

**UNIVERSITY SENATE**  
**UNIVERSITY AT ALBANY**  
**STATE UNIVERSITY OF NEW YORK**

Introduced by: Committee on Ethics in Research and Scholarship

Date: March 15, 2012

**Changes to University at Albany**  
**Policy and Procedures on Misconduct in Research and Scholarship**

IT IS HEREBY PROPOSED THAT THE FOLLOWING BE ADOPTED:

1. That the attached revised policy become effective immediately.
2. That this proposal be forwarded to the President for approval.

**RATIONALE:**

**History:**

In the summer of 2007, CERS began considering ways to streamline and clarify the process of inquiry, investigation, and determination in cases of alleged scholarly misconduct. In the spring of 2008, President George Philip became concerned about cases that he felt should have been handled differently and recommended the formation of an ad hoc committee including the Provost, Vice President for Research, the Compliance Officer, the University Counsel, and members of CERS to investigate various issues including “clarifying and/or providing guidelines of what does and does not ordinarily fall under ‘research and scholarship.’” In 2009, CERS incorporated the work of the ad hoc committee into a new CERS text. On May 8, 2009 the Senate requested a joint GOV-CERS committee to consolidate further input on the bill. At the start of the 2009-2010 academic year, CERS created a joint committee consisting of Edward Cupoli of GOV and Carolyn MacDonald and John Monfasani of CERS. The committee took as its base text the reorganized draft prepared by the University Counsel John Reilly of the original policy as revised by the 2008 ad hoc committee. The new joint committee finished its work in early December 2009, but had not received feedback from the administration when the new revised text was brought to the Senate floor in May 2010, so the Senate agreed to table a vote until fall 2010. A bill with a revised policy was passed by the Senate in March 2011, but some concerns were raised by the administration and it was not signed. Further consultation ensued, with the attached result, which has the agreement of the administration. Attached is a document showing tracked changes from the March 2011 Bill. Most of the changes are meant to clarify the university’s responsibilities and provide for more consultation with legal counsel.

**Issues**

**Initiation of an Inquiry (page 10, 23)**

Allegations of misconduct are brought to the Vice President for Research, who notifies the CERS Chair. In previous versions of the policy, an inquiry would be initiated if either the VPR or CERS chair felt it was warranted within the guidelines of the policy. It was a concern of the administration that since it is the university that has legal responsibility to funding agencies, and the university which could be at risk for a lawsuit for frivolous cases, the final decision should rest in the hands of an university officer. The language has been changed to add a third party, University Counsel, into the initial consultation, and to require reporting to the CERS chair if no inquiry is to be initiated.