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Any comments concerning the contents in The University of Akron Chronicle may be directed to the Secretary, Dr. Gary Oller (+1910).
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**MINUTES OF THE FACULTY SENATE MEETING OF
DECEMBER 2, 1999**

The regular meeting of the Faculty Senate was called to order by Chair Barbara Heinzerling at 4:00 p.m. on Thursday, December 2, 1999, in Room 201 of the Buckingham Center for Continuing Education. (During the hour between 3 and 4 o'clock the Senate had met with Dr. Terry Hickey, one of the four provost candidates.)

Forty-five of the sixty-three members of the Faculty Senate were in attendance. Senators Baranowski, Dhinojwala, Gelfand, Kim, Purdy, and Rich were absent with notice. Senators Braun, Frank, Hanlon, Kendra, Li, Lynn, Malek, Ofobike, Pope, Qammar, Sakezles, and Stinner were absent without notice.

SENATE ACTIONS

- * **APPROVED A REVISION TO THE SMOKING POLICY RECOMMENDED BY THE UNIVERSITY WELL-BEING COMMITTEE.**
- * **APPROVED THE ACADEMIC CALENDAR FOR 2000-2001 AND THE PRELIMINARY CALENDAR FOR 2001-2002.**
- * **APPROVED A RECOMMENDATION FROM APCC REGARDING GUIDELINES AND PROCEDURES FOR AWARDING EMERITUS STATUS.**
- * **APPROVED A SPACE REALLOCATION RECOMMENDATION FROM CFPC.**
- * **REFERRED A DOCUMENT ON INFORMATION COMPETENCE TO GEAC AND CRC.**

I. APPROVAL OF AGENDA - The Chair reminded the members that there were evaluations for Dr. Hickey available, and she knew that the Provost Search Committee would very much appreciate it if they would take the time to get them completed and sent to the Committee. She also reminded members that its meeting time with the last candidate, Dr. Fred Kitterle, would be next Tuesday morning. That was a change, because the other meetings had been in the afternoon. If members could attend, she would appreciate it. Before starting, she asked those giving committee reports to be action-oriented and to-the-point since there was a need to get business done.

Since there were no amendments to the agenda, the agenda as circulated was approved.

II. APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF OCTOBER 21, 1999 - Secretary Gary H. Oller said that he had received no corrections. Since there were no corrections, Senator Peggy Richards moved their approval, and this was seconded by Senator Bonnie Filer-Tubaugh. The Senate then voted its approval.

III. CHAIR'S REMARKS - Because of the very full meeting schedule, the Chair had three quick wishes for the body. One was to survive this semester, and the second was to have a very nice holiday. The third was that one's break should be as productive as one wanted it to be.

IV. SPECIAL ANNOUNCEMENTS - There were none.

V. REPORTS

REMARKS OF THE PRESIDENT OF THE UNIVERSITY - The Chair recognized President Luis Proenza, who made the following remarks:

"Thank you, Madame Chair, and ladies and gentlemen - good afternoon. I hope you are being more successful than I've been in avoiding the flu. This is, hopefully, the tail end of it. Let me bring you up to date on a few issues, and I'll certainly welcome your questions toward the end.

First of all, I hope you are as excited as I am at the quality of the candidates that your Provost Search Committee has presented us. We have one yet to meet, Dr. Kitterle, but clearly in the three we have seen so far each have distinguishing strengths that are very positive for us to examine. It will indeed be a difficult task making a choice among the four.

Secondly, the committee with regard to the Chief Information Officer for the University has provided me with a list of three names which are being invited to campus as we speak, and we should see them the beginning of next week. So I hope you'll make yourself available to see them. Thirdly, the process I've begun with Joe Walton assisting me in meeting with the faculties of engineering, fine & applied arts, and education is now complete. We have the faculty identified who will serve on those committees. We have the nominees for students, and we are in the midst of identifying, checking with the students that can serve and identifying the external dean and community members, so we should be able to proceed forthwith with those searches.

In case you missed it, the formal beginning of our new landscaping for learning took place on Tuesday and less visible was on Wednesday, Dec. 1. On Tuesday we had the ceremonial groundbreaking for the new Polymer Engineering building, very well attended. It was fit in at this occasion because this is the global salute to polymers and we wanted to be sure, with the presence of members of the American Chemical Society Rubber Division and others, that we were able to hold the groundbreaking at that time. We were particularly pleased that two members of a special family, the name I'm forgetting at the moment, had won the Goodyear Medal presented to our University, and it shall be held in the Polymer Science and Engineering building. So it was a very special day.

Also, on Tuesday we received the official notification from the city granting us permission to begin the construction of our student center, so over the next several days you will begin to see some activity along Carroll Street preliminary to temporarily closing that avenue for the construction purpose. There should already be a tanker stationed near the old power plant that will empty a fuel tank that's in there. Shortly thereafter, they'll begin some relocation of the various utilities that are located in that building and thereafter you will see the beginning of the demolition of that building.

When that demolition starts, Carroll Street will be closed for construction. There will still be access to the parking lot, but the street will be otherwise closed to traffic, and our staff are working on the appropriate detour signs for traffic. They're working with the Metro Transit Co. to ensure that the buses can be rerouted and schedules are rearranged. We are pleased that we are at this stage, and we have a number of additional steps to take at this point which will take considerable time.

First of all, the city granted us a permit for less time than we requested so we will need to seek an extension, because the total project period is expected to exceed 24 months and we were granted 18 months at the beginning. Secondly, we will still need to petition for the ultimate permanent closing, and that is a different step and a different set of transactions that need to take place. But the exciting thing is to recognize that we have formally begun. Things are now beginning, and you will then begin to see increasingly more and more activity. I was asking Senator Sterns about when his building is going to be vacated, and I believe he said..."

Senator Harvey Sterns said that their moving day would start January 10.

President Proenza continued:

"So in early January, Simmons Hall will begin to be vacated. Following that, there will need to be some internal work related to asbestos abatement, and then the actual tearing down of the building. At that point, sometime in the spring of this coming year, we'll begin construction on phase 1 of the student center. When that is completed approximately 12 to 18 months later, the current student center will need to be torn down and construction on phase 2 joined with phase 1 will begin. Other things we'll begin to see - the Arts & Sciences building will commence construction in the spring. We have a whole host of things and the exact itinerary is still alluding me because there are so many things to keep in mind, but I'm just very excited that we are beginning that process of really transforming our campus.

We are also going to be beginning some additional sets of television spots to continue to tell the story. The first one, as you know, was to feature the new landscape for learning. We wanted to roll out that new master plan, that new vision for the campus itself, and we've done that. We are now going to be working to construct a series of spots to tell the story of your excellence. We're not sure how that's best done. We know we can't do a spot on ten colleges, and 73 spots on 73 departments. We have to try to craft some means of collectively telling the story, and at first blush we're going to try on for size the clusters approach that we described during the retreat that we held. We'll be meeting with some of you to begin to finesse that. So you'll start seeing some discussion, and please feed your input in because we want to do a good job."

Senator David Ritchey wondered who would be writing and producing these.

The President answered:

"We are going to recommend that we be assisted by an agency as we were in the preceding, but I've asked Paul Herold and Beth Sampsel to involve your good school and such others who would like to volunteer. We have had one person come forward who's had exceptional experience in a major marketing firm in Los Angeles, and just call Paul if you have an idea and get yourself involved. But your school is going to play an important role, I'm sure.

Next on the agenda, I think you're aware that we've begun to have information meetings on the rollout of the Mercer plan. That's in keeping with the schedule that's required by the rule filing, etc. I hope that you're apprised of that. Of course, this impacts staff, and those of you should have hopefully already had a conversation with your supervisors.

In a substantive way, the last thing I want to mention is the article that appeared in the paper yesterday regarding the University's position with the Knight Center. The article was factually incorrect. We have not withdrawn from the Center. We have filed effective today a notice of intent to withdraw. Our General Counsel can give you more detail, but I guess it is very important for you to understand the difference because it is a matter that is required by the contract that was signed in 1992 and which our Trustees have found that we are basically out of compliance with the requirements of that contract. This is a matter of failure to comply with the contract.

It has been alleged in the newspaper that this is a political issue - let me assure you, it is not. It certainly involves political figures. The Chairman of our Board of Trustees is also Chairman of the Summit County Republican Party. In that role, he is very much a political figure. The Mayor is a political figure because he's an elected person. The County Commissioner is equally a political person. The matters before the University are not political issues, ladies and gentlemen, and I am tired of telling the press that and not having them understand that.

But let me be very clear to this group that I have not been in a single meeting with any member of the Board of Trustees individual or collective, private or public, in which this has been made into anything other than a contractual issue. The failure of the city and the county to honor an agreement that was made in 1992 is the issue. The University as a public body entrusted that the citizens of Ohio through the Board of Regents can simply not participate in its fiduciary responsibility in the absence of compliance with that original agreement. We have therefore communicated that absent that empowerment, we are not in a position to continue and we have served them notice of our intent to withdraw. According to the original contract, a year's notice is given. We had given them 60 days to comply; we gave them an additional 60 days. That 60-day period is over; at that point General Counsel was empowered by the Board of Trustees to notify the relevant parties of our intent to withdraw.

Let me make one other comment - the original agreement was signed both by Mayor Don Plusquellic and by County Commissioner Davis. The negotiations that began much earlier this year had the general counsels for all three parties agree that the agreement needed to be in effect compliantly. A member of Mayor Plusquellic's staff signed an agreement on behalf of the city; that agreement was then withdrawn. It had not been signed obviously by the County Commissioner. So if anybody tells you this is political fighting, it's not at the University. Literally, we have absolutely no interest in any aspect of managing that Center. I've said so publicly and will continue to say that what you read in the paper was factually incorrect, at least in the headline. Subsequently, it did say some other things that were accurate, but the suggestion of 'politicized' may be downtown, but it isn't here.

Lastly, I wish you a very happy holiday and am happy to accept your questions."

There were no questions for the President.

EXECUTIVE COMMITTEE - Secretary Oller said that in the interest of time he would not give a report. There was one issue that he would like to bring the body up to date on, but he would wait until good of the order.

UNIVERSITY WELL-BEING COMMITTEE - Mr. Al Lieberman, the Chair, reminded the body that attached to today's agenda had been the Committee's smoking policy draft (**Appendix A**), and he moved its acceptance. The Chair asked for any questions.

Senator Bill Lyons asked whether or not this was required by state or federal law.

Mr. Lieberman responded that Governor Taft had issued an executive order banning smoking in all state-owned and state-leased buildings. Therefore, this really did comply with Governor Taft's executive order. Although he understood that some smoking was prohibited in some areas in buildings on campuses, this draft really eliminated smoking in all buildings. People could still smoke on the grounds, but not in the buildings.

Senator Lyons added that he had asked because he worked in Olin Hall, and anybody who worked there knew, that the doorways were a cancer hazard as well as a litter hazard. He was concerned with the lack of any enforcement mechanism here.

Mr. Lieberman noted that there was some enforcement under the Manager of the University Dept. of Environmental and Occupational Health & Safety. The Committee had realized that her department was understaffed, and it was very difficult for her to enforce it, but there was some mechanism for it.

Senator Lyons replied that the sanctions were missing. It basically relied on thoughtfulness, consideration, and cooperation. That did not seem to him to be an enforcement policy.

Mr. Lieberman answered that the Committee had not gone into penalties, sanctions, and so on. That might be something for this group to consider.

Senator Tim Lillie had a question to clarify. One of his constituents had called him about this policy. She was in favor of it as was he, even though he was an ex-smoker. Something that she had said had confused him relating to the Committee deciding a certain distance from an entrance to a building which smokers had to maintain. She had thought that 30 feet was really good. He did not see this in the proposal and was wondering whether this would be a place where one could get arguments that 25 feet was far enough.

Mr. Lieberman said that the Committee had discussed this. One of the other items which it had discussed was recommending not smoking at all on University grounds. Committee members decided that this was really not realistic. As far as distance, he noticed that when he drove to the University down High St. for instance, he could see the state building and all the people standing right outside the door. The Committee did not want people smoking in the vestibules. If they did, it was very difficult not to breathe the smoke unless you held your breath until you got inside the building. But the Committee ultimately decided that it just could not come up with an exact number of feet.

Since there were no further questions, **the body voted on endorsing the Committee's motion to control smoking on The University of Akron campus.** The body voted its approval with one nay vote.

ACADEMIC POLICIES AND CALENDAR COMMITTEE - Mrs. Nancy Stokes, the Chair, reported that the Committee had two action items to present. The first item was the approval of the academic calendar for 2000-2001 and the preliminary calendar for 2001-2002 (**Appendix B**). Both had been approved by APCC. There were two points of information. First, Saturday classes would be held on Labor Day weekend. The only day that classes were cancelled would be on Monday, September 4, as was reflected on the calendar. Second, on the afternoon of May Day, classes were cancelled beginning at noon (triple asterisk) and for the remainder of the day and evening.

The Chair said the motion to approve the calendar was now open for discussion.

Senator Charlene Reed asked whether Veterans Day on the 2000-2001 calendar was supposed to say Saturday.

Senator Richards answered that Veterans Day was always on the 11th, but on our calendar it was a Monday holiday for the staff who got the day off. Secretary Oller said for clarification purposes that they would actually be getting off on the 13th and Senator Richards said that this was correct.

Senator John Hebert raised an issue and wondered whether the Committee had considered it. At the retreat the possibility of modularization of the curriculum had been discussed, and the idea of the calendar had come up. If one looked at it, the fall term had 16 weeks, but with vacations and other things in there it turned out to be about 15. If we shortened the winter break to three weeks and shorten the spring semester to 15 weeks, we could actually create almost a tri-semester system. It would have 16 weeks in the fall, a 3-week break, etc., and the major point would be that we could have a 15-week session with a break after the spring and a break before the fall, and it would accommodate both 15 and 5-week types of courses all through the year.

He did not think that there had been many changes in the calendar over the 20 years that he had been here. It had been pretty much the standard old thing. He thought that this was the sort of thing that we should start to think about for future schedules. He was particularly interested in this having taught in intersession. It was very difficult to squeeze a whole 15-week course into 4 weeks. It was pedagogically unsound, and we needed to adopt a different approach. Having already sent this idea to the Provost's office, he also offered it for the body's consideration.

Mrs. Stokes asked that he send it to the APCC. Associate Provost Jean Blosser stated that the Provost's office had already created the memo to send to APCC. Mrs. Stokes said that it was too late for 2000-2001, but the Committee could certainly consider it for the 2001-2002 preliminary calendar.

Senator David Louscher raised a point of order on the germaneness of this discussion. Also, if the issue was going to be debated whether we were going to have 4-week, 8-week, or trimester programs, as this was a far larger academic issue than scheduling. He called for a vote on the calendar motion.

The Chair called for a vote on approval of the 2000-2001 and preliminary 2001-2002 academic calendars. The body voted its approval.

Mrs. Stokes then presented the second action item. This was an amendment to the Faculty Manual relating to the awarding of the emeritus status. A question had been raised about this in APCC. The Faculty Manual currently provided for the awarding of emeritus status but offered no criteria or procedure by which this status was awarded. The Committee therefore recommended a change to section 3359-20-037 A (1) of the Faculty Manual. It currently read: "Each department shall have a set of criteria and procedures concerning initial appointment, reappointment, tenure and promotion." **The amended language would read: "Each department shall have a set of criteria and procedures concerning initial appointment, reappointment, tenure, promotion, and emeritus status."**

Since there was no discussion, the body voted its approval.

CURRICULUM REVIEW COMMITTEE - Associate Provost Jean Blosser stated that a list of the current proposals that were available for University-wide review (**Appendix C**) had been handed out. Most of them had a date of some time in January or early February for the last possible objection to be submitted. At that time she would bring the list to the first meeting in February for Faculty Senate approval. She also wanted to recognize her student assistant, Jignesh Shah, who oversaw the computerized system, because she appreciated his work.

Senator Dolli Markovich asked whether those proposals that had already matured would still wait until February.

Associate Provost Blosser answered that the six or seven that had matured would get Provost office approval and then be brought to Faculty Senate. With all of the searches and the holiday, etc., the Provost's office had not gotten to read all of the proposals. If there was a concern, they could probably do something in writing. Senator Markovich said that there was not. She had just wondered when those would be ratified by Faculty Senate. Associate Provost Blosser added that everything that could possibly be brought to the first meeting in February, they would bring.

CAMPUS FACILITIES PLANNING COMMITTEE - Senator Harvey Sterns, the Chair, reported that the Committee had had two meetings since the last meeting of the Senate, November 11 and 30. There were two primary issues that had come before the Committee - one concerned moving and planning of rooms. This was fully reported in his written report (**Appendix D**), because the Committee had done some very positive things by bringing issues up allowing interaction of the University leadership. A number of these issues had been solved through action. One of the things that had been of great concern over the last two meetings was a report and an appearance before the Committee of Jerry Stinner, Chair of the Biology Department, dealing with continuing delays of asbestos removal from the Auburn Science West tower. A major issue here concerned the fact that plumbing and electrical changes had prevented them from creating a research-appropriate atmosphere for a number of faculty. This was reaching a point where some people on their retention and tenure were saying that they had not been able to have a situation that worked for them. The Committee would be working and following up on this because it wanted to the Biology Department to continue to function. The issue was that major changes would not take place until 2004, so there had to be

some problem solving. There had also been a report on the computer and information systems which was in his written report, and there had been continuing discussion regarding the student recreation center.

Senator Sterns then presented a motion regarding space allocation from the Committee. In the written report, the motion incorrectly stated that Olin Hall 325 A-D would be reallocated to the Academic Achievement Programs. Associate Provost Blosser pointed out that this was a melding of two different discussions. Olin 325 A-D were being reallocated to Arts & Sciences Careers Program. Academic Achievement Programs had been discussed because Dr. Bradley McClain, its director, needed space for it. The correct motion was as follows: **"That the Faculty Senate supports the redesignation of Olin Hall 325A through 325D for the Arts & Sciences Careers Program."**

The Senate voted on the motion, and it carried.

FACULTY RIGHTS AND RESPONSIBILITIES COMMITTEE - See Appendix E.

UNIVERSITY LIBRARIES COMMITTEE - Dr. Katherine Hinckley, the Chair, reported that earlier this year the faculty of the University Library had completed a document regarding information competencies with the ultimate aim of having this included in the University's master academic plan. They had submitted it for review to the Libraries Committee in the form which had been handed out to the Senate (**Appendix F**). There had been no intent on the part of the Library to attempt to do this alone. What they had wanted to do was involve the faculty in helping students develop the ability to find, evaluate, and use information with a set of skills in which some were sadly lacking. The document was perhaps not as specific as it might be. The important points were the general goals labeled in boldface and numbered. The specific items attached to the bullets were to some extent simply illustrative.

The Libraries Committee did not think that its charge involved changing the document since it was the Library faculty's, but it had gone over it in general and generally did approve it. The Committee thought it would be best to submit the document to the Senate for possible action with the recommendation that it be referred to the Curriculum Committee. That would be the next logical step towards ultimately incorporating it into the master plan. They could be asked to report on possible specific recommendations or changes. The Committee's motion was **that the document on information competence be referred to the Curriculum Committee for further study and recommendation to the Senate.**

Associate Provost Blosser said that this would be a new type of referral to the Curriculum Committee, and it would have to talk about how it would deal with the referral. However, the General Education Advisory Committee at its one meeting this fall had decided that this was an area at which it wanted to look. That might be the more appropriate referral, or possibly it could go to both.

Dr. Hinckley had been informed that this had actually been taken before GEAC. Senate Chair Heinzerling had suggested to her that the Curriculum Committee was the next logical step. If the body thought that the logical place to refer it was GEAC, Dr. Hinckley would have no objection and would accept it as a friendly amendment.

Further discussion followed on whether or not to send the document to both GEAC and the Curriculum Committee. Dr. Hinckley added that it was also possible for the Senate to refer it back to the Libraries Committee for specific revision. It had not done so before because at that time it did not think it had the charge to do so.

Secretary Oller apologized to Dr. Hinckley because since he had been handing out the document to the body he had not heard the beginning of her presentation. He was somewhat confused about what this actually was. The Chair told him it was hoped that this would go into the master curriculum plan. Could someone please explain to him what the master curriculum plan was? He had heard of the master teachers academy and the University's master plan. This was the first that he had ever heard of the master curriculum plan, and he waited to be enlightened.

Dr. Hinckley feared that he had come to the wrong person. She had been informed that floating out there somewhere in the administrative ether was an academic master plan. She had been further informed that it was likely in view of the accreditation visits coming up that there would be some movement to actually vote in the Senate on this plan, wherever it might be.

Associate Provost Blosser said that what was being called the master curriculum plan was the master academic plan that all colleges had contributed to. It was her assumption that this had been worked on by the deans of all of the colleges in association with the departments in all colleges. It had been presented, discussed, and circulated throughout the campus in a number of ways. She had to admit that it had not been talked about since probably January or February of last year. Our terminology sometimes overlapped itself. The master academic plan was the academic initiatives that each of the colleges had worked on.

In the interest of time, Senator Lillie moved the previous question. There was still confusion over whether the motion was to refer the document just to Curriculum Review or to CRC and GEAC. Senator Sheryl Stevenson made a friendly amendment to add GEAC to the referral and this was seconded. The body then voted and approved the amendment. It then returned to the main motion which was now that the document be referred to both GEAC and CRC. The Senate voted its approval.

REPORT OF THE REPRESENTATIVE TO THE OHIO FACULTY COUNCIL - Mr. Robert Huff reported that the OFC had met on November 12, and Matthew Filipic, a representative from the Board of Regents, had given them a heads-up about the Baldrige system of evaluating and assessing educational programs. It was a system that was gaining a lot of popularity and interest in Columbus, and they thought OFC might want to be informed about it. The OFC had also had a very lively discussion about the mission and vision statement that he had distributed to this body at its last meeting. There had been a great deal of criticism that eventually led to a fairly constructive conversation. The Council was assured that the document was being revised. However, they were supposed to have received revisions before now which had not yet happened. Therefore, he would leave this issue as it was.

They also had continued their discussion about the relationship of faculty to the Boards of Trustees on the different campuses, and this was something that they would continue to discuss. Some campuses reported a very constructive relationship that had had a good impact on a number of things on their campuses. The domestic partners issue was one that the OFC continued to spend quite a bit of

time on. It again decided that a subcommittee would forward a statement of general support that could be endorsed by Faculty Senates from across the state and then brought back to the OBR. That statement was supposed to have been distributed before now. Since it had not, he thought that all this was going to be pushed back until after the first of the year. The Senate should, however, anticipate receiving a statement in one form or another in very general language expressing support for the concept of extending benefits to domestic partners. He had received a copy of the motion that this Senate had passed back in 1995, and in reviewing its language, he found that it was almost identical to what he had mentioned last month that was now in place at Ohio University. Most universities throughout the state had independently put forward one form of a statement of support for the concept. The situation was different on every campus; it was a very politically charged issue. Campuses that had collective bargaining had an entirely different situation. This was an item which was always on the table, and it was always used as a negotiating chip. Basically, any campus that was willing to stand up and support this in a very strong way had to give something else up. So there were different situations. He hoped that at the next meeting he would have a statement to distribute.

VI. UNFINISHED BUSINESS - There was none.

VII. NEW BUSINESS - There was none.

VIII. GOOD OF THE ORDER - The Chair said that she had two items on her agenda and asked Senator Lillie on behalf of the conflict of interest group to report on the first. Senator Lillie asked Senators Elizabeth Kennedy and Brant Lee to join him in the front of the room.

Senator Lillie began by reminding the body that this had been a very long process. Those members who had been around last year knew that in September of 1998 the Faculty Senate had begun considering the conflict of interest document. It had formed a committee consisting of Senators Lillie, Kennedy and twelve others who had spent a lot of time and effort to come up with a pretty good conflict of interest policy that would be workable and something that could be supported by the faculty. That policy had been nearly unanimously adopted by the Senate on Dec. 3, 1998, but as was discussed in the Senate's special meeting of October 21, 1999, this subject for a variety of reasons never went to the Board in the form that the Senate had approved. When all of this had been made clear at the special October 28 meeting, President Proenza had agreed very graciously that the Faculty Senate document of Dec. 3, 1998, would be used as a starting point and an interim policy which he would present to the Board for its approval. One thing that was a part of this policy was a provision for an annual review so that as rules and regulations changed, the Senior Research Officer, with the advice of the Faculty Senate and other bodies which had interest, would be involved in revising this document and keeping it up to date.

He and his two colleagues had spent 12 hours each in meetings with General Counsel Ted Mallo and Presidential Executive Assistant Becky Herrnstein. Those people were unfortunately no longer in attendance today because one of the things that he and Senators Kennedy and Lee wanted to do was to thank them publicly for their support, their cooperation, and their willingness to work with them. It was an extremely positive experience, and lots of progress had been made not only in the

conflict of interest document itself, but also in terms of building the bridges that they hoped would lead to a better relationship in terms of shared leadership or shared governance or whatever the preferred term was.

He wanted to talk about some of the areas of the document which had been concerns of the Faculty Senate and the faculty the first time around. The first was when one was "on the clock" and when one was "off the clock." This was something that was still not real clear, but he wanted to tell what their interpretation was. It was based on the assumption that all forms of outside activities that involved a time commitment at the expense of an employee's primary responsibilities to the University during an individual's employment contract had to be disclosed. Therefore, their interpretation was that if there were activities that one performed that were not at the expense of one's primary responsibilities to the University or not being done during one's employment contract, they did not need to be disclosed. They were in that case nobody's business. The General Counsel might take a slightly more stringent approach to interpreting that. So the body should be aware that this was an area in which there might be some further need for work. He and his colleagues wanted the body to know that they had agreed that there would at least at this point be different interpretations so that they could move forward with the rest of the document.

Senator Kennedy, in order to be a little more concrete, added that there was some dispute about what the work week was. Was it 5 days or 7 days? Did a 9-month contract mean a 12-month commitment? There were differing interpretations there.

Senator Lee reminded the body that the charge to them had been to work to make the Senate's document the interim policy with only those changes that were really legally necessary according to University Counsel. For the most part, what the administration would be recommending to the Board as the interim policy was basically the policy which the Senate had adopted. What they were highlighting here were changes where they couldn't quite make the University Counsel see their way and where some changes had been necessary to the original Senate document that were going to be matters of concern for the future.

Senator Lillie went on to say that they thought the point had been made that there was a difference between university time and other time. It was just that they were not sure where the line was yet. So that point was still something that they had supported. It had also appeared that in some of the earlier drafts, recording and permission of activities would have to go up to the Senior Research Officer for virtually everything. The draft could be read that way. They had pretty much maintained what was in the Dec. 3 document, which basically had three levels. The first level had activities that were routinely allowable without permission. These were not clearly defined so it was a fuzzy area. The second level was if one was really beginning to invest some time in activities that might potentially cause a conflict, one needed to go to one's department head or immediate supervisor and basically work out a plan that managed the conflict so that there would be no impact on one's primary mission. The third level was if one had a major time commitment or major money - an income producing consultancy - at which point that might have to go up much further in order for it to be managed. Essentially, this was what it was going to be in the interim policy. This was in line with data gotten both last year and this year relating to what occurred at other major universities including places like Stanford, Ohio State, and many other places. This seemed to them to be something that would be fairly reasonable.

In the version that they had there were no timelines that were clear on when the administration was supposed to complete a specific task, such as giving permission for an outside activity or turning one down for permission for an outside activity. They had retained timelines and had thought that it was important so that there was spelled out a clear amount of time between the time of the request and the response. So if there was a conflict, it could be worked through in a timely manner rather than just sitting someplace. In an earlier draft, the committee to resolve these issues was one that reported to the Senior Research Officer and was composed of three vice presidents or designees appointed by the Senior Research Officer, two faculty members, and one staff member. That committee would be appointed not only for conflict of interests or commitments, but for intellectual property or scholarly misconduct as well. They thought that was inappropriate and if there were going to be those things investigated, people who understood them and had expertise in them and did not have themselves a potential conflict of interest or commitment, ought to be on that committee. So instead of having a committee that was half appointed by the Senior Research Officer and made up of people who would report to that person, it now would be a committee that had to be made up of people who were independent in terms of their accountability.

Another area of confusion related to inventions and patents. They were still working on whether books were included, but that might come under intellectual property or someplace else. What they had done was make sure that there had been no feeling that perhaps it could be written in such a way that all inventions and patents belonged to the University no matter when they had been created. They had specified that this was not what it was; it was if you used university time.

Family members and disclosure had been another area of concern. The "family" for disclosure had been defined by means of the Ohio Revised Code nepotism policy which had included grandparents, cousins, aunts, uncles, brothers and sisters. If you were going to make a financial disclosure, you were supposed to disclose all of that. To his credit, at the very first meeting Mr. Mallo had said that they needed to work on that, and they had. Basically, they had come up with the family being defined in two different ways. The first way was for conflict of interest, conflict of commitment and nepotism, which was the nepotism kind of policy. The second way, for financial disclosure, was going to be the NSF immediate family, which was oneself, one's spouse, and one's dependent children. They had been informed that NSF might be changing that later, but that was how it was now so that financial disclosure would be more reasonable. It made sense in terms of nepotism to include that larger group of people.

They also thought that they had been successful in terms of understanding that this was not to prohibit people from doing things outside but to manage how they were being done. The tone was kept positive rather than the previous negative and somewhat accusatory one - you were presumed guilty until proved innocent. He finished by noting that these were the major points of concern to faculty and the Senate over the past year or so.

Senator Lee wanted to add that there had been some places where to his credit University Counsel had gone over the policy closely and had recommended changes that were actually to faculty's benefit. Changes like that had exemplified the kind of working relationship they had.

Senator Kennedy stated that the Senate's Dec. 3 document had been relatively well preserved, and they had enjoyed a good relationship with the administration and General Counsel. In addition to the issue of when one was on the clock, she wanted to mention part-time faculty disclosure which was coming. The indication that they had received had been that part-time faculty would be expected to

file reports and to disclose. She wanted the body to be aware of this. Everyone in the group who had worked on the document felt very good about it. It would be going forward to the Board at the Dec. 8 meeting and was going directly to the rules committee of the Board.

Senator Lillie said that it was their understanding that the President was going to ask the Board to substitute the new document for the one that was sitting there now that had been tabled. The proof of all of this was going to be in the application. They had worked hard to preserve the Senate's charge, which had been to take this document and go forward with it. It did need some changing and updating. They wanted to see whether it would occur and how it would occur. They waited to see what kind of mechanism the administration would put into place for actually implementing disclosure. If it was burdensome or full of petty regulations that went beyond what they had thought they had done, that would tell us one thing. If it was not, then that would be very positive. In the end, the Faculty Senate and its representatives had done all that they could, and now it was up to the administration and the Board.

KORF
Senator Charlene Reed asked whether, since the meetings of the Board and its committees were public, any or all of the three of them would be attending those meetings and hearing firsthand what the reactions would be. ~~Senator Lee replied that he would be there.~~

Senator Kennedy reminded the body that its original document had also contained a principles statement along with an annual disclosure form. These had not been covered in the current committee. When they had asked about it they had been told that the administration was going to take over the creation of that. They described it as a revision of the form which the Senate had created.

Senator Sterns was interested a great deal in the question of the summer, yet they said that this had not been resolved.

Senator Kennedy answered that the parties had agreed that each had its own interpretations on this and had moved on. Senator Lillie said that their interpretation was if one was on a 9-month contract, that meant nine months. Senator Kennedy added that was not how the administration was viewing it.

Senator Lee said that this was one issue that was going to come back. It was going to be a stickler, and there were not any illusions that it had been settled. However, they had been able to get language that they could think was the right language and could support.

Senator Lillie thought also that the President's support in this had been obvious. The meetings had worked well most of the time. There had been one in which they had problems because they had exceeded the room's rating for lawyers. However, they had gotten beyond that. After people there understood that they were going forward with their charge, and if things could not be handled in a reasonable way, they would have to go back to the Senate and say that, it helped a lot. They then had gone forward, and it had been a matter of mutual respect, and he thought they had received it.

There were no further questions for the three Senators. Senator Mary Konkel thought that they should all get medals of honor or gold stars for putting in that hard work. The body showed its appreciation with a round of applause.

Senator Reed had an item for the body. As members knew, she was one of the contract professional representatives to Senate, and Senator Markovich was a staff representative. As the President had mentioned in his remarks, the Mercer study general framework and information was becoming known. Because of that, she and Senator Markovich, as well as others, had been getting a lot of concerns from employees. Although they did not want to discuss the merits of those recommendations here, they wondered whether they could ask that those recommendations be shared with the University Well-Being Committee and have the Committee look at the process of the Mercer study and report back to Senate.

Secretary Oller reminded the body that motions could not be made during the good of the order. However, there was a staff member on University Well-Being who was quite able to ask the Committee to do what Senators Reed and Markovich were requesting.

Secretary Oller also had an item to raise. As some members might remember from one of the President's presentations a couple of months back, the present Planning and Budgeting Committee as it had been operating over the past three years had never been formally approved by the Board and did not exist in University bylaws and rules. What was there was the old Long Range Planning Committee and Budget and Planning Coordination Committee that had been created at the time that the Faculty Senate had been created back in 1994. Some members who had been on the Senate in 1996 might remember that we had merged those two committees, had come up with the proposal for a new committee, and had presented to the President (Ruebel), who had gone ahead and accepted it. But for reasons of his own, he never went to the Board with it. However, we had been operating with the new committee procedure.

Now NCA would be coming in the spring, and one of the things they had asked us to have in place was a clear planning process and procedure. This related to the difficulties that had occurred back in 1995 and 1996. In order to try to deal with this, the Executive Committee first raised this with President Proenza about a month ago, and he suggested that Secretary Oller, representing the Executive Committee and the Senate, meet with him, Presidential Assistant Becky Herrnstein, and Mr. Mike Sermersheim from Legal Affairs to see how this could be dealt with in as quick a fashion as possible.

Secretary Oller had met with them twice so far, and, although he had not yet seen a final version, it looked like this was how it was going to go. The President, again being gracious as he was with the conflict of interest policy, had agreed to accept what was now functioning as an interim policy while we continued to think about the ways in which we might want to plan. He wanted a few changes made; he did not think that it was appropriate for him to chair a committee which was going to be making recommendations to him. The way this was written right now, the President chaired the committee, so that would be changed. The Committee also had a Board member on it, which he did not think was appropriate either, and that would be changed. The Committee would pretty much be as it had been operating the past three years, but now with the Provost chairing it or the vice chair who was elected from the senatorial members of the Committee. Another change that would probably be recommended related to the fact that right now the members went off every year; it was a one-year membership. That had led to problems because there was no continuity, and people did not remember from one year to the next what had been going on. What we might want to do here was what had been done when the Senate had first gotten started, which was to create a situation where every year one-third of the membership would change. That was easily handled; the problem was that what you

might wind up with were members on the Committee finishing out their 3-year terms who were no longer Faculty Senators. That was something we might have to deal with down the road in discussions, but what he wanted to let members know was that the President was going to basically keep in place the planning process which was already in operation.

Secretary Oller went on to say that the President had one other suggestion that he wanted to make, a charge which the Committee was already involved with, which was looking at other ways of doing budgets other than incremental budgets. He named a few different procedures that he wanted the committee to look into as possible other directions to go. But for the moment we would have the planning and budget process as the Senate approved it with these few minor changes. The President probably would take this to the Board early next year after something was gotten clearly in writing. Since the Senate approved the original proposal for this - albeit three years ago - and it had gone to the President, the President had the right to modify or change anything that the Senate sent him as a recommendation before taking it to the Board. These changes that the President was recommending in effect represented that.

Secretary Oller concluded by saying that he had wanted the body to know what was happening on this. When there was a formal document that would be presented to the Board, the Executive Committee would certainly make sure that the Senate saw it. (The version of the Conflict of Interest Policy that ultimately was submitted to the Board of Trustees is contained in **Appendix G.**)

IX. ADJOURNMENT - The Chair asked for a motion to adjourn. It was given, seconded, and then approved by the body. The meeting ended at 5:15 p.m.

Transcript prepared by Marilyn Quillin

**UNIVERSITY WELL BEING COMMITTEE
DRAFT
CONTROLLED SMOKING POLICY**

November 1999

The University of Akron recognizes the need to create and maintain an environmental quality that sustains and enhances the health and general well being of the University community.

Position

- It is the policy of The University of Akron to prohibit the smoking of tobacco in those areas where non-smokers will be affected.
- All buildings, entrances to buildings, parking decks, foyers, enclosed walkways, and vehicles, owned or leased by the University of Akron will be entirely smoke-free. The smoke-free policy will apply to all indoor air space.
- Outdoor public seating areas in University athletic facilities will be smoke free.
- Residence halls are considered private living spaces where the occupants, in accordance with existing Residence Hall rules and policies, will make smoking decisions.
- The sale of cigarettes or other tobacco products in campus buildings and facilities is prohibited.
- Unless specifically prohibited by this policy, smoking is permitted outdoors. Smokers who choose to smoke outside shall not smoke near building entrances and will properly dispose of smoking materials.

Enforcement

This policy relies on thoughtfulness, consideration, and cooperation of smokers and non-smokers for its success. It is the responsibility of all members of the University community to observe this policy and these guidelines.

In disputes over the policy, the rights of the non-smoker shall take preference.

The Manager of the University Department of Environmental and Occupational Health and Safety shall enforce this policy. The enforcement officer, in cooperation with deans, department and unit heads, shall ensure that the policy is communicated to the University community.

The Vice President for Administrative Services shall see that appropriate signs are displayed throughout the campus indicating the University's smoke-free policy. Ashtrays shall be removed from all building entrances, foyers, hallways and parking decks. Ashtrays may be placed in any outdoor space where smoking is permitted.

		Preliminary
FALL SEMESTER	2000-2001	2001-2002
Day and Evening Classes Begin	Mon., August 28	Mon., August 27
Labor Day* (Day and Evening)	Mon., September 4	Mon., September 3
Veteran's Day (Classes Held, Staff Holiday)	Sat., November 11	Mon., November 12
Thanksgiving Break **	Thurs.-Sat., November 23-25	Thurs.-Sat., November 22-24
Classes Resume	Mon., November 27	Mon., November 26
Final Instructional Day	Sat., December 9	Sat., December 8
Final Examination Period	Mon.-Sat., December 11-16	Mon.-Sat., December 10-15
Commencement	Sat., December 16	Sat., December 15
Spring Intersession	Sat.-Sat., December 30- January 13	Sat.-Sat., December 29- January 12
SPRING SEMESTER		
Day and Evening Classes Begin	Tues., January 16	Mon., January 14
Martin Luther King Day*	Mon., January 15	Mon., January 21
President's Day	Tues., February 20	Tues., February 19
Spring Break	Mon.-Sat., March 19-24	Mon.-Sat., March 18-23
May Day***	Fri., May 4	Fri., May 3
Final Instructional Day	Sat., May 5	Sat., May 4
Final Examination Period	Mon.-Sat., May 7-12	Mon.-Sat., May 6-11
Commencement	Sat., May 12	Sat.-Sun., May 11-12
Summer Intersession	Mon.-Sat., May 14-June 9	Mon.-Sat., May 13-June 8
Commencement/Law School	Sun., May 20	Sun., May 19
SUMMER SESSION 1		
First 5-Week and 8-Week Sessions Begin	Mon., June 11	Mon., June 10
Independence Day *	Wed., July 4	Thur., July 4
First 5-Week Session Ends	Sat., July 14	Sat., July 13
SUMMER SESSION 2		
Second 5-Week Session Begins	Mon., July 16	Mon., July 15
8-Week Session Ends	Sat., August 4	Sat., August 3
Second 5-Week Session Ends	Sat., August 18	Sat., August 17
Commencement	Sat., August 18	Sat., August 17
FALL SEMESTER		
Classes Begin	Mon., August 27	Tue., September 3

* Classes canceled (day and evening)

** Classes canceled from Wednesday at 5:00 p.m. through Monday at 6:50 a.m.

*** Classes canceled beginning at noon

Faculty Senate Meeting December, 2nd 1999

Curriculum Proposals Available for University wide Review

Arts & Science

Proposal Number	Dept.	Proposal Title
AS-00-01	Sociology	
AS-00-04	Chemistry	B. S. in Chemistry with Polymer Option
AS-00-06	Sociology	Sociology Ph.D. Program Change
AS-00-08	History	3400:301 , Revolutionary China
AS-00-09	History	Imperialism in East Asia, 19 th and 20 th centuries
AS-00-10	History	3400:392, Internships in History
AS-00-11	Chemistry	Change in the Requirements for the Bachelor of Science and Bachelor of Arts Degree program
AS-00-12	Sociology	Sociology Ph.D Program Change
AS-00-13	Deans	Change department course number for Women's Studies Program
AS-00-14	Deans	Change department course number for Pan-African Studies Program
AS-00-15	Chemistry	Revision of the Requirements for the Bachelor of Arts Program in Chemistry
AS-00-16	Chemistry	Ph.D. in Chemistry: Interdisciplinary Option in Chemical Physics
AS-00-17	Biology	Biology-Ecology/Evolution specialization
AS-00-18	Biology	BA in Biology
AS-00-19	Biology	Freshwater Ecology, plus Laboratory
AS-00-20	Biology	Immunology 3100:437/537
AS-00-21	Biology	Applied Aquatic Ecology, 3100:426/526
AS-00-22	Biology	Advanced Ecology
AS-00-23	Biology	Aquatic Ecology
AS-00-29	Poli Sci	Addition to MAP electives
AS-00-30	Math	Program Change for Computer Science
AS-00-31	Math	Delete Business Option (Computer Science, Option II)
AS-00-32	Math	Computer Science Course Additions
AS-00-33	Math	Course Description Change - Applied Systems Programming
AS-00-35	Mod	
AS-00-36	Mod Lang	German major
AS-00-37	Geology	Caves and Reefs
AS-00-43	Geography	History of Urban Design and Planning
AS-00-44	Geography	Development of American Planning
AS-00-45	Geography	Methods of Planning Analysis I
AS-00-46	Geography	Methods of Planning Analysis II
AS-00-48	Poli Sci.	Addition of Law and Society Course to undergraduate contract
AS-00-51	English	New Minor in Popular Literature and Film
AS-00-55	Canad	Independent Study in Canadian Studies
AS-00-56	Geography	Introduction to Planning

Business Administration

<u>BA-00-01</u>	Marketing	Certificate in Global Sales Management
<u>BA-00-02</u>	Marketing	Minor in Global Selling
<u>BA-00-04</u>	Marketing	MBA Program change- Concentration in Global Sales Management
<u>BA-00-05</u>	Marketing	Change Sales Management Major- Add Global Selling as elective
<u>BA-00-06</u>	Marketing	Sales Management 6600-580 prerequisite change
<u>BA-00-07</u>	Marketing	Professional Selling Certificate - Add elective
<u>BA-00-08</u>	Marketing	Sales Management Minor - add elective
<u>BA-00-09</u>	Marketing	International Business Minor - Add elective
<u>BA-00-10</u>	Marketing	International Business Certificate - Add elective
<u>BA-00-11</u>	Marketing	Retail Marketing Certificate
<u>BA-00-12</u>	Marketing	Marketing Management Major
<u>BA-00-13</u>	Marketing	Consumer Marketing Minor
<u>BA-00-14</u>	Marketing	6600:390 - Principles of Supply Chain Mgmt (previously Marketing Channels)
<u>BA-00-15</u>	Marketing	6600:440 Product and Brand Mgmt (previously: Product Planning)
<u>BA-00-16</u>	Marketing	6600:350 Integrated Marketing Communications (old: Advertising)
<u>BA-00-17</u>	Marketing	6600:540 - Product and Brand Management (Old: Product planning)
<u>BA-00-18</u>	Management	6500:651 Productivity & Quality of Work Life
<u>BA-00-19</u>	Accounting	6200:250 Computer Applications
<u>BA-00-20</u>	Accounting	6200:301 Cost Accounting
<u>BA-00-21</u>	Accounting	6200:320 Accounting Cycles and Financial Statements
<u>BA-00-22</u>	Management	6300:301 Entrepreneurial Management and Operations
<u>BA-00-23</u>	Management	6300:330 Financing New Ventures
<u>BA-00-24</u>	Management	6300:450 Business Plan Development
<u>BA-00-27</u>	Finance	Financial Services Program - new course
<u>BA-00-28</u>	Finance	Minor in Financial Services for Non-Bus Major - new electives
<u>BA-00-29</u>	Management	6500:435 Quality Mgmt and Control
<u>BA-00-30</u>	Marketing	Joint IB/Mechanical Engineering Program Change
<u>BA-00-31</u>	Marketing	Joint IB/Chemical Engineering Program Change
<u>BA-00-34</u>	Marketing	International Business Major Program Revision
<u>BA-00-35</u>	Finance	6400:633 Name Change: Mgmt of Financial Institutions
<u>BA-00-36</u>	Finance	6400:647 Name Change: Derivatives
<u>BA-00-37</u>	Management	Minor in Entrepreneurship - Program Change
<u>BA-00-38</u>	Accounting	6200:530 - Taxation I (course change)
<u>BA-00-39</u>	Accounting	6200:670 Cost Concepts & Control (course change)
<u>BA-00-41</u>	Management	6500:645 Adv. Mgmt. Info Systems
<u>BA-00-42</u>	Management	6500:644 Managerial Decision Support & Expert Systems

<u>BA-00-43</u>	Management	6500:641 Data Mgmt. & Comm.
<u>BA-00-46</u>	Management	BSIM (IS Mgmt) Program Change
<u>BA-00-47</u>	Management	BSIM (Production/Operations Mgmt) Program Change
<u>BA-00-48</u>	Management	BSIM (Materials Mgmt) Program Change
<u>BA-00-49</u>	Management	BSIM (Human Resources Mgmt) Program Change
<u>BA-00-50</u>	Management	BSIM (Industrial Accounting) Program Change
<u>BA-00-51</u>	Management	6500:302 Organizational Behavior
<u>BA-00-52</u>	Management	6500:412
<u>BA-00-53</u>	Management	6500:455
<u>BA-00-56</u>	Management	Management Minor - program change
<u>BA-00-57</u>	Management	Minors in Management - new program

Community & Technical

<u>CT-00-01</u>	Bus Tech	Computer Information Systems Programming Specialist Option
<u>CT-00-02</u>	Bus Tech	Computer Information Systems Microcomputer Specialist Option
<u>CT-00-03</u>	Bus Tech	Computer Information Systems Programming Specialist with a Pre-Business Option
<u>CT-00-04</u>	Bus Tech	Computer Information Systems Microcomputer Specialist with a Pre-Business Option
<u>CT-00-05</u>	Bus Tech	Hospitality Management Restaurant Management Option
<u>CT-00-06</u>	Bus	Hospitality Management Hotel/Motel Management Option
<u>CT-00-07</u>	Bus Tech	Hospitality Management Culinary Arts Option
<u>CT-00-08</u>	Eng. & Sci.	Surv. & Cost. Engin. Tech. AAS (E&S Tech.)
<u>CT-00-09</u>	Eng. & Sci. Tech	B.S. Degree in Surveying & Mapping Technology (BSSMT)
<u>CT-00-10</u>	Eng. & Sci.	BS, Construction Engineering Technology ,Eng. & Sci. Tech. Dept
<u>CT-00-11</u>	Eng. & Sci.	Certificate in Surveying Technology (E&S Tech.)
<u>CT-00-12</u>	Eng. & Sci. Tech	General Technology (Eng. & Sci. Tech.)
<u>CT-00-13</u>	Eng. & Sci	AAS Electronic Engineering Technology
<u>CT-00-15</u>	Eng. & Sci. Tech	B.S. Automated Manufacturing Engineering Technology
<u>CT-00-16</u>	Bus	Office Administration - International Secretarial Option
<u>CT-00-17</u>	Bus Tech	Office Administration - Administrative Assistant Option
<u>CT-00-20</u>	Publ	Current Topics in Criminal Justice
<u>CT-00-22</u>	Publ Svc Tech	Educational Technology
<u>CT-00-23</u>	Publ Svc Tech	Community Services Technology: Alcohol Services Option
<u>CT-00-24</u>	Publ Svc Tech	NEW Certificate Program name: ADDICTION SERVICES
<u>CT-00-25</u>	Publ Svc Tech	In Minor Areas of Study, add Addiction Services
<u>CT-00-26</u>	Publ	General Option (Criminal Justice Technology)
<u>CT-00-27</u>	Publ Svc Tech	Security Administration Option (Criminal Justice Technology)

CT-00-29	Publ Svc Tech	Public Service Technology (Criminal Justice)
CT-00-30	Asse Studies	Introduction to Technical Math
CT-00-31	All	Surgical Technology Program
CT-00-32	Bus Tech	Office Administration - Medical Secretarial Option
CT-00-33	Bus Tech	Office Administration - General Office Assistant
CT-00-34	Bus Tech	Business Management Accounting Specialist Certificate
CT-00-35	Bus Tech	Business Management General Business Certificate

Engineering

EN-00-04	Chem	Biotechnology Specialization Certificate
EN-00-10	BE	Special Topics in Biomedical Engineering
EN-00-12	EE	Prerequisite changes
EN-00-16	EE	Course Deletion: Fault Tolerant Computing
EN-00-18	Chem	Course Change: Process Design II (was Plant Design)
EN-00-19	Chem	Course Change: Process Design I (was Process Design)

Fine & Applied Arts

FAA-00-11A	Art	Deletions to restructure studio course offerings
FAA-00-13	Communi	Media History Minor
FAA-00-14	Communi	News Minor
FAA-00-15	Communi	Mass Media Production Minor
FAA-00-16	Communi	Mass Communication Minor
FAA-00-20	Communi	Interpersonal and Group Communication Minor
FAA-00-21	Communi	Organizational Communication Minor
FAA-00-22	Communi	Public Relations Minor
FAA-00-23	Communi	Public Communication Minor
FAA-00-24	Communi	Change in Entrance Requirements/School of Communication

Nursing

NU-00-01	Nursing	International Nursing course name change
NU-00-02	Nursing	International Nursing course name change
NU-0023	Nursing	Integrate 8200:445 into 8200:450
NU-0024	Nursing	Integrate i200:445 into 8200:450

Wayne College

WC-00-01	Wayne	Computer Service and Network Technology
WC-00-02	Wayne	Personal Computer Repair Certificate
WC-00-03	Wayne	Computer Service and Network Technology
WC-00-04	Wayne	Business Management Technology-Data Management Option: Networking Emphasis
WC-00-05	Wayne	Business Management Technology - Data Management Option: Software Emphasis
WC-00-06	Wayne	Network Management Specialist Certificate
WC-00-07	Wayne	Information Processing Specialist Certificate
WC-00-08	Wayne	Health Care Office Management
WC-00-09	Wayne	Business Management Technology - General Option
WC-00-10	Wayne	Business Management Technology - Accounting Option
WC-00-11	Wayne	Business Management Technology - Sales and Services Option
WC-00-12	Wayne	Office Administration - Health Care Administrative Assistant Option

REPORT OF THE CAMPUS FACILITIES PLANNING COMMITTEE OF THE FACULTY SENATE

The Campus Facilities Planning Committee has had two meetings, November 11 and November 30, 1999.

On November 11, Dr. Robert Lord, chair of the Psychology Department presented the Committee with his concerns relating to planning for future moves, especially as the moves from Simmons were only the beginning of a whole series likely over the next few years. He felt that there was a lack of co-ordination, that there ought to be a time line and logistic plan and that especially there needed to be a specific person to whom to go for information.

Discussion in general agreeing with this viewpoint followed. Lin Chyi stated that in their move some years ago equipment had been damaged which had never been repaired. He also suggested that the Committee needed to develop and/or review a checklist of moving issues. Harvey Sterns talked of the problem of the Counseling office, which had to fight not to be moved before the end of the semester. Ken Dunning pointed out that when CBA moves had been planned, the movers had just taken over, making the plan irrelevant. Walt Yoder asked that there be a set of general guidelines developed and a "moving Czar" appointed.

Ramesh Vakamudi in reply stated that the office of Special Services in Physical Plant was responsible for moves. It was also under the jurisdiction of Vice President and University Architect Ted Curtis. He would speak with Ted Curtis and Laurie Madden about this problem and relay to them the suggestions of the Committee then report back.

On November 30, the committee followed-up on issues related to departmental moves and planning. Harvey Sterns wanted to publicly commend Ramesh Vakamudi for his immediate action on moves-related issues regarding Simmons Hall demolition. A meeting was arranged for the next day for George Young and Jim Haskell to meet with the Psychology department faculty. A moving date has been arranged for January 10 or after. Boxes and other packing supplies have been brought to the department. It was noted however, that the Counseling, Testing and Career Center is being asked to move before the end of semester.

The committee had extensive discussion regarding moves and move planning. It was suggested that there was a need to develop formal checklists, process and procedures for moves with triggers and timelines. It was considered important to take into account the unique needs of special areas and the movement of sensitive equipment. It was felt that we need to develop people who are experienced move organizers who can facilitate the moving process in the future as the next years will have many moves and changes.

On November 11, Dr. Jerry Stinner, Chair of the Biology Department spoke about the continual delays of asbestos removal in the ASEC West tower. They had been told in 1994 that a move was imminent. This date and the plans for moving the department had been continually changed and now the project was not scheduled until 2004 -2005. In the meantime they could not open the walls to deal with plumbing leaks, or make changes in telephone lines. Also over 50 ceiling tiles were missing with possible effects on respiratory health.

Helen Qammar asked if Biology had approached Ms Calderone's office to ask for continuous monitoring of the air for possible problems. Dr. Stinner said that he would do so. Others in the Committee urged that all potentially affected members of the Department should put in Safety Complaint Forms to Ms Calderone's office. Ramesh Vakamudi reviewed the history of the delay in the Biology department project. The original idea of doing it floor by floor was reviewed by consultants who told the University that CSU had used this method and it had cost twice as much. It had also made the University liable to litigation. The idea now was to develop swing space for Biology in the projects for modifying the parking area under Auburn Science, which included Library space and lab and classroom space. Once these projects were complete (by 2003-4) Biology could move. Harvey Sterns pointed out that this did not deal with the short-term problems of maintenance in the building. Lin Chyi added that Biology was a major user of radioactive substances and this was an additional maintenance issue. Helen Qammar stated that prioritizing the problems could be helpful.

Ramesh Vakamudi said that he would take these short-term safety and maintenance issues back to Ted Curtis and would again report back to the Committee. The Committee agreed to take no action until they had heard that report.

On November 30, the committee had a follow-up discussion to the issue of asbestos abatement. Ramesh Vakamudi reported that the issues of asbestos abatement had been called to the attention of Dave Pierson who will follow-up. Discussion revealed that some individuals were reporting that their research was not progressing

due to the inability to make plumbing or electrical revisions. A number of faculty mentioned these concerns as part of their retention, tenure, and promotion considerations. The committee will continue to monitor progress on these issues.

On November 11, Liz Erickson presented the report of the Subcommittee for Dave Buchthal who could not be present. A meeting had been held with Rod Marshall, newly appointed Interim Associate Vice-Provost for Information Services. Rod Marshall had stressed the need for more open public computer labs. Labs should be located near parking, because students used them late in the evening. No public labs were at present open 24-hours per day, except near exam time. He agreed to a new survey of current lab availability and use.

A new computer center could have the network-operating center physically separate from the rest of the center and could be located anywhere on campus. On the issue of dormitory room connections, the remodeled dorm has connections but a request for activation is necessary. He would like all rooms to be connected. With regard to the long-term hazardous waste facility, Rod Marshall's main concerns are reduction in needed parking and problems of delivery access.

Finally, the issue of Computer Solutions was raised. He sees it as an important information center, which would need as little as 700 square feet but should be centrally located.

Discussion of the report followed. Jean Blosser announced that the Computer Solution area proposed is that of Ticketron and self-service copying. Copying could shift to Docuzip. Ticketron might move to the bookstore. Ramesh Vakamudi added that the consultants on the new Student Center had information about this need. Jean Blosser addressed the more general issues of lab space and an overall technical plan. She stated that these issues required input from the new Vice President for Information Services. Interviewing of candidates would take place in the near future. Other parts of this plan needed input from Tom Bennett on the location needs of distance learning.

On November 11, Ramesh Vakamudi presented the drawings of the potential Student Recreation Center. These had been presented at the October 27th Board Meeting. They showed how the new facility was to be in part wrapped around present facilities and organized around a pedestrian spine. Additions had been made to the basic design. The larger recreation pool (D05 in earlier handout) would add a few lap lanes. The additional gym court space had been discussed at the Board meeting. At present these are high school size with possibly double striping for regulation use. The present Wellness component was 1700 sq. ft. However the larger facility (11,500 sq. ft) would be possible if arrangements were negotiated with local hospitals. The site of the Student Health Center also depended on this decision.

Comments on this proposed facility included the following: -

- the need to maintain flexibility in the use of court space. Linda Lavelli suggested that one use could be for introductory dance classes. She noted that the floor should NOT be wood over cement to allow that use.
 - the interest in a Wellness Center. Mary Agnes Kendra stated that the Nursing School was especially interested in this aspect of the Center
 - the continuing concerns over provision of only those facilities wanted by the majority of students, who commute and work.
 - issues of faculty staff lockers. Paul John noted that none seemed to be found in the plans. Liz Erickson added that female faculty had asked for more long lockers which would allow coats, skirts & dresses to be hung.
- Harvey Sterns brought up the possibility of asking Dr. Fink who heads the Board subcommittee on Facilities, to attend a future meeting of the Committee, (as a way to provide better communication between the Campus Facilities Planning Committee and the Campus Facilities Oversight Committee of the Board of Trustees.)

On November 30, Associate Provost Jean Blosser presented a request for space reassignment. A request is being made to provide Dr. Bradley McClain, Dir. of Academic Achievement Programs new space related to new grants received by this program.

Resolution: The Faculty Senate supports the redesignation of Olin Hall 325a-325d to the Academic Achievement Programs.

Respectfully submitted,
Harvey L. Sterns, Chair

Faculty Rights and Responsibilities Report - Fall 1999
Presented to Faculty Senate 2 December 1999

A grievance was received by the committee and assigned file number 99-3. The committee has completed its consideration of the grievance and has conducted a comprehensive review and has submitted a report to the President. The President has accepted the committee's recommendations.

A grievance was received by the committee and assigned file number 99-7. The committee completed its consideration of the grievance and has rejected the complaint.

A grievance was received by the committee and assigned file number 99-8. The committee completed its consideration of the grievance and has rejected the complaint.

A grievance was received by the committee and assigned file number 99-9. The committee completed its consideration of the grievance and has rejected the complaint.

A grievance was received by the committee and assigned file number 99-10. The committee completed its consideration of the grievance and has rejected the complaint.

A grievance was received by the committee and assigned file number 99-11. The committee completed its consideration of the grievance and has rejected the complaint.

A grievance was received by the committee and assigned file number 99-12. The committee completed its consideration of the grievance and has rejected the complaint.

A grievance was received by the committee and assigned file number 99-13. The committee completed its consideration of the grievance and has rejected the complaint.

Respectfully Submitted,
Nancy L. Stokes
Chair, Faculty Rights and Responsibilities

APPENDIX F

University of Akron University Libraries

Information Competence

The latter half of the twentieth century is being appropriately called the Information Age. An ever-burgeoning volume of information has become available in multiple formats from numerous sources. As we move towards an increasingly information-based society, the ability to locate information efficiently and use it effectively have become essential skills for a successful learning experience in college and beyond. This ability, which is often referred to as information literacy or information competence, is central to the academic success of our students.

Information competence prepares students not only to succeed academically but also to think critically and use information to enhance their academic, professional, and personal lives. Information competence is necessary in all disciplines and in all learning environments and forms the basis for independent, lifelong learning. The information competent student is able to recognize and articulate the need for information and to identify, locate, evaluate, and use information in a logical, cohesive, and ethical manner.¹

The development of information competence is a university-wide responsibility and can best be achieved by integrating the teaching of information theory, concepts, and skills throughout the curriculum. The sustained collaborative effort of teaching faculty, librarians, and administration is essential if we wish to ensure that each University of Akron graduate is competent in identifying, locating, evaluating, and using information effectively.

A Set of Core Competencies

In order to be able to find, evaluate, and effectively use information in all its various formats, students must be able to demonstrate the following competencies:

1. Recognize and articulate an information need

- Understand that accurate and comprehensive information is essential in order to answer questions authoritatively, make decisions, and resolve research problems
- Recognize when additional information is needed in order to answer a question, make a decision, address a research problem, or fill in missing data
- State a research need, problem, or issue and formulate appropriate, relevant research questions
- Define a manageable focus and time-line

2. Identify and select appropriate information sources

- Understand the nature of the assignment or information problem being addressed
- Determine the type of information needed, i.e., popular or scholarly, primary or secondary, books or periodicals, print or electronic, etc
- Identify resources relevant to the research topic (including experts in the field, print resources, www resources, multimedia, etc.)
- Understand the limitations of indexes, databases, and print resources (timeliness, updates, date coverage, subject matter, etc.)
- Understand what sorts of information can and cannot be found via the computer
- Select appropriate databases or indexes for searching

3. Develop and use successful search strategies

- Use common access points including author, title, keyword, and subject to construct a search query
- Understand that the use of additional access points depends on the structure and format of the source used to identify new information
- Understand that some sources use controlled vocabulary assigned by an indexer, cataloger, or computer programmer as access points
- Understand the concept of Boolean logic and construct a simple search using "and" and "or"
- Select search strategies appropriate to the topic and resource
- Assess the number and relevance of sources cited to determine whether the search strategy must be refined

4. Locate and retrieve relevant information in a variety of formats

- Recognize the components of a citation and differentiate between types of resources cited, such as a book, periodical, or government document, as well as format (e.g. electronic or physical)
- Understand that libraries have developed methods for locating and sharing resources not owned locally and use the appropriate resource sharing system, such as OhioLINK or interlibrary loan, to retrieve information
- Understand that classification schemes are designed to enable libraries to locate materials on the same subject in the same discipline in close proximity to each other
- Understand conventions for naming and locating works in print or electronic format (i.e. call numbers and URL's)
- Use location information in the bibliographic record to identify and retrieve locally owned resources
- Understand that the Internet may be a useful resource for locating, retrieving, and transferring information electronically
- Copy, save, download, print, or email information from a source and access it later

5. Critically evaluate the information retrieved

- Identify the currency and authority (motive, point of view, bias, scholarship, intended audience, objectivity, consistency) of information
- Evaluate an author's expertise, educational background, and affiliation when determining an author's credibility
- Filter large amounts of information and distinguish among facts, point of view, and opinion
- Assess the accuracy and reliability of information
- Distinguish between popular and scholarly resources

6. Use information in a cohesive, logical, and ethical manner

- Synthesize the ideas and concepts from the information sources collected, using critical thinking skills
- Extract relevant information
- Organize information in a logical and useful manner
- Apply information to critical thinking and problem solving situations
- Cite and acknowledge sources appropriately
- Understand the principles of intellectual property, copyright, and plagiarism and use information in an ethical manner
- Communicate or present the final product effectively in a variety of formats and media

Information Technology Competencies

Information competence incorporates a broad spectrum of information technology competencies. An information competent individual must be computer literate in order to access and use effectively a great deal of the information required for higher education today. Technology competencies for information retrieval include skills in basic computer use, Internet applications, and proficiency in applications software. Information competence requires much more than basic information technology skills.²

Prepared by the Information Literacy Initiative Task Force
July 28, 1999

Sources:

¹ Definition adapted from American Library Association Presidential Committee on Information Literacy 1989. Final Report. Chicago: The Association.

² ACRL Task Force on Information Literacy Competency Standards. Information Literacy Competency Standards for Higher Education 1999. Draft. Chicago: The Association of College and Research Libraries.

APPENDIX G

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3359-11-13 Conflict of Interest, Conflict of Commitment, Scholarly Misconduct, and Ethical Conduct - Policies and Procedures (Approved by Faculty Senate at the 12/3/98 Senate meeting; sent to President Ruebel on 12/4/98 with corrections. Final draft of 12/1/99-- as determined by Mallo, Herrnstein, Lee, Kennedy, Lillie), to be proposed to the Board of Trustees as Interim Policy by President Proenza, 12/8/99.

Introduction

These policies and procedures represent an evolving set of documents. The complexity of the subject matter is such that the current policies and procedures will need a yearly formal review by the Senior Research Officer of the University with the advice of the Faculty Senate and other bodies which have interest. This policy is intended to conform to all laws and regulations, state or federal, regarding funded research.

A. Policies and procedures regarding conflicts of interest and/or commitment

1. Each University employee will review and comply with these policies by promptly taking whatever steps are required to avoid, eliminate, remediate or manage an actual conflict of interest and/or commitment. This also includes graduate students, identified as "investigators" on externally funded grants.
2. On April 30 each University employee will submit a questionnaire (Yearly Conflict of Interest and Commitment Report) to her or his immediate supervisor that discloses any outside activities that could represent a conflict of interest and/or commitment.
3. Written disclosure to the immediate supervisor is required during the individual's employment contract when additional outside consulting activities arise that could represent a conflict of interest and/or commitment.
4. Outside consulting activities of full-time employees will be governed by the following:
 - a. All forms of outside activities that involve a time commitment at the expense of an employee's primary responsibilities to the University during an individual's employment contract must be disclosed.
 - b. The maximum allowable time permitted for outside consulting activities is one day per week on average during a quarter during the period of the University academic-year or calendar year contract. Particular circumstances, including but not limited to teaching assignments or other scheduled University duties and/or the terms and conditions of support of University grants or contracts, will be taken into account in approving such arrangements.
 - c. The responsibilities and professional activities that constitute an appropriate and

primary commitment will differ across colleges, schools, departments, and disciplines, but should be based on an understanding among the employee, his/her Department Chair, Dean or administrative supervisor(s), and the Provost, and in accord with University policies.

- d. University resources both human (e.g. students, support staff) and material, may not be used for any purpose that is unrelated to the mission of the University and neither for outside consulting nor for private gain. This shall not apply to use of material resources used in a purely trivial and incidental way.
5. Failure to disclose and manage conflicts of interest and/or commitment may subject the employee open to sanctions and possible legal actions. (See paragraph D3; ~~f.(5)(i)(vi)~~ and D4.
6. Outside activities in violation of state or federal laws or regulations subject an employee to discipline, up to and including termination of employment by the University ("Objectivity in Research Rules, 42 C.F.R. sec. 50.601 - 50.607 and 45 C.F.R. sec. 94.1 - 94.6"; "National Science Foundation Investigator Financial Disclosure Policy," 59 Fed. Reg. 33,308 (1994) and 60 Fed. Reg. 35,820 (1995); Ohio Ethics Law chapter 102 of the Ohio Revised Code Sec. 2921.42 and 2921.43).
7. Managing potential conflicts of interest and/or commitment requires timely and accurate disclosure. Therefore, all University employees who engage in outside activities are to disclose those activities as they are encountered in accordance with the following guidelines:
 - a. Some outside activities, which might be considered conflicts in a technical sense, are routinely allowable without permission but with timely notice to the immediate supervisor because they are (a) accepted practices and (b) generally minimal in their personal financial impact and impact on the University. Examples of such activities: public service in community service agencies, royalties for published scholarly works or institutional royalty sharing, Honoraria, prizes and awards for professional recognition, or routine activities for professional organizations and associations.
 - b. All forms of outside activities which do not fit the above category and do involve (a) a time commitment of one day or less per week (on average) during the employment contract during the period of the University academic year or calendar year contract, and (b) University employee remuneration of less than \$10,000.00 from a single source during the employees University contract period are to be reported to the employees immediate supervisor. Disclosure reports are to be made in written form with simple statements of what is being done, for whom, and at what level of compensation (e.g., less than \$10,000). If there is no significant conflict of interest or commitment and the activities are

common, the supervisor shall so certify and file the report with signed certification in the department or equivalent level personnel file. Certification is required prior to an employee engaging in any such activity. Examples of such activities: extensive activities for professional organizations and associations.

- c. All other forms of outside activity which involve a time commitment in excess of one day per week on average during the period of the University academic year or calendar year contract or outside activities for which an employee receives remuneration valued at \$10,000.00 or above from a single source during the employees University contract period are to be reported to the immediate supervisor (e.g., department chair or supervisor). Disclosure reports are to be in written form with simple statements of what is being done, for whom, and at what level of compensation (e.g., more than \$10,000.00). Certification is required prior to an employee engaging in any such activity. If the immediate supervisor certifies, he/she will, with signed certification forward the request to his/her immediate supervisor (e.g., college dean or division director). If the intermediate supervisor certifies, he/she will report the request to the appropriate central administration officer (e.g., Senior Research Officer or Executive Director for Human Resources). The request will be kept on file at that location.
8. All University employees are to complete the Yearly Conflict of Interest and Commitment Report questionnaire on or before the thirtieth of April. Completed reports are to be sent for certification to the employees immediate supervisor. If an item on the questionnaire is checked yes, then the employees immediate supervisor will forward the report to his/her immediate supervisor (i.e., college dean, division chair) for certification who will, in turn, forward the report to the appropriate central administrative officer (i.e., Senior Research Officer or Executive Director for Human Resources). Forwarded annual Disclosure Reports will be kept in the appropriate central administrative office. Annual reports with all no responses will be kept at the department level. Nothing in this paragraph shall be construed to prohibit disclosures required in paragraph A(17).

University student assistants employed solely on an hourly pay basis, part-time teaching faculty, and employees working less than half-time are exempt from submitting the annual disclosure form but nonetheless are to comply with the University's conflict of interest and related policies. Questions or concerns of these persons on these matters are to be referred to their Department Chair.

9. University employees with knowledge of an impending arrangement between the University and an outside entity with which they or their family members have financial interests, employment, or other involvements are to disclose those facts to their administrative superior before the University approves the proposed

arrangement. Examples of such arrangements: gifts in kind, contributions; sponsored research or other sponsored programs; patenting, licensing, or technology transfer or other intellectual property agreements; procurement,

contracts, and/or subcontracts, and similar agreements. (See G.5 for definition of "family.")

10. The President, Vice Presidents, Deans, and other officers, as may be designated by the Board of Trustees from time to time, are to submit for review and approval an annual disclosure statement which includes memberships on any corporate Boards, partnerships, or associations held by such officers. In addition to any proposed outside activities, including consulting, such disclosures also are to identify any office or fiduciary relationship with a not-for-profit corporation or public board or agency.
11. No University employee is to use or attempt to use his/her public position or State property, including property leased by the State, to secure or attempt to secure anything or the promise or offer of a thing of value that is of such a degree to manifest an improper substantial influence upon him/her with respect to his/her duties.
12. No University employee is to solicit or accept from any person or organization anything of value pursuant to an expressed or implied understanding that his/her conduct of university business would be influenced thereby.
13. No University employee is to intentionally use or disclose confidential or proprietary University information and/or intellectual property in any way that could harm the University or result in the receipt of anything of value for him/herself, for his/her family member, or for any other person or organization with which the University of Akron employee is associated. (See G.5.)
14. No University employee is to receive private financial gain arising from the sale of textbooks or other materials used in a course in which the employee is an instructor. When the employee as instructor believes that such textbook or material is appropriate for the benefit of the students, the employee must arrange either to (a) waive royalties or other type of personal financial gain or (b) designate the University or a recognized professional organization or honorary to receive such royalties or gain. The latter option must ensure that there will be no potential for future personal financial gain by the employee from this classroom use. All

proposed plans are to be submitted to the University for prior approval through the Department Chair.

15. Inventions and patent rights of University employees developed or obtained during the course of the individual's employment contract with the University belong to the University unless otherwise stipulated in a specific written University patent rights agreement signed by an authorized University official delegated such authority by the University Board of Trustees. Computer software developed by University employees during the course of the individual's employment contract with the University or using University resources is the property of the University.

Inventions or discoveries made using any University facilities or other University resources belong to the University even if the inventors are not University employees, unless otherwise stipulated in a specific written University patent rights agreement signed by an authorized University official delegated such authority by the University Board of Trustees.

University intellectual property, including inventions and computer software, is to be managed under the Research, Copyright, and Patent Policies and Procedures. The University will share with inventors and software authors any net royalties or royalty-type income that may be gained as a direct result of licensing or attempting to license the intellectual property.

University employees are to disclose in a timely manner to the University: (a) their own creation or discovery of inventions and computer software which are developed using University resources, regardless of sponsorship; (b) any discoveries and inventions utilizing University resources, including those resulting from their participation in sponsored research or other sponsored programs, other remunerative outside activities in their field of academic interest or specialization, or any other activities of an outside commercial enterprise, including any University employee-owned or employee-managed company; and/or (c) the creation or discovery of inventions of any others associated with them when that development involved any University resources.

No University employee is to provide confidential or proprietary information including disclosures or other information regarding inventions or other intellectual property, to a company or other entity or its agents without prior disclosure to and specific permission by the University.

16. University employees who wish to propose or are involved in University sponsored research or other sponsored programs are expected to review and adhere to all University policies, procedures, and obligations related to proposing, managing, reporting of results, and other aspects of such projects.
17. The University requires that investigators disclose to the University's Director of Research Services and Sponsored Programs any potential conflicts of interest prior to the submission of a proposal for funding. If a new conflict of interest arises at any time during the period after submission of the proposal through the period of award, the filing of a disclosure and immediate action toward remediation is required. Each investigator must disclose all significant financial interests including those of family members if legally required, as well as any other potential conflicts of interest. (See G.6 and G.21.)
 - a. that would reasonably appear to be directly and significantly affected by the research or educational activities funded, or proposed for funding, by an external sponsor or
 - b. in entities whose financial interests would reasonably appear to be directly and significantly affected by such activities.
18. Conflict policies regarding research projects:
 - a. University employees are prohibited from independently submitting or negotiating proposals or contracts for any externally-sponsored research or other sponsored programs on behalf of the University. Proposals, and any subsequent negotiations, awards, other agreements, or changes are to be processed through and require the prior written authorization of the University through the Director of Research Services and Sponsored Programs.
 - b. All University employee involvement in proposals for sponsored research or other programs at other institutions must be approved in advance through the Office of Research Services and Sponsored Programs. University employee involvement in a program or project at another institution that might be conducted appropriately at The University of Akron as part of normal employee duties could result in situations that place students and staff in conflicts of interest, and deprive students and colleagues of the faculty members or other employees primary intellectual energies. A bona fide subgrant or subcontract

agreement of equitable terms, normally involving one institution as fiscal agent and the other(s) as subgrantee(s), negotiated in advance between the University and the other institution(s), and naming the University employee among the key personnel for the project, is an appropriate means for a University employee or team to participate in inter-institutional research projects or other sponsored programs.

- c. University employees must receive specific prior written approval from the Senior Research Officer to divert funded research opportunities or other sponsored program support from the University to other institutions or external entities.
- d. A University employee will inform students and all workers engaged in research or other sponsored programs to be conducted under his or her supervision of all details, policies, and procedures concerning the project needed for the students and workers to perform their role. These include full disclosure of the terms of the agreement in support of the activity, including concerning copyrights or patent rights arising from the research; policies and procedures governing scholarly misconduct; and other as applicable (e.g health and safety regulations, protection of human rights, ethical care and use of animals, radiation safety, biohazard safety);
- e. It is the responsibility of each University employee to disclose promptly to the Senior Research Officer any situation or proposal in which the objectivity of a University employee or participant in a research project could be reasonably questioned. See, Procedures for review and resolution of conflicts of interest and commitment.

19. Conflicts involving University contracts:

- a. University employees are prohibited from negotiating or entering into contracts or other agreements which claim, imply, or appear to involve the University, unless such actions are part of their official University duties and within the scope of their employment. The Board of Trustees and President will specifically delegate in writing those employees with such signatory authority to contractually commit the University;
- b. University employees are prohibited from entering into a contract (other than their employment contract) or lease (other than by student employees for student

housing) with the University, whether or not the contract or lease derived in whole or part by University funds, except as otherwise provided by law;

- c. No University employee, in their official capacity, in a position to approve or influence a contract or lease may enter into such a contract or lease which involves the University employees family members, business associates, or any organization with which the University employee is associated whether or not the contract or lease derived in whole or in part from University funds. It is the duty of each University employee to disclose promptly any such proposed contract, lease, or similar relationship or agreement to the University through the Department Chair or equivalent immediate supervisor. (See G.5.)
20. Maintaining the University as a community of scholars requires the free and open exchange of ideas and the results of scholarly activities. To this end:
- a. university students and scholars involved in research have the right to pursue topics of interest, have access to available information and facilities, and to communicate the results of their work in accordance with the law and University policies;
 - b. university employees with outside business interests or outside consulting activities must ensure that the activities of University students, staff, post doctoral fellows, visiting scholars, and other employees are not exploited by those outside interests and activities;
 - c. all University employees have a right to know the source(s) of funding that support their work.
21. Employee pursuit of a degree, when presenting a situation in which a possible conflict of interest or conflict of commitment could reasonably be thought to exist requires prior approval by the employee's immediate supervisor.
22. No University employee may give or accept anything of value that may substantially or improperly influence him or her with respect to his or her university duties.
23. The University seal, logo, trademarks, and all other University intellectual property may not be used by any person, including any University employee outside his or her scope of employment; not by any firm, corporation, or other entity without the express written permission of the President or the President's designee.

24. The University's name will not be used by any employee for the purpose of advertising outside the scope of one's employment by the University or in relation to commercial ventures for private financial gain. In situations when it is not clear whether or not the use of the University's name is appropriate, the employee must obtain the written permission of the President.
25. All equipment, apparatus, museum materials, scientific collections, books, and other University property are in the immediate care of the University employees of the respective departments to which such materials belong. University employees are expected to practice good stewardship in the use and care of University property.
26. Nepotism is an impermissible conflict of interest. (See G.5.)
 - a. No University employee may participate, formally or informally, in the decision to hire, retain, grant tenure to, promote, determine salary of, discipline, renew, modify or terminate a family member's individual employment with the University, or to renew, modify, or terminate any other condition of employment.
 - b. No University employee may give preferential or favored treatment in the supervision or management of another University employee who is a family member.
 - c. No University employee may authorize or use his or her authority, formally or informally, to secure authorization of any public contract in which he or she or a family member has an interest.
27. Service as an expert witness in any civil or criminal case can be undertaken only when there is no conflict of interest or conflict of commitment. If the University is involved in the case as a named party, there must be prior disclosure and/or approval.
28. While executing their University duties, university employees may not use their authority in an exploitative manner in relationships with others.
29. A whistle blower, who raises or wishes to raise an allegation against a University employee/employees, of a conflict of interest and/or conflict of commitment, related

wrongdoing, or of institutional conflict(s) of interest, must respect the confidentiality of sensitive information and give legitimate institutional structures an opportunity to resolve the matter. Whistle blowers and other witnesses have the responsibility to raise their concerns honorably and with foundation. The University has a duty to undertake review and actions as appropriate and not to tolerate or engage in retaliation against whistle blowers. This duty includes providing appropriate and timely relief to ameliorate the consequences of actual or threatened reprisals, and holding accountable those who retaliate.

30. Responsibilities of the Department Chair or equivalent are:

- a. to maintain a record of any outside activity disclosed by a University employee under his/her direction
- b. to act in good faith to assist the University in implementation of this policy
- c. to convey to the Dean or administrative supervisor the concerns they, or others, have with this policy
- d. to review and forward to the Dean and Senior Research Officer with his or her comments any case which appears to have a potential conflict of interest or conflict of commitment. Such comments should include actions recommended by the Chair to manage or remedy the conflict(s)

31. Responsibilities of the Dean or other administrative supervisor are:

- a. to maintain a record of any outside activity disclosed by a University employee under his/her direction.
- b. to act in good faith to assist the University in implementation of this policy.
- c. to convey to the Provost the concerns they, or others, have with this policy.
- d. to review and forward to the Provost and Senior Research Officer with his or her comments any case which appears to have a potential conflict of interest or conflict of commitment. Such comments should include actions recommended by the Dean to manage or remediate the conflict(s).

32. The Executive Director of Human Resources under this policy is responsible for providing employees with the annual reporting form for each eligible employee under their supervision.

B. Procedures for reports, certifications, disclosures, and approvals

1. Disclosures and requests for approvals are to be directed first to the immediate administrative supervisor, as well as to the next higher level.
2. For a matter of disallowed approval a Department Chair or equivalent will communicate a report and recommendation to the intermediate supervisor. If the intermediate supervisor confirms the disallowance, and he or she will communicate the report and recommendation to the Senior Research Officer. In the event the Senior Research Officer determines that the matter may be managed effectively and the management plan suggested is agreed to by the University employee, the Senior Research Officer may authorize the activity.

C. Procedures for appeal

1. A inquiry committee will be convened with five appropriate members as described in section F 4.
2. Procedure for determination in potential conflict situations by employees:
 - a. Requests by employees for University review and determination will be signed and submitted in writing to the Senior Research Officer in order to initiate a review.
 - b. The Senior Research Officer is responsible for the timely review (10 business days), maintenance of records, and preservation of confidentiality to the extent permitted by law of: requests for review, annual certifications and disclosures, any ad hoc disclosure reports of employees, and all other related documents received or created.
 - c. The inquiry committee will collect relevant documentary materials, and thereafter, in a timely manner (10 working days), analyze and render a report to the Senior Research Officer.

- d. The inquiry committee may suggest appropriate oversight or management procedures to ensure no conflict of interest or commitment or may recommend other forms of amelioration.
 - e. The Provost can extend these timelines up to 10 additional working days.
 - f. Procedure for resolution of conflict situations by employees
 - 1.) The Senior Research Officer will submit to the Provost the inquiry committee report and its recommendation for resolution of the conflict. Additional or subsequent action may be recommended by the Provost or Office of General Counsel.
3. Procedure for determination in potential conflict situations when initiated by the Senior Research Officer, Provost, President
- a. The Senior Research Officer, Provost, President, or Board of Trustees may initiate a review without a written report when, in their judgment, there is sufficient concern to warrant it. The Senior Research Officer will inform all appropriate administrators, as well as the faculty or staff who are subject to this investigation. The Senior Research Officer will submit to the Provost a recommendation for resolution of the conflict. Additional or subsequent action may be recommended by the Provost or Office of General Counsel.
 - b. The Senior Research Officer will convey promptly to the Provost any concerns or those raised by others related to matters covered by this policy. The Senior Research Officer will forward to the General Counsel a copy of any request for review or disclosure for legal review and comment. The Senior Research Officer may forward a copy also to other administrators, on a need-to-know basis, for review and comment. All reviews and comments either by the Office of the General Counsel or by other solicited administrators will be returned to the Senior Research Officer within 7 working days.
 - c. The Senior Research Officer or designee will meet with all relevant individuals within 7 working days from the reception of the report and forward the materials immediately to the Office of the Provost with the pertinent recommendations.

- d. If necessary, after consultation with the office of General Counsel and any others, the Senior Research Officer may ask the Provost to refer the matter to the Ohio Ethics Commission for further determination
- e. The Senior Research Officer will give the results of any review comments from the Ohio Ethics Commission or other appropriate body in writing to those who simply requested a determination, or to those who were alleged by another to have a conflict of interest. The Senior Research Officer will also send a copy of the results to the General Counsel; Dean or administrative supervisor; Department Chair; to the person who requested the review, as the case may be, if not the principal party; and to other responsible University administrators as the Senior Research Officer deems appropriate.
- f. Procedure for resolution of conflict situations
 - i. The Senior Research Officer will submit to the Provost a recommendation for resolution of the conflict. Additional or subsequent action may be recommended by the Provost or Office of General Counsel.

D. Procedure for investigation of alleged conflict of interest or conflict of commitment

- 1. In cases in which an allegation of misconduct by a University employee is made, the Senior Research Officer, General Counsel or his designee (s) will take the following steps:
 - a. notify the appropriate dean or vice president of the person in question,
 - b. take appropriate interim actions to protect government and University funds and assure that the purposes of any governmental financial assistance are being carried out in the interim during the review process, in accordance with paragraph D(6).
 - c. meet with both the complainant(s) and the subject(s) thereof. Subject(s) of the allegations will be told, with specificity, the nature of such allegations and be given full opportunity to respond. They will be encouraged to supply any documentary information supportive of their position and given a reasonable time (10 working days) within which to do so. They will be encouraged to

supply the names of any individuals or entities that could supply information helpful to their position or to the full and complete investigation of the matter. The individual who is charged may be accompanied by legal counsel or other advisor during interviews with the Committee and/or individual members of the Committee. The role of counsel or other advisor is limited to observation and advising his/her client on responding to questions.

- d. At this time the subject of investigation will be responsible for all fees or expenses in his/her defense of allegations.
2. Although a whistleblower enjoys a privilege to report allegations of misconduct, the Office of Research Integrity states (Position paper #1, The Whistleblower's Conditional Privilege to Report Allegations of Scientific Misconduct, 1993), that abuse of the privilege may leave the whistleblower liable for defamation. In addition, this may subject a whistleblower who abuses the privilege to administrative action by the University. (See F.11.) If the allegation of misconduct by the whistle blower proves unfounded, the University should take specific steps for redress of the rights of the unjustly subject of investigation. Among compensatory actions:
 - a. the University will become responsible for the defense expenses of the subject of investigation, if so ordered by a court of competent jurisdiction.
 - b. The subject of investigation will be given the option to take legal action when appropriate, interview any identified witness(es) and review any and all documentation that might have a bearing on the outcome of the investigation.
 - c. The University will report to appropriate Federal or State agencies and University officials in accordance with Federal and State requirements.
 3. If a University employee is indeed found to have violated University policy or to have violated the terms of a memorandum of understanding or other terms which were required by the University in order to manage or eliminate a potential conflict of interest or conflict of commitment, the Provost, in consultation with the Senior Research Officer, the Dean or administrative supervisor the General Counsel, and the inquiry committee, may recommend to the President one or more of the following disciplinary sanctions, for action by the University Board of Trustees:
 - a. formal reprimand

- b. suspension from the University for a definite period
 - c. dismissal from the University
 - d. other remedial, corrective, or other action which is deemed appropriate.
4. Illegal acts under this policy may also be subject to prosecution by state and/or federal authorities separate from any University disciplinary sanctions. A University employee may appeal a negative decision and/or disciplinary sanctions in writing to the President, with a copy to the Provost, within fifteen days of receipt of the notice of the decision. The President will consider the appeal in consultation with the Inquiry Committee; Chair, Dean or administrative supervisor, Senior Research Officer, and/or Provost as he or she deems appropriate; and with the General Counsel and any other upper management that he or she deems appropriate. The President will provide a decision on the appeal to the employee with a copy to the Provost and General Counsel, within 30 days of receiving the appeal. The decision of the President will be final, subject to the approval of the Board of Trustees.
5. In cases of allegation/accusation of wrongdoing, if as a result of this investigation the allegations are found without merit, the matter will be expunged from all personnel records of the subject of investigation, and the allegation/accusation files will be sealed and delivered to the custody of the office of General Counsel. The University recognizes its responsibility to report promptly to those involved, in public and/or in private as may be appropriate, those allegations which prove to be unsubstantiated or substantiated.
6. All proceedings and actions should be conducted in conformity with Ohio Revised Code and Code of Federal Regulations. If it becomes apparent during the course of any review, inquiry, or investigation that there is illegal conduct or activity and/or that the conduct indicated or complained of may be criminal in nature, the University's General Counsel will be immediately notified and provided all information and documentation gathered during the investigatory process to date. The decision of how the investigation should proceed, whether the investigation is taken over by the General Counsel or whether outside authorities, including police or other law enforcement agencies, should be notified and involved will be determined by the General Counsel. Criminal investigations when necessary take precedence over normal University academic or advisory reviews. Sequencing of all

other reviews which may be needed will be coordinated among the Senior Research Officer, Provost, General Counsel, and President.

7. If a violation of this policy involves a collateral proceeding under University policies regarding scholarly misconduct, then the Provost will defer a final decision on sanctions until the scholarly misconduct inquiry and/or investigation process is also completed.
8. The detailed documentation of any allegation/accusation, investigation, and determination will be maintained by the office of General Counsel of the University for at least three years from the date of the determination, from the date of acceptance of a final report by the federal Office of Research Integrity or any Inspector(s) General involved, or at least three years from the termination date of any related grant or contract, whichever date is later. Documentation must be provided when required by law or upon request to authorized government authorities.
9. Departmental, college, committee, and other University records are to be retained under suitable confidentiality and may not be destroyed without the permission of the University's General Counsel and the University Archivist.

E. University principles for research and sponsored programs

1. The University will deal legally and ethically with external sponsors of research and sponsored programs in ways that avoid institutional conflicts of interest. The same is expected of project personnel and sponsors.
2. The University will not enter into agreements contrary to its mission.
3. The University will not accept an award for a project that is unacceptable to the principal investigator. Once an award is accepted by the University, all parties are expected to fulfill their respective obligations under that agreement.
4. The University, its faculty, and its students will retain the right to use all data for research and educational purposes and to publish results in scholarly publications in accord with University policies. A delay of no more than one year may be mutually agreed upon to permit patent filings or other legal filings. To restrict student theses or dissertations from public access for up to one year to permit patent or other legal filings, a written request must be submitted to the Dean of the Graduate

School along with the final draft. The Dean of the Graduate School will then forward all copies of the thesis or dissertation to the University Archivist with a request to withhold it from public access and the open library shelves for up to one year.

5. Meaningful participation of University students in sponsored research is expected.
6. In all cases, and at a minimum, the University will retain a perpetual, irrevocable, royalty-free right to practice and use patents, copyrights, all other intellectual property, information and/or materials resulting from or related to any sponsored project for research, testing, and educational purposes only.
7. The University will not enter into activities or agreements which could jeopardize its nonprofit tax-exempt status or conflict with its required State of Ohio or federal cost principles and/or accounting methods, including Office of Management and Budget Circular A-21 federal cost principles for educational institutions and related administrative or subsequent applicable governing regulations.
8. The University will not enter into activities or agreements which could jeopardize its eligibility to receive federal or State funds.
9. The University will not enter into contracts which are not to be governed or construed under Ohio Law.
10. The University will not accept contractual terms that require the University to indemnify or hold harmless other parties.
11. Title to intellectual property rights resulting from sponsored projects is to vest with the University. Any transfer of these rights to non-governmental entities is subject to specific approval by the Board of Trustees of the University. An option or a license may be negotiated in good faith and under reasonable terms and rates to share rights through a license with the sponsor, on a non-exclusive, exclusive-by-field-of-use, or similarly limited basis.
12. The University will not enter into agreements in which the names of the parties or the facts and terms of the agreement cannot be revealed, but the specific topic of the research may be kept confidential.

13. The University will not make any warranties, express or implied, including but not limited to, implied warranties of merchantability and fitness for a particular purpose.
14. The University prohibits use of its name or marks or intellectual property by another without its specific prior written permission.
15. The University will take title to all equipment and supplies acquired under any sponsored agreement, unless covered under a specific and separate written agreement executed by an authorized representative of the University and that sponsor.
16. The University routinely utilizes the personal services of University employees, visiting professionals, students and others who may not be United States citizens or permanent resident aliens of the USA. Sponsoring or collaborating agencies must assume responsibility for inquiry and/or waivers, in advance of entering into any agreement with the University, under the Federal Export Administration Regulations, International Traffic in Arms Regulations, and/or similar or subsequent regulations concerning participation in research by or dissemination of data to foreign nationals.

F. Policies and procedures governing scholarly misconduct

1. While encouraging freedom of inquiry, The University of Akron is committed to the scientific method and the ethical conduct of research. Scholarly misconduct by employees, visiting scholars, or students in research and scholarshipC**broadly construed as applying to scientific experimentation, artistic expression, and all other areas of scholarship in any disciplineC**is not in the spirit of the mission of the University and therefore is not acceptable. The scholarly misconduct policy governs any type of research or scholarship that is publicly disseminated, either by presentation (formal or informal) or publication.
2. Investigations of alleged scholarly misconduct are conducted within the scope of the law and limited to the discovery of information that would support or refute the allegation. Adverse findings may provide grounds for disciplinary action, up to and including dismissal from the University.
3. Inquiry and investigation procedures for scholarly misconduct relating to

University-related research or scholarship that is publicly disseminated

- a. Reports of alleged scholarly misconduct may be submitted in writing to, and will be investigated under the direction of, the Senior Research Officer. In addition, the Senior Research Officer, the Provost, the President, or Board of Trustees may themselves initiate such an investigation without a written allegation.
- b. Investigations of alleged scholarly misconduct are conducted by an impartial Inquiry Committee formed by the Senior Research Officer. The Inquiry Committee is advised by the Office of the General Counsel. Members of the Inquiry Committee are individuals with no real or potential conflict of interest with regard to the alleged misconduct, and with the necessary background to investigate it.
- c. If the subject of investigation is an employee or assignee of an academic unit, the Inquiry Committee consists of two full-time faculty members from the college of primary appointment of the subject of investigation and one full-time faculty member from each of three different colleges or universities.
- d. If the subject of investigation is not an employee or assignee of an academic unit, the Inquiry Committee consists of two members appointed by the Vice President to whom the subject of investigation reports and three members appointed by the Senior Research Officer.
- e. The composition of the Inquiry Committee is not necessarily limited to University of Akron employees.
- f. The subject of the investigation may object to the selection of specific members, with foundation, in writing to the Senior Research Officer.
- g. Inquiry Committee chairs are elected by the Committee. If the subject of investigation is a faculty member, the chair's primary appointment must be in a different college.
- h. If the inquiry raises questions about the protection of human subjects, ethical animal care and use, radiation safety, biohazards, and/or campus safety, the Inquiry Committee will contact the appropriate University standing committee for assistance. At the request of the Inquiry Committee or the Senior Research

Officer, a member of each appropriate standing committee may be added as an ex-officio but non-voting member of the Inquiry Committee.

5. The guidelines for the operation of the Inquiry Committee are as follows:

- a. The work of the Inquiry Committee is divided into two processes. The process that occurs first is the Preliminary Review of charges of scholarly misconduct to determine if a charge of misconduct will stand. The second process that may occur is a Formal Investigation of charges of scholarly misconduct.
- b. When charges of scholarly misconduct are filed against an individual the Senior Research Officer notifies the individual of the substance of the charges in writing.
- c. The Inquiry Committee conducts interviews with appropriate individuals and collects relevant information. The Senior Research Officer provides the Committee with all information provided to him/her in the filing of the charge. The Provost or Senior Research Officer shall provide assistance and support to the Inquiry Committee when requested.
- d. The individual who is charged may be accompanied by legal counsel or other advisor during interviews with the Committee and/or individual members of the Committee. The role of counsel or other advisor is limited to observation and advising his/her client on responding to questions.
- e. After collection, review, and discussion of factual information the Committee submits a written report of their findings to the Senior Research Officer and the individual charged with one of two recommendations:
 - i. the charges are without merit and the matter should be expunged from all personnel records of the individual charged and the files of the Committee sealed and delivered to General Counsel or
 - ii. the charges have merit and warrant a Formal Investigation.
- f. The written report of the committee following the Preliminary Review must be completed within 30 days of the notification of charges to the individual by the Senior Research Officer. The Formal Investigation must begin within 15 days from the completion of the Preliminary Review. A written report of the Formal Investigation must be completed and submitted to the Senior Research Officer

within 60 days of the notification of the charges to the individual.

- g. Written reports of the committee must contain evidence reviewed, summaries of all interviews conducted, and the conclusion/recommendation of the Committee.
- h. The Senior Research Officer provides a copy of the Committee's report(s) to the individual charged.
- i. The individual charged can provide written comments on the proceedings of the Committee and these comments become part of the permanent records of the Committee's proceedings.
- j. If the recommendation of the Committee, at the conclusion of the Preliminary Inquiry, is that the charges are without merit and the matter should be expunged from the personnel records of the individual charged and the Senior Research Officer does not agree with this recommendation, the Senior Research Officer informs the Provost of such and directs the Committee to begin a Formal Investigation of the charges.
- k. The individual charged must be notified in writing that a Formal Investigation is to be conducted. This notification includes details of the charges of misconduct, summary of the general nature of the evidence supporting the charges, and statements as to the rights of the individual charged to a) have a hearing, b) confront and cross-examine adverse witnesses, c) be heard in person and d) present witnesses and documentary evidence, and to have legal counsel at his or her expense with the same limitations as in the Preliminary Review.
- l. If a Formal Investigation is to be held, the Senior Research Officer or designee takes appropriate administrative actions to protect federal funds and to ensure that the purposes of any federal financial assistance is being carried out. The Federal Office of Research Integrity, located within the National Institutes of Health of the Public Health Service, is notified that an Investigation is being conducted
 - i. the subject of investigation may have private legal counsel, but the role of the subject of investigation employee's legal counsel will be limited in the same manner as in the initial inquiry
 - ii. the Inquiry Committee will inform the Senior Research Officer, who will

promptly notify the Federal Office of Research Integrity of:

- (a) any reasonable indication of possible criminal violation
 - (b) any developments during the Investigation that disclose facts that may affect current or potential federal funding for the individual(s) under Investigation or facts that the federal agency needs to know to ensure appropriate use of federal funds and otherwise protect the public interest
- iii. in executive session the Inquiry Committee will seek, examine, and evaluate all relevant facts, including but not limited to the charges, consider any written responses to the charges by the subject of investigation, report by experts, advice of consultants, etc. However, the subject of investigation has the right to request a public hearing or a private hearing before the committee at which time the subject of investigation will have the right to present any explanation or rebuttal, to question any complainant, and to question the committee
- iv. for allegations substantiated by the formal proceedings, the Senior Research Officer will inform appropriate funding agencies of the allegations and findings regarding the scholarly misconduct
- v. the Senior Research Officer will report findings and recommend further action to the Provost
- vi. The Provost may recommend to the President one or more of the following disciplinary sanctions, for action by the University Board of Trustees:
- (a) formal reprimand
 - (b) suspension from the University for a definite period
 - (c) dismissal from the University
 - (d) other remedial, corrective, or other action that is deemed appropriate
- vii. illegal acts may also be subject to prosecution by state and/or federal authorities

- viii. a University employee may appeal a negative decision and/or disciplinary sanctions in writing to the President, with a copy to the Provost, within fifteen days of receipt of the notice of the decision. The President may consider the case in consultation with the Committee, Senior Research Officer, Provost, Chair, Dean or administrative supervisor, as he/she deems appropriate; and with the General Counsel. The President will provide a decision on the appeal to the subject of investigation, with copy to the Provost, Senior Research Officer, and the General Counsel, within 30 days of receiving the appeal
 - ix. the decision of the President will be final, subject to the approval of the Board of Trustees
- 6. If, as a result of this Investigation the allegations are found without merit, the matter will be expunged from all current personnel records of the subject of investigation, and the accusation file will be sealed and delivered to the custody of the office of General Counsel.
- 7. The University will report promptly to those involved, in public and/or in private as may be appropriate, those allegations that prove to be unsubstantiated and those allegations that are substantiated
- 8. If it becomes apparent during the course of any review, inquiry, or Investigation that there are illegal issues and/or that the conduct indicated or complained of may be criminal in nature, the University's General Counsel should be immediately notified and provided all information and documentation gathered during the investigatory process to date. The decision of how the Investigation should proceed will be determined by the General Counsel. Criminal Investigations take precedence over normal University academic or advisory reviews. Sequencing of any other reviews will be coordinated among the Senior Research Officer, Provost, General Counsel, and President
- 9. If a violation of this policy involves a collateral proceeding under University policies regarding a conflict of interest or conflict of commitment, then the Senior Research Officer will institute the conflict of interest and/or conflict of commitment review(s), but the Provost will defer a final decision or sanctions on that matter until the scholarly misconduct inquiry and/or Investigation procedure is completed

10. The detailed documentation of any allegation, accusation, inquiry, Investigation, and determination will be maintained by the office of General Counsel of the University for at least three years from the date of determination, date of acceptance of a final report if any from the federal Office of Research Integrity and/or any Inspector(s) General involved, or at least three years from the termination of any related grant or contract, whichever date is later. Documentation must be provided when required by law or upon request of authorized government authorities
 - a. departmental, college, committee, and other University records are to be retained confidentially to the extent permitted by law and may not be destroyed without the permission of the University's General Counsel and the University Archivist.
11. A whistleblower who raises or wishes to raise an allegation against a University employee of scholarly or scientific misconduct or related wrongdoing must respect the confidentiality of sensitive information and give legitimate institutional structures an opportunity to function in resolution of the matter. Whistleblowers and other witnesses have responsibility to raise their concerns honorably and only with foundation. The University has a duty to undertake review and actions as appropriate and not to tolerate or engage in retaliation against good-faith whistleblowers. This duty includes providing appropriate and timely relief to ameliorate the consequences of actual or threatened reprisals, and holding accountable those who retaliate. Although a whistleblower enjoys a privilege to report allegations of misconduct, the Office of Research Integrity states (Position paper #1, The Whistleblower's Conditional Privilege to Report Allegations of Scientific Misconduct, 1993), that abuse of the privilege may leave the whistleblower liable for defamation. In addition, this may subject a whistleblower who abuses the privilege to administrative action by the University.

G. Definitions

1. Business Associate- Any person legally linked with the employee in business contracts, partnerships, firms, enterprises, franchises, trusts, joint ventures, finances, real estate, or in other for-profit legal entities or agreements
2. Compensation- Money, financial benefit or things of value. Compensation does not include reimbursement for actual and necessary expenses incurred in the performance of official duties or for actual and necessary expenses reimbursed for

services to non-profit organizations and outside professional associations and related organizations

3. Conflict of Commitment- A real or apparent competition of outside activities such that an independent observer might reasonably question whether the employee's professional actions or decisions are or will be adversely affected by competing outside activities and interests to the detriment of the employee's specific and primary duties to the University and its mission
4. Conflict of Interest- A real or apparent divergence between a University employee's private interests and his or her professional obligations to the University, such that an independent observer might reasonably question whether the individual's professional actions or decisions are or could be determined by considerations of private gain rather than by potential benefit to the University mission
5. Family Member-conflict of interest/commitment/nepotism- The term "family" shall have the same meaning as defined by O.R.C. 2921.42 (grandparents, parents, spouse, children, whether dependent or not, grandchildren, brothers and sisters, or a person related by blood or marriage residing in the same household. This will not apply to financial disclosures.
6. Family Member-financial disclosure in connection with external funding- For purposes of considering issues of disclosure of financial interest and financial relationships, "family" shall be deemed to mean employee, spouse and dependent children.
7. Financial Interest- Anything of monetary value, including but not limited to salary or other payments for services (e.g., consulting fees); equity interests (e.g., stock options or other ownership interests); intellectual property rights (e.g., patents, copyrights, trademarks, trade secrets and royalties from such rights); and any other interest which an employee has in a business enterprise outside the University
8. Intellectual Property- An all-encompassing term now widely used to designate as a group at least all of the following: patents or patentable inventions, trademarks, copyrights, trade secrets, and the rights of publicity
9. Invention- A discovery or development which may be patentable (novel, useful, and non-obvious), and certain types of computer software

10. Investigator- A principal investigator, project director, co-investigator, or any other person at the University who is responsible for the design, conduct, or reporting of research or educational activities funded by an external sponsor
11. License- A permission to use a right to intellectual property under defined conditions
12. Mission- The University's mission, including teaching; research; scholarly and creative activities; and community and public service
13. Outside Activities- Outside professional association activities and outside consulting activities
14. Outside Consulting Activities- Activities of University employees, other than their employment obligations to the University, performed for compensation above actual and necessary expenses or honoraria. These do not include outside professional association activities. These may or may not involve conflict of interest or conflict of commitment, which may need management.
15. Outside Professional Association Activities- Uncompensated activities (except for actual and necessary expenses and honoraria) such as, but not limited to, those involving recognized professional associations and societies or scholarly or advisory bodies related to academic work or disciplines; serving on public commissions or boards of philanthropic organizations; presenting guest lectures or scholarly papers at academic or professional conferences; leading or participating in seminars, workshops, or short courses sponsored by academic, government, or nonprofit organizations; serving on review panels or accreditation teams; visiting colleagues or model programs at other universities or public or nonprofit institutions. Such uncompensated activities are not considered outside consulting activities.
16. Private Gain- Acquiring something of value, profiting, receiving payment, or otherwise receiving some form of personal financial or material increase or compensation for self or family member(s), from The University of Akron
17. Provost- The Senior Vice President and Provost
18. Quarter- any three consecutive calendar months

19. Scholarly Misconduct- Academic and/or scientific misconduct construed so as to encompass misconduct in the physical sciences, natural sciences, health sciences, social sciences, humanities, professions, fine arts, applied arts, in artistic expression and in all other academic fields within the University. Terms and categories of misconduct will be deemed to have those meanings and interpretations as reflected by their common usage and understanding in an academic and research community. At The University of Akron, each department is the judge of these meanings and interpretations. Scholarly misconduct is intended to include within it but is not limited to the definitions of the American Association of Universities' broad categories of classification of scientific misconduct and the Federal definitions as published by the National Institutes of Health of the U.S. Public Health Service, U.S. Department of Health and Human Services, and of the National Science Foundation, as amended. Scholarly misconduct includes:
- a. Plagiarism
 - b. Falsification of discovery
 - c. Theft of another's discoveries, scholarly work, or creations
 - d. Violation of accepted scientific procedures in making discoveries
 - e. Falsification of data
 - f. Abuse of confidentiality
 - g. Practices that seriously deviate from those that are commonly accepted within the scientific or academic community or discipline for proposing, conducting, or reporting research (not including honest error or honest differences in interpretations or judgments of data) or in publication, except that this is not intended to cover research or proposals or publications that may be protected as an exercise in academic freedom
 - h. Material failure to comply with Federal requirements, including protection of researchers, human subjects, and the public; and/or to ensure the welfare and ethical care and use of laboratory animals
 - i. Failure to meet other material legal requirements governing research or

sponsored programs

20. Senior Research Officer- The University administrator named by the University to represent the University at the Ohio Board of Regents as chief Research Officer
21. Significant Financial Interest- A financial interest beyond the following:
 - a. An equity interest in an entity that does business with The University of Akron that, when aggregated for the employee and the employee's family members, meets one of the following tests: exceeds \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and represents more than a five percent (5%) ownership interest in any single entity. (See G.6.)
 - b. Salary, royalties, or other payments that, when aggregated for the employee and the employee's family members, exceeds \$10,000 in an entity doing business with The University of Akron
 - c. A significant financial interest does not include:
 - i. Royalties or royalty-type income/remuneration from the University itself
 - ii. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities
 - iii. Income from service on advisory committees or review panels for public or nonprofit entities
22. State- State of Ohio
23. Technology Transfer- Conveyance from one party to another of knowledge, methods and/or materials used to apply science, especially to industrial or commercial objectives; and/or conveyance of intellectual property, whether through license or otherwise
24. University- The University of Akron
25. Whistleblower- A University employee or student who reports what may be illegal or wrongful activities of the University and/or its employees

ADDENDUM:

Central Administration Officer - Either the Senior Research Officer or the Executive Director for Human Resources.

