

University of Wisconsin-Madison
Secretary of the Faculty
133 Bascom Hall

**FACULTY SENATE MEETING AGENDA
MATERIALS
for**

6 February 2017

*The University Committee encourages senators to discuss
the agenda with their departmental faculty prior to meeting.*



WISCONSIN
UNIVERSITY OF WISCONSIN-MADISON

**FACULTY SENATE AGENDAS, MINUTES, RECORDINGS,
TRANSCRIPTIONS AND FACULTY DOCUMENTS, INCLUDING FACULTY
POLICIES AND PROCEDURES, ARE AVAILABLE:**

secfac.wisc.edu/Faculty-Senate.htm

FACULTY SENATE MEETING
Monday, 6 February 2017 - 3:30 p.m.
272 Bascom Hall

AG E N D A

1. Memorial Resolutions for
 Professor Emeritus Roberto Sanchez (Fac Doc 2661)
 Professor Emeritus Sung-Feng Wen (Fac Doc 2662)
2. Announcements/Information Items.
3. Question Period.
4. Minutes of December 5, 2016 Meeting (consent).
5. Report of the Nominations for Election to the Committee on Committees
 The following faculty members are nominated for election by the Faculty Senate to fill a vacancy on the Committee on Committees in the Physical Sciences Division for a 4-year term:
 - John Yin (District 34, Engineering/Chemical Engineering)
 - Dan Vimont (District 64, L&S/Atmospheric and Oceanic Sciences)
6. Committee on Committees Annual Report for 2017: Nominations for Faculty-Elected Committees (Fac Doc 2663)
7. University Curriculum Committee Annual Report for 2015-2016 (Fac Doc 2664)
8. University Library Committee Annual Report for 2015-2016 (Fac Doc 2665)
9. Proposal to Change *Faculty Policies and Procedures* 5.14., 5.30., 6.09., 7.06., and 7.10. to Clarify Chancellor and Provost Roles (Fac Doc 2666)
10. Proposal to Change *Faculty Policies and Procedures* 7.20. per Revised UW System Policy on Leaves of Absence (Fac Doc 2667)
11. Research Misconduct Policy (for vote)
 - a. Summary of Changes (Fac Doc 2668)
 - b. Research Misconduct Policy (Fac Doc 2668a)
 - c. Proposal to Change *Faculty Policies and Procedures* 9.14. to Incorporate the Changes to the Research Misconduct Policy (Fac Doc 2668b)
12. Post-tenure review (first reading) (Fac Doc 2639 with modifications)
 Revised in response to Board of Regent revision of RPD 20-9
 (wisconsin.edu/regents/policies/periodic-post-tenure-review-in-support-of-tenured-faculty-development/) and related "Approval of Interim Post-Tenure Review Policy Language, as may be Needed for Individual UW Institutions" (pp. 200-205 of [wisconsin.edu/regents/download/meeting_materials/2016\(3\)/december/Education-Committee-pdf-December-2016.pdf](http://wisconsin.edu/regents/download/meeting_materials/2016(3)/december/Education-Committee-pdf-December-2016.pdf))

**Memorial Resolution of the Faculty of the University of Wisconsin-Madison
On the Death of Professor Emeritus Roberto G. Sánchez**

Roberto Garza Sánchez was born in San Antonio, Texas, on September 24, 1922, as the child of immigrant parents from México. Roberto's parents had placed a high value on education, which they considered an integral component of their son's upbringing and cultural formation. Upon graduating from Corpus Christi High School in 1940, Roberto enrolled in Corpus Christi Junior College for the two inaugural years of his post-secondary education. A first-generation US-born citizen, and the first in his family to attend college, Roberto then transferred to the University of Texas, where he earned a BA degree in 1943. In the following year he received a Master of Arts degree from the same institution. He was subsequently accepted into the Doctoral Program of the Department of Spanish and Portuguese at UW-Madison, where he initiated his doctoral studies, with a minor in French. Originally, Roberto intended to specialize in Latin American literature, but his research interests gravitated toward Peninsular Spanish literature, focusing increasingly on drama. He defended his dissertation on *The Theatre of Federico García Lorca*, under Edward R. Mulvihill's supervision in 1949, an achievement that effectively consolidated Roberto's deep and long-lasting love for the theatre. A UW-Madison post-doctoral Markham Fellowship enabled him to conduct further research in Spain in the ensuing academic year. And it was upon his return states-side in 1950 that Roberto joined the UW-Madison faculty ranks as an Assistant Professor of Spanish. He was granted tenure in 1955 and was promoted to Full Professor in 1963. Roberto remained a prolific and influential scholar, publishing two important monographs and some twenty-seven articles on García Lorca, Benito Pérez Galdós, and Leopoldo Alas (Clarín), among many others. He also co-edited with Edward Mulvihill four popular editions of modern Spanish literary classics, a few of which continue to be used in classrooms across the country. His service contributions as a UW faculty member were as wide-ranging as they were meaningful. Among them, his efforts on behalf of the University Task Force on Minority Student Retention deserve special mention. Roberto belonged to several major professional societies, and was elected as a standing member of the Academia Norteamericana de la Lengua Española. He retired in 1984 and moved to Santa Barbara, California in 2002.

Roberto's most lasting legacy in the Department—a legacy that endures vibrantly to this day—was undoubtedly the culture of theatre and performance that he actively fostered for more than three decades. Not only did he direct the Department's annual Spanish and Spanish-American play, bringing together students, faculty and staff as actors, stagehands, technicians, and wardrobe supervisors, but he was also an exceptionally gifted drama teacher. In the words of one of his former students, Roberto was able to elicit an unsuspected vitality and relevance from 19th-century Spanish Romantic drama. He was always acutely aware that “theatre was written not to be read, but to be performed, seen, heard.” The plays Roberto directed drew regular and enthusiastic audiences of UW faculty and students as well as high-school Spanish classes from Madison and surrounding communities. In 1974, in commemoration of the silver anniversary of its annual Spanish-language dramatic production, the Spanish and Portuguese Department staged a special adaptation of the early modern classic *La Celestina*. Fittingly, Roberto dedicated his production of the “tragicomedy” to Lloyd Kasten and Eduardo Neale-Silva, two of the Department's renowned Hispanists, who were due to retire soon. Roberto's exceptional sensitivity, as both a stage director and a literary critic, to the challenges and complexities of producing a generically hybrid text from the dawn of modernity found compelling expression in an important scholarly article he subsequently published in the journal *Estreno*.

Even after he retired, Roberto continued to kindle his passion for the theatre. In 1985, he returned to direct the Spanish and Portuguese Department's production of *La de San Quintín* ["A Hard-fought Battle"] by the Spanish realist master Benito Pérez Galdós as well as Pirandello's *La Giara* ["The Jar"] for the Department of French and Italian. As he reportedly confided to his close friends, had Roberto not pursued a successful academic career, he might perhaps have become a playwright. And in effect, in 2010, he wrote and directed two original one-act plays (*Charlemagne and Marmalade* and *A Dog Named Bernie*) for the living community where he resided in Santa Barbara, California.

Above all, however, Roberto cherished education, and he imbued his teaching with the same dedication and passion that defined everything he did. More than a profession, for Roberto, teaching was a calling. One of his advisees calls him "a master teacher," and fondly recalls the awe and admiration he felt upon discovering, at the end of Roberto's fifty-minute classes, that he had somehow accumulated six or more pages of notes without realizing it. Another of his former students, who would become a life-long friend, mentions recurrently "using the Spanish Professor Sánchez taught me many years ago and for which I am eternally grateful to him." Roberto's outstanding performance as an educator was formally recognized in 1979, when he received the Emil H. Steiger Award for Distinguished Teaching. He also directed some fifteen doctoral dissertations, and was a supervisor and mentor to generations of teaching assistants, who went on to become reputable and prolific scholars and teachers in their own right. His passion and enthusiasm for teaching and his unshakable commitment to helping others prevailed after Roberto retired, as evidenced in his volunteer work for Madison's public schools, St Mary's Hospital, and, most significantly, in his generous endowment of scholarships for Latino/a students in public institutions. His family having instilled in him a belief in the dignity and singular worth of education, Roberto now strove to provide Latino/a K-12 and first-generation students attending two-year colleges or transferring to UW-Madison the opportunity to pursue their post-secondary education. It was this objective that the scholarship funds he established at Del Mar College in Corpus Christi, the Madison School District, Madison Colleges, and UW-Madison, sought consistently to meet. To date, almost ninety students have benefitted from his philanthropy: six at UW-Madison, twenty-one at Madison College, and sixty from several Madison high schools. Our own department has for several years been extremely fortunate to experience first-hand his spirit of giving through a Theatre and Distinguished Lectureship Fund, whose aim is to provide financial support for guest lectures dealing with theatre and performance, dramatic productions, performances and academic symposia.

In his retirement Roberto enjoyed traveling, playing tennis, the company of his dachshunds Quico and Paco, reading, the theatre, and above all, the fellowship of friends and acquaintances as well as helping others. Those of us who knew him will remember him warmly, and his legacy of giving will benefit public education in the Madison community, both at the secondary and post-secondary level, well into the future.

As Henry Adams famously put it, "a teacher affects eternity; he can never tell where his influence stops." No one embodies the abiding truth these words express more completely than Roberto, who passed away on August 15, 2016, in Santa Barbara, California, at the age of 93. We miss him profoundly, but his memory will endure for countless years to come.

**Memorial Resolution of the Faculty of the University of Wisconsin-Madison
On the Death of Professor Emeritus Sung-Feng Wen**

Professor Sung-Feng Wen, Professor Emeritus in The Department of Medicine Nephrology Division, UW School of Medicine And Public Health, passed away on May 14, 2016. He was 83.

Professor Wen was born March 3, 1933 in Hsin-chu, Taiwan. Upon completion of his training at the National Taiwan University College of Medicine, Dr. Wen immigrated to the United States in 1962. He completed his clinical and medical training in Louisville and Chicago, before conducting his research fellowship at McGill University in Montreal. Dr. Wen joined the faculty in the Department of Medicine, Division of Nephrology at UW-Madison in 1970 where he worked as a physician, teacher, and researcher for 35 years before retiring as Professor Emeritus in 2005.

Professor Wen was the *triple threat* academic nephrologist. He was an outstanding researcher, teacher, and clinician. As a scientist, he was instrumental in conceiving and executing the studies that exposed the renal transport of glucose and phosphate. This served as the basis for subsequent clinical studies leading to understanding the population health of Chronic Kidney Disease and diabetes.

As a clinical nephrologist, Professor Wen played an important role in the Division's care for patients with acute, chronic, and end-stage renal disease, and as an educator, he was a key contributor to the nephrology teaching program, including lectures at the Renal Pathophysiology course and scholar exchanges with Residents and Fellows. Professor Wen was encyclopedic in his knowledge of the literature.

Following his retirement as Professor Emeritus in 2005, Dr. Wen maintained an active interest in the medical field by regularly attending nephrology conferences and weekly lectures at UW Hospital. Professor Wen supported multiple organizations promoting a democratic Taiwan. He also enjoyed playing softball and organized informal weekly games beginning in the 1970s, which he continued through his retirement.

Today we honor the memory of Sung-Feng Wen – scholar, dedicated teacher, scientist, and collaborator. He will be deeply missed by his family and friends. Virgil is survived by his wife of 49 years, Lena; daughters, Caroline and June; brothers, Wen-Yang Wen and Chi-Pang Wen, and many nieces and nephews. He was preceded in death by his parents and brother Chin-Yung Wen.

Prepared by Arjan Djamali

**FACULTY SENATE
MINUTES
05 December 2016**

Chancellor Rebecca Blank called the meeting to order at 3:31 p.m. with 152 voting members present (111 needed for quorum). Memorial resolutions were offered for Professor Emeritus Robert Bless (Faculty Document 2652), Dean Arnold Brown (Faculty Document 2653), and Professor Emeritus Lloyd Peterson (Faculty Document 2654). Chancellor Blank provided updates on campus research rankings, post-tenure review, tuition rates, undocumented students, and compensation, concluding with good news announcements on fellowships and hiring. There were no questions or comments. The minutes of the meeting of November 7, 2016, were approved as distributed.

Professor Laurel Rice (Obstetrics & Gynecology) presented the annual reports of the Athletic Board for 2012-2013, 2013-2014, 2014-2015, and 2015-2016 (Faculty Document 2655). There were questions on gender equity, cash balances, and injuries and concussions. Professor Tom DuBois (German, Nordic, & Slavic) presented the annual report of the University Lectures Committee for 2014-2016 (Faculty Document 2656). There were no questions. Professor Judith Burstyn (Chemistry, District 48) presented the annual report of PROFS (Faculty Document 2657). There was one question about campus carry legislation. Patrick Sheehan (Office of Human Resources, Director of Workforce Relations) presented a new campus policy on Minor Protection and Adult Leadership (Faculty Document 2658). There were several questions and comments about discipline and due process, adult-student ratios, connections to campus carry, and events with students from other campuses.

Assistant Professor Andrea Rupp (Rehabilitation Psychology & Special Education, District 26) moved approval of Faculty Document 2659, a resolution on solidarity with students, staff, and faculty experiencing discrimination. The motion was seconded. Professor Chad Goldberg (Sociology, District 71) moved to amend the resolution as follows:

The University of Wisconsin-Madison comprises faculty, staff, and students from a wide array of ethnic, racial, national, and religious backgrounds, and the diversity that results from their presence in our community enriches our social interactions and our intellectual exchanges. In recent months we have witnessed a distressing increase in verbal abuse and other kinds of discriminatory behaviors against a variety of groups. In particular, the Muslim members of our community have become the targets of violent actions and abusive language, hostility that is longstanding and has intensified in recent months.

We as a faculty respond to this intolerable situation by confirming that these groups are an integral part of our community. ~~Any faith, philosophical commitment, or idea held by any of our community members is a part of our whole. Together with deep respect for all beliefs, we value Islam and those who profess it for what they contribute to the university community. We value these groups for what they contribute to the university community.~~

Whereas the UW-Madison is an institution that proudly upholds and fosters freedom of expression and belief without fear; and

Whereas we prize and count as integral to our institution the individuality and the ~~different~~ diversity of beliefs, religious and otherwise, of all of our students, staff colleagues, and faculty colleagues; and

Whereas Islamophobic and other discriminatory actions and statements have arisen in mainstream American culture; and

Whereas we understand the high costs of religious prejudice and bias to the mission of an academic setting;

Therefore be it resolved that the UW-Madison Faculty Senate stands united with targets of discrimination everywhere, and particularly with Muslims in our academic community. Disparagement of one group is disparagement of us all.

The amendment was seconded. Following two comments, Associate Professor Christa Olson (English, District 55) moved to amend the amendment to change the word “for” in the new language in the second paragraph to the word “and.” The amendment to amend was seconded and passed unanimously by voice vote. The amendment as amended passed unanimously by voice vote. There were several comments on the resolution as amended, which then passed by voice vote.

Assistant Professor Jerome Camal (Anthropology, District 45) moved approval of Faculty Document 2660, a resolution to support UW-Madison undocumented students. The motion was seconded. Professor Mark Etzel (Food Science, District 11) moved to amend the resolution by appending the following to the end.

Therefore, be it resolved that the UW-Madison faculty call on the UW-Madison administration to:

1. Not release immigration status or related information in confidential student records, without permission from a student, to federal agencies or other parties without a judicial warrant, a subpoena, a court order or as otherwise required by law.
2. Forbid campus police from joining those state and local law enforcement agencies that enter into an agreement with Immigration and Customs Enforcement (ICE), or undertake other joint efforts with federal, state or local law enforcement agencies, to investigate, detain or arrest individuals for violation of federal immigration law.
3. Forbid campus police from contacting, detaining, questioning or arresting an individual solely on the basis of suspected undocumented immigration status or to discover the immigration status of an individual, except as required by law.
4. Forbid campus police officers from detaining an individual in response to an immigration hold request form ICE, or any other law enforcement agency enforcing federal immigration law, unless doing so is required by law or unless an individual has been convicted of a serious or violent felony.
5. Not provide information for any federal effort to create a registry based on any protected characteristics, such as religion, national origin, race or sexual orientation.

The motion to amend was seconded. Several people spoke to the amendment. Professor Etzel moved to table the resolution to the next Faculty Senate meeting. The motion was seconded. Several people spoke to the motion to table. Professor Etzel withdrew the motion to table with no objection. There were additional comments on the amendment. The motion to amend failed by voice vote. Professor Terry Warfield (Business, District 24) moved to call the question. The motion passed by voice vote. The resolution passed unanimously.

Professor Lee Blasius (Music, District 65) moved to convene in closed session pursuant to Wis. Stats. 19.85(1)(c) and (f) to consider the recommendation of the Committee on Honorary Degrees. The motion was seconded and passed unanimously at 5:00 p.m. Professor Leann Tigges (Community & Environmental Sociology and chair of the Committee on Honorary Degrees) presented background information on the nominees for honorary degrees. Senators voted by paper and electronic ballot whether to award the degrees. All four candidates (including one alternate) were approved. Professor Blasius moved to reconvene in open session. The motion was seconded and passed at 5:20 p.m.

The meeting was adjourned at 5:21 p.m.



Steven K. Smith
Secretary of the Faculty

**Committee on Committees Annual Report for 2017:
Nominations for Faculty-Elected Committees**

The Committee on Committees offers the following nominations for 4 faculty-elected committees for terms beginning in 2017-2018. Any member of the faculty may make additional nominations from the floor at the senate meeting on 6 February 2017. The election will be April 3-16.

Commission on Faculty Compensation and Economic Benefits (FPP 6.34.)

Represents the faculty in salary and economic benefits issues in discussions, hearings, and other appropriate settings. Three faculty members are to be elected to serve 3-year terms. No more than three members shall be from a single faculty division, and at least two members must be non-tenured at the time of their election.

Commission on Faculty Compensation and Economic Benefits **candidates:** (vote for up to 3)

- Oguz Alagoz, ENG/Industrial Engineering/Physical Sciences Division
- Randolph Ashton, (non-tenured) ENG/Biomedical Engineering/Physical Sciences
- Randall Goldsmith, (non-tenured), L&S/Chemistry/Physical Sciences
- Eric Sandgren, VET/Pathobiological Sciences/Biological Sciences Division
- Jessica Weeks, L&S/Political Science/Social Studies Division
- *TBD*

Commission on Faculty Compensation and Economic Benefits **continuing members by division (term ends/departments):**

- Arts and Humanities (1): Daniel Grabois (non-tenured) (2018/Music)
- Biological Sciences (2): Bruce Thomadsen (2019/Medical Physics)
Aparna Lakkaraju (2018/Ophthalmology & Visual Sciences)
- Physical Sciences (1): Amir Assadi (2019/Mathematics)
- Social Studies (2): Jason Yackee (2019/Law)
Asli Gocmen (2018/Urban & Regional Planning)

Committee on Faculty Rights and Responsibilities (FPP 6.38.)

Serves as the appeal body for faculty nonrenewal decisions and functions in accordance with rules of the board of regents and of the faculty in cases of recommendation for discipline and dismissal of faculty members. Three faculty members are to be elected to serve 3-year terms. At least one and no more than three members shall be from a single faculty division.

Committee on Faculty Rights and Responsibilities **candidates:** (vote for up to 3)

- J. Michael Collins, SoHE/Consumer Science/ Arts & Humanities Division (re-election)
- Susan Lederer, SMPH/Medical History/Arts & Humanities Division (re-election)
- Mary Halloran, L&S/Zoology/Biological Sciences Division
- Jeff Linderth, ENG/Industrial Engineering/Physical Sciences Division
- Howard Schweber, L&S/Political Science/Social Studies Division (re-election)
- Adam Nelson, EDU/Educational Policy Studies/Social Studies Division

Committee on Faculty Rights and Responsibilities **continuing members** by division (term ends/department):

- Arts and Humanities (1): Steven Nadler (2019/Philosophy)
- Biological Sciences (2): Corinna Burger (2018/Neurology)
Irwin Goldman (2018/Horticulture)
- Physical Sciences (2): Gloria Mari-Beffa (2019/Mathematics)
Jennie Reed (2018/Chemical & Biological Engineering)
- Social Studies (1): Pilar Ossario (2019/Law)

University Library Committee (FPP 6.46.)

Serves as the faculty advisory body for policy and planning for libraries throughout the university, including the General Library System. Two faculty members are to be elected to serve 4-year terms. The committee shall have eight faculty members with two from each division.

University Library Committee candidates: (vote for up to 1 in each division)

Physical Sciences Division

- Bilge Mutlu, L&S/Computer Science
- Alessandro Senes, CALS/Biochemistry

Social Studies Division:

- Leema Berland, EDU/Curriculum & Instruction
- Lisa Bratzke, NUR/Nursing

University Library Committee continuing members by division (term ends/department):

- Arts and Humanities (2): Sabine Gross (2019/German)
Sarah Thal (2020/History)
- Biological Sciences (2): Cecile Ane (2018/Botany)
Eneida Mendonca (2018/Biostatistics & Medical Informatics)
- Physical Sciences (1): Yang Bai (2019/Physics)
- Social Studies (1): Catherine Arnott Smith (2018/Library & Information Studies)

University Committee (*Faculty Policies and Procedures 6.54.*)

Serves as the executive committee of the Faculty Senate, represents the faculty in major policy matters, and serves as the faculty's grievance committee except for matters within the jurisdiction of the Committee on Faculty Rights and Responsibilities. Two faculty members are to be elected to serve 3-year terms. No more than 3 members shall be from a single school or college, and at least 1 member shall be from each faculty division.

Candidates: (vote for up to 2 candidates)

- Steve Ventura, CALS/Soil Science/Physical Sciences
- Terry Warfield, BUS/Business/Social Studies
- *TBD*
- *TBD*

University Committee continuing members by division and school (term ends/department):

Arts and Humanities; L&S	Anja Wanner (2018/English)
Biological Sciences; L&S	Ruth Litovsky (2018/Comm Sci & Disorders)
Biological Sciences; CALS	Rick Amasino (2019/Biochemistry)
Physical Sciences	--
Social Studies: Nursing	Barbara Bowers (2019)

2016-2017 Committee on Committees

Ivy Corfis, Spanish & Portuguese (chair)
Barabara Bowers, University Committee rep
Judith Burstyn, Chemistry
Naomi Chesler, Industrial Engineering
Dorothy Edwards, Kinesiology
Ron Gangnon, Population Health Sciences
Michael Gould, Oncology
Ruth Litovsky, University Committee rep
Laura McClure, Classics
Morton Gernsbacher, Psychology

**University Curriculum Committee
 Annual Report For 2015-2016**

I. Functions and Meetings

The functions of the University Curriculum Committee are specified in Chapter 6.53 of FPP as follows:

APPROVAL OF COURSES. Proposals for new credit courses, or for modifications of or discontinuation of existing credit courses, shall be approved by the department (or department-like body), then by the school or college, and finally by the University Curriculum Committee.

REVIEW OF COURSE OFFERINGS. The University Curriculum Committee may review and recommend the alteration or discontinuance of existing credit courses, and the establishment of new courses.

ADVICE ON EDUCATIONAL POLICY AND PLANNING. On its own initiative or on request, the University Curriculum Committee may advise the chancellor, provost, deans, or other administrative officers of the university on educational policy and planning and their implementation.

In 2015-2016 the committee met 14 times on the second and fourth Fridays of the month on the following dates: September 11, September 25, October 9, October 23, November 13, December 11, 2015, January 8, January 22, February 12, February 26, March 11, April 8, April 22, May 13, 2016.

Agendas and minutes for UCC meetings are available from the Office of Academic Planning and Institutional Research and are posted on-line at <http://apir.wisc.edu/uccmeetings.htm> .

II. Approval of Courses

One of the major functions of the UCC is to review proposals to create new, change existing or discontinue courses. In 2015-2016 the UCC reviewed 721 course proposals, an increase of 10% from 2014-15.

- 241 were new course proposals
- 336 were course change proposals
- 144 were course discontinuation proposals

	Change	Discontinue	New	Total
Accounting and Info Systems	1			1
Actuarial Science	6			6
African Languages & Literature	12	16	15	43
Afro-American Studies	2			2
Anatomy	1			1

	Change	Discontinue	New	Total
Anesthesiology			1	1
Animal Science	3			3
Anthropology			3	3
Art Department	6		5	11
Art History			1	1
Atmospheric & Oceanic Sciences	1			1
Biochemistry	5			5
Biocore			1	1
Biological Systems Engineering	5			5
Biomedical Engineering			1	1
Biomolecular Chemistry			1	1
Biostatistics & Med Informatic	3			3
Botany			1	1
Cellular and Regenerative Biology	1			1
Chemistry			8	8
Civil and Environmental Engr			2	2
Civil Engineering		1		1
Civil Soc & Community Studies			2	2
Communication Arts	15		5	20
Communication Sci. & Disorders	8	1		9
Community & Environmental Soc	1			1
Comparative Literature	1			1
Computer Science	4		2	6
Counseling Psychology	3		4	7
Curriculum and Instruction	6	8	4	18
Dairy Science	2		3	5
Dance			1	1
Design Studies	3		1	4
Economics	1			1
Ed Leadership & Policy Analysis			1	1
Educational Policy Studies	2		1	3
Educational Psychology	1		1	2
Electrical and Computer Engr	3	4		7
English	3		1	4
Engr Mechanics & Astronautics			1	1
Engr Professional Development	1		17	18
Entomology	1			1
Envir St - Gaylord Nelson Inst		2	1	3
Family Medicine			1	1
Farm & Industry Short Course			33	33
Finance, Investment & Banking	1			1

	Change	Discontinue	New	Total
Food Science	2		1	3
Forest And Wildlife Ecology	1		4	5
French (French And Italian)			3	3
Gender And Women's Studies	2			2
General Business	1		2	3
Genetics	3		3	6
Genetics		1		1
Geography	5		5	10
Geoscience			1	1
German	1			1
Hebrew - Biblical	1			1
Hebrew (Hebrew And Semitic St)		4		4
History	11		9	20
History	3	2		5
Horticulture	2		2	4
Human Devel & Family Studies			1	1
Industrial & Systems Engr	5		1	6
Integrated Liberal Studies	1			1
Interdis Courses (Engr)			2	2
Interdis Courses (L & S)	1			1
Jewish Studies		1		1
Journ And Mass Communication	17	5	7	29
Kinesiology	6		3	9
Landscape Architecture			1	1
Lang & Cultures Of Asia - Lang	4			4
Library & Information Studies	3	2	2	7
Life Sciences Communication	13			13
Linguistics	1			1
Literature In Translation		1	2	3
Management And Human Resources			2	2
Marketing	3	2	3	8
Materials Sci and Engineering	1			1
Mathematics	2	2	4	8
Mechanical Engineering	1		2	3
Medical Genetics	2			2
Medical History and Bioethics			1	1
Medical Microbiol & Immunology	1			1
Medical Sciences - Med School			8	8
Medicine		5	1	6
Microbiology	1			1
Music			3	3

	Change	Discontinue	New	Total
Naval Science	2			2
Neuroscience Training Program			1	1
Nuclear Engineering	6			6
Nursing	2	1	3	6
Nutritional Sciences	1		2	3
Occupational Ther (Dept-Kines)			1	1
Oncology			2	2
Pediatrics			1	1
Pharmaceutical Sciences	1			1
Pharmacy Practice	5		3	8
Philosophy	2		1	3
Physical Educ Activity Program	1	55		56
Physical Therapy	6	2	1	9
Physician Assistant Program	1		1	2
Physics	1		1	2
Political Science	81		7	88
Population Health Sciences	5		5	10
Portuguese	1			1
Psychology	15	5	10	30
Rehab Psych & Special Educ			3	3
Risk Management And Insurance			1	1
Scandinavian Studies			1	1
Sociology	3			3
Spanish (Spanish And Portug)	1			1
Statistics			1	1
Surgery			2	2
Theatre and Drama	3		2	5
Therapeutic Sci (Dept-Kines)	1	23		24
Transportation and Public Util		1		1
Zoology	2		1	3
Grand Total	336	144	241	721

III. Policy

Revision to UCC Membership

In November, the Faculty Senate approved changes to the membership of the UCC.

A. MEMBERSHIP. The committee shall consist of 12 faculty members, ~~three from each faculty division~~ as indicated below. Members shall serve three-year terms, which shall be staggered. The Committee on Committees and the Academic Staff Nominating Committee shall coordinate so that no department has more than one member on the committee.

1. Two faculty members from each division. The Committee on Committee shall give consideration to appointing members who have recently served on their college or school curriculum committee.

2. Four academic staff members with instructional titles. The Academic Staff Nominating Committee shall give consideration to appointing members who teach or have taught more than one different course.

The Academic Staff Nominating Committee appointed four academic staff members who joined the committee in February.

Workload and Meeting Structure

In 2014-2015 the committee expanded its meeting schedule from one meeting a month to two meetings a month in order to give more time to addressing policy issues as well as course proposal review. With an ever increasing volume of course proposals to review, the committee still found it difficult to balance policy discussion and course proposal review. For the 2015-2016 year the committee decided to reserve one of the two meetings each month for policy discussion leaving the other meeting for course proposal review.

Out of Classroom Learning Discussion

The issues determined to be most pressing include the framework and definitions for distance and out-of-classroom learning experiences (internships etc.). The root of the issue in both areas is the fact that they do not take place in the structured, traditional learning environment of the classroom and thus require additional consideration in the development of guidelines to help departments and course proposers understand how such courses need to be structured in order to meet the federal definition of a credit hour and accreditation criteria from the Higher Learning Commission. The committee reviewed literature on this topic, discussed existing standards for evaluating such as the Quality Matters Rubric© (a nationally recognized set of 8 general standards and 43 specific standards used to evaluate the design of online and blended courses), and brought in guests with expertise in the area in an effort to learn more about what the campus might adopt in terms of policy or framework in this area. This is a complicated issue with no single, clear answer. The committee will continue its discussion and deliberations in the future with an eye toward developing campus policy.

Significant Curricular Revision Presentations

In November, the committee met with representatives of the Doctor of Medicine program to learn about the changes made to the MD curriculum. The curriculum will now be organized in 3 phases and emphasizes competencies and the integration of basic science and clinical topics. An important concept in the new curriculum is longitudinal sequencing that will reduce repetition and increase opportunities to integrate concepts from the clinical and basic sciences.

In March, representatives from the Farm and Industry Short Course (FISC) met with the committee to explain the plan to reintegrate the long-standing FISC program from non-credit status to a for-credit program.

Graduate Attribute Policy Update

Last year, the UCC approved a request from the Graduate School to create a new course attribute to be used to track progress toward the new Minimum Graduate Course Work (50%) Requirement. At that time the committee created a set of guidelines that included criteria for what constitutes a graduate level course. During the first full year the attribute was in existence, the committee observed that courses that could be taken by either undergraduate or graduate students (numbered 300 – 699) were particularly challenging to design and define. The committee reviewed the revised graduate course attribute policy and discussed whether it is possible to actually have a course that adequately serves undergraduate and graduate students in

the same course. There is a great deal of variance over the wide spectrum of disciplines across campus in how these courses are structured. The policy was revised to place an emphasis on including separate learning outcomes for graduate and undergraduate students and including more information about the advanced synthesis or demonstration of knowledge required for graduate students.

Course Proposal Sample Syllabus Policy Update

The committee also discussed and made updates to the policy that describes the elements of the sample course syllabus. The committee noticed that a significant number of proposals included attendance and participation as a substantial portion of the final grade. There was often little or no information in the syllabus regarding how students would be evaluated in this area. There was a great deal of discussion about the importance of providing students with clear and comprehensive information about the structure of the course and how they would be evaluated and graded. The policy on sample course syllabi was updated to include “*When a significant percentage (10% or more) of the grade is tied to participation, attendance, and/or discussion, how this percentage is assessed must be clearly defined.*” The full policy is available at: <https://kb.wisc.edu/vesta/page.php?id=24561> .

V. Future Issues

A new online course proposal form will be implemented in the next year which will be a priority for the UCC. Additionally the committee has plans to take up several issues:

- Review the implementation of the obsolete course discontinuation process.
- Consider a request to create a course attribute for workplace experience courses.
- Continue discussion of policy related to online courses.

VI. Summary

The trend of an increase in volume of course proposals submitted to the UCC continued. In 2005-2006, 459 course proposals were reviewed compared to 721 in 2015-2016 an increase of 36%. The large number of course proposals the committee must review has had an impact on the progress being made in other areas, namely policy. In spite of the increased course proposal review workload the committee was able to update policies related to the graduate course attribute and course proposal sample syllabus requirements which will provide course proposers and proposal reviewers with better guidelines about expectations.

VII. Curriculum Committee Membership 2015-2016 (term expires)

Each of the four divisions has three representatives who are appointed to staggered 3 year terms.

Harry Brighthouse, Philosophy (2016)
Philip Brown, Geoscience (2016) - chair
Ricardo Court, Political Science (2017)
Lee DeBaillie, Engineering Professional Development (2019)
Gary Green, Community and Environmental Sociology (2016)
Robert Glenn Howard, Communication Arts (2017)
Barbara Ingham, Food Science (2018)
Daniel Kapust, Political Science (2018)
Amy Moser, Human Oncology (2016)
Leslie Smith, Mathematics (2017) – vice chair
Mary Thompson, Division of Continuing Studies (2018)
Doug Wiegmann, Industrial Engineering (2018)

Michelle Young, Academic Planning and Institutional Research, consultant to the UCC

**University Library Committee
Annual Report for 2015–2016****I. Committee Charge**

The University Library Committee (ULC) reviews, consults and advises on, plans for, and receives reports and recommendations on the performance of library services, automation, budget, administrative structure, and allocation of resources. Responsibility for keeping the faculty, staff and students informed of major issues and for creating opportunities for the faculty, staff and students to discuss priorities also falls to the committee. (see *Faculty Policies and Procedures* 6.46.B).

From: <https://www.library.wisc.edu/about/university-library-committee/>

II. Summary of Activities and Issues

Fiscal year 2015–2016 marked a period of progress on strategic plans for the Libraries. The Libraries looked to the ULC for input on several issues throughout the year.

Consolidation Report

Vice Provost for Libraries and University Librarian Ed Van Gemert sought ULC feedback and support for the Libraries' Consolidation Report.

Faculty Policy & Procedure (FP&P) Chapter 6 Revisions

ULC representation on the Campus Planning Committee and ULC membership were reviewed.

Memorial Library Committee

After reviewing, it was determined that the Memorial Library Committee should continue, and that the chair should serve as a member of the ULC.

Open Access Policy Initiative

The ULC drafted and approved a resolution in support of a campus Open Access policy initiative.

Federal Regional Depository Status

Associate University Librarian Doug Way briefed the ULC on the Libraries' Federal Regional Depository status, and the possibility of moving to a Selective Depository status.

Campus Libraries Facilities Master Plan

Information about the Campus Libraries Facilities Master Plan was shared, as well as a call for nominations to the steering committee.

Library Collections Funding Support

The ULC drafted a letter to Chancellor Blank regarding financial support for Library collections.

Priorities for 2016-2017

III. Detail of Current/Past Year's Activities and Issues

Consolidation Report

Vice Provost for Libraries and University Librarian Ed Van Gemert sought ULC feedback and support for the Libraries' Consolidation Report (go.wisc.edu/consolidationreport). The ULC noted the need to articulate consolidation's impact on library collections, especially print collections; the need to articulate how consolidation will impact the number of physical library locations; and the need for listening sessions on the west side of campus. The ULC first voted to endorse the five recommendations within the Consolidation Report and provided recommended changes for the executive summary. On 14 December 2015, the ULC endorsed the report in principle and as a framework with the understanding that the concerns they raised be taken seriously and that feedback be solicited broadly in the consolidation implementation phase.

Faculty Policy & Procedures (FP&P) Chapter 6 Revisions

The University Committee posed the question to the ULC of whether faculty should be elected or appointed to the ULC, as well as whether they wished to retain representation on the Campus Planning Committee. After some discussion, the ULC decided that faculty membership should remain an elected position. In addition, the ULC decided that it wished to maintain representation on the Campus Planning Committee.

Memorial Library Committee

After some discussion regarding the continuance of the Memorial Library Committee, on 14 December 2015, the ULC drafted an amendment to communicate the following to the Faculty Senate: "ULC expresses its support for the continuance of the Memorial Library Committee, and looks forward to discussing with the committee over the next semester better ways of communication and collaboration." It was also decided that the chair of the Memorial Library Committee will now also serve on the ULC in a representative role to facilitate communication between the two committees.

Open Access Policy Initiative

Karl Broman—who previously served as a ULC member—worked to draft a resolution in support of an open access policy initiative. On 16 November 2015, the ULC approved the open access policy draft with the addition of this amendment to the resolution:

Whereas much of the research at the University is conducted by staff and students, Therefore be it further resolved that the inclusion of academic staff, university staff, and students in such a policy be carefully considered in consultation with the appropriate governance groups.

In March, Karl Broman presented the open access draft proposal at a Faculty Senate meeting, where faculty voiced many concerns. The ULC requested that the chair of the ULC, Dan Klingenberg, send an email to the chairs of all the departments so that Doug Way could present at department meetings. They also requested that the chair of the ULC ask that the current open access proposal be withdrawn from the faculty senate to be revised and resubmitted with all deliberate speed. In April, Karl Broman referred the motion to the ULC

instead of withdrawing it, and solicited suggestions to move the proposal forward. It was determined that Dan Klingenberg and Carrie Nelson would lead a project to educate and gather information from faculty about open access.

Federal Regional Depository Status

Associate University Librarian Doug Way briefed the ULC on the Libraries' Federal Regional Depository status, and the possibility of moving to a Selective Depository status.

Campus Libraries Facilities Master Plan

Information about consolidation implementation teams was shared, as well as external review of campus libraries for the Facilities Master Plan. In addition, there was a call for nominations to the Campus Libraries Facilities Master Plan steering committee.

Library Collections Funding Support

At the February ULC meeting, budget projections and additional funding needs for collections were shared. As a result, the ULC composed and sent a letter to Chancellor Blank regarding financial support for library collections (see Appendix A).

Anticipated Priorities for 2016-2017

1. The ULC will continue to advise on the implementation plan for library consolidation, specifically assisting with communication to faculty, staff and students
2. The ULC will continue to investigate and communicate the issues associated with Open Access (e.g. copyright, repositories, and Office of Science and Technology Policy (OSTP) compliance)
3. The ULC will review and advise on financial issues, including: collections, budget, advancement & development, and Resource Management Redesign report
4. The ULC will advise on the Campus Libraries Facilities Master Plan, SOAR advising, and UW Press

Appendix A

March 10, 2016

Chancellor Blank
161 Bascom Hall
500 Lincoln Drive
Campus Mail

Dear Chancellor Blank,

We, the undersigned University Library Committee (ULC), are writing to express our concern for the current and future state of the UW Libraries' collection budget, and the ability of the Libraries to maintain its collections at a level that appropriately supports a major research university.

We have seen the UW System Libraries struggle for years with an insufficient collection budget that has not received legislative funding since 1999. And while the UW–Madison Libraries have received periodic one-time funds since then, these have been inadequate to cover expenditures and inflationary pressures. Since the year 2000 the Libraries' stagnant budget has resulted in a \$4 million loss in annual buying power simply due to inflation.

As a committee that comprises faculty, staff and students, we all have first-hand experience with the collection budget reductions and the loss of buying power that has resulted in dramatic cuts to monographs and serials that have been essential to us or our students.

As Vice Provost for Libraries Ed Van Gemert and his staff have reported, the Libraries have been unable to adequately collect in existing fields of study, and it is difficult, if not impossible, to build collections in new areas of study. For example, to support the College of Engineering's Material Science program at a basic level would require an additional \$70,000 per year investment. As ULC and Memorial Library committee member Professor Florence Hsia stated, "In the near future, we'll need to send graduate students to our peer institutions in order to conduct basic research in the scholarly literature".

Here are some additional extremely disturbing facts that have been presented to us:

- Twenty years ago UW–Madison had the 6th largest collections budget in the CIC (Committee on Institutional Cooperation)—a budget \$600,000 higher than the CIC average. Today only Nebraska and Maryland spend less than the UW Libraries—our budget is now \$3.8 million below the overall CIC average.

Chancellor Blank
Page 2
March 10, 2016

- Today UW Libraries rank 48th out of 115 ARL (Association of Research Libraries) members in collections expenditures (spending on par with Montreal and Georgia). Twenty years ago we ranked 17th out of 108 ARL members (spending on par with Illinois, Duke and Washington).
- We have not been able to participate in a number of CIC initiatives and deals which would have resulted in long-term savings, because we did not have the funds available up front.
- We have been informed that the Libraries are in discussion with the Provost regarding short-term budget requests to accommodate the inflationary figures for 2017 and 2018. However, the larger point is that unless there are long-term funding strategies and allocations, these short-term requests will not be enough to position the Libraries to be able to provide access to necessary and important resources.

The Vice Provost has been very clear with us during the past few years about the deteriorating state of the budget and the challenges they face. As time passed without any real long-term budget solutions we feel it necessary to express our alarm at what we consider to be a serious budget crisis that will affect the status of this great research library. As stated by ULC committee member Professor Sabine Gross, "I can no longer tell prospective students and faculty that we have one of the best libraries in the world. At a time when we have to be at our most competitive to recruit the best, I find myself instead apologizing to candidates for embarrassing gaps in our holdings due to the drastic decline in acquisitions over the pasts 10-15 years."

We ask that you recognize the Libraries as an integral and invaluable part of the foundation of the University of Wisconsin–Madison, and work with Vice Provost Van Gemert and his staff to accommodate the short-term funding request and to develop a long-term collection budget strategy. We welcome any opportunity to meet with you to discuss this, and thank you for your attention to this matter.

Sincerely,

Professor Daniel Klingenberg, Chair

Representing:

Professors: Cecile Ane, Yang Bai, Linda Graham, Sabine Gross, Florence Hsia, Kyung-Sun Kim, Neil Kodesh, Eneida Mendonca, Mary Trotter

Staff: Phillip Braithwaite, Ron Harris, Carol Pech, Darcy Little, Joan S. Weckmueller

Students: Jack C. Dorr, Sean Owczarek, and Martin Rakacolli

cc: Provost Sarah Mangelsdorf

Proposal to change Faculty Policies and Procedures 5.14., 5.30., 6.09., 7.06., and 7.10. to Clarify Chancellor and Provost Roles**FPP 5.14. FACULTY TRANSFERS BETWEEN DEPARTMENTS, 2nd paragraph:**

A transfer of a department's continuing commitment to a faculty member requires the concurrence of the faculty member proposing the transfer, the executive committees of the respective departments, and the approval of the appropriate administrative officer(s). When a proposed transfer involves a single school/college, the dean is the appropriate administrative officer. When a proposed transfer involves a unit outside a single school/college, in addition to the deans and executive committees, the approval of the chancellor or his/her designee must also be sought. In the event that the executive committees or dean(s) directly affected do not agree, the chancellor or his/her designee will seek to negotiate a final settlement after consultation with the University Committee and the appropriate academic planning council(s). In no case, however, can a continuing departmental commitment to a faculty member be made without the consent of the majority of the accepting departmental executive committee.

Explanation: As the provost is the chair of the deans council, and generally is the person who resolves cross-college faculty personnel issues, it seems appropriate to not necessarily require that the chancellor specifically approve any such transfers. The proposed language is in keeping with FPP 1.10.B., which allows for the chancellor to designate responsibility for faculty personnel policies to the vice chancellor and provost.

FPP 5.30. DEPARTMENTAL CHAIR: SELECTION

C. If the chair is an assistant professor, or not a member of the department, ad hoc arrangements shall be made in consultation with the dean, the ~~chancellor~~ provost, and the University Committee for the operation of the executive committee.

Explanation: This has traditionally been a function of the provost rather than the chancellor. See also the explanation under FPP 5.14.

6.09. COMMITTEE REPORTS, RECORDS, RECOMMENDATIONS, AND POLICIES.

D. Chapter 6 committees shall maintain a written statement of policies and procedures. A committee shall report any proposed changes to these policies and procedures and any contemplated action that would be an exception to these policies and procedures to the University Committee ~~and the chancellor~~.

Explanation: It has never been campus practice to copy the chancellor's office on committee actions of this type. The chancellor's office is not set up to receive such communications from committees. Moreover, all other committee correspondence and interaction is either with the University Committee and Faculty Senate or the various shared governance offices and it is odd to have just this one function also copied to the chancellor. The chancellor meets regularly with the University Committee and is kept apprised of important developments with shared governance committees.

FPP 7.06. REVIEW OF PROBATIONARY APPOINTMENTS

C. The departmental executive committee may recommend renewal with promotion to tenure, renewal as a probationary appointee subject to the constraints set forth in 7.06. of these rules, or nonrenewal. A probationary faculty appointment may not be converted to an academic staff appointment except upon recommendation by the appropriate departmental committee and the University Committee and approval by the ~~chancellor~~ provost. Such a conversion may not be made to circumvent the decision between promotion to tenure and nonretention.

Explanation: This section is invoked when a probationary faculty member leaves the faculty and becomes an academic staff member. As the provost is responsible for faculty appointments and is the approving authority in similar cases (such as when the reverse happens and an academic staff member joins the faculty), having the chancellor do this approval is contrary to our normal practice with faculty appointments. In fact, all other sections of FPP dealing with probationary faculty (for example, tenure clock extensions) refer to the provost's handling all actions relating to probationary faculty up to the point that she/he (the provost) forwards promotion recommendations to the chancellor, who in turn requests approval from the Board of Regents.

Authority: This section of FPP refers to UWS 3.07., which does not specify which administrative officer should approve such actions, only that the "faculty and chancellor of each institution, after consultation with appropriate students, shall establish rules and procedures for dealing with instances in which probationary faculty appointments are not renewed." That is, the chancellor has a role in establishing the process, but does not have a (UWS) mandated role in the process itself.

FPP 7.10. APPEAL OF A NONRENEWAL DECISION

B. The Committee on Faculty Rights and Responsibilities shall report on the validity of the appeal to the faculty member, the departmental executive committee, the appropriate dean, the provost, and the chancellor, in accordance with the provisions of UWS 3.08(3).

Explanation: Personnel actions relating to probationary faculty are typically the purview of the provost, who has this authority elsewhere in FPP. (See explanation under FPP 7.06. above.) The chancellor has a clear role in dismissal cases of tenured faculty, but does not usually get involved in nonrenewal cases of probationary faculty.

Authority: The indicated section of UWS does not specify who all must be informed of CFRR decisions, only that the chancellor's decision on such matters is final.

**Proposal to change Faculty Policies and Procedures 7.20.
per Revised UW System Policy on Leaves of Absence**

7.20. LEAVE OF ABSENCE

For the purposes of these rules, a leave of absence is a temporary separation of a faculty member from the university during which the faculty member is not paid from funds administered by the university except for such fringe benefit programs as may be permitted by state regulations, or in the case of a faculty member appointed under [1.02.B.](#) of these rules, a temporary separation of the faculty member from his/her assignment in Madison.

Probationary faculty who wish to be temporarily separated from the university will normally request a "temporary assignment" to an alternative activity. Temporary assignments are similar to leaves of absence except they do not interrupt the probationary period. A leave of absence will be approved for a probationary faculty member only for an activity that substantially interrupts the ability of the candidate to establish, within the normal probationary period, a record that would warrant the granting of tenure.

Leaves of absence and temporary assignments require the affirmative recommendation of the departmental executive committee and the approval of the dean. Because a leave of absence extends the time before action must be taken on a probationary appointment (see [7.04.E.](#)), a leave of absence for a probationary faculty member requires the approval of the vice chancellor for academic affairs and provost in consultation with the University Committee.

Ordinarily, a leave of absence is granted for a maximum of one year, or a maximum of three semesters in three years even if no single absence exceeds one year, but under appropriate circumstances upon recommendation of the executive committee and the dean, and with the approval of the University Committee and the vice chancellor for academic affairs and provost, it may be renewed. A leave of absence of more than ~~two~~ five years requires approval by the UW System president, ~~and a leave of absence of more than three years requires Board of Regents approval.~~

Research Misconduct Policy and Procedures: *Revised*
Summary of Changes

The current UW-Madison policy (Faculty Legislation II-314, written/revised 1991/2007) is not aligned with federal guidelines, and a compliant policy is required to receive federal research funding. Also, the current UW policy is confusing and uses atypical procedures and terminology, which is problematic when working with federal agencies or other institutions. Finally, related sanctions of Faculty Policies and Procedures Chapter 9 are also needed to incorporate the new policy and address discrepancies.

Revised Policy (Fac doc 2668a, below)

Incorporates federal processes and terminologies, but retains the local governance components of the current UW-Madison policy. In particular, most of the inquiry/investigation is overseen by the School/College, not a central office. Federal requirements dictate a multi-step process to address an allegation of research misconduct. This process is coordinated by a federally-mandated Research Integrity Officer (RIO). The proposed new UW-Madison policy involves the following federally-compliant steps to respond to an allegation of research misconduct:

1. **Preliminary Assessment** (conducted by RIO in consultation with dean or designee at relevant school/college)
Determines if alleged misconduct meets definition of research misconduct, falls within scope of policy, and that allegation contains sufficient information to proceed with an inquiry.
2. **Inquiry** (conducted by committee appointed by dean/designee of school/college)
Makes preliminary (not final) evaluation of the available evidence and testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation.
3. **Investigation** (conducted by Inquiry Committee or others appointed by dean/designee of school/college)
Explores in detail the allegations and evidence to determine specifically whether misconduct has been committed, by whom, and to what extent. The investigation also determines whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations.
4. **Institutional Decision** (made by deciding official, usually provost or designee)
Makes the final determination whether to accept (or disagree with) the investigation report, its findings, and the recommended institutional actions.
5. **Appeal** (optional and overseen by chancellor, working with relevant appeal committees depending on respondent's employment or student status)

Key differences from current UW policy

In the current UW policy, see (Fac doc 2668a, below) the process and standards differ for federal vs non-federal funded work. The proposed policy employs a more uniform process. For example:

1. The proposed policy adopts the federal definition of research misconduct: “Research misconduct means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.” For federally-funded work, the current policy uses the same definition, but for non-federal work, the current definition includes an additional phrase: “... misconduct in scholarly research is defined as fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scholarly community for proposing, conducting, or reporting research. The additional phrase is removed from the proposed policy.”
2. The proposed policy adopts the federally-specified evidentiary standard: “preponderance of the evidence.” The current policy uses “clear and convincing” as the standard in non-federal cases.

The proposed policy clarifies procedures for addressing allegations against non-faculty, details which had not been included in the current policy.

The proposed policy clarifies and adds protections for those who make, investigate or are the subject of allegations of research misconduct. These include options to comment on drafts of inquiry and investigation reports before they are finalized, as well as confidentiality and anti-retaliation clauses.

These changes also require modification of Faculty Policies and Procedures 9.14. (Fac doc 2668b), which outlines the disciplinary processes to be followed when misconduct is alleged.

Drafts shared with others for comment

Before bringing the proposed policy to University Committee and Faculty Senate, we shared the policy with, and incorporated comments from, the following: the Offices of the Chancellor, Provost, and Vice Chancellor for Research and Graduate Education, the Dean of Students, the Dean of the Graduate School, the Associate Deans of Research from all Schools/Colleges, the Academic Staff Executive Committee, and the federal Office of Research Integrity (ORI). ORI informed us that the draft proposal meets current federal requirements.

Subcommittee to amend Research Misconduct Policy

Heather Daniels, Secretary of the Academic Staff
Ruth Litovsky, University Committee
Paul Marker, Associate Dean, Pharmacy
Regina Murphy, Professor of Chemical and Biological Engineering
Jim Shull, Professor of Oncology
Steve Smith, Secretary of the Faculty
Dan Uhrich, former Research Integrity Officer, Chair
Brian Vaughan, Office of Legal Affairs

Proposed provision to Misconduct in Scholarly Research
(to replace current Faculty Legislation pages II-314 through II-322, included after new text below)

II-314 MISCONDUCT IN SCHOLARLY RESEARCH

POLICY AND PROCEDURES FOR DEALING WITH RESEARCH MISCONDUCT

I. INTRODUCTION

A. General Policy

The University of Wisconsin-Madison (“University”) has long recognized that honesty is an essential component of scholarly activity. The success of our university and of the Wisconsin Idea itself relies on this honesty to maintain the highest standards of integrity in our research enterprise. The citizens of the State of Wisconsin, our funders and supporters inside and outside the state, our students and alumni, and our entire university community all deserve and expect that misconduct in research be dealt with responsibly and effectively. As a scholarly community, we are committed to addressing allegations or evidence of research misconduct fairly and objectively, in accordance with applicable federal, state, and UW System regulations.

The Unclassified Staff Code of Ethics provides that every member of the university community “at the time of appointment makes a personal commitment to professional honesty and integrity” as an essential component of the university’s “proper function in our society and to ensure continued confidence of the people of this state” (Section UWS 8.01, Wisconsin Administrative Code). The state Student Academic Disciplinary Procedures provide that the “Board of Regents, administrators, faculty, academic staff and students of the University of Wisconsin System believe that academic honesty and integrity are fundamental to the mission of higher education” and that the “university has a responsibility to promote academic honesty and integrity and to develop procedures to deal effectively with instances of academic dishonesty” (Section UWS 14.01, Wisconsin Administrative Code). Failure to adhere to these standards can be cause for discipline or dismissal.

In keeping with those regulations and with the spirit and tradition of this institution, this document outlines our campus’ procedures for assessing and investigating allegations of misconduct in scholarly research. Adherence to this policy, including the possible imposition of sanctions on individuals found to have violated the University’s expectations of integrity in research, guarantees that the University discharge its regulatory obligations and, more importantly, helps to preserve the integrity of our scholarly mission.

B. Procedural Summary

1. An allegation of research misconduct is addressed through a process that aligns with federal requirements (e.g., 42 CFR § 93; 45 CFR§ 689). The Respondent (person who is subject of the allegations, see Section II.B) is provided protections and the opportunity to clarify facts throughout the process. In brief, the major steps include:
 - a. An assessment to determine if the allegation meets the definition of research misconduct,

falls within the scope of this policy, and contains sufficient detail to pursue. If not, the process is terminated. The assessment should be completed quickly, preferably within one week;

b. An inquiry review by experts who understand standards in the field and are without conflict regarding the issue, to determine if the allegations merit further investigation. If not, the process is terminated. The inquiry should commence as quickly as practical and must be completed within 60 days thereafter; extensions may be requested;

c. An investigation by an expert committee that determines if specific acts of research misconduct occurred. This investigation should commence within 30 days of the inquiry decision and must be completed within 120 days thereafter; extensions may be requested;

d. A decision by Provost or designee to accept the findings of the investigation and determine appropriate institutional actions. This decision should be made within 20 days after receipt of the investigation report; and

e. The Respondent has an option to appeal a decision that research misconduct occurred. Appeal proceedings should commence within 20 days of the appeal request and then be completed within 120 days; extensions may be requested.

C. Scope

1. This policy applies to anyone who, at the time of the alleged research misconduct, was employed by, was an agent of, or was affiliated by contract or agreement with the University of Wisconsin – Madison. This includes faculty, staff, employees in training, students, contractors, volunteers and guests.

2. Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. The activity must represent a significant departure from accepted practices of the relevant research community.

a. Fabrication is making up data or results and recording or reporting them.

b. Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

c. Plagiarism is the appropriation of another person's ideas, processes, results, or work without giving appropriate credit.

3. Research misconduct does not include honest error or honest differences in interpretations or judgments of data. The action must be committed intentionally, knowingly, or recklessly.

4. Research misconduct does not encompass authorship or collaboration disputes, nor does this policy supersede or establish an alternative to existing University, state or federal regulations or procedures for handling other transgressions, such as financial improprieties, non-compliance in safety practices or the treatment of human or animal subjects, criminal matters, or personnel actions.

5. This policy applies only to allegations of research misconduct that occurred within six years prior to the date the institution received the allegation, subject to the subsequent use, health or safety of the public, and grandfathered exceptions in federal policy (e.g., 42 CFR § 93.105(b)).

6. To the extent practicable or reasonable, proceedings of a nature different than research misconduct (e.g., academic misconduct, criminal investigation, financial audit or personnel investigation) may proceed simultaneously with research misconduct proceedings provided for in this policy. The Research Integrity Officer (RIO, see Section II.C) is responsible for coordinating with other principals for determining how the multiple processes will be coordinated on a case-by-case basis.

D. Responsibility to Report Misconduct

1. All institutional members and affiliates have a responsibility to report observed, suspected, or apparent research misconduct. Allegations may be made directly to the RIO or other University administrators, who will forward it to the RIO. The University will make readily available (e.g. on the University's web site) the contact information and procedures for reporting research misconduct.

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

3. Allegations of research misconduct may be discussed or reported anonymously (see Section II.A).

E. Cooperation with Research Misconduct Proceedings

All University members are obliged to cooperate with institutional officials in the review of allegations of research misconduct and to provide evidence relevant to those allegations.

F. Expectation of Good Faith and Protection from Retaliation

1. The University expects that all allegations will be made in good faith. Good faith means having a belief in the truth of one's allegation or testimony based on the information known to the Complainant or witness at the time. An allegation or cooperation with a research misconduct proceeding is not in good faith if it is made with knowing or reckless disregard for information that would negate the allegation or testimony. This includes acts or omissions that are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the research misconduct proceeding.

2. The University will not tolerate retaliation in any way against an individual who acts in good faith in a matter involving research misconduct proceedings.

3. Institutional members should report immediately any alleged or apparent retaliation to the RIO, who shall review the matter and, as necessary, work with institutional officials to make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person(s) against whom the retaliation is directed. State of Wisconsin employees will also receive state protection from retaliation if the allegations are brought forth according to Wisconsin Statute Section 230.80-.85.

4. If a person makes an allegation or gives testimony that is not done in good faith, the RIO will inform the Deciding Official (see Section II.E.), who will refer the matter for possible disciplinary action.

G. Confidentiality

1. In order to protect the reputation of all parties and to prevent retaliation, the identity of the participants will be kept confidential to the maximum extent possible, limited to those with a need to know to carry out a fair, thorough, competent, and objective proceeding, as allowed by law. The University must disclose the identity of individuals when required by applicable federal regulations, such as when a federal agency reviews a proceeding.

2. The University may use written confidentiality agreements or other mechanisms to ensure that the recipient of information does not make any further disclosure of identifying information.

H. Evidentiary Standard

Consistent with federal requirements, all recommendations and decisions rendered under this policy will be made based on a preponderance of the evidence. Any affirmative defenses raised by Respondent must be proven by Respondent based on a preponderance of the evidence.

II. PERSONNEL

A. The Complainant is the person who makes an allegation of research misconduct.

1. The Complainant may be a member of the University community or have no affiliation with the University.

2. The Research Integrity Officer (RIO, see Section II.C) shall submit to the Designated Research Official (DRO, see Section II.D) an allegation which is brought forth anonymously.

3. The Complainant is responsible for making allegations in good faith.

B. The Respondent is the person against whom the allegation is made.

1. The Respondent is entitled to:

- a. A good faith effort by the RIO or other institutional official to notify the Respondent that an inquiry is beginning with copies of policies and procedures that will be followed;
- b. An opportunity to comment on the inquiry and (if necessary) investigation reports and have his/her comments attached to the report;
- c. Timely written notification of the progress of the proceedings;
- d. Be interviewed during the investigation, have the opportunity to correct recordings or transcripts of that interview, and have the corrected versions included in the record of the investigation;
- e. Bring forth any witness who has been reasonably identified as having information on relevant aspects of the investigation;
- f. Supervised access to the evidence on which the investigation report is based;
- g. Be advised and represented by counsel or other representative at his/her expense throughout the proceedings and thereafter; and
- h. Consultation with a university official removed from the investigation (e.g., Vice Provost for Faculty and Staff, Employee Assistance Office, or Ombuds Office) regarding the implementation of this policy and the Respondent's rights.

2. In the circumstance that the Respondent admits that research misconduct occurred and that he/she committed the research misconduct, the RIO may, with the approval of the Deciding Officer and applicable federal agencies or other sponsors that funded the impacted work, advise that the University terminate the institution's review of the allegation and proceed to institutional actions (see Section VI) and complete the case (see Section VIII).

3. As requested and as appropriate, the RIO and other relevant institutional officials shall make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in research misconduct, but against whom no finding of research misconduct is made.

C. The Research Integrity Officer (RIO) has the primary responsibility for implementing policies and procedures related to research misconduct.

1. Responsibilities of the RIO include:

- a. Meeting confidentially with persons who are uncertain about bringing forward an allegation;
- b. Receiving allegations of research misconduct;
- c. Assessing an allegation of research misconduct to determine whether it falls within the definition of research misconduct and warrants an inquiry;
- d. Arranging for the sequestration and secure retention of research data and other evidence pertinent to the allegation;
- e. Ensuring confidentiality to those involved in the research misconduct proceeding;

- f. Ensuring that Respondents, Complainants, and others involved in the case are notified as required of the procedures and progress of the proceedings;
- g. Ensuring that no person involved in handling an allegation has an unresolved or actual conflict of interest;
- h. Protecting from retaliation or restoring the positions and reputations of good-faith participants of these proceedings in cooperation with other institutional officials;
- i. Communicating with relevant federal agencies or other sponsors;
- j. Ensuring that administrative actions are enforced and notifying other relevant parties of those actions;
- k. Maintaining records of the research misconduct proceeding; and
- l. Acting upon requests for extension, in conjunction with the Deciding Official, as appropriate.

D. The Designated Research Official (DRO) works with the RIO to make the initial assessment of an allegation and, if necessary, arranges for and directs the inquiry and investigative phases of the proceedings.

1. The RIO identifies the acting DRO, who is typically a Dean or Vice Chancellor (or their designee) with responsibilities in the school/college or center/institute where the activity giving rise to the allegation took place. In cases where the alleged activity involves more than one unit or there is perceived or actual conflict of interest, the RIO will determine the acting DRO.

2. The DRO appoints the chair and members of the inquiry and investigation committees in consultation with the RIO, and ensures that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence.

3. The DRO reviews the inquiry findings and report, and after consulting with the RIO and/or other institutional officials, decides whether an investigation is warranted.

E. The Deciding Official receives the investigation report and determines the next institutional actions.

1. The Provost will serve as the Deciding Official and shall do so unless a conflict of interest is identified.

2. The Provost shall delegate this responsibility if there is a conflict of interest at any stage of the process. The Deciding Official should have no direct prior involvement in the assessment, inquiry, or investigation of the allegation. The Deciding Official should have no responsibility for the research under investigation, and no interests that would conflict with the university's interest in securing a fair and thorough investigation.

3. The Deciding Official has the following responsibilities:

- a. Determines whether the evidence supports the allegations based on the investigation

- report;
- b. Determines appropriate institutional sanctions, if warranted; and
- c. Determines, in consultation with the RIO (and with permission of the applicable federal agencies or other sponsors), if the matter can be settled without completing the process described in this policy.

III. THE ASSESSMENT

A. Purpose

1. Upon receiving an allegation of research misconduct, the RIO, in consultation with the relevant DRO, will promptly assess the allegation to determine if an inquiry is warranted.
2. In conducting the assessment, the RIO or DRO need not interview the Complainant, Respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific. When the activity is supported by federal funds and questions arise regarding assessment criteria, the RIO should seek guidance from the applicable federal agencies.
3. An inquiry must be conducted if the following criteria are met:
 - a. Whether the conduct falls within the scope of this policy;
 - b. Whether the allegation, meets the definition of research misconduct; and
 - c. Whether the allegation is sufficiently specific so that potential evidence of research misconduct could be identified.

B. Timeline

The assessment period should be brief, preferably concluded within one week.

C. Conclusion of the assessment

1. If the allegation is credible, but does not meet the definition of research misconduct, the RIO and DRO will work with others as appropriate to resolve the issue by other methods.
2. If the assessment determines that the criteria for an inquiry are met, the DRO shall as quickly as practical convene a committee to conduct an inquiry into the allegation.

D. Mitigation of risk

At any point during a research misconduct proceeding, the RIO and relevant officials should take appropriate actions, including notifying relevant state or federal agencies, to mitigate health,

safety, financial or other risks resulting from or related to the alleged misconduct and to protect the integrity of ongoing research (e.g. 42 CFR § 93.318).

IV. THE INQUIRY

A. Purpose

The purpose of the inquiry is to advise the DRO, who determines whether or not to conduct a full investigation of the allegation. The inquiry reviews the available evidence to separate allegations deserving of further investigation from those which are unjustified or clearly mistaken. An inquiry does not require a full review of all the evidence related to the allegation.

B. Timeline

The inquiry should commence as quickly as practical. The inquiry, including preparation of the final inquiry report and the decision of the DRO on whether an investigation is warranted, must be completed within 60 days of initiation of the inquiry. Any extension of this deadline requires documentation of unusual circumstances and must be approved by the Deciding Official.

C. Notification and Evidence Sequestration

1. At the time of or before beginning an inquiry, the RIO must notify the Respondent in writing of the allegations and these procedures for addressing the allegations. If the inquiry subsequently identifies additional Respondents, they must be notified similarly.
2. On or before the date on which the Respondent is notified, or the inquiry begins, whichever is earlier, the RIO must take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence and sequester them in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments.
3. Upon request, the Respondent may receive a copy of the allegations, redacted to protect the confidentiality and interests of the Complainant and others, after evidence sequestration has occurred.

D. Inquiry Committee

1. The inquiry committee shall consist of at least three individuals who have no responsibility for the research under inquiry, who can be impartial, and who have no interests that would conflict with securing a fair and thorough inquiry. The committee, as a whole, shall have the competence

and expertise appropriate for the inquiry. When necessary to secure the needed expertise or to avoid conflicts of interest, the DRO may select committee members from outside the institution.

2. In general, the inquiry committee should consist of faculty, but others may serve (e.g., to provide technical expertise or the perspective of the Respondent's employment group). Where the respondent is a faculty member the Inquiry Committee shall consist of a majority of University faculty members.

3. The inquiry committee will normally interview the Complainant, the Respondent, and key witnesses as well as examine relevant research records and materials. Then the inquiry committee will evaluate the evidence, including the testimony obtained during the inquiry and recommend whether or not an investigation is warranted based on the criteria in this policy, including but not limited to, the criteria in Sections I.C, III.A.3. and IV.D.4.

4. The scope of the inquiry does not require, and does not normally include, deciding whether misconduct definitely occurred, determining definitely who committed the research misconduct or conducting exhaustive interviews and analyses. However, if the Respondent makes an admission of research misconduct, misconduct may be determined at the inquiry stage if all relevant issues are resolved, and with the approval of applicable federal agencies or other sponsors. Thereafter, the Deciding Official may take necessary institutional actions (see Section VI) and complete the case (see Section VIII).

E. The Inquiry Report

1. A written inquiry report must be prepared and include the following information:

- a. The name and position of the Respondent;
- b. A description of the allegations of research misconduct;
- c. The funding source, including, for example, grant numbers, grant applications, contracts and publications listing the support; and
- d. The basis for recommending or not recommending that the allegations warrant an investigation.

2. The RIO will provide the Respondent and Complainant, under a confidentiality agreement if necessary, a draft copy of the inquiry report for comment within 10 days. Based on the comments, the inquiry committee may revise the draft report as appropriate and prepare it in final form. Any comments that are submitted to the RIO by the Respondent or Complainant will be attached to the final inquiry report, which is sent to the DRO.

F. Conclusion of the Inquiry

1. The DRO, in consultation with the RIO, will decide in writing whether or not to pursue an investigation, based on the available evidence and inquiry committee's report. The inquiry is completed when the DRO makes this determination.

2. The DRO will notify the RIO, Respondent, and Complainant of the completion of the inquiry and the DRO's determination. If the determination does not result in an investigation, the determination shall be reported to the Deciding Official.
3. The DRO initiates an investigation if he/she determines that one is warranted pursuant to Section V.B.1.
4. If the DRO decides that an investigation is not warranted, the determination is forwarded to the RIO. All personnel involved in the matter must be informed of this determination, and the RIO will take steps to resolve the case by other appropriate means, conclude the case, and restore or protect the Respondent's reputation (section VIII).
5. The RIO may, in consultation with the Deciding Official, request corrective action (e.g., re-training in good laboratory practices) even if an investigation is not pursued.

V. THE INVESTIGATION

A. Purpose

The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to recommended findings on whether research misconduct has been committed, by whom, and to what extent. The investigation will also determine whether additional instances of possible research misconduct exist that would justify broadening the scope beyond the initial allegations.

B. Timeline

1. If the DRO determines that an investigation is warranted, the investigation must begin within 30 days of that determination.
2. The investigation should be completed within 120 days of charging the investigation committee, including conducting the investigation, preparing the report of findings, providing the draft report for comment and sending the final report to applicable federal agencies or other sponsors. However, if the investigation committee determines that the investigation will not be completed within this 120-day period, they should notify the RIO who will consult with and request additional time from the Deciding Official and applicable federal agencies or other sponsors.

C. Required Notifications

1. On or before the date on which the investigation begins, the RIO must notify the Respondent in writing of the allegations to be investigated.

2. The RIO must give the Respondent written notice of any new allegations of research misconduct not addressed during the inquiry or in the initial notice of the investigation within 30 days of discovery of the new allegations.
3. On or before the date on which the investigation begins, the RIO must notify the relevant applicable federal agencies or other sponsors and provide a copy of the inquiry report and any other required documentation.

D. Additional Sequestration

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

E. Appointment of the Investigation Committee

1. The DRO, in consultation with the RIO and other institutional officials as appropriate, will appoint an investigation committee and chair as soon after the beginning of the investigation as is practical. The investigation committee must consist of at least three individuals with no unresolved personal, professional, or financial conflicts of interest with those involved with the investigation and should include individuals with the appropriate scientific expertise to evaluate the evidence and issues related to the allegation, interview the Respondent and Complainant and conduct the investigation.
2. In general, the investigation committee should consist of faculty, but others may serve (e.g., to provide technical expertise or the perspective of the Respondent's employment group). Where the Respondent is a faculty member the Investigation Committee shall consist of a majority of University faculty members. Individuals appointed to the investigation committee may also have served on the inquiry committee. When necessary to secure the needed expertise or to avoid conflicts of interest, the DRO may select committee members from outside the institution.
3. The Respondent may state objections, and provide justification, to the DRO's selection of members of the investigation committee. A determination on the objections shall be made by the DRO in consultation with the RIO.

F. Charge to the Investigation Committee

1. The DRO will provide the investigation committee with a formal written charge that:
 - a. Identifies the Respondent;
 - b. Describes the allegations and related issues identified during the inquiry;
 - c. Informs the committee that it must conduct the investigation as prescribed in this policy and by any other applicable regulations;
 - d. Defines research misconduct;
 - e. Informs the committee that it must evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, the type and extent and who was responsible;
 - f. Informs the committee that in order to determine that the Respondent committed research misconduct it must find that a preponderance of the evidence establishes that:
 - i. Research misconduct, as defined in this policy in Section I.C., occurred [Note that affirmative defenses raised by Respondent (e.g., honest error or a difference of opinion) must be proven by Respondent by a preponderance of the evidence];
 - ii. The research misconduct is a significant departure from accepted practices of the relevant research community; and
 - iii. The Respondent committed the research misconduct intentionally, knowingly, or recklessly; and
 - g. Informs the committee that it must prepare or direct the preparation of a written investigation report that meets the requirements of this policy and other applicable regulations.

G. Investigation Process

1. The investigation committee must:
 - a. Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of each allegation;
 - b. Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical, which includes assuring presentation of all that both supports or disputes misconduct;
 - c. Interview each Respondent, Complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the Respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation; and
 - d. Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including evidence of additional instances of possible research misconduct, and continue the investigation to completion, requesting expert opinions, other information, records and data as needed.

H. Conclusion of the Investigation

1. The investigation committee shall prepare a written report of the investigation that:
 - a. Provides the name and position of the Respondent(s);
 - b. Describes the nature of the allegations (i.e., fabrication, falsification, or plagiarism) of research misconduct;
 - c. Describes the specific allegations of research misconduct considered in the investigation;
 - d. Describes and documents funding sources related to the work in question, including, for example, grant numbers, grant applications, pending applications, contracts, and publications listing that support;
 - e. Identifies and summarizes the research records and evidence reviewed and identifies any evidence taken into custody but not reviewed;
 - f. Includes a statement of findings for each allegation of research misconduct identified during the investigation. Each statement of findings must:
 - i. identify whether the research misconduct involved falsification, fabrication, or plagiarism, and whether it was committed intentionally, knowingly, or recklessly;
 - ii. summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the Respondent, including any effort by Respondent to establish by a preponderance of the evidence that he or she did not engage in research misconduct because of honest error or a difference of opinion;
 - iii. identify the specific funding support;
 - iv. identify whether any publications need correction or retraction; and
 - v. identify the person(s) responsible for the misconduct.
2. The Respondent will be provided for comment a copy of the draft investigation report and, concurrently, a copy of, or supervised access to, the evidence on which the report is based. The DRO, in consultation with the RIO, also has the discretion to provide to the Complainant portions or the entire draft of the report for comment. The Respondent and Complainant (if applicable) will be allowed 10 calendar days from receipt to comment on the report. The comments must be included and considered in the final report.
3. The DRO and RIO may assist the investigation committee in finalizing the investigation report, including ensuring that the comments of the Respondent and Complainant (if applicable) are included and considered.
4. The DRO will transmit the final investigation report to the Deciding Official and copy the RIO.

VI. INSTITUTIONAL DECISION AND ACTIONS

A. Decision

1. Upon receiving the investigation report, the Deciding Official will determine in writing:

- a. Whether the institution accepts the investigation report and its findings; and
- b. The appropriate institutional actions in response to the accepted findings.

2. An institutional decision finding research misconduct requires that the allegation is proven by a preponderance of the evidence.

3. The Deciding Official will convey the decision in writing to the Respondent, Complainant, RIO and other key personnel involved in the case.

B. Timeline

The decision of the Deciding Official should be made within 20 days of receipt of the investigation report.

C. Decision Options

1. If the Deciding Official's determination varies from the findings of the investigation committee, the Deciding Official will explain in detail the basis for rendering a decision different from the findings of the investigation committee. Alternatively, the Deciding Official may return the report to the investigation committee with a request for further fact-finding or analysis.

2. If the Deciding Official determines that research misconduct occurred, the Respondent has the right to appeal the decision.

- a. If the Respondent appeals a decision, the Deciding Official initiates the appeal process (see Section VII).
- b. If the Respondent does not appeal the decision, he/she is deemed to have waived the right to such review, and the decision of the Deciding Official is final.

3. If the Deciding Official determines that research misconduct did not occur, the Deciding Official will direct the RIO to complete the case and take steps to restore the reputation of the Respondent (see Section VIII).

D. Institutional Actions

1. If research misconduct is determined, the Deciding Official will consult with the DRO and others to decide the appropriate actions to be taken. These may include, but are not limited to:

- a. Removal of the responsible person from the particular project, letter of reprimand, special monitoring of or restrictions placed upon future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment;
- b. Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;

- c. Restitution of funds to the grantor agency as appropriate;
- d. Disciplinary action against a student, such as loss of course credit or degree requirement, probation, suspension, or expulsion; and
- e. Other actions appropriate to the research misconduct.

2. If the institutional action involves a dismissal decision which the Respondent does not appeal, the Chancellor may proceed under UWS 4.07 (faculty), UWS 11.07 or 11.11 (academic staff), or such other policy or regulation governing review of the decision as applicable (other employees or students).

VII. APPEAL (optional)

A. Initiating an Appeal

1. The request for appeal shall be addressed in writing to the Deciding Official who shall forward it to the chair of the relevant appeal committee, as designated in Section VII.C, for appropriate proceedings and notify the DRO. The request for appeal must set forth the substantive or procedural reasons the Respondent believes the decision is erroneous.

2. In an appeal from the institutional decision under this Section, the University bears the burden of proof for all issues related to the allegations of misconduct. The Respondent bears the burden of proof for any claims asserted in opposition to the institutional decision.

3. When applicable, the RIO will notify applicable federal agencies or other sponsors of the decision to initiate an appeal and request an extension, if necessary, because the appeal will extend the university's process beyond timelines dictated in agency policies.

4. During an appeal no discipline or other sanction will be imposed as a consequence of the finding of research misconduct made by a committee under Sections IV or V above, except for actions to mitigate potential risks associated with the alleged misconduct (e.g., Section III.D).

B. Timeline

1. The Respondent may submit a request for appeal within 10 days after service of the notice of the institutional decision. If an appeal is not requested by the deadline, the Respondent is deemed to have waived the right to such review. In that case, the decision of the Deciding Official is final and the Chancellor may proceed under UWS 4.07 (faculty), UWS 11.07 or 11.11 (academic staff), or such other policy or regulation governing review of the decision as may be applicable (other employees or students).

2. The appeal procedure should ordinarily be completed by the committee within 45 days of its initiation. This includes preparing the draft report of the recommendations, making that report available for comment by the Respondent, and submitting the final report to the Chancellor. If it

appears that the committee will be unable to complete the report within 45 days, the RIO may grant an extension after securing permission from the appropriate applicable federal agencies or other sponsors, if applicable.

C. Committees Designated to Hear Appeals

1. If the Respondent is a faculty member, the Committee on Faculty Rights and Responsibilities (CFRR) shall hear the appeal. The chair of the CFRR, in consultation with the RIO, may substitute up to two regular members of the CFRR with not more than two special members of the CFRR who have the scholarly competence and expertise appropriate for the hearing of this matter.

2. If the Respondent is an academic staff member, the Academic Staff Appeals Committee (ASAC) shall hear the appeal. The chair of the ASAC, in consultation with the RIO, may substitute up to two regular members of the ASAC with not more than two special members of the ASAC who have scholarly competence and expertise appropriate for the hearing of the matter.

3. If the Respondent is an employee of the university who is neither a member of the faculty nor the academic staff, the Vice Chancellor for Research and Graduate Education shall appoint an ad hoc appeal committee comprised of three individuals who have scholarly competence and expertise appropriate for the hearing of the matter. The Vice Chancellor for Research and Graduate Education shall consult with leaders of shared governance and research administration, as appropriate, prior to selection of members for the ad hoc appeal.

4. If the Respondent is an undergraduate or graduate student, the appeal shall follow the process set forth in Chapter UWS 14 of the Wisconsin Administrative Code.

5. No members of the appeal committee, including any special members, shall have served on either the inquiry committee or the investigation committee, nor should they have responsibility for the research under investigation or any other interests which would conflict with the university's interest in securing a fair and thorough hearing on appeal.

D. Conduct of the Appeal

1. Issues on Appeal. The CFRR, ASAC, or the ad hoc committee appointed by the Vice Chancellor for Research may conduct a hearing on appeal from the decision of the Deciding Official on the following grounds:

- a. That the decision is clearly erroneous;
- b. That the decision erred in application of the law and this error influenced the outcome of the decision;
- c. That the recommended sanction is inappropriate.

2. Opportunity to Appear

- a. If the Respondent makes a timely request for review by the CFRR, ASAC or an ad hoc committee, the body hearing the appeal will provide an opportunity for the Respondent and both the DRO and Deciding Official, to submit a written statement and to appear personally before committee.
- b. The committee, based on the record and any statement and arguments submitted by the Respondent, DRO or Deciding Official, will render a report with its findings and conclusions and provide it to the Chancellor for review.

3. Procedures after appeal shall follow the appropriate administrative regulations based upon the Respondent's relevant employment or student status (e.g., UWS 4.07 and 4.08 or UWS 6.01 for faculty; UWS 11.07-11.10 or 11.11 for academic staff; UWS 14 for students).

E. Hearing Process

1. Any committee hearing an appeal under section VII will be provided, upon request, legal counsel pursuant to Sections UWS 4.06(f) and 11.06 (2)(b).

2. A hearing on an appeal initiated under this section shall commence no later than 20 days after the appeal request. This time limit may be extended by mutual written consent of the parties or by order of the hearing committee. The appeal/hearing shall be a fair hearing and shall include the procedures and rights provided for relevant employee or student categories, e.g., for faculty members in Sections UWS 4.05, 4.06, for academic staff members in Sections UWS 11.05 and 11.06, and for students in Sections UWS 14.08 and 14.09.

3. All evidence, materials, and reports collected during earlier phases of the assessment, inquiry and investigation shall be made available to the committee hearing the appeal. The committee may request additional materials as it deems appropriate. All new information must be shared with the Respondent.

4. If the RIO or the committee hearing the appeal learns of previously unavailable material evidence relevant to the finding of misconduct during the appeal, it shall be the responsibility of the RIO to inform the Deciding Official and the Respondent of the new evidence. If the Deciding Official concurs that the new evidence could materially affect the finding of misconduct, the Deciding Official shall remand the finding of misconduct to the Investigation Committee that made the finding for consideration of the new evidence. The Investigation Committee shall notify the Deciding Official within 14 days that it finds the new evidence immaterial to its prior finding or that it wishes to reopen the matter. The Deciding Official may extend this period for good cause by notice to the Respondent, RIO, and other involved parties.

F. Findings and Decision

1. The committee hearing the appeal will prepare a draft report and provide it to the Respondent,

who will have 10 days from receipt of the draft report to submit a response to the committee. At the end of that ten-day period, the committee will prepare a final report for the Chancellor. The final report of the hearing committee should include the policies and procedures under which the hearing was conducted, the findings of the committee, and the basis for the findings, and any recommended sanction(s).

2. In the event of prior involvement in the case, relationship with the Respondent or Complainant, or other conflict of interest, the Chancellor shall appoint a designee to decide the appeal.
3. If the appeal challenges the finding of research misconduct, the Chancellor or designee shall issue a decision and rationale affirming or reversing the finding.
4. If the appeal concerns the institutional actions or sanction, the Chancellor or designee shall issue a decision and rationale to affirm, reject or modify the action.
5. The appeal decision shall be made within 30 days after the submission of the recommendation by the committee hearing the appeal. The Chancellor may extend this period for good cause by notice to the Respondent, RIO and other parties.

VIII. COMPLETION OF CASES

A. Requirement to Pursue Allegations to Completion

1. All inquiries and investigations will be carried through to completion, and all significant issues will be pursued diligently.
2. If the Respondent wishes to close the case at any time during the proceedings identified in this policy through an admission of guilt or settlement with the University, the RIO must first notify applicable federal agencies and other sponsors and obtain approval in advance.
3. If the Respondent's institutional employment is terminated, by resignation or otherwise, the RIO will ensure that the process for addressing the allegations is pursued to completion.
4. If the Respondent refuses to participate in the process after resignation, the RIO, DRO and any inquiry or investigation committee will use their best efforts to reach a conclusion concerning the allegations, and report the Respondent's failure to cooperate and its effect on the evidence.

B. Notice to Applicable Federal Agencies and/or Other Parties

1. When applicable, the RIO must provide the applicable federal agencies or other sponsors with information about the finalization of the case, including:

- a. A copy of the final investigation and appeal reports with all attachments;
- b. A statement of whether the institution accepts the findings of the investigation report and the outcome of the appeal;
- c. A statement of whether the institution found misconduct and, if so, who committed the misconduct; and
- d. A description of any pending or completed administrative actions against the Respondent.

2. Following a finding of research misconduct, the RIO shall ensure that other affected parties are notified, such as research collaborators, professional licensing boards, and professional societies.

C. Restoration of the Respondent's Reputation

Following a final finding of no research misconduct, including concurrence when required by the applicable federal agencies or other sponsors, the RIO must, at the request of the Respondent, undertake all reasonable and practical efforts to restore the Respondent's reputation. Depending on the particular circumstances and the views of the Respondent, the RIO should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in any forum in which the allegation of research misconduct was previously publicized, and expunging all reference to the research misconduct allegation from the Respondent's personnel file. Any institutional actions to restore the Respondent's reputation should first be approved by the Deciding Official.

D. Maintaining Records for Review

After completion of the case, whether or not the decision was made to conduct an inquiry or investigation, and completion of all ensuing related actions (e.g., federal investigation or litigation), the RIO will ensure that all records of the proceedings will be maintained securely seven years in compliance with applicable state and federal requirements.

II-314
MISCONDUCT IN SCHOLARLY RESEARCH

Current

PROCEDURES FOR DEALING WITH MISCONDUCT IN SCHOLARLY RESEARCH
January 15, 1991

I. INTRODUCTION

The University of Wisconsin-Madison has long recognized that honesty is an essential component of scholarly activity. Faculty and staff are reminded that Chapter UWS 8 of the Wisconsin Administrative Code, the Unclassified Staff Code of Ethics, provides that:

“Every member of the faculty and academic staff at the time of appointment makes a personal commitment to professional honesty and integrity that meets the demanding standards of the state and national academic communities.”

In addition, Section 8.02 A of the university *Faculty Policies and Procedures* states:

“Furthermore, every faculty member has an obligation to maintain professional honesty and integrity, to seek knowledge...”

Failure to adhere to these standards can be cause for discipline or dismissal.

Students are reminded that Chapter UWS 14, Student Academic Disciplinary Procedures provide under Statement of Principles:

“The board of regents, administrators, faculty, academic staff and students of the university of Wisconsin system believe that academic honesty and integrity are fundamental to the mission of higher education and of the university of Wisconsin system. The university has a responsibility to promote academic honesty and integrity and to develop procedures to deal effectively with instances of academic dishonesty. Students are responsible for the honest completion and representation of their work, for the appropriate citation of sources, and for respect of others’ academic endeavors. Students who violate these standards must be confronted and must accept the consequences of their actions.”

A. General Provisions

1. For purposes of these procedures, misconduct in scholarly research is defined as “fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scholarly community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.”
2. Misuse by a researcher of university funds (including grant and contract funding from extramural sponsors) is also cause for discipline or dismissal and may be cause for criminal prosecution. However, an allegation of misuse of funds is not within the scope of this policy; such allegation shall be referred promptly to the appropriate dean who will consult with the assistant vice chancellor for business services concerning an appropriate course of action.
3. A violation of institutional procedures or federal regulations on the protection of human or animal research subjects or a violation of state or federal safety laws or regulations is also not within the scope of this policy. An allegation regarding any such violation shall be promptly referred to the chair of the appropriate human subjects committee, to the chair of the appropriate animal research committee, or to the chair of the appropriate safety committee at the university.
4. The goal of the procedures outlined below is to assure the integrity of scholarly research, to achieve a rapid and equitable resolution of all charges and to assure that all parties are treated with fairness. In order to protect the reputation of an innocent party, the procedures will preserve the maximum level of confidentiality consistent with law and with justice for all parties to these procedures. All parties will take whatever action is required to avoid any unnecessary conflict of interest.

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5. At any stage of the inquiry, review, or hearing, the vice chancellor for academic affairs and provost (vice chancellor and provost) shall be promptly notified if any of the following conditions exist: (1) there is an immediate health hazard involved, (2) there is an immediate need to protect federal funds or equipment, (3) there is an immediate need to protect the interests of any person making the allegation or of any individual who is the subject of an allegation as well as his or her co-investigators and associates, (4) it is probable that the alleged incident is going to be reported publicly, or (5) there is a reasonable indication of possible criminal violation.
6. Where an inquiry, review, or hearing results in a finding that no misconduct has occurred, the university will not institute a new inquiry, review, or hearing into an allegation of misconduct where the allegation is made against the same person and is based on material facts, which were reviewed and found not to constitute misconduct during the prior inquiry, review, or hearing, unless new material evidence is presented by a different complainant, or unless the person who is the subject of the inquiry, review, or hearing requests another proceeding.
7. Because of the difficulties of assessing stale claims and the unfairness to the person against whom the allegation is made, allegations based on conduct which occurred seven years or more prior to the making of the allegation will not be inquired into under this policy unless the circumstances indicate that the alleged conduct was not discoverable earlier.

B. Procedures for Reviewing Reports of Possible Misconduct in Scholarly Research Against Faculty and Academic Staff (See *Faculty Policies and Procedures* 9.14. and *Academic Staff Policies and Procedures*.)

[FPP and ASA will need to be revised to add reference to the standing Hearing Committee on Misconduct in Scholarly Research and to incorporate the procedures below for addressing such alleged misconduct.]

II. INQUIRY

A. Initial Steps

1. An informal report of possible misconduct shall be brought to the attention of the person with immediate responsibility for the work of the individual involved. The person receiving the informal report is responsible for either resolving the matter or encouraging the submission of a formal allegation. An anonymous report shall not be treated as a formal allegation, but may be the basis for an allegation filed by the recipient of the report. The university will make every effort to protect the privacy of those making an accusation. However, if an inquiry is required, fairness may necessitate revealing the identity of the individual making the accusation to the individual against whom the allegation is made and to the inquiry committee. Such a release will occur during a chancellor's review and hearing.

B. Allegations

1. A formal allegation of misconduct in scholarly research should be made to the chair of the department (or functional equivalent) or to the corresponding academic dean or, in case of conflict of interest on the part of the chair or academic dean, to the dean of the Graduate School. If the formal allegation is made to the chair of the department, the chair will forward it to the academic dean of the school or college or, in case of conflict of interest on the part of the academic dean, to the dean of the Graduate School. The dean is responsible for determining whether the complaint is non-frivolous and falls within the scope of these procedures, or whether it should be resolved by other methods. Any determination that a complaint is not a serious allegation of misconduct in scholarly research, along with supporting documentation for reaching such a decision, shall be transmitted promptly to the vice chancellor and provost.
2. Unless the allegation is determined to be outside the scope of these procedures or is not a serious allegation of misconduct in scholarly research, the dean, if directed to do so by the chancellor, shall promptly convene an ad hoc committee to conduct an inquiry into the allegation.

This committee shall consist of at least three individuals who have no responsibility for the research under inquiry, who can be impartial, and who have no interests which would conflict with the

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- university's interest in securing a fair and thorough inquiry. The committee, as a whole, shall have the competence and expertise appropriate for the inquiry. The inquiry committee may, but need not, include individuals from outside the university. Simultaneously with the appointment of the inquiry committee, the responsible dean shall notify the individual against whom the allegation has been made of the allegation. The inquiry is an informal administrative process to gather and review factual information. It is designed to separate allegations deserving of further investigation from those which are unjustified or clearly mistaken. Even if the individual against whom the allegation has been made terminates or has terminated his or her status with the university (student or employee), the inquiry will be held.
3. When possible, the inquiry committee shall interview the individual against whom the allegation has been made and other individuals with relevant information. Summaries or tapes of the interviews shall be prepared and submitted to the interviewed person for comment or revision. The committee shall collect, review, and protect all documentation and other materials relevant to the allegation including but not limited to research data, proposals, publications, correspondence and memoranda. All faculty, staff, and students are obliged to cooperate with the committee by supplying requested documents and information.
 4. The individual against whom the allegation has been made shall be provided with a copy of the report of the committee by the committee chair prior to the committee's submission of the report to the appointing dean. The individual shall be given an opportunity to respond in writing within ten (10) days of his/her receipt of the report. The committee shall consider any such response and make any appropriate changes in its report before submitting it to the appointing dean.
 5. The report of the inquiry committee, along with any response by the individual against whom the allegation of misconduct has been made, shall be completed and transmitted to the appointing dean as soon as possible, but in no case later than 60 days after formal notification to the individual. Any extension of this deadline requires documentation of unusual circumstances, and must be approved by the vice chancellor and provost. The written report should contain a precise specification of any charges on which further formal investigation is recommended. The report shall state the evidence reviewed, summarize relevant interviews and include the conclusions of the inquiry. The committee is responsible for maintaining and protecting the documentation relating to the decision and providing it to the vice chancellor and provost, who shall preserve it for a period of at least three years.
 6. Any determination by the inquiry committee of nonsubstance of the allegation shall be reported to the vice chancellor and provost through the appointing dean. The dean shall advise the individual making the allegation and the individual against whom the allegation was made about the decision of nonsubstance.
 7. An inquiry report recommending further investigation shall be provided to the dean, vice chancellor and provost, and chancellor immediately upon its completion. The dean shall notify the individual against whom the allegation has been made, and the complainant.
 8. Within 20 days after receipt of an inquiry report recommending further action, the chancellor, after consultation with the appointing dean, shall review the matter, shall offer to discuss the matter with the person against whom the allegation has been made, and shall determine whether to dismiss the case or to bring charges that would warrant discipline or dismissal. If the chancellor decides to bring charges, he/she shall serve a statement of charges on the person charged in the manner provided for in UWS 4.02 or 11.02. The statement shall include notice of the hearing/appeal procedures, and shall specify the sanction deemed appropriate. Service shall be made within 30 days after completion of the inquiry. If the person charged does not request a hearing, the matter shall proceed according to UWS 4.02(1) or 11.02(1). Charges are allegations, not a determination of whether the matters alleged are true.
 9. The person charged may request a hearing within 20 days after notice of the statement of charges (25 days if notice is by first-class mail and publication). The request for hearing shall be addressed in writing to the chancellor who shall forward it to the chair of the Hearing Committee on Misconduct in Scholarly Research. The chancellor shall at the same time refer the matter to that committee for appropriate proceedings.

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10. The vice chancellor and provost is responsible for notification of any funding agencies involved.

III. HEARING AND REVIEW

A. Hearing

1. If charges are referred to the Hearing Committee on Misconduct in Scholarly Research, the vice chancellor and provost shall appoint at least three individuals to that committee who were not on the inquiry committee, who have no responsibility for the research under investigation, who can be impartial, who have no interests which would conflict with the university's interest in securing a fair and thorough investigation, and who have the competence and expertise appropriate for the hearing of this matter. One member of the committee shall be a person with legal training and experience, and that person shall be the chair of the committee. Where the person against whom charges have been made is a faculty member, a majority of the hearing committee must be UW-Madison faculty members. The vice chancellor and provost may also consider appointment of parties to the committee from outside the university. The vice chancellor and provost will consult with the University Committee or the Academic Staff Executive Committee, as appropriate, prior to selection of members for the hearing committee.
2. If the research is funded by an agency within PHS, the vice chancellor and provost shall report the institution's decision to initiate a hearing in writing to the director, Office of Scientific Integrity (OSI) on or before the date the hearing begins. The notification shall state the name of any individual against whom charges have been made, the general nature of the charges, and the PHS application or grant number involved.
3. A hearing on the charges shall be commenced not later than 20 days after the request therefor, except this time limit may be enlarged by mutual written consent of the parties or by order of the hearing committee. The hearing shall be a fair hearing and shall include the procedures and rights provided for faculty members in UWS 4.05, 4.06, and for academic staff members in UWS 11.05 and 11.06.
4. Any individual charged shall make available for examination by the committee all of the following if requested by the committee—laboratory notebooks, records of research activities such as summary reports and drafts of unpublished manuscripts, and other materials associated with the research, including data generated by others. All faculty, staff and students are obliged to cooperate with the committee by supplying requested documents and information.
5. The hearing committee is charged with determining whether the specific charges are true. The hearing committee will be provided, upon request, legal counsel pursuant to UWS 4.06(f) and 11.06 (2)(b). The hearing committee shall be responsible for assuring that both the evidence tending to show that misconduct occurred and the evidence tending to dispute that misconduct occurred is presented. The hearing committee shall have the responsibility to question all witnesses. Expert opinions, other information, records and data may be requested by the hearing committee. The committee will maintain a file of all information received during the hearing. Following the hearing procedure, the file will be transmitted to the vice chancellor and provost.
6. In order to make a finding of misconduct in scholarly research, the committee must be satisfied that there is clear and convincing evidence of such misconduct.
7. The hearing procedure should ordinarily be completed by the hearing committee within 110 days of its initiation. This includes conducting the hearing, preparing the draft report of the findings, making that report available for comment by the individual against whom the charges were made, and submitting the final report to the vice chancellor and provost.
8. The committee will prepare a draft report and provide it to the individual against whom the charges were made. Such individual will have ten (10) days from receipt of the draft report to submit a response to the committee. At the end of that ten (10) day period, the committee will prepare a final report for the vice chancellor and provost. The final report of the hearing committee to the vice chancellor and provost should include the policies and procedures under which the hearing was conducted, the findings of the committee, and the basis for the findings, and any recommended sanction(s).

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9. Except as provided below, the committee report must be submitted to the vice chancellor and provost within 110 days of the service of notice of charges on the individual charged, so that the vice chancellor and provost can report to OSI, where appropriate, within the required 120 days.
10. If the research is funded by an agency within PHS, the vice chancellor and provost shall submit a report to OSI which describes the policies and procedures under which the hearing was conducted, how and from whom information was obtained, the findings and the basis for the findings, an accurate summary of the views of any individual found to have engaged in misconduct and a description of any sanctions being sought by the university. The vice chancellor and provost shall make the documentation substantiating the hearing committee's findings available to the director of OSI.
11. If it appears that it will be impossible to complete the hearing committee report within 110 days, no later than 90 days after service of the notice of charges, the committee will provide the vice chancellor and provost with a written request explaining the need for extra time and an estimate of the expected date of completion. If the research is funded by an agency within PHS, that request will be forwarded to OSI by the vice chancellor and provost. If the request for additional time is granted by the OSI, the committee will prepare periodic progress reports as requested by the OSI.

B. Further Review for a Faculty Member

1. Within 10 days of receipt of the hearing committee's final decision, a faculty member may ask for review of the decision by the Committee on Faculty Rights and Responsibilities (CFRR) on the hearing committee record on either or both of these grounds: 1) that the decision of the hearing committee is clearly erroneous; 2) that the recommended sanction is inappropriate. If such review is not requested within 10 days, the faculty member is deemed to have waived the right to such review and the hearing committee decision will be deemed submitted to the chancellor for review under UWS 4.07.
2. If the faculty member makes a timely request for review by CFRR, CFRR will provide an opportunity for the faculty member and hearing committee to submit a written statement and to appear personally before CFRR. CFRR, based on the hearing committee record and any statement and arguments submitted by the faculty member or hearing committee, will make a decision and provide it to the chancellor for review.

Procedures thereafter shall be according to UWS 4.07 and 4.08 or UWS 6.01.

C. Further Review for an Academic Staff Member

1. Within 10 days of the receipt of the hearing committee's final decision, an academic staff member may ask for review of the decision by [the appropriate review committee to be determined in consultation with the Academic Staff Assembly, hereinafter called "Review Committee."] on the hearing committee record on either or both of these grounds: 1) that the decision of the hearing committee is clearly erroneous; 2) that the recommended sanction is inappropriate. If such review is not requested in 10 days, the academic staff member is deemed to have waived the right to such review and the hearing decision will be deemed submitted to the chancellor for review under UWS 11.07 or 11.11.
2. If the academic staff member does request review by the Review Committee within 10 days, that committee will provide an opportunity for the academic staff member and the hearing committee to submit a written statement and to appear personally before the Review Committee. The Review Committee, based on the hearing committee record and any statement and arguments submitted by the academic staff member or the hearing committee, will make a decision and provide it to the chancellor for review.
3. Procedures thereafter shall be according to UWS 11.07-11.10 or 11.11.

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D. Procedures for Reviewing Reports of Possible Misconduct in Scholarly Research Against Students

Reports of possible misconduct against students shall be handled according to the requirements of UWS 14. Any time limits applicable under 42 CFR Part 50 will be observed in student misconduct in scholarly research investigations.

E. Institutional Responsibility to Notify OSI, Where Research is Supported by PHS Grants

During the course of the hearing, the hearing committee shall apprise the chancellor and the vice chancellor and provost shall apprise OSI of any significant findings which might affect current or potential Department of Health and Human Services funding of any individual charged or which might require agency interpretation of funding regulations.

At any stage of the inquiry or hearing, the committee shall promptly notify the vice chancellor and provost and the vice chancellor and provost shall notify OSI if any of the following conditions exists: (1) there is an immediate health hazard involved, (2) there is an immediate need to protect federal funds or equipment, (3) there is an immediate need to protect the interests of any person making the allegation or of any individual who is the subject of an allegation as well as his or her co-investigators and associates, (4) it is probable that the alleged incident is going to be reported publicly, or (5) there is a reasonable indication of possible criminal violation. If a criminal violation is possibly involved, the institution must inform OSI within 24 hours.

If an inquiry, chancellor's review, or hearing is to be terminated for any reason without completing all the relevant requirements, the vice chancellor and provost shall make a report of such planned termination, including a description of the reasons for such termination, to OSI, which will then decide whether further investigation review should be undertaken.

If further review by CFRR or the Review Committee, the chancellor, or the Board of Regents alters the decision, the vice chancellor and provost shall notify OSI of the changes with an explanation of such changes.

IV. SUBSEQUENT ACTION

A. Subsequent Action Following Completed Hearing and Appeal or Student Academic Misconduct Procedures

1. If the alleged misconduct in scholarly research is substantiated, the vice chancellor and provost shall notify any agency sponsoring the research of the results of the hearing and appeal or student academic misconduct procedures under UWS 14. If it appears that the research is based on scholarly misconduct and is invalid, the researchers shall be requested to withdraw all pending abstracts and papers emanating from the research, and editors of journals in which relevant papers appeared shall be notified. Moreover, institutions and sponsoring agencies with which the individual has been affiliated shall be notified if it is believed that the previous research is based on scholarly misconduct and is invalid.
2. Appropriate disciplinary action, where misconduct in scholarly research is substantiated by the above-stated procedures, shall be taken with regard to a faculty member, an academic staff member or a graduate assistant or other student.
3. If an allegation of misconduct in scholarly research is not substantiated by the hearing and appeal, or by the student academic misconduct procedures under UWS 14, the university shall make diligent efforts, as appropriate, to protect or restore the reputation of any person alleged to have engaged in the misconduct. The university shall also take steps to assure that any person who made an allegation in good faith will not experience retaliation. Additional protection against retaliation is afforded under Wis. Stats., sec. 230.80, et seq.

[UW-Madison Faculty Document 867a - 4 February 1991]

**APPENDICES: BRIDGING DOCUMENTS REGARDING FEDERAL PROCEDURES
FOR DEALING WITH MISCONDUCT IN SCHOLARLY RESEARCH**

Appendix A. Implementation of Federal Policies Regarding Misconduct in Research

Introduction

In 2000, the Office of Science and Technology Policy (OSTP) promulgated a policy regarding misconduct in research in the conduct of federally sponsored research or proposal submitted to Federal agencies for research funding. The policy requires all federal funding departments and agencies to adopt regulations which become a term and condition of receipt of federal research funding. The OSTP policy encourages a certain amount of uniformity among funding agencies.

In 1991, the Faculty Senate adopted Faculty Document 867a, Procedures for Dealing with Misconduct in Scholarly Research.

This bridging document provides processes for implementing the federal policies consistent with Faculty Document 867a.

Research Misconduct

Misconduct in federally funded research is fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

Fabrication is making up data or results and recording or reporting them.

Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

Research misconduct does not include honest error or differences of opinion nor does it supersede or establish an alternative to existing regulations or procedures for handling fiscal improprieties, the ethical treatment of human or animal subjects, criminal matters, personnel actions against federal employees, or actions taken under the HHS debarment and suspension regulations.

Research misconduct under Faculty Document 867a may also include other practices that seriously deviate from those that are commonly accepted within the scholarly community for proposing, conducting, or reporting research.

Confidentiality

Consistent with a thorough, competent, objective and fair misconduct proceeding and to the extent allowed by law, disclosure of the identity of respondents and complainants is limited to the extent possible to those who need to know.

Preservation of Evidence

As soon as feasible at the allegation or inquiry stages, the institution shall take all reasonable and practical steps to obtain custody of all research records and to the extent possible, sequester them in a secure manner.

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Additional Information

For allegations of misconduct in federally funded research, the Graduate School shall provide information to the Inquiry Committee convened under II.B.2. or the Hearing Committee convened under III.A.1. of Faculty Document 867a regarding the procedures to be applied as required by the federal policy or the regulations of the specific federal funding department or agency including:

1. A finding of research misconduct requires that:
 - there is a significant departure from accepted practices of the relevant research community;
 - the misconduct is committed intentionally, or knowingly, or recklessly;
 - the allegation is proven by a preponderance of evidence.
2. The time requirements for completion of the inquiry and the investigation if such requirements significantly differ from those set forth in II.B. and III. of Faculty Document 867a.
3. Any conditions, in addition to those identified in I.A.5. or III.E. of Faculty Document 867a, that require notification of the provost and the federal funding agency.
4. The length of time the documentation relating to any decision must be preserved.
5. Any requirement to notify the federal agency if the inquiry or investigation is being closed prior to completion of the process.
6. Any additional requirements contained in the federal funding agency's regulations.

Appendix B. Policy Regarding Institutional Responsibility for Responding to and Reporting Allegations of Research Misconduct in Federally Funded Research

The University of Wisconsin-Madison will:

1. Maintain appropriate written policies and procedures for addressing allegations of research misconduct and have an active assurance of compliance.
2. Respond to any allegation of research misconduct in a thorough, competent, objective and fair manner.
3. Ensure that individuals responsible for carrying out any part of the research misconduct proceeding do not have unresolved personal, professional or financial conflicts of interest with the complainant, respondent or witnesses.
4. Foster a research environment that promotes the responsible conduct of research, discourages research misconduct, and deals promptly with allegations or evidence of possible research misconduct.
5. Take reasonable and practical steps to protect the positions and reputations of good faith complainants, witnesses and committee members and protect them from retaliation.
6. Provide confidentiality to extent possible to respondents, complainants, and research subjects.
7. Take all reasonable and practical steps to ensure the cooperation of respondents and other institutional members with research misconduct proceedings.

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8. Cooperate with the federal funding agency during any research misconduct proceeding or compliance review and, as appropriate, assist in administering and enforcing any administrative actions imposed.

The written policies and procedures (under 1. above) will:

1. To the extent possible protect the confidentiality of respondents, complainants and research subjects.
2. Provide a thorough, competent, objective, and fair response to allegations of research misconduct consistent with and within the time limits of federal funding agencies requirements, including precautions to ensure that individuals responsible for carrying out any part of the research misconduct proceeding do not have unresolved personal, professional, or financial conflicts of interest with the complainant, respondent, or witnesses.
3. Provide the respondent with:
 - a. Notice of the allegations.
 - b. Opportunity to provide written comments on the inquiry report and the draft report of any investigation.
4. Maintain adequate records for the proceeding.
 - a. Either before or when the respondent is notified of the allegation or when additional research records or evidence that is discovered during the course of a research misconduct proceeding, promptly take all reasonable and practical steps to obtain custody of all the research records and evidence relevant to the research misconduct proceeding.
 - b. Inventory the records and evidence, and sequester them in a secure manner, except that where the research records or evidence encompass shared scientific instruments custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments.
 - c. Where appropriate, give the respondent copies of or supervised access to the research records.
 - d. Maintain the research records, the inquiry report, any documentation of a decision not to investigate, the investigation and the complete record of any appeal at the university for the amount of time required by the federal funding agency.

Appendix C. Institutional Compliance and Assurance with Public Health Service Policies on Research Misconduct

The University of Wisconsin-Madison has written policies and procedure in compliance with 42 CFR Part 93 for inquiring into and investigating allegations of research misconduct and complies with it own polices and procedures and the requirements of this part.

The university will take all reasonable and practical specific steps to foster research integrity including informing researchers about its policies and procedures for responding to allegations of research misconduct and its commitment to compliance with those policies and procedures.

[UW-Madison Faculty Document 2006 and 2006a - 3 March 2008]

**Proposal Change *Faculty Policies and Procedures 9.14.* to Incorporate Changes to the
Research Misconduct Policy**

With mark-up

9.14. PROCEDURES WHEN MISCONDUCT IN SCHOLARLY RESEARCH IS ALLEGED.

Whenever the provost acting as the Deciding Official pursuant to ~~Faculty Document 867a (2/4/91), Section VI, Faculty Document 2668a has decided to bring charges that would warrant~~ issued an institutional decision imposing discipline or dismissal of a faculty member on the basis of misconduct in scholarly research, sections 9.01. through 9.05.B., 9.10., and 9.13. of this chapter, as well as other sections specifically noted below, shall govern faculty dismissal and disciplinary actions as follows:

A. The report of the Investigation Committee provided for in ~~Faculty Document 867a (2/4/91), Part II.B.5-7, Faculty Document 2668a~~ shall constitute the investigation required by 9.06.A. and the complaint referred to in 9.01. and 9.04. When serving as Deciding Official pursuant to Section VI of Faculty Document 2668a, after reviewing the report of Inquiry the Investigation Committee and the response, if any, of the faculty member, if the provost believes that dismissal may be warranted, the provost shall proceed in accordance with UWS 4, or, if the provost believes that lesser discipline may be warranted, the provost shall proceed in accordance with 9.06.C.3. or 9.06.C.4., and UWS 6.01. If the provost decides to dismiss the case, he/she shall proceed in accordance with 9.06.C.1. A hearings subsequent to appeal provost's actions shall be conducted by the ~~Hearing Committee Misconduct in Scholarly Research CFRR~~ under ~~Faculty Document 867a, Part IIIA Faculty document 2668a and may be appealed to CFRR,~~ as provided below and in ~~Faculty Document 867a, Part IIIB Faculty Document 2668a Section VII.~~

B. ~~The Hearing Committee on Misconduct in Scholarly Research provided for in Part III.A.1 of Faculty Document 867a shall consist of three to five members, a majority of whom shall be UW Madison faculty members. The chair, who shall be a law trained UW Madison faculty member, and one additional UW Madison faculty member shall be appointed for two year terms. Other members shall be experts in areas germane to the scholarly misconduct allegations in question, and any member who does not come from the UW Madison faculty shall be a tenured faculty member at an institution of higher education in the United States. All members shall be selected by the provost after consultation with the University Committee.~~

The Committee on Faculty Rights and Responsibilities (CFRR) shall serve as the body to hear the appeal provided for in Section VII of the Faculty Document 2668a. The chair of the CFRR may request the substitution of up to two regular members of the CFRR with not more than two special members of the CFRR who have the scholarly competence and expertise appropriate for the hearing of this matter.

C. ~~The Hearing Committee CFRR shall proceed in accordance with the provisions of UWS 4.04-4.06 and Faculty Document 867a, Part IIIA. and E Faculty Document 2668a. In order to make a finding of misconduct in scholarly research, the committee must be satisfied that there is clear and convincing evidence of such misconduct. Section VII. In this appeal, the University bears the burden of proof for all issues related to the allegations of research misconduct. The faculty member bears the burden of proof for any claims asserted in opposition to the institutional decision.~~

D. Within 10 days after receipt of the ~~Hearing Committee's report~~ service of the notice of the institutional decision, the faculty member may appeal to CFRR by giving written notice of the appeal to the ~~chair of CFRR~~ Deciding Official, as determined under Section VI of Faculty Document 2668a.

1. CFRR shall review the record made ~~before the Hearing Committee~~ by the Inquiry Committee, the Investigation Committee and the Deciding Official, but shall not receive any new evidence. CFRR may ask members of the ~~Hearing~~ Investigation Committee to explain matters within their expertise, and the faculty member is entitled to be present when any such explanation is given and to ask pertinent questions. ~~Within ten days after giving notice of appeal, the faculty member may submit written arguments to CFRR. CFRR will hear oral argument if the faculty member or the Hearing Committee requests it~~ As directed by the CFRR, the faculty member may submit a written statement and appear personally before the CFRR.

2. The ~~action of the Hearing Committee~~ institutional decision shall be affirmed unless CFRR determines (a) that the ~~Hearing Committee's~~ factual findings are clearly erroneous, or (b) that the ~~Investigation eCommittee or Deciding Official~~ erred in applying the law and that this error influenced the decision, or (c) that the recommended sanction is inappropriate. In determining whether a factual finding is clearly erroneous, the question to be answered by CFRR is not whether it would have reached the same conclusion as the ~~Hearing Investigation Committee or Deciding Official~~ but, rather, whether reasonable people could have considered the findings to have been supported by clear and convincing a preponderance of the evidence. Similarly, the criterion for reviewing the sanction shall be whether reasonable people could consider it appropriate under the circumstances of the case. If CFRR finds error as defined above, it will recommend to the chancellor actions to remedy the error. If CFRR finds an inappropriate sanction was recommended, it will recommend a different sanction.

3. If the ~~Hearing Committee~~ institutional decision is appealed to CFRR, CFRR shall formulate a written decision and transmit it to the chancellor and the faculty member within ~~ten~~ 45 days after the ~~conclusion of its proceedings~~ initiation of the appeal. Within ten days ~~thereafter~~ of receipt of the recommendation from CFRR, the faculty member may file objections with the chancellor.

4. The chancellor shall issue an appeal decision and rationale to affirm, reject or modify the action specified in the recommendation from the CFRR within 30 days of receipt of the recommendation. This period may be extended for good cause.

E. If no appeal is taken to CFRR from the ~~Hearing Committee~~ institutional decision, the faculty member may file objections with the chancellor within ten days after receipt of the ~~Hearing Committee's report~~ institutional decision.

F. Procedures thereafter shall be according to UWS 4.07-4.10 or UWS 6.01.

Without mark-up

9.14. PROCEDURES WHEN MISCONDUCT IN SCHOLARLY RESEARCH IS ALLEGED.

Whenever the provost acting as the Deciding Official pursuant to Faculty Document 2668a issued an institutional decision imposing discipline or dismissal of a faculty member on the basis of misconduct in scholarly research, sections 9.01. through 9.05.B., 9.10., and 9.13. of this chapter, as well as other sections specifically noted below, shall govern faculty dismissal and disciplinary actions as follows:

A. The report of the Investigation Committee provided for in Faculty Document 2668a, shall constitute the investigation required by 9.06.A. and the complaint referred to in 9.01. and 9.04. When serving as Deciding Official pursuant to Section VI of Faculty Document 2668a, after reviewing the report of the Investigation Committee and the response, if any, of the faculty member, if the provost believes that dismissal may be warranted, the provost shall proceed in accordance with UWS 4, or, if the provost believes that lesser discipline may be warranted, the provost shall proceed in accordance with 9.06.C.3. or 9.06.C.4., and UWS 6.01. If the provost decides to dismiss the case, he/she shall proceed in accordance with 9.06.C.1. A hearing to appeal provost's actions shall be conducted by the CFRR under Faculty Document 2668a, as provided below and in Faculty Document 2668a Section VII.

B. The Committee on Faculty Rights and Responsibilities (CFRR) shall serve as the body to hear the appeal provided for in Section VII of the Faculty Document 2668a. The chair of the CFRR may request the substitution of up to two regular members of the CFRR with not more than two special members of the CFRR who have the scholarly competence and expertise appropriate for the hearing of this matter.

C. The CFRR shall proceed in accordance with the provisions of UWS 4.04-4.06 and Faculty Document 2668a, Section VII. In this appeal, the University bears the burden of proof for all issues related to the allegations of research misconduct. The faculty member bears the burden of proof for any claims asserted in opposition to the institutional decision.

D. Within 10 days after service of the notice of the institutional decision, the faculty member may appeal to CFRR by giving written notice of the appeal to the Deciding Official, as determined under Section VI of Faculty Document 2668a.

1. CFRR shall review the record made by the Inquiry Committee, the Investigation Committee and the Deciding Official, but shall not receive any new evidence. CFRR may ask members of the Investigation Committee to explain matters within their expertise, and the faculty member is entitled to be present when any such explanation is given and to ask pertinent questions. As directed by the CFRR, the faculty member may submit a written statement and appear personally before the CFRR.

2. The institutional decision shall be affirmed unless CFRR determines (a) that the factual findings are clearly erroneous, or (b) that the Investigation Committee or Deciding Official erred in applying the law and that this error influenced the decision, or (c) that the recommended sanction is inappropriate. In determining whether a factual finding is clearly erroneous, the question to be answered by CFRR is not whether it would have reached the same conclusion as the Investigation Committee or Deciding Official but, rather, whether reasonable people could have considered the findings to have been supported by a preponderance of the evidence. Similarly, the criterion for reviewing the sanction shall be whether reasonable people could consider it appropriate under the circumstances of the case. If CFRR finds error as defined above, it will recommend to the chancellor actions to remedy the error. If CFRR finds an

inappropriate sanction was recommended, it will recommend a different sanction.

3. If the institutional decision is appealed to CFRR, CFRR shall formulate a written decision and transmit it to the chancellor and the faculty member within 45 days after the initiation of the appeal. Within ten days of receipt of the recommendation from CFRR, the faculty member may file objections with the chancellor.

4. The chancellor shall issue an appeal decision and rationale to affirm, reject or modify the action specified in the recommendation from the CFRR within 30 days of receipt of the recommendation. This period may be extended for good cause.

E. If no appeal is taken to CFRR from the institutional decision, the faculty member may file objections with the chancellor within ten days after receipt of the institutional decision.

F. Procedures thereafter shall be according to UWS 4.07-4.10 or UWS 6.01.

Faculty Policies and Procedures
Chapter 7.17. (Post-Tenure Review policy)

A. PURPOSE

The purposes of the review of tenured faculty are:

- a. to recognize outstanding achievement;
- b. to provide opportunities for mentoring and professional development;
- c. to help identify and remedy, from a developmental point of view, any deficiencies in teaching, service, outreach/extension, and research/scholarly productivity.

The process of post-tenure review is the periodic assessment of each faculty member's activities and performance, in accordance with the mission of the department, college, and institution, and the responsibilities of the faculty as described in FPP 8.02. The review is to be appropriately linked to the merit process, and should not involve the creation of unnecessary additional bureaucracy. Review of tenured faculty builds on and complements other aspects of the tenure process in order to develop faculty capacity and strengthen and promote the public benefits of tenure. Post-tenure review is not a reevaluation of tenure and is not undertaken for the purposes of discipline or dismissal. Faculty shall be subject to discipline or dismissal only for just cause (see FPP 9). Departments, schools, and colleges may not use post-tenure reviews as the basis for budgetary decisions or for decisions regarding program discontinuance, curtailment, modification, or redirection.

B. CRITERIA

1. The basic standard for review shall be whether the faculty member under review discharges conscientiously and with professional competence the duties appropriately associated with the faculty member's position.
2. Each department shall develop criteria to measure progress in teaching, service, outreach/extension, and research/scholarly productivity as appropriate to the field and consistent with FPP 8.02. Each department shall develop criteria to measure progress in scholarly productivity as appropriate to the field. The criteria for review shall be periodically reviewed by the executive committee of each department and the school or college APC.
3. The criteria for review should reflect the overall mission of the department, be sufficiently flexible to accommodate faculty with differing responsibilities, and recognize that careers and levels of productivity may change over time. In developing such criteria, departments may draw on statements used in other faculty review procedures, such as merit or promotion review. Special care should be taken to ensure that the scholarly productivity of jointly appointed and interdisciplinary faculty is appropriately evaluated.
4. The executive committee of each department shall ensure that the criteria governing faculty review do not infringe on the accepted standards of academic freedom of faculty, including the freedom to pursue novel, unpopular, or unfashionable lines of inquiry or innovative methods of teaching, and recognize that scholarly projects take varying amounts of time to come to fruition. Nothing in the criteria or application of these policies shall allow the review to be prejudiced by factors proscribed by applicable state or federal law, such as race, religion, sex,

sexual orientation, ethnicity, age, and handicap.

5. For the purposes of this chapter, the following definitions shall apply:
 - a. A review resulting in an indication of “exceptionally good” performance shall constitute a rating of “exceeds expectations” for the purposes of Regent Policy Document (RPD) 20-9 sec. 9.b.
 - b. A review indicating “substantial deficiencies” in performance shall constitute a rating of “does not meet expectations” for the purposes of RPD 20-9 sec. 9.b.
 - c. All other review results under this chapter shall constitute a rating of “meets expectations” for the purposes of RPD 20-9 sec. 9.a. Discharging conscientiously and with professional competence the duties appropriately associated with the faculty member's position shall serve as the standard for “expected level of accomplishment” as described in the RPD.
 - d. For schools and colleges that are not officially divided into departments, all references to “department” or “chair” in this policy shall be understood to refer to the equivalent unit and its corresponding chair or equivalent.
 - e. An initial review indicating substantial deficiencies shall not constitute a disciplinary action under FPP 9.

C. PROCEDURES

1. Reviews shall occur at least once every five years. These reviews may incorporate ~~include~~ the annual merit review process and may encompass ~~or be combined with~~ promotion, retention, salary, or other reviews, including but not limited to nominations for named chairs and professorships, major teaching awards, and national professional honors or awards. In the case of combined reviews, the department may require supplementary documentation from the faculty member, which meets the criteria below, that would not otherwise be required for the other review. The review may be deferred, by approval of the Provost, for unusual circumstances such as when it may coincide with an approved leave, promotion review, or other appointment, and the Provost may then determine a new review schedule. Each review, as determined by each department's executive committee, shall be carried out by two or more tenured faculty members, who may be drawn from outside the department. Upon notification of the reviewers selected by the committee, if the faculty member under review formally objects to a reviewer, the chair, in consultation with the relevant dean, shall identify other appropriate reviewers. Such formal objections should be kept confidential. In the case of a faculty member with appointments in more than one department, the department chairs of the affected departments shall agree in writing on procedures for the conduct of the review.
2. Review procedures shall include:
 - a. A review of qualitative and quantitative evidence of the faculty member's performance over at least the previous five-year period. The evidence should include a current curriculum vitae, annual activity reports, teaching, and student evaluations or summaries of evaluations, and other materials providing evidence of the faculty member's accomplishments and contributions that the department or the faculty member feel are relevant to the review. The faculty member should provide the reviewers with a brief summary of career plans for the future. Letters from outside the university would not ordinarily be a part of the review process. The faculty member under review, however, may submit appropriate letters if she or he so chooses. The reviewers shall examine materials to the degree needed to accomplish the purposes of this review.

- b. Discussion with the faculty member about his or her contributions to the profession, the department, and the university if either the reviewers or the faculty member so desire.
 - c. Appropriate consideration of a faculty member's contributions outside the department to interdisciplinary and other programs, governance, and administration.
 - d. Other steps the reviewers consider useful in making a fair and informed judgment, including but not limited to consultation with individuals who have knowledge of the faculty member's work.
3. The reviewers shall provide the faculty member with a written summary of the review ~~by the end of the academic year~~. The faculty member shall have the right to prepare a written response to the summary within 30 days after receipt.
 4. A copy of the summary and any written response to it shall be given to the department chair and shall be placed in the personnel file of the faculty member. A copy shall also be provided to the appropriate dean for sufficiency review, ~~and to the provost, and chancellor or designee~~. The department shall also preserve in the faculty member's personnel file all documents that played a substantive role in the review (other than documents such as publications that are readily accessible elsewhere), and a record of any action taken as a result of the review. The summary and outcome of the review shall remain confidential, that is, confined to the appropriate departmental, college, or university persons or bodies and the faculty member being evaluated, released otherwise only at the discretion, or with the explicit consent of, the faculty member, or as otherwise required by business necessity or law.
 5. Every effort should be made to offer tangible recognition to those faculty identified as exceptionally good, including but not limited to, nomination for university, national, and international awards and relevant merit and other benefits.
 6. Following the initial departmental review and faculty member's response, if any, the dean shall conduct a sufficiency review. In the event that the dean considers that the review was insufficient, he/she shall provide the reasons to the executive committee in writing why the review was insufficient within 14 days of receiving the departmental report. The executive committee may provide a response addressing the dean's concerns about the sufficiency of the review within 14 days. The dean will then make a recommendation to the provost on whether or not the faculty member "meets expectations."
 - a. If neither the departmental review nor the dean's review indicate substantial deficiencies, the post-tenure review process is concluded.
 - b. If both the departmental review and the dean's review indicate substantial deficiencies, the remediation process described in [8.b.] shall commence immediately.
 - c. In the event the dean's a review indicates substantial deficiencies not identified in the departmental review, the dean must provide written reasons within 14 days to the faculty member for the recommendation and the faculty member may provide a written response to the dean within 14 days. This statement can include new documentation on the faculty member's accomplishments. Within 5 days of the end of the faculty member's written response deadline, the dean will forward their review and the departmental review, along with any written response statements from the faculty member, to the provost.
 - d. In the event the departmental review indicates substantial deficiencies but the dean dissents, the dean will forward their recommendation, along with the departmental review and any written response statement from the faculty member, to the provost.
 7. If the post-tenure review is not concluded at the dean's level per 6.a. or 6.b. above, upon receipt of the dean's recommendation, the provost will perform their own review, including consultation with the divisional committee review council (DCRC), which also will be provided with the executive committee recommendation, the dean's recommendation, and

any faculty responses. The provost shall request advice from the DCRC within 5 days of receiving the dean's recommendation and the council will provide their advice within 30 days of receiving the request from the provost. there may be a review by the appropriate dean followed by a review by the chancellor or designee. The faculty member may submit a written statement as part of either review. As part of the dean's review, the faculty member may request a second review (peer review), following the above procedures except that the dean shall assume the role of the chair.

- a. Review by the provost ~~chancellor or designee~~, or review by the dean which is not submitted for the ~~provost's chancellor's~~ review, shall be the final review.
 - b. If after the reviews the substantial deficiencies are confirmed by the ~~provost dean, chancellor or designee~~, support from institutional resources for professional development shall be proffered. The department chair and the faculty member shall develop a written plan for mentoring and professional development to address all issues identified in the review, in consultation, with the appropriate dean(s), who shall resolve any disagreements as to the creation of the remediation plan. This plan shall be the product of mutual negotiation and discussion between the faculty member and the chair and/or dean(s), shall respect academic freedom and professional self-direction, and shall be flexible enough to allow for subsequent alteration. Such a plan could include review and adjustment of the faculty member's responsibilities, development of a new research program or teaching strategy, referral to campus resources, assignment of a mentoring committee, institution of mandatory annual reviews for a specified period, written performance expectations, and/or other elements. The faculty member shall have the right to provide a written response regarding the manner in which any written development plan is formulated, the plan's content, and any resulting evaluation. This plan shall be completed no later than 30 days after the provost has informed the faculty member of the decision. The faculty member shall have three academic semesters to fully satisfy all of the elements of the remediation plan. If the remediation plan includes performance deficiencies in research, an extension of one academic semester may be granted by the provost.
8. The process for determination of the successful completion of the remediation is as follows.
- a. The faculty member will submit documentation of their activities that address issues identified in the remediation plan to the faculty member's executive committee. This documentation will include any information that the faculty member deems relevant and can be provided at any time during the remediation period, but must be provided no later than 4 weeks before the end of the remediation plan period.
 - b. Within 30 days of receipt, the executive committee will review the materials submitted, and will make a determination as to whether all the elements of the remediation plan have been satisfied. The executive committee will then submit the faculty member's documentation along with their determination to the dean.
 - c. At the conclusion of the remediation period, the ~~The~~ dean shall review the faculty member's performance and determine, in consultation with the faculty member's ~~member~~ member, their department chair, and the chancellor, whether the remediation plan and criteria have been satisfied or whether further action to address the substantial deficiencies must be taken.
 - d. If the dean determines that the faculty member has not satisfied all the elements of the remediation plan, then within 14 days the decision and written reasons for this decision shall be provided to the faculty member and to the provost. Within 14 days of receiving the notification from the dean, the faculty member can submit to the provost an additional written statement addressing the decisions made by the executive committee

- and the dean.
- e. Consistent with the provisions of RPD 20-9 sec. 12.c.ii., in the event that a the review conducted subsequent to the implementation of the remediation plan per 9.c. reveals continuing and persistent problems with a faculty member's performance that do not lend themselves to improvement by the end of the remediation period after several efforts, and that call into question the faculty member's ability to function in that position, then other possibilities, such as a mutually agreeable reassignment to other duties or separation, should be explored. If these are not practicable, or no other solution acceptable to the parties can be found, then the University Committee must appoint an ad hoc committee of faculty to review proposed sanctions consistent with FPP.
 9. The standard for discipline or dismissal remains that of just cause as outlined in FPP 9.02. and 9.03. The fact of successive negative reviews does not diminish the obligation of the institution to show such cause in a separate forum, following the procedures outlined in FPP.9. Records from post-tenure review may be relied upon and are admissible, but rebuttable as to accuracy. The administration bears the ultimate burden of proof on the issue of just cause for discipline and dismissal.
 10. The faculty member retains all protections guaranteed in FPP, including, but not limited to, the rights to appeal and the right to appeal disciplinary action to the Committee on Faculty Rights and Responsibilities as described in FPP 9.07.

D. ACCOUNTABILITY

1. Copies of the departmental criteria and procedures for reviews of tenured faculty (including procedures to be used for individual tenured faculty with shared appointments in several departments) shall be filed with the appropriate chairs, deans, the provost, and the secretary of the faculty.
2. At the beginning end of each academic year, the chair shall identify faculty to be reviewed by the end of ~~that~~ the following academic year and the executive committee shall establish a calendar for reviews and provide notice to the identified faculty consistent with RPD 20-9 sec. 5. Department chairs shall coordinate with their deans to schedule all initial departmental reviews to be conducted during the fall semester, ensuring that all reviews and responses are completed and reported to the dean no later than March 1.
3. Departments shall maintain a record of reviews completed, including the names of all reviewers.
4. At the end of each academic year, department chairs shall send a report to the appropriate dean(s) listing the names of faculty members reviewed during that academic year and summarizing the outcomes of those reviews.
5. If a department fails to conduct requisite reviews by the end of the academic year, the dean shall appoint reviewers to conduct reviews based on the department's specified criteria.
6. The periodic review of each department, in which the department's mission, personnel, and development are now evaluated, shall include review of the process for review of tenured faculty in the department.
7. Pursuant to RPD 20-9 sec. 16, reviews and remediation plans are not subject to grievance processes. Faculty retain all protections and rights to grievances and appeals provided elsewhere in these chapters, including but not limited to FPP chapters 8 and 9, unrelated to post-tenure review.

No mark-up

Faculty Policies and Procedures
Chapter 7.17. (Post-Tenure Review policy)

A. PURPOSE

The purposes of the review of tenured faculty are:

- a. to recognize outstanding achievement
- b. to provide opportunities for mentoring and professional development;
- c. to help identify and remedy, from a developmental point of view, any deficiencies in teaching, service, outreach/extension, and research/scholarly productivity.

The process of post-tenure review is the periodic assessment of each faculty member's activities and performance, in accordance with the mission of the department, college, and institution, and the responsibilities of the faculty as described in FPP 8.02. The review is to be appropriately linked to the merit process, and should not involve the creation of unnecessary additional bureaucracy. Review of tenured faculty builds on and complements other aspects of the tenure process in order to develop faculty capacity and strengthen and promote the public benefits of tenure. Post-tenure review is not a reevaluation of tenure and is not undertaken for the purposes of discipline or dismissal. Faculty shall be subject to discipline or dismissal only for just cause (see FPP 9). Departments, schools, and colleges may not use post-tenure reviews as the basis for budgetary decisions or for decisions regarding program discontinuance, curtailment, modification, or redirection.

B. CRITERIA

1. The basic standard for review shall be whether the faculty member under review discharges conscientiously and with professional competence the duties appropriately associated with the faculty member's position.
2. Each department shall develop criteria to measure progress in teaching, service, outreach/extension, and research/scholarly productivity as appropriate to the field and consistent with FPP 8.02. Each department shall develop criteria to measure progress in scholarly productivity as appropriate to the field. The criteria for review shall be periodically reviewed by the executive committee of each department and the school or college APC.
3. The criteria for review should reflect the overall mission of the department, be sufficiently flexible to accommodate faculty with differing responsibilities, and recognize that careers and levels of productivity may change over time. In developing such criteria, departments may draw on statements used in other faculty review procedures, such as merit or promotion review. Special care should be taken to ensure that the scholarly productivity of jointly appointed and interdisciplinary faculty is appropriately evaluated.
4. The executive committee of each department shall ensure that the criteria governing faculty review do not infringe on the accepted standards of academic freedom of faculty, including the freedom to pursue novel, unpopular, or unfashionable lines of inquiry or innovative methods of teaching, and recognize that scholarly projects take varying amounts of time to come to fruition. Nothing in the criteria or application of these policies shall allow the review to be prejudiced by factors proscribed by applicable state or federal law, such as race, religion, sex, sexual orientation, ethnicity, age, and handicap.
5. For the purposes of this chapter, the following definitions shall apply:
 - a. A review resulting in an indication of "exceptionally good" performance shall

constitute a rating of “exceeds expectations” for the purposes of Regent Policy Document (RPD) 20-9 sec. 9.b.

- b. A review indicating “substantial deficiencies” in performance shall constitute a rating of “does not meet expectations” for the purposes of RPD 20-9 sec. 9.b.
- c. All other review results under this chapter shall constitute a rating of “meets expectations” for the purposes of RPD 20-9 sec. 9.a. Discharging conscientiously and with professional competence the duties appropriately associated with the faculty member's position shall serve as the standard for “expected level of accomplishment” as described in the RPD.
- d. For schools and colleges that are not officially divided into departments, all references to “department” or “chair” in this policy shall be understood to refer to the equivalent unit and its corresponding chair or equivalent.
- e. An initial review indicating substantial deficiencies shall not constitute a disciplinary action under FPP 9.

C. PROCEDURES

1. Reviews shall occur at least once every five years. These reviews may incorporate the annual merit review process and may encompass promotion, retention, salary, or other reviews, including but not limited to nominations for named chairs and professorships, major teaching awards, and national professional honors or awards. In the case of combined reviews, the department may require supplementary documentation from the faculty member, which meets the criteria below, that would not otherwise be required for the other review. The review may be deferred, by approval of the Provost, for unusual circumstances such as when it may coincide with an approved leave, promotion review, or other appointment, and the Provost may then determine a new review schedule. Each review, as determined by each department's executive committee, shall be carried out by two or more tenured faculty members, who may be drawn from outside the department. Upon notification of the reviewers selected by the committee, if the faculty member under review formally objects to a reviewer, the chair, in consultation with the relevant dean, shall identify other appropriate reviewers. Such formal objections should be kept confidential. In the case of a faculty member with appointments in more than one department, the department chairs of the affected departments shall agree in writing on procedures for the conduct of the review.
2. Review procedures shall include:
 - a. A review of qualitative and quantitative evidence of the faculty member's performance over at least the previous five-year period. The evidence should include a current curriculum vitae, annual activity reports, teaching, and student evaluations or summaries of evaluations, and other materials providing evidence of the faculty member's accomplishments and contributions that the department or the faculty member feel are relevant to the review. The faculty member should provide the reviewers with a brief summary of career plans for the future. Letters from outside the university would not ordinarily be a part of the review process. The faculty member under review, however, may submit appropriate letters if she or he so chooses. The reviewers shall examine materials to the degree needed to accomplish the purposes of this review.
 - b. Discussion with the faculty member about his or her contributions to the profession, the department, and the university if either the reviewers or the faculty member so desire.
 - c. Appropriate consideration of a faculty member's contributions outside the department to interdisciplinary and other programs, governance, and administration.

- d. Other steps the reviewers consider useful in making a fair and informed judgment, including but not limited to consultation with individuals who have knowledge of the faculty member's work.
3. The reviewers shall provide the faculty member with a written summary of the review. The faculty member shall have the right to prepare a written response to the summary within 30 days after receipt.
4. A copy of the summary and any written response to it shall be given to the department chair and shall be placed in the personnel file of the faculty member. A copy shall also be provided to the appropriate dean for sufficiency review. The department shall also preserve in the faculty member's personnel file all documents that played a substantive role in the review (other than documents such as publications that are readily accessible elsewhere), and a record of any action taken as a result of the review. The summary and outcome of the review shall remain confidential, that is, confined to the appropriate departmental, college, or university persons or bodies and the faculty member being evaluated, released otherwise only at the discretion, or with the explicit consent of, the faculty member, or as otherwise required by business necessity or law.
5. Every effort should be made to offer tangible recognition to those faculty identified as exceptionally good, including but not limited to, nomination for university, national, and international awards and relevant merit and other benefits.
6. Following the initial departmental review and faculty member's response, if any, the dean shall conduct a sufficiency review. In the event that the dean considers that the review was insufficient, he/she shall provide the reasons to the executive committee in writing why the review was insufficient within 14 days of receiving the departmental report. The executive committee may provide a response addressing the dean's concerns about the sufficiency of the review within 14 days. The dean will then make a recommendation to the provost on whether or not the faculty member "meets expectations."
 - a. If neither the departmental review nor the dean's review indicate substantial deficiencies, the post-tenure review process is concluded.
 - b. If both the departmental review and the dean's review indicate substantial deficiencies, the remediation process described in [8.b.] shall commence immediately.
 - c. In the event the dean's a review indicates substantial deficiencies not identified in the departmental review, the dean must provide written reasons within 14 days to the faculty member for the recommendation and the faculty member may provide a written response to the dean within 14 days. This statement can include new documentation on the faculty member's accomplishments. Within 5 days of the end of the faculty member's written response deadline, the dean will forward their review and the departmental review, along with any written response statements from the faculty member, to the provost.
 - d. In the event the departmental review indicates substantial deficiencies but the dean dissents, the dean will forward their recommendation, along with the departmental review and any written response statement from the faculty member, to the provost.
7. If the post-tenure review is not concluded at the dean's level per 6.a. or 6.b. above, upon receipt of the dean's recommendation, the provost will perform their own review, including consultation with the divisional committee review council (DCRC), which also will be provided with the executive committee recommendation, the dean's recommendation, and any faculty responses. The provost shall request advice from the DCRC within 5 days of receiving the dean's recommendation and the council will provide their advice within 30 days of receiving the request from the provost.
 - a. Review by the provost, or review by the dean which is not submitted for the provost's review, shall be the final review.

- b. If after the reviews the substantial deficiencies are confirmed by the provost, support from institutional resources for professional development shall be proffered. The department chair and the faculty member shall develop a written plan for mentoring and professional development to address all issues identified in the review, in consultation, with the appropriate dean(s), who shall resolve any disagreements as to the creation of the remediation plan. This plan shall be the product of mutual negotiation and discussion between the faculty member and the chair and/or dean(s), shall respect academic freedom and professional self-direction, and shall be flexible enough to allow for subsequent alteration. Such a plan could include review and adjustment of the faculty member's responsibilities, development of a new research program or teaching strategy, referral to campus resources, assignment of a mentoring committee, institution of mandatory annual reviews for a specified period, written performance expectations, and/or other elements. The faculty member shall have the right to provide a written response regarding the manner in which any written development plan is formulated, the plan's content, and any resulting evaluation. This plan shall be completed no later than 30 days after the provost has informed the faculty member of the decision. The faculty member shall have three academic semesters to fully satisfy all of the elements of the remediation plan. If the remediation plan includes performance deficiencies in research, an extension of one academic semester may be granted by the provost.
8. The process for determination of the successful completion of the remediation is as follows.
 - a. The faculty member will submit documentation of their activities that address issues identified in the remediation plan to the faculty member's executive committee. This documentation will include any information that the faculty member deems relevant and can be provided at any time during the remediation period, but must be provided no later than 4 weeks before the end of the remediation plan period.
 - b. Within 30 days of receipt, the executive committee will review the materials submitted, and will make a determination as to whether all the elements of the remediation plan have been satisfied. The executive committee will then submit the faculty member's documentation along with their determination to the dean.
 - c. The dean shall review the faculty member's performance and determine, in consultation with the faculty member, their department chair, and the chancellor, whether the remediation plan and criteria have been satisfied or whether further action to address the substantial deficiencies must be taken.
 - d. If the dean determines that the faculty member has not satisfied all the elements of the remediation plan, then within 14 days the decision and written reasons for this decision shall be provided to the faculty member and to the provost. Within 14 days of receiving the notification from the dean, the faculty member can submit to the provost an additional written statement addressing the decisions made by the executive committee and the dean.
 - e. Consistent with the provisions of RPD 20-9 sec. 12.c.ii., in the event that a the review conducted per 9.c. reveals continuing and persistent problems with a faculty member's performance that do not lend themselves to improvement by the end of the remediation period , and that call into question the faculty member's ability to function in that position, then other possibilities, such as a mutually agreeable reassignment to other duties or separation, should be explored. If these are not practicable, or no other solution acceptable to the parties can be found, then the University Committee must appoint an ad hoc committee of faculty to review proposed sanctions consistent with FPP.

9. The standard for discipline or dismissal remains that of just cause as outlined in FPP 9.02. and 9.03. The fact of successive negative reviews does not diminish the obligation of the institution to show such cause in a separate forum, following the procedures outlined in FPP.9. Records from post-tenure review may be relied upon and are admissible, but rebuttable as to accuracy. The administration bears the ultimate burden of proof on the issue of just cause for discipline and dismissal.
10. The faculty member retains all protections guaranteed in FPP, including, but not limited to, the rights to appeal and the right to appeal disciplinary action to the Committee on Faculty Rights and Responsibilities as described in FPP 9.07.

D. ACCOUNTABILITY

1. Copies of the departmental criteria and procedures for reviews of tenured faculty (including procedures to be used for individual tenured faculty with shared appointments in several departments) shall be filed with the appropriate chairs, deans, the provost, and the secretary of the faculty.
2. At the end of each academic year, the chair shall identify faculty to be reviewed by the end of the following academic year and the executive committee shall establish a calendar for reviews and provide notice to the identified faculty consistent with RPD 20-9 sec. 5. Department chairs shall coordinate with their deans to schedule all initial departmental reviews to be conducted during the fall semester, ensuring that all reviews and responses are completed and reported to the dean no later than March 1.
3. Departments shall maintain a record of reviews completed, including the names of all reviewers.
4. At the end of each academic year, department chairs shall send a report to the appropriate dean(s) listing the names of faculty members reviewed during that academic year and summarizing the outcomes of those reviews.
5. If a department fails to conduct requisite reviews by the end of the academic year, the dean shall appoint reviewers to conduct reviews based on the department's specified criteria.
6. The periodic review of each department, in which the department's mission, personnel, and development are now evaluated, shall include review of the process for review of tenured faculty in the department.
7. Pursuant to RPD 20-9 sec. 16, reviews and remediation plans are not subject to grievance processes. Faculty retain all protections and rights to grievances and appeals provided elsewhere in these chapters, including but not limited to FPP chapters 8 and 9, unrelated to post-tenure review.