the appointment will be converted to tenure track. Award amounts may range from \$4,000 to \$10,000

##### **FRAP B Category**

Competitive at the College or School level. Supports more modest research projects that also have potential for external funding or projects for which it is difficult to find funding, but are of significance to the discipline. Each college/school devises its own criteria regarding the eligibility of part-time and professional staff. Jointly appointed faculty may choose the school or college to which the application will be submitted. Only the faculty within the college/school may apply; junior faculty are especially encouraged to apply and receive special consideration. Priority is shown to proposals outlining a collaborative and interdisciplinary approach. Award amounts range from \$1,000 to \$4,000.

### **Conference Support**

The University at Albany Conference Support Award is available on a competitive basis to support research conferences organized by University at Albany faculty. The conference support award should not be considered as a resource for continuing annual events or as a replacement for events which have lost fiscal support of the department or school.

In general, requests for conference support with the following attributes will receive highest priority, and may be granted up to \$2,500 in research support:

- sponsored by nationally ranked departments;
- speakers are internationally recognized;
- potential for casting the University in a national/ international leadership role; and,
- represents collaborations with other academic and research units, particularly units beyond the campus.

Other requests may be considered.

### **Journal Support**

The University at Albany Journal Support Award is available on a competitive basis to provide editorial support for up to three years. At a minimum, requests for journal support must demonstrate the following in order to be eligible for consideration: A substantial amount of the support from sources other than the applicant's Department Chairperson and Dean.

Requests for journal support with the following attributes will receive highest priority, and may be granted up to \$2,500 in research support:

- acknowledged to be among the top research publications in the discipline;
- have a substantial national and international readership; and,

- have a special recognition within the field.

Other requests may be considered.

### **Benevolent Association Research Grants**

The University at Albany Benevolent Association announces the spring round of the 2003-04 research grant award competition to support research activity conducted during the Summer and Fall, 2004 semesters by matriculated graduate degree students. Research projects conducted during the earlier stages of doctoral study may also be considered with appropriate justification.

Award amounts, which do not exceed \$500, are used to pursue research related to dissertation projects or master's theses.

#### *4. Centers and Institutes*

##### ***SX.5.8. The Committee on Centers, Institutes, and Specialized Research Laboratories***

***SX.5.8.1. The committee shall include a minimum of four Council members***

***SX.5.8.2. The committee shall be responsible for guiding Council actions as charged by the University Policy on Organized Research Units.***

***SX.5.8.3. The chair of the committee shall be designated by the Council.***

As reflected in the motion (reproduced at the conclusion of this section) reinforcing Senate Charter SX.5.8. in its entirety, the committee believes that the existing University Policy on Organized Research Units should serve as the basis for university-level faculty review and oversight around the creation, maintenance, and dissolution of centers, institutes, and specialized laboratories on campus. The committee engaged in a lively discussion about the value of having university faculty involvement in the review and evaluation of centers and institutes. One argument favoring university level faculty involvement was posed in terms of guarding against a potential "worst case scenario," *e.g.*, a school or college creating a collaborative center with industry or business entities, which might require substantial resource allocation from another part of the university to help support. Several members felt that this type of center or institute, which involves outside (the university) organizations, is likely to become more prevalent in the future on campus. Several members felt that the potential downside of these "worst cases," even if having a low probability of occurrence, is sufficiently great to merit some sort of university-level faculty review.

The majority view among members of the committee is that there are distinct benefits to keeping the existing university level faculty governance model in place, and that these benefits outweigh any costs, such as timeliness of center and institute approval, etc., that

might be associated with an additional level of faculty review. Some of the benefits of having this added oversight and review include:

- being able to compare and contrast centers and institutes across campus;
- assessing and verifying the level of cooperation present for centers and institutes that cross over school and college lines;
- reviewing university resources needed by a center or institute in the context of other center and institutes on campus, the university's strategic mission, and the campus at large; and
- ensuring that proposals coming from within schools and colleges have the full and appropriate support of those faculty expected to participate in them.

However, at least one committee member felt that some flexibility should be implicit in the University Policy on Organized Research Units, including allowing individual schools and colleges to make decisions about (without involving university level review) center, institute, and laboratory proposals that they consider to be non-viable or strategically inadvisable. This member felt that it would be more timely and appropriate simply to have the school or college be the ultimate decision-maker regarding the creation or dissolution of a particular center, institute, or laboratory in these situations.

It should be noted that despite the committee's recommendation, the apparent practice at two other peer institutions pertaining to centers and institutes differs greatly from the University at Albany. The key difference is the absence of university-level faculty input regarding the creation, maintenance, and dissolution of centers or institutes. The University at Albany model involves strong university-level faculty advisement and oversight of all centers and institutes established on campus, as detailed clearly in the University at Albany Policies and Procedures for Organized Research Units. This document, as well as the University Senate Charter, provides for the establishment and operation of a Committee on Centers, Institutes, and Specialized Laboratories, which is a subcommittee of the existing Senate Council on Research. This committee reviews and provides feedback and recommendations on both new centers and institutes proposals, as well as being responsible for periodically evaluating and judging the performance of existing centers and institutes. All recommendations are advisory only, and are provided to the Vice President for Research to aid this office's deliberations about whether to recommend establishment, continuance, modification, or dissolution of a center or institute. In this way, university-level faculty governance appears to play a strong, visible role in the centers and institutes process on this campus.

This model is in stark contrast to a model maintained at two peer institutions, SUNY Binghamton and the University of South Carolina. Based on examination of the web sites and discussions with the current Senate chairs in each of these institutions, it appears that there is no university-level faculty oversight or advisement at either university with respect to these matters. Center and institute decisions are made solely by the VP for

Research, in conjunction with individual schools and colleges within each campus. This model could be considered a devolved one, in which schools and colleges negotiate and deal directly with the VP for Research and are not required to seek review or approval from the university faculty senate.

#### 5. *Excellence Awards (Recognition)*

Although it is recognized that evaluators would have increased familiarity with appropriate standards if excellence in research awards were considered in smaller units, the committee is of the view that the increased numbers and frequency of awards, in combination with smaller competitive pools, would devalue such awards. Centralized consideration of award nominees, with the corresponding distancing of recommendations from local units, enhances the perceived objectivity of decisions and the value of awards. No devolution is proposed.

## **Research-Related Motions Considered by the Ad Hoc University-wide Governance Committee**

1. The University should retain campus-wide governance in matters of research compliance and conduct. The University Senate is urged to give increased consideration to issues involving conflict of interest in research including mechanisms for reviewing potential conflicts of interest. (This motion passed by vote of 12-0-0.)
2. University Senate Charter section SX.5.3. should be reaffirmed with inclusion of the following (bolded) provision: “The Council as a whole shall regularly review research activities and the allocation of research funds, **including Indirect Cost Return**, within the University. It shall consider the relationship between teaching and research. The Council shall oversee policy on University research, including that described in the University policy on Organized Research Units. It shall make policy recommendations to the Senate.” (This motion passed 11 yes-0 no-1 abstention.)
3. With respect to matters including the allocation of research awards, benevolence association grants, and conference and journal support, University Senate Charter section SX.5.6. should be reaffirmed in its entirety. (SX.5.6. provides: “The Council shall conduct or participate in the review of applications to internal campus research support mechanisms. It may do so by the creation of ad hoc committees that include expertise from faculty who are not members of the Council.”) (This motion passed 11-0-0.)
4. The role for the Council on Research, through its Committee on Centers, Institutes and Specialized Research Laboratories, as codified in University Senate Charter section S.X.5.8. should be reaffirmed and endorsed. (SX.5.8. provides:

SX.5.8. The Committee on Centers, Institutes and Specialized Research Laboratories

SX.5.8.1. The committee shall include a minimum of four Council members.

SX.5.8.2. The committee shall be responsible for guiding Council actions as charged by the University Policy on Organized Research Units.

SX.5.8.3. The chair of the committee shall be designated by the Council.

(This motion passed 10 yes-0 no-1 abstention.)

5. The present University-wide structure regarding procedures relevant to excellence in research awards should be retained as provided in University Senate Charter section SX.5.7. (SX.5.7. provides: “The Council shall conduct or participate in the processes by which campus or SUNY excellence in research award nominations are made. It shall determine the appropriate review process for each award category and may create ad hoc and expert review committees that include faculty who are not members of the Council.”) (This motion passed 10-0-0.)

## Appendix A

# **University Senate Action (May 3, 2004): Creation of Ad Hoc University-Wide Governance Committee**

1. That an ad hoc governance committee of the University Senate be created to examine the interaction of the University Senate governance structure with the faculty governance structures of the individual schools and colleges.
2. That the Committee membership be nominated by the existing subcommittee on governance and elections of the Senate Executive Committee, in collaboration with EPC, and be ratified by the Senate by email.
3. That the Committee be comprised of at least six teaching faculty distributed from the various schools and colleges, one professional faculty member and at least one student.
4. That the Committee be charged with investigating alternative governance models and potential consequences of delegating increased autonomy in decisions about graduate curriculum, graduate academic standing, promotion and continuing appointment, and research programs to the schools and colleges while maintaining a university-wide Faculty governance structure for overarching policy, assessment, and appeal issues in these areas.
5. That the Committee make specific recommendations to the Senate for changes in the University Senate Charter and Faculty Bylaws, if any, by October 1, 2004, and that the committee be disbanded in the fall of 2004, unless extended by the Senate.
6. That these recommendations enumerate which of the Faculty responsibilities of Bylaws Article I, Section 2.2, and of the charges of the Senate Councils specified in the Bylaws and charter shall be devolved to the individual schools and colleges, with the remaining retained to the Faculty and to the Senate.
7. That the Committee provide suggestions for ways in which individual school and college bylaws could be modified by their faculty to facilitate the interaction with University Faculty governance or to be consistent with a revised University-wide structure.
8. That the Committee throughout the process communicate and collaborate with the chairs or their representatives from the Senate Governance Council, CPCA, Research, and GAC, and representatives of the deans and faculty bodies of the individual schools and colleges.

RATIONALE: In response to the resolution of the Board of Trustees approving the creation of the College of Nanoscale Science and Engineering, and to the requests of the faculty of the School of Nanoscience and Nanoengineering for more efficient and flexible organization, Interim President Ryan has recommended that increased autonomy be given to schools and colleges in the areas of graduate curriculum, academic standing and appeals, tenure and promotion, and research. This is recognized as an opportunity to investigate and streamline the interaction between existing school and college governance bodies and university Faculty governance and to explicitly address the linkage between school and college and university Faculty Bylaws, which in many cases is lacking.

## **Appendix B**

### Ad Hoc University-Wide Governance Committee

James Acker (Chair)	School of Criminal Justice
Robert Bangert-Drowns	School of Education
Jonathan Bartow	Professional Staff
Bonnie Carlson	School of Social Welfare
Philip Eppard	School of Information Science and Policy
Martin Fogelman	School of Business
Robert Geer	College of Nanoscale Science and Engineering
Timothy Hoff	School of Public Health
John Pipkin	Faculty Bylaws Committee
Lawrence Schell	College of Arts and Sciences
Gurinder Singh	Graduate Student Organization
Barbara Via	University Libraries
James Wyckoff	Rockefeller College

## Appendix C

### Curriculum Practices in Select Institutions of Higher Learning

The following summaries represent overviews regarding curricular development at select universities, including the role of centralized or distributed faculty governance in the process. Individual procedures are outlined for course actions, new program development, and program termination at some institutions. Faculty governance in the curricular development process is similar to UAlbany's at some other universities (*e.g.*, U Mass-Amherst). In some cases, the process is dramatically different (*e.g.*, University of Michigan). Significant differences exist even within the SUNY system (see discussion of SUNY Buffalo and SUNY Stony Brook).

#### 1. Curriculum Development at the University of Massachusetts Amherst

Our informant was Dr. Ernest May who is secretary of the faculty senate and Professor of Music.

U Mass Amherst has a similar faculty governance structure to Albany. They have a graduate school, with a graduate dean. In the past (but apparently not now) this has been the same as the Vice-Provost for Research. Among the various Senate councils is a Graduate Council. It is "quite active" and is constituted by a governance "Committee on Committees" to be representative of the various constituencies and schools. The Provost is a member. Any new course or new program (or termination) makes its way up to this council (as at Albany). It is in the council that turf issues etc. are "negotiated." Departments can, however, offer "experimental" courses for three years without governance approval.

The Graduate Council advises the graduate dean on matters of graduate academic policy. It does not hear appeals, grievances, etc. These are dealt with by ad hoc committees. The university also deals with such disputes through an "ombuds" system.

Overall, their university wide governance seems similar to UAlbany's, a feeling borne out by their websites.

#### 2. Curriculum Development the University of Buffalo – SUNY and SUNY Stony Brook

**Summary Observation:** Both the University of Buffalo and Stony Brook University possess a greater degree of distributed faculty governance regarding graduate curricular matters compared to the University at Albany. For both institutions all course maintenance (revision, introduction, termination) is handled at the College/School level. For Buffalo the review process for academic program introduction/modification/termination also occurs at the College School level, although Stony Brook possesses a Graduate Council that carries out this function.

## *I. University of Buffalo:*

The following information is based on discussions with Myron A. Thompson III, Associate Provost and Executive Director of The Graduate School and from excerpts taken from the Charter and Bylaws of the Graduate School (<http://www.grad.buffalo.edu/grad-docs/bylaws.htm>).

1. Regarding faculty governance the Graduate School Executive Committee is the principal executive body of the Graduate School. This committee is broadly charged to maintain and advance the standards and academic integrity of the degree programs of the Graduate School.
2. The various disciplines of the Graduate School are organized into ‘Divisions’ or ‘Areas.’ These represent either individual Schools/Colleges, if said Schools/Colleges are of sufficient size, or associated groups of Schools/Colleges linked through discipline similarity. Each Division or Area forms a committee to carry out functions associated with faculty governance:

### **“3.3 Divisional and Area Committees**

The Divisional and Area Committees, being organs of the Graduate School, are responsible to the Executive Committee and the Graduate Dean. They are concerned primarily with maintaining the quality of their participating programs, and with monitoring the academic progress of the students enrolled within them. Issues having significant administrative or budgetary implications will be resolved conjointly with the appropriate Dean(s).”

3. The Divisional and Area Committees carry out the review, maintenance, development, and initiation of curricular programs. They are analogous to our School/College level committees (e.g. CAS Faculty Council):

#### **“3.3.1 Responsibilities of Divisional and Area Committees**

Divisional and Area Committees shall

- a. Evaluate and approve or disapprove new program proposals.
- b. Where appropriate, initiate proposals for new or revised programs.
- c. Assume the major role in arranging and receiving external evaluations of graduate programs in concert with the Graduate Dean. This shall be done in cooperation with the Executive Committee and the appropriate Dean

- d. Review and approve or disapprove proposals for new or significantly revised graduate courses with regard to academic merit and need.
  - e. Initiate course planning to meet programmatic need
  - f. Review and approve or disapprove individual student Applications for Candidacy and approve or disapprove abstracts of proposed Doctoral dissertations and Master's theses. Abstracts of Master's projects are also subject to review for approval or disapproval at the discretion of the individual Divisional or Area Committee.
  - g. Periodically review the comments of the outside readers concerning Ph.D. dissertations approved within the Division or Area.
  - h. Advise the Graduate Dean concerning nominations for appointment to the Graduate Faculty.
  - i. Monitor the status of graduate education within its jurisdiction, identify the needs and opportunities for the development of interdisciplinary activities, and so advise the appropriate Deans.”
4. Functionally, the Divisional and Area Committees carry out the bulk of curricular review. Per Assoc. Provost Thompson no individual course proposals go to the Graduate School Executive Committee. Nor do new program proposals, in general, to the GSEC. The typical route is for new program proposals to move from the relevant Dean and the Divisional or Area Committee to the Graduate Dean.

## *II. Stony Brook University*

The following information is based on discussions with Lawrence Martin, Dean of the Graduate School and from excerpts taken from the various Stony Brook Faculty Senate pages: <http://naples.cc.sunysb.edu/Admin/usenate.nsf>; <http://ws.cc.sunysb.edu/senatecas/>; and [http://www.hsc.stonybrook.edu/som/faculty\\_senate/senate\\_bylaws.cfm](http://www.hsc.stonybrook.edu/som/faculty_senate/senate_bylaws.cfm).

- 1. Regarding faculty governance at Stony Brook there is a University Senate on which Arts & Sciences, Engineering and Applied Sciences, and Health Sciences are formally represented and described as “major governance units.”
- 2. With respect to graduate curriculum the major governance units has some sort of curriculum committee. For example, the Faculty Senate of the School of Medicine possesses a Curriculum Committee:

“Functions

1. The Committee shall develop a statement identifying the goals of the various curricula of the Faculty of the School of Medicine.
2. It shall assess the curricula in terms of meeting these goals.
3. It shall consider changes in the curricula which may be necessary to meet the stated goals and make recommendations to the Dean, to the Executive Committee, and the Senate. (Such changes may include: course or departmental offerings or requirements; sequencing of courses; time allocations for courses, academic calendar, etc.)
4. It shall consult with those Departments and Schools whose programs may be affected by any contemplated curricular changes.
5. It shall promptly circulate the minutes of each meeting to each Departmental Chairperson, the Secretary of the Senate and to the Dean. Quarterly reports will be made to the Senate.”

Likewise, the University-wide Senate possesses a Graduate Council that works closely with the Graduate School administration. Its charge: “It shall advise the Dean of the Graduate School and monitor all aspects of the University's graduate programs.”

3. According to Lawrence Martin all course actions go from the Dean's offices directly to his office. Faculty participation occurs at the level of the major governance unit. The Graduate Council is not involved in this process. In Lawrence's words, “...we trust our faculty to put forth appropriate courses.”
4. The Graduate Council will review new programs, program terminations or major program changes forwarded to it by Deans.

### **3. Curriculum Development at the University of Michigan at Ann Arbor**

The operating principle of curriculum development at the University of Michigan is faculty self-governance, and UM believes that such self-governance is best executed in a local context. Each school has its own rules and procedures for curriculum development and approval. Most schools have an “executive committee” of faculty that “assist the dean or director in formulating educational, instructional, and research policies for consideration of the faculty and act on the behalf of the governing faculty in matters of budget, appointments, and promotions. They also assist with administrative functions. In some units, the dean or director performs executive duties without an executive committee. (By-laws 3.7)” Many schools also have a curriculum committee of some kind. There is no faculty governance of curriculum matters at the university level.

From the University by-laws:

#### ***4.2 Unit-Level Faculty Governance Structures***

*The most immediate way by which faculty participate in the governance of the University is within their units of appointment. Faculty involvement in departmental, school, or college governance activities is essential to the University's teaching, research, and service missions.*

*In degree-granting units, the governing faculty is in charge of the affairs of that unit, except as delegated to executive committees, if any. The governing faculty, subject to the ultimate authority of the Regents, determines the unit's organizational structure and major operating procedures, such as departmental organization and committee structure, requirements for admission and graduation, and other educational matters, including grading regulations and class attendance.*

One of the schools of the University of Michigan is the Rackham Graduate School. "Rackham" has its own Executive Board. From the Rackham website: *"The Executive Board discusses, reviews, and revises Graduate School policies. The Board approves all new degree and certificate programs and assists the Dean in lobbying efforts for increased funding for graduate students. The Board also oversees the allocation of graduate fellowship funds, reviews and revises eligibility criteria for faculty fellowships and research grants and, with the Dean, explores a wide range of issues of fundamental importance to graduate education."* The Executive Board currently consists of 17 members including the Dean of the School, two student representatives, and two representatives from "sister" campuses (Dearborn and Flint).

The Rackham Graduate School has well defined guidelines for approval of courses. On the whole, these guidelines are designed to ensure that proposed courses are reviewed in schools in accordance with the schools' own regulations. (That is, forms have to indicate that proposals have been reviewed and approved by school entities in accordance with school by-laws.) Also, the guidelines ensure some consistency in the ways in which the courses are registered (for example, no 600-level course can be cross-listed with a 300-level course). A course proposal undergoes substantive scrutiny in the department and school. Courses approved by a school (using whatever review procedures they have determined for themselves) are not reviewed by the Rackham Executive Board. They are reviewed administratively for adherence to course proposal guidelines. If approved by the school and consistent with Rackham guidelines, proposed courses are routinely accepted without further review.

Additions, deletions, or significant modifications of graduate programs are given careful, substantive review by the Rackham Executive Board. Again, proposals come to the Executive Board after undergoing whatever proposal and review processes are required by the individual school. Typically, proposals are read carefully by a small number of designated board members whose task it is to scrutinize and analyze the proposal and facilitate discussion with the whole Executive Board. When the whole Board reviews the proposal, they may ask for additional information or accept or reject the proposal. The Executive Board's decision is final; there are no subsequent levels of review.

A final noteworthy feature of the University of Michigan system is a distinct emphasis on interdisciplinarity in graduate education. Rackham has appointed an associate dean specifically to facilitate interdisciplinary initiatives. This dean reports that autonomy given to schools in matters of curriculum has stimulated great innovation and creativity on the part of the faculty and that creativity can be harnessed for interdisciplinary initiatives.

Both a representative of the University's Faculty Senate and Rackham's Dean's Office report considerable enthusiasm among Michigan faculty for the authority they enjoy in their schools.

#### **4. Curriculum Development at Georgia Institute of Technology**

##### **Steps for New Degree or Certificate Program Approval :**

1. A proposal must be approved in writing by the faculty of the academic department, the college dean (all participating academic departments and their respective deans if multidisciplinary), and the Provost before it is brought to the Graduate Committee.
2. The proposing unit asks the Chair of the Graduate Committee for consideration of the proposal at the next meeting of the Graduate Committee. Independently, 6 paper copies of the proposal must be brought to the Graduate Office for the Graduate Committee before the meeting at which it will be considered.
3. Institute Graduate Committee members, school chairs, graduate coordinators and academic deans should receive a copy of all materials to be considered at least two weeks before the proposal is to be considered. It is preferable that the individuals responsible for the proposal make those materials available at a web site or as electronic documents.
4. The Graduate Committee considers the proposal, either approving it, returning it for recommended changes, or denying it. It is strongly recommended that a School representative be present at the meeting to answer any questions that may arise.
5. At their next meeting, the Academic Senate hears the recommendations of the Graduate Committee and votes on new programs. The Academic Senate generally meets once per term.
6. If approved, the Secretary of the Senate forwards the program to the Office of the Provost or the Office of the President. For new certificate programs, this is the last level of approval required.
7. The Office of the President (or its designee) forwards proposals for new degree programs to the Chancellor's Office of the Board of Regents. The BOR normally meets monthly except in summer.

##### **New Courses and Curriculum Changes:**

1. In general, new courses and curriculum changes are initiated by a school or college.
2. The School or College prepares a cover memo addressed to the Graduate Committee chair, summarizing the requested changes. The memo should be signed by the appropriate School representative, College Dean, and the Provost, and accompanied by the required documentation.
3. After these approvals have been obtained, the school or college asks the Chair of the Institute Graduate Committee for consideration at the next IGC meeting and simultaneously distributes the materials via the Graduate Office, or an electronic address or attachment for all documents, for distribution to school chairs, graduate coordinators and academic deans two weeks in advance.
4. Only a memo is required to identify and explain the proposed changes in the curriculum. There is a special form for new course approval.
5. The course changes or curriculum changes are discussed and action taken at the next Graduate Committee meeting.
6. The Graduate Committee notifies the school of this meeting date so that a faculty member from the school/college can be present to answer any questions regarding the new course or curriculum change. It is strongly recommended that a representative attend.
7. Following approval by the Graduate Committee, the new course or curriculum change must be approved by the Academic Senate.

### **Appeals Function**

1. The Committee also hears student petitions and recommends action; in practice the committee has the final word here, since the Senate rarely inquires about this function of the committee. There is a formal appeals process for students who are not happy with the committee's decision. It begins with personal appearance before the committee, and can go to the President or the Board of Regents.
2. The time for resolving conflicts of interest between two units is the two week time given to the university wide schools, units deans etc to review the proposal before the IGC considers it. The units give their feedback to the IGC and IGC deliberates on it.

### **5. Curriculum Development at Rutgers University:**

Two informants were Dr. Haym Hirsh (Computer Science, past chair of Faculty Council of New Brunswick campus) and Dr. Jolie Cizewski (Physics, and Vice-Dean Graduate School, New Brunswick).

*Rutgers as a Whole* Rutgers has 3 main campuses, New Brunswick, Camden, Newark.

There is one “Rutgers-wide” University Senate. It includes faculty, administrators, students, and alumni. It is advisory and has no legislative power except over the university calendar. New Brunswick and Newark have their own campus-wide Faculty Councils (the closest analogy to our UAlbany Senate). Camden has no campus-wide faculty body. The Faculty Councils are advisory and have no legislative power.

There is one Academic VP over all 3 campuses. Provosts at individual campuses report to him/her. In the Rutgers system no duplication of PhD programs across these three campuses is allowed.

*New Brunswick Campus Graduate Procedures* All the following comments apply to graduate education at the New Brunswick campus (the largest unit). This campus has 29 degree-granting schools and colleges. All *graduate* education in different schools and colleges comes under one Graduate School. At present the Dean of the Graduate School happens also to be the dean of the largest individual college, Arts and Sciences. This is happenstance; it’s not a requirement of the organizational chart.

The Dean of the Graduate School is advised by the Executive Council of the Graduate School. Its membership consists of faculty, about half of which is elected and half appointed. Appointments are made to ensure balance and to prevent domination by Arts and Science faculty.

New courses and program proposals emanate from departments, schools, and colleges and go to the appropriate one of four faculty committees (Humanities, Social and Behavioral Sciences, Mathematical and Physical Sciences, and Biological Sciences). These committees take a look (apparently sometimes a very critical look) at new courses and programs and send the proposals, with a recommendation, to the Executive Council of the Graduate School. This group votes on what the committees have sent up.

Successful course and program proposals go to the faculty of the Graduate School in a regular meeting of the whole graduate faculty (attendance is sometimes a problem). The whole faculty vote (in principle) on each course and program. The way this works in fact is that proposals are batched for the vote, and anything that is controversial is pulled out for individual discussion. It is in this two-stage committee process and vote of the whole graduate faculty that “impact assessment” and “turf issues” are resolved.

The Executive Council of the Graduate School also advises the dean on program termination. (I don’t know whether it votes, they tell me such terminations are very rare.) This Council also advises the Dean of the Graduate School on graduate academic policy.

The Executive Council does not deal with grievances and academic policy requests of graduate students; these are handled by separate committees.

## **6. Curriculum Development at Florida State University**

**Comments from Dr. Susan Fiorito, GCC Chair, FSU**

### **What is the process of new curriculum approval at Florida State University ?**

Faculty members who want a new course approved must first submit a syllabus and justification to their department for approval. If the department approves the course, then the syllabus and appropriate forms have to be submitted to the College curriculum committee (CC) for the approval of the college. Once that has been obtained and the chair of the CC has signed approval, along with the department chair and dean then the packet is sent to the Dean of Faculties secretary and she collects them for the University CC. We take time before our monthly meeting (sometimes 2 or more hours) to read all the forms and syllabi and then meet and discuss if this course should be approved.

### **What exact role does the Curriculum Committee play in the approval process?**

Oversight--to make sure all syllabi have the proper information that is going to the students about grading, assignment weights, objectives, etc. and that the forms are filled out correctly so that the registrar has all the correct information to enter into the university system. *We also try to make sure that there is no duplication of courses on campus. If we think there might be, we send the proposed syllabus to the other dept. and seek their approval--and assurance that there is no duplication.*

### **Is the Curriculum Committee the ultimate university-wide curriculum approving body or there are other intermediaries?**

The department and college must also approve the course before we get the course. Once we approve it, and all changes that have been requested are made then it is input into the system.

### ***What other functions/roles does the Curriculum Committee undertake?***

This keeps us pretty busy. Last year we read syllabi for 161 new courses, and 58 course changes (change in hours, objectives, and course titles must be approved before going to the registrar who inputs them into the computer system.).

### ***Does it have a well-established appeals role in the event of conflict of curriculum between two sub-units. If so, what is the process for resolving the issue?***

If a course is not approved because of minor details, we let them make the changes. Most often courses are approved after the course meets all the University criteria. *If there is a question about the duplication of a course and another department does not want the new course to be taught, we will let both parties (usually dept. chairs) discuss the matter themselves and if they can not come to agreement, we let them come to one of our meetings to talk it over with us. We do have the final word*

## Appendix D

# Regulations Governing Faculty Promotion and Continuing Appointment

*SUNY Board of Trustees' Policies, Art. XII*

Titles A (Evaluation of Academic Employees) and B (Promotion of Academic Employees) identify the criteria governing the chief administrative officer's evaluation and decisions involving promotion of academic employees. The chief administrative officer may consider, but is not limited to considering, the following (Title A, § 4; Title B, § 2):

- (a) Mastery of subject matter—as demonstrated by such things as advanced degrees, licenses, honors, awards and reputation in the subject matter field.
- (b) Effectiveness in teaching—as demonstrated by such things as judgment of colleagues, development of teaching materials or new courses and student reaction, as determined from surveys, interviews and classroom observation.
- (c) Scholarly ability—as demonstrated by such things as success in developing and carrying out significant research work in the subject matter field, contribution to the arts, publications and reputation among colleagues.
- (d) Effectiveness of University service—as demonstrated by such things as college and University public service, committee work, administrative work and work with students or community in addition to formal teacher-student relationships.
- (e) Continuing growth—as demonstrated by such things as reading, research or other activities to keep abreast of current developments in the academic employee's fields and being able to handle successfully increased responsibility.

*Agreement between UUP and the State of New York*

### §30.2 Evaluation and Promotion

- a. Evaluation and promotion of employees shall be made in accordance with Article XII of the Policies. . . .

§30.3 The procedural steps of the Policies involving matters of . . . evaluation or promotion of employees shall be subject to review in accordance with provisions of Article 7, Grievance Procedure. . . .

### §33.1 Definitions

....

b. “Initial academic review” shall mean a review and recommendation by a committee of academic employees at the departmental level or, in the event academic employees are not organized along departmental lines, at the division, school, college or other academic employee organization level next higher than the departmental level, which may exist for the purpose of evaluating an academic employee for continuing appointment.

c. “Subsequent academic review” shall mean a review and recommendation by a committee of academic employees at the division, school, college or other academic employee organizational level next higher than the initial academic review committee which may exist for the purpose of evaluating an academic employee for continuing appointment.

....

### § 33.2 [Request for Reasons of Non-renewal of Employment]

### § 33.3 Response of College President

....

#### a. Academic Employees . . . .

2. Where the initial academic review committee has recommended that the employee be granted continuing appointment and the subsequent academic review committee, if any, has not so recommended, the College President shall indicate the reasons for the notice of non-renewal . . . .

3. Where the initial academic review committee has recommended that the employee be granted continuing appointment and a subsequent academic review committee, if any, has recommended that the employee be granted continuing appointment, the College President shall indicate the reasons for the notice of non-renewal . . . .

## **Faculty Bylaws of the University at Albany**

Art. I sec. 2.2.1 The faculty may initiate and shall disapprove or approve and recommend for implementation: . . .

(e) Policies and standards for the conduct and evaluation of research and teaching

(f) Policies and standards for appointment, promotion, and tenure (continuing appointment) of teaching faculty.”

*The Charter of the University Senate*

Sec. SX.7 Council on Promotions and Continuing Appointments

SX.7.1. Composition

SX.7.1.1 At least eight and no more than twelve Teaching Faculty (of whom at least four must be senators), from a balance of academic disciplines including the library.

SX.7.1.2 One Professional Faculty member, who must be a senator.

SX.7.1.3 One graduate student, who must be a senator.

SX.7.1.4 One undergraduate student, who must be a senator.

SX.7.2. The Council shall recommend to the President individuals for promotion in rank and/or continuing appointment, in accordance with the *Guidelines Concerning Promotion and Continuing Appointment* and the *Policies of the Board of Trustees*.

SX.7.3. The Council shall examine all files containing documents pertaining to individual applications for promotion and/or continuing appointment prior to their being transmitted to the President, to determine that they conform to the *Guidelines Concerning Promotion and Continuing Appointment*. If a file is found to deviate from the *Guidelines*, the Council shall direct that remedies be made if feasible, and shall otherwise note the deficiencies and their possible effect on the recommendation, and so advise the President, the Provost, the dean, the chair (where applicable), and the candidate.

SX.7.4. The Council shall consider and make recommendations to the Senate concerning all matters of policy and procedure pertaining to the applications of faculty members for promotion and/or continuing appointment, except when a matter of policy or procedure is mandated in a negotiated contract between the State and the University's professional staff.

SX.7.5. The Council's deliberations on individual cases will normally be closed to visitors. Council meetings to discuss policy issues will normally be open to members of the University community. The chair will post the agenda for such meetings in advance.

*The University at Albany Guidelines Concerning Promotion and Continuing Appointment*

[Sec. I establishes *criteria* governing promotion and continuing appointment for (A) teaching faculty and (B) library academic faculty.]

[Sec. II, III describe the *availability* to candidates of *promotion* and *continuing appointment*.]

[Sec. IV describes *administrative procedures and responsibilities* governing promotion and continuing appointment decisions. The candidate's "department" constitutes the "initial academic review committee. In the cases of the Library, the initial academic review is constituted by all members of the library academic faculty acting as a committee of the whole." (sec. A.1.)]

"2a. In those schools or colleges having more than two academic departments, the 'subsequent academic review committee' shall be the school or college promotion and continuing appointment review body. . . .

"2b. In those schools or colleges having fewer than three academic departments, and in the case of the Library, the Council on Promotions and Continuing Appointments shall be the 'subsequent academic review committee.'"

[Section B. describes various departmental procedures. Distinct departmental recommendations are made by vote of departmental faculty members and the department chair (sec. B.6, 7). Subsequent levels of review are as follows:]

#### C. School or College

1. The dean of each school or college shall examine each recommendation transmitted to her/him by the department to verify that the rules of Sections I and IV-B have been observed.
2. A subsequent academic review committee as defined in Section IV-A-2 above, shall review the materials provided by the department and chair and shall forward its own recommendation to the dean, the chair and the candidate.
3. The dean of the school or college shall review the case and transmit all materials to the Vice President for Academic Affairs, along with his/her own recommendation.
4. . . .

#### D. Council on Promotions and Continuing Appointments

1. The Council shall examine recommendation [sic] transmitted to it to verify that the rules of Sections I and IV-B and C have been observed and shall make its own recommendation.
2. The Council shall transmit its recommendations to the Vice President for Academic Affairs with copies furnished to the dean, chair and the candidate.

3. The Vice President for Academic Affairs shall review the case and transmit all materials to the President along with his/her own recommendation. Copies of this recommendation shall be furnished to the dean, chair and the candidate.

[Sections IV E. through IV G. and Sections V through VII are not described.]

*University at Albany Office of Academic Affairs, Administrative Procedures for the Preparation of Recommendations for Promotions and Continuing Appointments*

[Includes detailed guidelines for preparation of promotion and tenure files, calendar for completion of activities, general criteria and standards, and description of procedures. This document describes the progression of the review of case files from the Initial Academic Review Committee through the Provost's recommendation (pp. 13-15). This document identifies the "subsequent academic review committee" for faculty from the various Colleges, Schools, and University Libraries as follows:]

- 1) For faculty from the College of Arts and Sciences, the committee will be the College's Personnel Committee.
- 2) For faculty of the School of Business, the committee will be the School's Personnel Committee.
- 3) For faculty of the School of Education, the committee will be that School's Appointment, Promotion, and Tenure Committee.
- 4) For faculty of the School of Public Health, the committee will be the School of Public Health Council.
- 5) For faculty of the Schools of Criminal Justice, Information Science and Policy, Social Welfare, of the Rockefeller College of Public Affairs and Policy, and of the University Libraries, the committee will be the University Council on Promotions and Continuing Appointment.

[The document specifies that "[t]he subsequent academic review committee shall report its vote to the Dean or Provost (where applicable) and the candidate." The document specifies that a Dean's recommendation (where applicable) follows the "subsequent academic review committee" report and thereafter contemplates review by the Council on Promotions and Continuing Appointments, and then the Provost, as follows:]

e. Recommendation by the Council on Promotions and Continuing Appointments—The Council's staff assistant shall review the file for completeness and will then forward the material to the Council on Promotions and Continuing Appointment for review. The Council will review the case first as to form, for conformance with these administrative procedures. The review will also include an assessment of the merits of the case, looking especially for evidence in the file that justifies the conclusions reached at prior review levels. . . . .

f. Recommendation by the Provost—After the Council on Promotions and Continuing Appointment has completed its deliberations, the Provost will review the case and prepare a letter of transmittal to the President with a recommendation. . . .

## Appendix E

### Penn State University: Policy RA20—Individual Conflict of Interest

#### PENN STATE - RESEARCH ADMINISTRATION

## Policy RA20 INDIVIDUAL CONFLICT OF INTEREST

### Contents:

- [Purpose](#)
  - [Policy](#)
  - [Definition](#)
  - [Background](#)
  - [Implementation](#)
  - . . . . [Conflict of Interest Official](#)
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  - . . . . [Disclosure Process](#)
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  - [Cross References](#)
- 

### PURPOSE:

In order to enable work done at Penn State to have the broadest positive impact on society, the University sets forth this policy to protect the research, scholarship, artistic endeavors, and technology transfer programs (also referred to University Research and Technology Transfer) of the University from improper actions and influences that can arise as a result of individual conflict of interest. Further, this policy serves to define the safeguards necessary to preserve the integrity of the University, its faculty, students, staff, officers and other senior managers of the University.

## **POLICY:**

All significant financial or business interests which present a potential conflict of interest, whether real or perceived, of students, faculty, staff, administrators, officers and other senior managers of the University (hereinafter referred to as "Individuals") must be fully disclosed to a University Conflict of Interest Committee, reporting to the University Provost. Any real or perceived conflict of interest must be properly managed or eliminated before any contract, sponsored project (research, instruction or outreach), dedicated gift, or other transaction is executed, any relationship is initiated, or any action is taken that might be influenced or appear to be influenced by the conflict of interest. In order to ensure compliance, Individuals having a real or perceived conflict of interest are required to complete, at a minimum, an annual disclosure regarding conflict of interest.

## **DEFINITION:**

The term individual conflict of interest refers to situations in which financial considerations may compromise, **or have the appearance of compromising**, an employee's professional judgment in designing, conducting, evaluating, or reporting on University Research and Technology Transfer programs. Thus, all activities with relevance to the broad disciplinary field or the research of an Individual should be disclosed as they arise, but no less frequently than the required annual disclosure. The bias such conflicts may conceivably impart can affect not only the collection, analysis, and interpretation of data, but also the hiring of staff, procurement of materials, sharing of results, choice of licensees, choice of protocol, involvement of human participants, and the use of statistical methods.

For the purposes of this policy, "Significant Financial or Business Interest" means anything of monetary value/interest, including, but not limited to:

- Compensation or other payments for services (e.g., consulting fees or honoraria);
- Equity interests (e.g., stocks, stock options or other ownership interests);
- Intellectual property rights (e.g., patents, copyrights, and separately, royalties from such rights).;
- Holding a management position or playing an advisory or consultative role (whether compensated or not) with a company or on the board of a company.

The term does not include:

- Salary or other remuneration from the University;
- Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
- Income from service on advisory committees or review panels for public or nonprofit entities; or

- An equity interest that, when aggregated for the Investigator and the Investigator's spouse and dependent children, meets both of the following tests: does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a five percent ownership interest in any single entity (considered as a de minimis amount); or
- Other compensation, royalties or other payments that, when aggregated for the Investigator and the Investigator's spouse and dependent children over the next twelve months, are not expected to exceed \$10,000 (considered as a de minimis amount).

"University Research and Technology Transfer" includes sponsored projects (including for research, instruction or outreach activities), dedicated gifts, research, scholarship, artistic endeavors, and technology transfer.

## **BACKGROUND:**

One of Penn State University's premier assets is its integrity. If the public were to lose confidence in that integrity, the University would sustain severe injury. Therefore, the University is very concerned about conflict of interest; it strikes to the very heart of the University's integrity. The University has identified several key values (not in any particular order) that must be protected from conflicts of interest<sup>1</sup>:

<sup>1</sup> The statement of these values is based in part upon a report issued by the Association of American Universities (AAU). "Report on Individual and Institutional Financial Conflict of Interest," by the Task Force on Research Accountability, Report and Recommendations, October 2001. The language of portions of this report is used directly in sections of this policy.

- Commitment to serving the public trust;
- Commitment to the pursuit of excellence;
- Commitment to the education and welfare of students;
- Commitment to the safety and care of patients under treatment and all human participants in research;
- Commitment to academic freedom;
- Commitment to advancing the range and depth of knowledge and understanding of the natural world and our human condition;
- Commitment to open and timely communication and dissemination of knowledge;
- Commitment to protect both the appearance and the actual integrity and objectivity of University Research and Technology Transfer;
- Commitment to ensure the technology transfer and commercialization of the results of research for the betterment of society;
- Commitment to personal and professional development of students, faculty, staff, administrators, and officers;
- Commitment to meet our social and ethical responsibilities by obeying the laws and regulations governing the conduct of a University.

Penn State believes that significant conflicts of interest, when unchecked or unmanaged, can threaten these key values and thus has established within this and related policies a rigorous set of guidelines and procedures to ensure that they are protected. In addition and of paramount concern, is the health and welfare of human participants in research, because lives are literally at stake. Financial interests in human participants research must be the focus of intense scrutiny.

While the University recognizes the necessity to protect against the ill effects of conflicts of interest, it also recognizes that it has public responsibilities that may require the University to accept a certain level of potential conflicts of interest, so long as the conflicts themselves are properly managed and the ill effects mitigated. Transferring University-developed knowledge to the private sector fulfills one of the goals of federally funded research, by bringing the fruits of research to the benefit of society. With this important activity comes increasingly close relationships between industry and the University, relationships that provide benefits but also hazards through the increased risk of conflicts of interest, both individual and institutional (see [RA21](#)), that can threaten to compromise academic programs and institutional autonomy.

### **IMPLEMENTATION:**

The problem with conflict of interest is rarely the existence of a particular conflict itself - rather it is the question about what is to be done with the conflict. In most cases, problems arise when the conflict is not made apparent, or when it is not properly assessed or managed. The approach of this policy is threefold:

1. Disclose always (both internally and, when necessary, externally in publications, reports, public presentations, or informed consent documents).
2. Manage the conflict in most cases.
3. Prohibit an activity or eliminate the conflict (e.g., by divestiture) when necessary to protect the public interest or the key values of the University.

### **Conflict of Interest Official:**

A key goal in this approach is to segregate the decision-making process regarding the financial activities and interests from the research or other programmatic activities of the University, so that they are separately and independently managed. To this end oversight of this policy is the responsibility of the director of the Penn State Office for Research Protections who shall serve as the Conflict of Interest Official of the University, reporting directly to the Vice President for Research

The Conflict of Interest Official is responsible for developing, promulgating, and updating procedures and guidelines for the implementation of this policy and for providing administrative support to the Conflict of Interest Committee.

### **Conflict of Interest Committee:**

The University shall establish a Conflict of Interest (COI) committee(s). It shall report to the Provost (or, if the Provost is the one involved in the conflict, to the next highest University official who is not involved in the specific conflict). The COI committee membership shall represent the diversity of academic disciplines at Penn State, but shall include at least one individual who conducts research involving human participants at Penn State. The Conflict of Interest Official (or delegate at the College of Medicine) shall serve ex officio on the Committee, and shall also serve as the liaison to the University's Institutional Review Board(s).

The COI committee is responsible for:

- Review of disclosures that present or appear to present a conflict of interest.
- Documentation of the committee's findings and the bases for the approval of conflict resolution plans, including steps to be taken to manage or minimize the potential for conflict of interest by reducing or eliminating the interest or an individual's direct involvement in the project.
- Management and oversight of projects that are being managed for conflicts of interest.
- Communication to the IRB, and to responsible institutional officials, of summary information about the nature and amount of any significant financial interest related to human participants in research, along with the committee's findings and recommendations concerning requests by financially interested individuals to conduct such research.

**Disclosure Process:**

Prior disclosure of any potential conflict of interest is required of all Individuals, however, at a minimum the University shall require disclosures in the following instances:

- Disclosures of real or potential conflict of interests are required of all faculty members at least annually.
- Prior to the submission of proposals for sponsored projects or acceptance of awards, Individuals shall certify as to whether or not the project requires the disclosure of any significant financial interests of project personnel.
- Prior to engaging in any technology commercialization activities involving the licensing or other transfer of University technology to third parties, Individuals shall disclose any potential conflict of interest.
- Prior to the start-up of any business or commercial activity by an Individual involving the broad disciplinary field or the research of that Individual, Individuals shall

disclose the potential conflict of interest.

### **Sanctions:**

Whenever an Individual has violated this policy, the COI Committee shall recommend sanctions which may include disciplinary action ranging from a letter of reprimand to dismissal and termination of employment. If the violation results in a collateral proceeding under University policies regarding misconduct in research (see RA10), then the Committee shall defer a decision on sanctions until the misconduct in research process is completed. The Committee's recommendations on sanctions shall be presented to the Individual's cognizant University official who, in consultation with the Vice President for Research (or the Senior Vice President for Health Affairs at Hershey Medical Center), shall enforce any disciplinary action, following due process as outline in University policy. In addition, in cases impacting federally funded sponsored projects, the University shall follow federal regulations regarding the notification of the sponsoring agency in the event an Individual has failed to comply with this policy.

### **CROSS REFERENCES:**

Other Policies in this Manual may have specific application and should be referred to especially;

[AD37](#) - Technology Transfer and Entrepreneurial Activity (Faculty Research),

[AD47](#) - General Standards of Professional Ethics,

[FN14](#) - Use of Tangible Assets, Equipment, Supplies and Services,

[HR35](#) - Public Service by Members of the Faculty and Staff,

[HR80](#) - Private Consulting Practice,

[HR91](#) - Conflict of Interest,

[RA05](#) - Significant Financial Interest Disclosure for Sponsored Project's Investigators,

[RA10](#) - Handling Inquiries / Investigations into Questions of Ethics in Research and in Other Scholarly Activities,

[RA12](#) - Technology Transfer and Entrepreneurial Activity (Faculty Research),

[RA21](#) - Institutional Financial Conflict of Interest Involving Sponsored Projects, Dedicated Gifts, Research, Scholarship, and Technology Transfer .

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## Appendix F

### Penn State University: Policy RA21—Institutional Financial Conflict of Interest Involving Sponsored Projects, Dedicated Gifts, Research, Scholarship, and Technology Transfer

Policy RA21 INSTITUTIONAL FINANCIAL CONFLICT OF INTEREST  
INVOLVING SPONSORED PROJECTS, DEDICATED GIFTS,

## **RESEARCH, SCHOLARSHIP, AND TECHNOLOGY TRANSFER**

### **Contents:**

- [Purpose](#)
- [Policy](#)
- [Definitions](#)
- [Background](#)
- [Implementation](#)
- [Conflict of Interest Official](#)
- [Institutional Conflict of Interest Committee \(ICIC\)](#)
- . . . . [PHASE I Ad Hoc Review Team](#)
- [University Financial Interests](#)
- [Equity and Licensing Arrangements](#)
- [Officers and Other Senior Managers of the University](#)
- . . . . [Institutional/Individual Conflicts](#)
- . . . . [Recusal](#)
- . . . . [Interim Recusal](#)
- [Sanctions](#)

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- 

## **PURPOSE:**

This policy is established to provide appropriate institutional safeguards to sustain a climate in which sponsored projects, dedicated gifts, research, scholarship, artistic endeavors, and technology transfer (also referred to as University Research and Technology Transfer) are carried out responsibly, and in so doing foster an atmosphere of openness and integrity. Penn State has a responsibility as a steward of public funds to ensure that all its activities related to University Research and Technology Transfer are free from the taint of suspicion caused by any potential institutional conflict of interest that might adversely affect the sound judgment of Penn State faculty, students, staff, administrators, officers and other senior managers. In addition the University has a responsibility to ensure that no one should unfairly benefit from the University public trust or reputation. Finally, the welfare of human participants in research and the integrity of research will not be compromised - or appear to be compromised - by competing institutional interests or obligations.

## **POLICY:**

Each institutional financial interest that presents a potential for conflicts of interest, whether real or perceived, must be fully disclosed to the University Institutional Conflict of Interest Committee, reporting directly to the University's Office of the President, and the conflict of interest must be properly identified and managed or eliminated before any contract, sponsored project, dedicated gift, or transaction is executed, any contractual relationship is initiated, or any action is taken that might be influenced or appear to be influenced by the conflict of interest.

## **DEFINITIONS:**

An institutional financial conflict of interest may occur when Penn State has an external relationship or financial interest in a company that itself has or seeks a financial interest in or benefit from University Research and Technology Transfer. For purposes of this policy "Penn State" includes any of its officers or other senior managers, academic units (including colleges, schools, departments, centers, institutes, or consortiums) or subsidiary entities.

Likewise, officers or senior managers may also have conflicts when they serve on the boards of (or otherwise have an formal relationship with) organizations that have or seek to have a financial interest in or benefit from Research and Technology Transfer at the University.

The existence (or appearance) of such conflicts potentially can lead to a real or perceived bias, in the review or conduct of Research and Technology Transfer at the University.

Such conflicts can also unfairly benefit individuals or other entities. Such conflicts may also adversely affect the sound judgment of Penn State faculty, students, staff, administrators, officers, and other senior managers.

If these potential conflicts are not disclosed, evaluated, and either eliminated or managed, they may result in or be perceived to result in choices or actions that are incongruent with the missions, obligations, or the values of the University.

"Officers" means President, Provost, Vice Presidents, Vice Provosts, Treasurer, or Controller.

"Other Senior Managers" includes Deans, Campus Executive Officers, Associate/Assistant Vice Presidents for Research, and chairs of the institutional review boards and chairs of conflict of interest committees who make decisions with implications for Research and Technology Transfer at the University.

"Unit Heads" includes Department Heads, Consortium or Institute Directors, etc.

"Individuals" means Penn State faculty, students, staff, administrators, officers, and other senior managers.

"University Research and Technology Transfer" includes sponsored projects (including for research, instruction or outreach activities), dedicated gifts, research, scholarship, artistic endeavors, and technology transfer.

## **BACKGROUND:**

Institutional financial conflicts of interest arise in different contexts across campuses, but in general they concern the University (and the public) if they have a significant potential to compromise the University's mission, no matter the field or context. Three major categories of such conflicts are:

1. Potential conflicts involving University financial/stock holdings and their relationship to University Research and Technology Transfer
2. Potential conflicts involving University equity holdings or royalty arrangements arising out of licensing agreements and their relationship to University Research and Technology Transfer
3. Potential conflicts involving University officers and other senior managers who have or oversee significant financial grant or contract holdings or have decision-making positions with outside companies, and who make decisions with implications for University Research and Technology Transfer.

### **1) Stock Holdings:**

A major concern about the potential for institutional conflicts of interest arises when the University owns a significant amount of stock in a specific company with which it has a

University Research or Technology Transfer relationship. Such a relationship might be perceived to adversely affect the sound judgment of Individuals or affect the objective and unbiased conduct of, reporting on, or licensing of a University Research or Technology Transfer program, even though the principal investigator or others involved in the conduct of the activity have no personal financial interest. The University promulgates these policies and procedures to ensure that such potential conflicts are identified, disclosed, managed, or eliminated prior to initiating a specific project, activity, or transaction.

## **2) Equity and Licensing Arrangements:**

Another major concern about potential bias arises in the case of decisions about University Research and Technology Transfer where the University holds relevant equity positions or has royalty arrangements, and the equity or royalties are derived from University inventions, startups, or other University technology transfer.

Penn State University is transferring technology to the private sector with increasing rapidity, consistent with its responsibilities under the Bayh-Dole Act of 1980. As part of some licensing arrangements, the University may negotiate an equity position in the company, in addition to or even in lieu of licensing fees and royalties. Equity positions are negotiated by the Intellectual Property Office and are approved by the Vice President for Research, the Executive Director of the Office of Investment Management, and the Senior Vice President for Finance and Business. The decision to accept equity can be influenced by a number of factors. For instance, under the Bayh-Dole Act, the University takes responsibility on federally financed inventions to see that they are brought to the commercial market where they can benefit the populace. The University makes a diligent effort to identify an independent, established private company to license and underwrite the cost of developing and patenting the product. However, at the early stage of development, the commercial potential of an invention is often uncertain. If no independent company is found to assume the financial risk for developing the product, the University may consider licensing the invention to a start-up company, possibly involving University inventors, which will take the technology through the patenting and development licensing process itself. The University will generally consider accepting equity in arrangements with start-up companies that will hold the licenses.

The Vice President for Research, in consultation with the Board of the Penn State Research Foundation, is responsible for putting in place and maintaining appropriate office policies and procedures to oversee the strategies under which the Intellectual Property Office negotiates equity positions in licensing agreements consistent with "University Policies Governing Technology Transfer & Entrepreneurial Activity" <http://grants.psu.edu/PSU/res/entrep.htm>.

A study by the General Accounting Office (GAO), the investigative arm of Congress, revealed the importance of establishing a "firewall" between the management of the University's equity holdings and its research affairs, e.g., having them report to separate officers within the University. Such a separation of powers is critical to averting

institutional conflicts of interest and accusations of "insider trading" that might come about if the office making investment decisions was also responsible in some way for the research and had intimate knowledge about the technology licensed and the company holding the license.

### **3) Officials:**

The final main category of institutional conflict of interest concerns individuals who are in a position to make decisions that have institution-wide implications regarding University Research and Technology Transfer. These include officers and other senior managers of the University. The first and most obvious potential source of conflict is between an individual's personal financial holdings and their institutional responsibilities. A second potential could come for individuals who head an academic unit with significant grant or contract holdings from a particular company. For instance, decisions on awarding technology licenses might be influenced by a conflicted individual towards companies that support a significant amount of research for that individual's academic unit without regard for qualifications or capability. A third potential could come from these same individuals who hold positions within companies or on the boards of companies.

While similar to a potential conflict between an individual researcher's financial holdings and their research activities, these potential conflicts are distinguished by the type of decision the person is making. In the case of University officials, they are making decisions that have institution-wide impact and are taken on behalf of the University.

All officers and other senior managers of the University must disclose financial interests that might influence or appear to influence their sound judgment in regards to institutional decisions or the conduct or reporting of University Research and Technology Transfer programs, or that might give unfair benefit to persons or entities. This is especially true in the situations in which human research participants will be involved in the project.

### **IMPLEMENTATION:**

The problem with conflict of interest is rarely the existence of a particular conflict itself - rather it is the question about what is to be done with the conflict. In most cases, problems arise when the conflict is not made apparent, or when it is not properly assessed or managed. The approach of this policy is three-fold:

1. Disclose always
2. Manage the conflict in most cases
3. Prohibit an activity or eliminate the conflict (e.g., by divestiture) when necessary to protect the public interest or the key values of the University (see [RA20](#))

### **CONFLICT OF INTEREST OFFICIAL:**

A key goal is to segregate the decision-making process regarding the financial activities and interests from the research or other programmatic activities of the University, so that they are separately and independently managed. To this end oversight of this policy is the responsibility of the Director of the Penn State Office for Research Protections, who shall function as the Conflict of Interest Official and who reports directly to the Vice President for Research.

### **INSTITUTIONAL CONFLICT OF INTEREST COMMITTEE (ICIC):**

The University shall establish an Institutional Conflict of Interest Committee. The Committee shall report to the Office of the President of the University. ICIC membership shall include a senior officer of the University who has sufficient seniority, expertise, and independence to evaluate competing interests at stake and make credible and effective recommendations. Also serving on the committee shall be a representative of the College of Medicine, at least one faculty member, and at least one member of the community. Recusal shall be required whenever any member has an actual or apparent conflict of interest with regard to any matter under review. The ICIC shall include one or more alternates to sit in place of any member who has recused himself or herself from the deliberations. The Conflict of Interest Official shall serve as administrator for the ICIC and as the liaison to the University's Institutional Review Board(s) when human participants research is involved. All appointments shall be made by the President.

The ICIC is responsible for:

- Review of disclosures that present or appear to present an institutional conflict of interest.
- Establishment of a Phase I ad hoc review team (see [below](#)), if necessary.
- Development of conflict resolution plans.
- Documenting the committee's findings and the bases for the approval of conflict resolution plans, including steps to be taken to manage the conflict or minimize the potential for conflict of interest by reducing or eliminating the interest.
- Oversight of projects that are being managed with respect to conflicts of interest.
- Communication to the IRB, and to responsible institutional officials, of summary information about the nature and amount of the institutional financial interest in human subject research, along with the committee's findings.

### **PHASE I Ad Hoc Review Team:**

Because of the complex nature of institutional conflicts of interest the ICIC may, at its discretion, determine the necessity to appoint an ad hoc review team to:

- Understand the nature of the University Research or Technology Transfer program proposed.
- Compile information about the financial interests involved and the various ways in which those interests might affect the proposed project.

- Determine if there is in fact a "nesting" of potential conflicts of interest impacting a number of different University operations, e.g., research, services, intellectual property licensing, or purchasing of goods and services.
- Develop reasonable mechanisms for managing, reducing or eliminating institutional conflicts of interest.

After completing an analysis of an institutional conflict of interest, the ad hoc Review Team shall make a full report to the ICIC.

### **UNIVERSITY FINANCIAL INTERESTS:**

The Conflict of Interest Officer shall obtain at least annually (and updated as necessary):

- a list of the top 40 equity holdings from the Office of Investment Management (based on June 30 data)
- a list of companies that hold option or licensing rights to Penn State Research Foundation or the Intellectual Property Office (based on December 31 data).
- a list of major corporate donors that exceeds 1 million dollars.

The Conflict of Interest Officer shall review these holdings against the profile of University Research and Technology programs to determine if a potential conflict of interest exists in any areas, and shall notify the heads of those areas thus affected as to the potential conflict. In addition, the COI Officer shall provide a "watch list" of companies to the Assistant Vice President for Research who is responsible for sponsored programs that research administrators should consult when processing grants and contracts from company sponsors in order to assist in the identification of potential institutional conflicts of interest. On a case-by-case basis, when research sponsored by a private company involves the use of human research participants, the Conflict of Interest Officer shall provide to relevant University offices, including the Office of Investment Management, University Development Office, Office of Sponsored Programs, Vice Dean for Research, College of Medicine, and the Intellectual Property Office, the name of the sponsoring company, the financial relationships, and obtain from those offices an indication of the total financial interests and any other potential conflicting relationships the University has in that company. All potential conflicts shall be disclosed by the Conflict of Interest Officer to the ICIC, which shall review the disclosures and resolve potential conflicts in accordance with the steps identified within this policy. The day-to-day management of institutional financial interests, such as endowment and other investments, shall generally be managed by an outside professional investment management firm. In any case, proper firewalls shall be established between investment decisions and research management.

### **EQUITY AND LICENSING ARRANGEMENTS:**

The University will turn over management of the equity to an outside professional investment management firm, which shall handle the investment independently from the University. This arrangement will provide a suitable firewall especially when:

- The equity position is significant and its value-potential very high.
- The University is involved in ongoing research in cooperation with the licensee.
- The University has significant knowledge about the product and the company's plans for commercialization.
- The product under license is a medical therapeutic, treatment, palliative, or curative that has significant medical potential or a high level of risk associated with it.

The University is strictly prohibited from using non-public information to influence or appear to influence the management of its equity share in a company. All University employees shall act in a manner to ensure that this prohibition is never violated.

Likewise, the amount of equity the University takes in a company can be a potential institutional conflict of interest issue, especially if the company involved is a University-related start-up company. The University should ensure that its equity position in the company is not one such that the University is perceived as a major holder. As such, an independent observer might believe that the University's actions regarding the company might be influenced by its substantial holding, regardless of the kinds of firewalls the University has constructed between the management of the investment and the University Research and Technology Transfer activities the University may be engaged in. Equity positions may not exceed 10% without the review of the ICIC and subsequent approval of the Vice President for Research and then by the Senior Vice President for Finance and Business. Certainly, in no case should the University be involved in a company at a level greater than 49%.

When accepting equity in a start-up company the University will not accept any representation on a company's board of directors nor have any voting rights. However, in the event of the early stage development of a technology in a start-up company, the University may secure "observer rights" or the rights to access company financial and performance reports. The role of a faculty member serving in a management role in such a company shall be governed by other sections of this policy.

Finally, the University shall use income generated from the sale of its equity holdings in the same manner as it uses licensing income.

## **OFFICERS AND OTHER SENIOR MANAGERS OF THE UNIVERSITY:**

Beyond compliance with policies and procedures, institutional officials must foster a "culture of conscience" in the research enterprise. Exercising their authority within the University, officials should insist upon rigorous enforcement of conflict of interest policies. Leading by personal example, officers and senior managers should demonstrate to the academic community and to the public that compliance with these policies, including full disclosure of financial conflicts of interest, is an imperative reflecting core institutional values.

Officers and other senior managers of the University are required to file an annual disclosure of their significant financial interests. For the purposes of this section, Significant Financial Interest means anything of monetary value, including, but not limited to:

- Compensation or other payments for services (e.g., consulting fees or honoraria);
- Equity interests (e.g., stocks, stock options or other ownership interests);
- Intellectual property rights (e.g., patents, copyrights, and separately, royalties from such rights).

The term does not include:

- Salary or other remuneration from the University;
- Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
- Income from service on advisory committees or review panels for public or nonprofit entities; or
- " An equity interest that, when aggregated for the Individual and the Individual's spouse and dependent children, meets both of the following tests: does not exceed \$100,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a five percent ownership interest in any single entity (considered as a de minimis amount); [the above does not include mutual funds, etc.] or
- " Other compensation, royalties or other payments that, when aggregated for the Individual and the Individual's spouse and dependent children over the next twelve months, are not expected to exceed \$100,000 and does not represent more than a five percent ownership interest in any single entity (considered as a de minimis amount).

### **Institutional/Individual Conflicts:**

University officers, other senior managers, and unit heads of the University shall also be required to disclose any significant personal financial interest that might present a conflict on any University research and Technology Transfer program on which they as individuals will directly make or influence an institutional decision whenever they become aware of such potential conflict. The disclosure of this kind of conflict will be event-based and shall be managed under RA20, including utilizing the de minimis amount of \$10,000 and does not represent more than a five percent ownership interest in any single entity.

Finally, if a financial interest might present a conflict on a University Research and Technology Transfer program that involves the use of human participants, then disclosure must be made immediately *regardless of the value of such financial interest*.

### **Recusal:**

The ICIC has the authority to recommend that formal recusal be required when an official or other senior manager holds a significant financial interest in an investigational product or in an entity sponsoring human participants research. The scope of this recusal should include any involvement in matters or decisions that might reasonably appear to affect the research. Recusal is not an effective management strategy when the individual, by virtue of conflicts arising from personal financial holdings, would be precluded from fulfilling the responsibilities of his or her position. In such cases, the best interests of the University may necessitate that the individual divest the interests or vacate the position.

### **Interim Recusal:**

If a University official or other senior manager who holds a significant financial interest in an investigational product or commercial research sponsor becomes aware that he or she must take an action or participate in a decision that may affect or reasonably appear to affect the University's human participants research, and the official or other senior manager has not yet been directed by the ICIC to recuse himself or herself from the matter, the official or other senior manager should be required to disclose the circumstances to his or her superior. The superior may determine that recusal is necessary, may decline to require recusal, or may refer the matter to the ICIC for resolution. When the superior declines to require recusal, the ICIC shall make a final recommendation to the President as to whether recusal is in fact necessary. In any case, the superior should document his or her recusal determination and forward this documentation to the ICIC.

The Conflict of Interest Officer shall maintain a central repository of information about all recusal determinations related to the University's human participants research.

### **SANCTIONS:**

Whenever someone has violated this policy, the ICIC shall recommend sanctions, which may include disciplinary action ranging from a public letter of reprimand to dismissal and termination of employment. If the violation results in a collateral proceeding under University policies regarding misconduct in science, then the Committee shall defer a decision on sanctions until the misconduct in science process is completed. The Committee's recommendations on sanctions shall be presented to President, who shall enforce any disciplinary action, following due process as outlined in University policy. [In the case where the accused party is the President the matter will be referred to the Chair of the Board of Trustees.] In addition, in cases impacting federally funded sponsored projects, the University shall follow federal regulations regarding the notification of the sponsoring agency in the event an Individual has failed to comply with this policy.

### **CROSS REFERENCES:**

Other Policies in this Manual may have specific application and should be referred to especially;

[AD37](#) - Technology Transfer and Entrepreneurial Activity (Faculty Research),

[AD47](#) - General Standards of Professional Ethics,

[FN14](#) - Use of Tangible Assets, Equipment, Supplies and Services,

[HR35](#) - Public Service by Members of the Faculty and Staff,

[HR80](#) - Private Consulting Practice,

[HR91](#) - Conflict of Interest,

[RA05](#) - Significant Financial Interest Disclosure for Sponsored Project's Investigators,

[RA10](#) - Handling Inquiries / Investigations into Questions of Ethics in Research and in Other Scholarly Activities,

[RA12](#) - Technology Transfer and Entrepreneurial Activity (Faculty Research),

[RA20](#) - Individual Conflict of Interest

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