

MEMORANDUM

To: PCC

From: Profs. K. Schwarz, J. Gilbert, & K. Fuegen, PCC Members

Re: NKU Early Childhood Center — Discussion Item

Date: March 30, 2017

Cc: Dan Nadler, NKU VP for Student Affairs

The NKU Early Childhood Center (ECC) operates on-campus as “a direct extension of the campus atmosphere -- student-centered and quality driven.” ECC is a not-for-profit organization whose “sole purpose is to provide an excellent child care program and environment for NKU students, staff, faculty, alumni and community members.”

To its detriment, in recent years the NKU Early Childhood Center has operated under conditions of financial and existential uncertainty. As a result, the Center has seen high turnover in staff, delays in filling vacant positions, increased fees, increased student-teacher ratios, loss of NAEYC accreditation due to lack of permission to renew, reduced flexibility, changes to admission policies, and the threat of closure. In addition, the process through which some changes were made was not inclusive or transparent.

Recently, NKU announced that it is once again reevaluating the future of ECC. In principal part, the stated reason for this decision is that the “university has subsidized the operations of the Center over the past five years, but that may no longer be possible in the future.” Accordingly, in connection with the present reevaluation, NKU has issued an RFP to seek an external partner for the ECC. While users have been assured that changes would not affect spring 2017 or summer programming, the future of ECC remains uncertain.

The ongoing uncertainty surrounding the ECC undermines the value of providing on-campus child care and does not support the stated mission, goals, and strategic plan of NKU. Specifically, such tumult undermines student success. It thereby creates tension with NKU’s stated goal to “provide a supportive, student-centered educational environment that promotes academic success, global awareness, and timely graduation” as well as other stated goals to “recruit, retain, and develop outstanding faculty and staff” and “expand and maintain facilities to meet the growing needs of the campus.” In explaining its decision, NKU has framed its support of the ECC as a burden to the university, rather than as a benefit that promotes student success, faculty and staff excellence, and gender equity. This perspective is shortsighted and sends the message that supporting students, staff, and faculty who are parents is not a priority for NKU.

As NKU evaluates the future of the ECC, we request that the process be inclusive and transparent, directly involving stakeholders (including current and past ECC families) in the decision making process. Specifically, we request the:

- (1) continuation of a child care facility on-campus that serves, at least, faculty and staff members and NKU students;
- (2) maintenance of a high standard of quality (e.g. NAEYC accreditation or equivalent);
- (3) continuation of placement opportunities for early childhood education program teacher candidates for field work and course projects;
- (4) continuation of student employment opportunities; and
- (5) maintenance of subsidies for NKU students who use the facility.

We also encourage NKU to explore options that increase child care options on campus (*e.g.* by accepting students younger than one year of age). Moreover, in calculating the true cost to NKU of ECC's operation, the university should take account of (and seek to quantify) the corresponding and off-setting benefits that may accrue from staff and faculty retention and job satisfaction, as well as from student retention.

NKU's enthusiastic support of the ECC is an opportunity for NKU to demonstrate its commitment to student success, gender equity, and a more progressive work-family environment for faculty and staff.

MEMORANDUM

To: PCC
From: Ken Katkin, Chair
Re: Annual Performance Review for Faculty Members on Medical Leave
Date: March 30, 2017

Under Section 8.1 of the NKU Faculty Handbook, every faculty member must undergo an “annual” performance review to assess the quality of faculty performance “during that year” and to measure attainment of the goals and objectives set “for the year.” This process applies to full-time tenured and tenure-track faculty members and to full-time, non-tenure-track renewable faculty members.

Section 8.3 provides that “[p]erformance reviews occur during the spring semester. The period evaluated is the prior January 1 through December 31 calendar year.” Section 8.3 sets forth the timing of the performance review process as follows:

The chair or director, in consultation with the department or program faculty, will set the date for the faculty member’s performance review. The performance review should be completed no later than April 1 and no earlier than one week after receipt by all faculty in a department or program of fall semester student evaluations. Prior to that date the faculty member will prepare a written statement of his/her performance, including a statement of goals and objectives for the coming year.

Together, Sections 8.1 & 8.3 require every faculty member to prepare performance review materials in January or February each year, and to complete the performance review process by April 1 each year.

Chapter 12 of the NKU Faculty Handbook provides for various categories of leave for tenured and tenure-track faculty members, including paid leave for illness, temporary disability, or maternity leave (Section 12.6); unpaid sick leave (Section 12.7); other unpaid leave (Section 12.8); and special or emergency leave (Section 12.9). These provisions are attached to this memorandum.

None of the handbook provisions on leave set forth in Chapter 12 specifically address the issue of annual performance review. Accordingly, the performance review timelines set forth in Sections 8.1 and 8.3 now continue to apply to faculty members who have been granted leave under Chapter 12.

At its Meeting of March 16, 2017, the PCC discussed whether the Faculty Handbook should be amended to allow faculty members on some forms of leave to defer (or skip) an annual performance review process during the pendency of their leave. In that discussion, the PCC generally concluded that such an option would be desirable, but noted that implementing it would raise some practical difficulties. In

particular, because of the university's current budgeting process, it seems that the exercise of such an election might have the unintended effect of depriving the faculty member of a merit-based pay raise that year, or delaying such a raise by a year.

While recognizing such problems of administration, the PCC determined that it nonetheless would continue to pursue making a recommendation that the Faculty Handbook be amended to allow faculty members on some forms of leave to defer (or skip) an annual performance review process during the pendency of their leave. Such a Handbook amendment would not address details of implementation, which would be left to the administration to address, if possible, via later policy changes external to the Handbook.

The current version of Section 8.3 of the NKU Faculty Handbook is attached to this Memorandum. The following recommendation is intended to reflect the PCC's discussion:

The PCC recommends that Section 8.3 of the NKU Faculty Handbook be amended as follows:

8.3. PROCEDURES

- (a) **Except as provided in subpart (b)**, performance reviews occur during the spring semester. The period evaluated is the prior January 1 through December 31 calendar year.

The chair or director, in consultation with the department or program faculty, will set the date for the faculty member's performance review. **Except as provided in subpart (b)**, the performance review should be completed no later than April 1 and no earlier than one week after receipt by all faculty in a department or program of fall semester student evaluations. Prior to that date the faculty member will prepare a written statement of his/her performance, including a statement of goals and objectives for the coming year. The chair or director will meet with the faculty member to discuss the performance, assess attainment of goals and objectives, and set goals and objectives for the coming year. The chair or director will be responsible for preparing a document summarizing the performance evaluation, goals and objectives assessment, and goals and objectives set for the coming year. Both parties will sign the document to verify that the review has occurred. If differences of opinion exist, they shall make every effort to resolve them. If the content of the summary is unsatisfactory to the faculty member, the faculty member is responsible for

providing a written addendum stating the difference(s) of opinion. All performance review documents, including the faculty member's original written performance statement, shall become a part of the faculty member's personnel file maintained in the department or program; a copy must be given to the faculty member, to the dean, and to the provost.

The faculty member may use his/her copy of the performance evaluation to support applications for reappointment, promotion, tenure, or any combination of them, or in grievance procedures. Otherwise, the chair or director, dean, and provost must keep the contents confidential. In the event that a post-tenure review is triggered, the faculty member's annual performance review materials from the two most recent reviews, including the chair person's own evaluation letters, will be made accessible to the P-TR committee and can be used in evaluating that individual's performance and must remain confidential.

If circumstances change during the year, the faculty member and chair or director may agree to amend the goals and objectives for that year.

(b) A faculty member who has been granted a leave under Chapter 12 of this Handbook may request postponement of the annual performance review process until the faculty member returns to duty. Such a postponement may be granted upon approval by the faculty member's department chair or director, dean, and provost. Such approval shall not be unreasonably withheld. When such postponement is granted, the chair or director, in consultation with the faculty member, will set the date for the faculty member's performance review.

A faculty member who requests such a postponement should consult with her/his chair or dean to determine whether and how postponement of the annual performance review process might affect the faculty member's eligibility for a salary increase in the relevant year.

- Innovation and initiative
- Ability to determine and assign work priorities and/or staff duties
- Ability to handle increased and new responsibilities
- Integrating the area of responsibility with the library as a whole by showing:
 - Understanding of overall library operations
 - Commitment to the library's goals of education and service
 - Knowledge of new developments in library science and technology
 - Willingness to use suggestions, criticism, and evaluations to improve performance
- It is the responsibility of every librarian with faculty rank to know the various policies of the University, as set forth in this Handbook or as otherwise published. A failure to comply with a written university policy that has resulted in disciplinary sanction of the library faculty member may constitute unprofessional conduct and consequently may be relevant to evaluations related to reappointment, promotion, and tenure, or to performance review.

7.6. CRITERIA FOR REAPPOINTMENT, PROMOTION, AND TENURE

Librarians are evaluated for reappointment, promotion, and tenure on the basis of a continuing record of achievement and evidence of professional development. A strong performance is mandatory and of primary importance (see Section 7.5, above). It is expected that librarians will also meet the library's standards of scholarly and creative activity and institutional and public service. For librarians, scholarly and creative activity may also include activity in education, e.g. offering formal classroom instruction, conducting workshops, conferences, or other informal educational activities; consultation; and professional committee work.

8. PERFORMANCE REVIEW

8.1 PURPOSE AND APPLICABILITY

The purpose of the annual performance review is to assess the quality of faculty performance during that year and to measure attainment of the goals and objectives set for the year. This process applies to full-time, tenure-track faculty and to full-time, non-tenure-track renewable faculty (see Section 1.2 regarding applicability to renewable faculty).

8.2. CRITERIA

The criteria for evaluation set forth in Section 3.1, Criteria, and in the departmental, college, and Steely RPT guidelines shall be the criteria upon which a performance review is based. Any judgment, by a chair or director, that the overall performance of a tenured faculty member is unsatisfactory for the review period will be based upon and consistent with the statement of expectations for adequate performance approved by the faculty member's department or program.

8.3. PROCEDURES

Performance reviews occur during the spring semester. The period evaluated is the prior January 1 through December 31 calendar year.

The chair or director, in consultation with the department or program faculty, will set the date for the faculty member's performance review. The performance review should be completed no later than April 1 and no earlier than one week after receipt by all faculty in a department or program of fall semester student evaluations. Prior to that date the faculty member will prepare a written statement of his/her performance, including a statement of goals and objectives for the coming year. The chair or director will meet with the faculty member to discuss the performance, assess attainment of goals and objectives, and set goals and objectives for the coming year. The chair or director will be responsible for preparing a document summarizing the performance evaluation, goals and objectives assessment, and goals and objectives set for the coming year. Both parties will sign the document to verify that the review has occurred. If differences of opinion exist, they shall make every effort to resolve them. If the content of the summary is unsatisfactory to the faculty member, the faculty member is responsible for providing a written addendum stating the difference(s) of opinion. All performance review documents, including the faculty member's original written performance statement, shall become a part of the faculty member's personnel file maintained in the department or program; a copy must be given to the faculty member, to the dean, and to the provost.

The faculty member may use his/her copy of the performance evaluation to support applications for reappointment, promotion, tenure, or any combination of them, or in grievance procedures. Otherwise, the chair or director, dean, and provost must keep the contents confidential. In the event that a post-tenure review is triggered, the faculty member's annual performance review materials from the two most recent reviews, including the chairperson's own evaluation letters, will be made accessible to the P-TR committee and can be used in evaluating that individual's performance and must remain confidential.

If circumstances change during the year, the faculty member and chair or director may agree to amend the goals and objectives for that year.

8.4. APPEAL PROCEDURES

A faculty member convinced that miscalculation is damaging his/her professional status or advancement may pursue one of the complaint processes as set forth in Section 14, Grievances.

on professional panels. Each faculty member is responsible for securing proper authorization for travel and for submitting the proper forms and information for reimbursement of travel expenses.

12. FACULTY LEAVES

12.1. LEAVES FOR FACULTY ON ACADEMIC-YEAR CONTRACTS (See also Section 11.1, Sabbatical Leaves.)

This policy applies to full-time tenure-track faculty who receive academic-year contracts. Arrangements to provide for classes to be taught by a faculty member on leave will be made by the faculty member, upon approval of the department chair, or by the department chair, as appropriate.

12.2. JURY DUTY AND COURT APPEARANCES

Faculty will be granted time to serve on juries or to appear in court as witnesses if subpoenaed by anyone empowered by law to compel attendance by subpoena, all without loss of pay. The University will continue its normal contributions to insurance and other fringe benefits during such leave.

12.3. TEMPORARY MILITARY LEAVE

Faculty in the National Guard or in military reserve units of the United States shall be granted up to 10 working days of military leave each year. Insofar as possible, faculty shall attempt to have the leave scheduled at some time other than the academic year by making such a request of their military superiors. The University will pay the difference between the faculty member's normal salary and the military salary during this leave.

12.4. EXTENDED MILITARY LEAVE

Military leave of absence will be granted to any faculty member in the event of induction or voluntary enlistment. No salary or collateral fringe benefits of any kind shall be paid to the faculty member during the term of this leave. Upon return to the University position, the period of military service will be added to the length of service credit that the faculty member may have accumulated prior to induction or enlistment, except that time spent on extended military leave shall not be counted toward mandatory tenure consideration.

12.5. PROFESSIONAL LEAVE

Leaves of absence to attend professional meetings or other professional activities may be granted to faculty upon request. Such leaves shall not exceed five (5) consecutive working days. Requests must be filed with the department chair at least five (5) working days in advance of the anticipated leave.

Leaves of absence to carry out official University business, e.g. official visits to other campuses, off-campus meetings, etc., may be granted to faculty upon request. When possible, requests must be filed with the department chair at least five (5) working days in advance of the anticipated leave.

12.6. PAID LEAVE FOR ILLNESS, TEMPORARY DISABILITY, OR MATERNITY LEAVE

Continuing faculty earn and accumulate sick leave with pay on the basis of one day per month credited on the first day of the contract year (twelve (12) days per contract-calendar year). An unlimited number of sick-leave days may be accrued. Records regarding faculty sick-leave accumulation are maintained in the office of the Vice President for Academic Affairs and Provost.

New faculty having no accrued sick leave will have one-half the yearly total credited to them at the beginning of their annual appointment; the remaining six (6) days will be credited as they accumulate monthly for the remaining half of the contract year.

Faculty who suffer temporary illness or disability, thus making them unable to perform assigned duties, will be granted paid leave for the necessary period, not to extend beyond the period that can be covered by accumulated sick leave days or ninety (90) calendar days, whichever is greater. A physician's written statement may be required by the faculty member's department and/or the Office of the Provost at any time during a temporary disability leave.

Faculty on paid leave will receive their regular compensation during the period of leave, as well as any salary increases, promotion, award of tenure, or any other rights that they would have received individually or as a member of the faculty had they not been on such leave.

On the first day of the month following the completion of six (6) months of continuous total disability, the faculty member is eligible for benefits under the University's group total disability insurance plan.

A maximum of five (5) accumulated sick days per contract-calendar year may be used for absences necessitated by emergency or serious illness of an immediate member of family (parents, brother, sister, spouse, child, or other persons for whom the faculty member is responsible). Faculty may use accrued sick leave for childbirth, adoption, or attending childbirth in the immediate family.

If a faculty member is ill, he/she is required to call the department chair's office as early as possible to report the absence and to make provisions to have his/her classes notified. If a faculty member anticipates an illness in excess of three (3) consecutive teaching days, the department chair must be notified so that provisions can be made for covering the classes.

Unused faculty sick-leave allowance will not be paid upon termination or resignation.

12.7. UNPAID SICK LEAVE

After exhausting accrued sick leave, a faculty member may request additional unpaid sick leave. A request form for unpaid, extended sick leave must be filed and approved by the department chair, the dean, the provost, the president, and the Board of Regents.

Approval for unpaid extended sick leave will normally be granted to tenured faculty for up to two years. A non-tenured faculty member's request for unpaid extended sick leave will normally be granted for a period at least equal to the period specified for probationary faculty members in the termination policies of this Handbook.

Initial requests for extended unpaid sick leave will be granted for up to one year of unpaid sick leave. Extensions of unpaid sick leave beyond one year require submission and approval of an additional request. Unpaid sick leave will not normally be granted to any faculty member for more than two consecutive years. After two consecutive years, if the case warrants, the University administration may implement the procedures for termination for medical reasons.

The University will continue its normal contributions to insurance and other paid fringe benefits up to one year of unpaid sick leave if permitted by the contract with the insurance carriers. (The University does not continue its contributions to TIAA in instances of unpaid leave.)

Accrual of sick-leave time does not continue during unpaid sick leave. Unpaid sick leave will not count toward tenure accrual.

12.8. UNPAID LEAVE

Leaves of absence without pay may be granted to faculty for up to one year at a time. A request must be filed with the department chair at least two months in advance of the date upon which unpaid leave would begin except in case of emergency. Granting of unpaid leave requires the approval of the department chair, the dean, the provost, the president, and the Board of Regents. A second consecutive year of unpaid leave may be granted upon request. In no case will a second year of unpaid leave be automatically granted. Unpaid leaves may be requested for the following purposes:

- Personal;
- Childbirth, attending childbirth, adoption, child-rearing, or other related purposes; and/or
- Faculty professional development.

Specific conditions applying to recipients of unpaid leave:

- In the case of leave granted for faculty professional development, the following benefits will normally be granted:
 - Accrued time toward tenure, promotion, and sabbatical leaves;
 - Across-the-board salary increases.

- In the case of leave granted for child-rearing or personal reasons, none of the above benefits will normally be granted.
- Faculty on unpaid leave other than unpaid sick leave may continue in the University's benefit programs if permitted by the contract with the insurance carriers, at the faculty member's expense.
- Exceptions to this policy must be agreed to by the administration and affected faculty, and they must be stated in writing before the unpaid leave is granted.

12.9. SPECIAL OR EMERGENCY LEAVE

It is recognized that from time to time it may be advantageous to faculty and to the University to grant special or emergency leaves for purposes, for time periods, and under circumstances other than those described in the prior provisions of this Handbook. Such leaves may be granted, for example, to respond to personal emergencies, family responsibilities, or bereavement. Special or emergency leaves may be requested by the faculty member and granted upon approval of the department chair, the dean, and the provost. The provost may also initiate and approve a special or emergency leave for faculty. The terms and conditions of such leaves will be mutually agreed upon by faculty and administration. All normal compensations will continue during the special or emergency leaves.

12.10. MANDATORY LEAVE

The president may place a faculty member on temporary, paid mandatory leave under appropriate circumstances.

12.11. FACULTY ON FISCAL-YEAR CONTRACTS (See Section 11.1, Sabbatical Leaves.)

Full-time, tenured or tenure-track faculty on fiscal-year contracts, except for chairs, deans, vice presidents, the president, and any other administrative officer who holds faculty rank, may request all the leaves set forth above. In addition, these faculty accrue annual leave at the same rate as other fiscal-year employees, i.e. 2.8 days each month for a total of twenty-five (25) working days for a calendar year. These faculty members may use no more than twenty (20) working days of annual leave in any calendar year. No more than twenty (20) working days of annual leave may be carried into any calendar year. The dates of annual leave shall be mutually agreed upon by faculty and immediate supervisors. Annual leave time does not accrue while a faculty member is on any unpaid leave. Fiscal-year faculty should be on campus when the University is open for business after the end of the semester and prior to commencement.

Faculty who anticipate termination due to resignation, retirement, or other reason must use all accumulated annual leave prior to the date of termination. In the event of death of a faculty member who has accumulated annual leave, the final salary payment will include payment for such earned

annual leave. Other payment of annual leave time will not be made in the event annual leave time is unused at termination unless use of the annual leave would result in undue hardship to the University.

13. FACULTY WORKLOAD POLICY

13.1. GENERAL

The credit hour is the recognized standard by which faculty teaching load is measured. The traditional twelve (12) semester credit hours is the maximum required undergraduate teaching load for all full-time tenure-track faculty. Individual departments may propose their own credit hour equivalencies and reassigned-time policies. Such policies must be in writing and must be approved by a majority of the tenure-track departmental faculty, the chair, the appropriate dean, and the provost. Regardless of external funding for research or other grant activities, faculty will normally teach a minimum of 50% time in a given academic year. The provost may grant exceptions to this policy on a semester-by-semester basis.

13.2. MODIFIED DUTIES

The university recognizes the need for tenured and tenure-track faculty to balance professional and personal commitments. Special family circumstances, for example, the birth or adoption of a child, severe illness or death of an immediate family member, or even issues of personal health, can create the need for a modified workload and flexible schedule for a period of time.

Since the circumstances may vary widely, this policy does not prescribe the exact nature of the accommodation. In many cases, it may be a reduction or elimination of a teaching assignment while the faculty member continues to meet ongoing, but more flexible research and service obligations. In general, the commitment is to work with a faculty member to devise a modified workload and schedule that enables the individual to remain an active and productive member of the department. **Because there is no reduction in salary, the faculty member is expected to have a set of full-time responsibilities.**

The modified duties policy applies only to tenure and tenure-track faculty and is available upon employment. An eligible faculty member should speak with his or her department chair as soon as possible about the need for modified duties to ensure the maximum amount of planning time. The department chair, in consultation with the relevant dean, is responsible for working with the faculty member to ensure a fair plan for modified duties is implemented if possible, that budgetary constraints are considered, and that student or other needs are met. The policy does not create an entitlement if there are legitimate business-related reasons for denying the request. Final decisions about the nature of the modified duties are the responsibility of the department chair in consultation with the dean. The request form is available on the provost's website.

MEMORANDUM

To: PCC
From: Ken Katkin, Chair
Re: Proposed Research Data Management Policy
Date: March 30, 2017

On Friday March 3, 2017, the University issued a proposed draft policy on Research Data Management. The PCC discussed this proposal at our Meeting of March 16, 2017. Comments on the policy are due to the administration on April 17, 2017. I propose that PCC file the following comments in response to the proposed policy.

The Professional Concerns Committee (PCC) of the NKU Faculty Senate has reviewed the draft policy proposal entitled “RESEARCH DATA MANAGEMENT: ARCHIVING, OWNERSHIP, RETENTION, SECURITY, STORAGE, AND TRANSFER.” The PCC now offers the following comments and suggestions on the draft policy.

General Comments

The PCC agrees that NKU would benefit from having a policy that governs research data management. Although the draft proposal characterizes itself as a revision to an existing policy, the PCC is unaware of any existing policy that governs these issues, and believes that it would be beneficial for NKU to adopt such a policy.

The draft policy appears to be predicated on the salutary principles that researchers: (1) should keep their research data in a form that is intelligible to other scholars who seek to validate their results; (2) should preserve their research data and ordinarily should endeavor to share it; (3) should endeavor to comply with applicable laws, academic norms, and obligations to sponsors; and (4) can work with archivists in the NKU Libraries to store research data in an institutional repository. The PCC agrees with these principles.

Nonetheless, the PCC does not believe that the proposed draft policy is ready to be adopted in its present form. As detailed in the “specific comments” section below, the draft policy shows several telltale signs of having been hastily cut-and-paste from policies of other institutions that are available on the Internet. Within its seven pages, the draft policy: defines only three terms-of-art, but fails to use one of the three defined terms anywhere in the document; includes sentences (in different sections) that directly contradict one another; repeats an entire

half-page of text after a two-page interval; contains superscripts that lack accompanying footnotes or endnotes; contains an incomplete short-form citation to what might be a book or article; and thrice associates hyperlinks to policies and offices of the University of New Hampshire with text that refers to policies and offices of NKU.

More importantly, however, because the draft proposal is poorly drafted and confusing, it fails in its essential purpose of providing needed guidance to faculty members. Indeed, various PCC Members (and other Faculty Senators) have expressed concern that draft policy would impose a list of new administrative burdens on faculty members that would be: (1) lengthy; (2) unclear in meaning and application; and (3) possibly unnecessarily burdensome to comply with. The PCC is gravely concerned that where clarity and guidance are needed, the proposed draft policy will instead provide a trap for unwary faculty members to get into trouble, or possibly a disincentive for some faculty members to engage in data-driven research.

Accordingly, the PCC recommends that before the proposed policy is adopted or implemented, the administration consider preparing a simple (but complete) checklist of obligations that principal investigators (and/or other faculty members) would be expected to discharge under the proposed policy. It would be especially helpful if this checklist would indicate which of these obligations are already imposed by existing NKU policy (or by law), and which would be new under this policy. Such a checklist would facilitate structured point-by-point discussion of the proposal, and would help build consensus in favor of a policy designed to advance goals that the faculty supports. Moreover, as a practical matter, it would be difficult or impossible to implement the proposed policy without preparing such a checklist, since faculty members cannot comply with policies that they do not understand.

Specific Comments

1. On Page Two, Section III, the entire paragraph defining “Exceptional University Support” should be deleted. Except in the definitions section, the term “Exceptional University Support” appears nowhere in the draft policy. Therefore, the definition is unneeded. Moreover, in other contexts, the term “Exceptional University Support” has been deployed in ways that are controversial and faculty-unfriendly. Accordingly, its presence in the present policy creates unnecessary controversy.
2. On Page Three, Section VI, under the heading “Principal Investigator” (PI), the fourth bullet point should be deleted. This bullet point currently reads: “Shares research data, including placing research data in public repositories, unless specific terms of sponsorship or other agreements supersede these rights.” As drafted, this bullet point contradicts the statement on Page 4, Section VII that “PIs are responsible for managing access to research data under their stewardship. . . . PIs decide whether or not to share research data, including placing research data in public repositories, unless specific terms of sponsorship or other agreements supersede this right.” The latter statement is more appropriate.
3. On Page Four, Section VII, in the second paragraph under the heading “Maintaining/Retaining Research Data,” additional sentences should be added so that the

paragraph would now read: “The recordkeeping systems/practices used by Investigators should allow unmediated access by NKU over their entire retention period when necessary to comply with laws and regulations. **When such data is accessed, the PI shall be promptly notified. Such notification will disclose the identity of all persons who obtained direct or indirect access to the data, and the purposes for which such access was sought.**”

4. On Page Four, Section VII, in the first sentence of the fourth paragraph under the heading “Maintaining/Retaining Research Data,” to correct a grammatical error the word “their” should be replaced with the words “his or her.” The sentence would then read: “The PI is the steward of the research data that are under **his or her** control.”
5. On Page Four, Section VII, the fifth line of the seventh paragraph under the heading “Maintaining/Retaining Research Data” contains an extraneous superscript but no footnote or endnote.
6. On Page Five, Section VII, all three hyperlinks on the page appear in text that refers to NKU policies or offices. But in all three cases, the associated hyperlinks direct the reader to policies or offices at the University of New Hampshire. These hyperlinks should be corrected to link to NKU’s own policies and offices that are referenced in the text.
7. On Page Six, Section VII, the first two paragraphs under the heading “Archiving Research Data” each contain an extraneous superscript but no footnote or endnote. The first paragraph also contains an incomplete short-form citation to “Jacobs and Humphrey (2004),” a publication that is not fully identified anywhere in the document.
8. On Page Six, Section VII, the discussion in the third paragraph under the heading “Archiving Research Data” is confusing. It states that “[r]ecords are likely to fall into one of three general categories: short term records that will be destroyed at the end of their retention period, records for which public access is needed and records to be preserved for long term use.” But it gives no guidance for a PI to determine which records fall into each category, or how long records in the latter two categories should be retained. This paragraph also discusses the capability of Steely Library to embargo pre-publication access to articles, though the policy never explains how Steely Library would come to be in possession of articles pre-publication. Is it contemplated that this policy would require faculty members to lodge pre-publication articles in Steely Library?
9. On Page Seven, the entirety of Section IX repeats a list of “exceptions” that has already appeared at the top of Page Five, as part of Section VII. One or the other of these two lists of exceptions should be deleted.
10. At the bottom of Page Seven, a table identifies this draft policy as a revision of an existing NKU policy that was previously revised in 11/2005 and 11/2009. The PCC is unaware, however, of any existing NKU policy that this proposal would revise.

CONCLUSION

The PCC respectfully recommends that before the proposed policy is adopted or implemented, the administration consider preparing a simple (but complete) checklist of obligations that principal investigators (and/or other faculty members) would be expected to discharge under the proposed policy. Ideally, this checklist would ultimately be adopted as part of the policy.

The PCC is grateful for the opportunity to provide recommendations and suggestions and this proposal, and respectfully submits these comments.

RESEARCH DATA MANAGEMENT: ARCHIVING, OWNERSHIP, RETENTION, SECURITY, STORAGE, AND TRANSFER

POLICY NUMBER: RESERVED FOR FUTURE USE

POLICY TYPE: HYBRID

RESPONSIBLE OFFICIAL TITLE: VICE PROVOST FOR GRADUATE EDUCATION, RESEARCH, & OUTREACH

RESPONSIBLE OFFICE: OFFICE OF THE VICE PROVOST FOR GRADUATE EDUCATION, RESEARCH, & OUTREACH

EFFECTIVE DATE: UPON PRESIDENTIAL APPROVAL

NEXT REVIEW DATE: PRESIDENTIAL APPROVAL PLUS FOUR YEARS

SUPERSEDES POLICY DATED: [CLICK HERE TO ENTER A DATE.](#)

REQUIRES LEGAL/COMPLIANCE REVIEW:

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) YES NO

REQUIRES I.T. POLICY COUNCIL REVIEW:

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) YES NO

REQUIRES PROFESSIONAL CONCERNS COMMITTEE REVIEW:

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) YES NO

REQUIRES FACULTY SENATE APPROVAL:

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) YES NO

REQUIRES HUMAN RESOURCES REVIEW:

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) YES NO

REQUIRES BOARD OF REGENTS APPROVAL:

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) YES NO

I. POLICY STATEMENT

Collection and generation of research data are integral aspects of research activity at Northern Kentucky University (NKU), whether the data are primary in nature or compiled, assembled, or otherwise derived. Data is defined as “units of information observed, collected, or created during the course of research.”¹ These data have several purposes: to serve as a record of the investigation, to form the basis on which conclusions are made, and to enable the reconstruction of procedures and protocols. In keeping with its commitment to promote integrity in the scholarly process, NKU's research data management practices should ensure open and timely secured access to and secured sharing of research data. Access, secured sharing, and retention are especially vital with respect to questions about compliance with legal or regulatory requirements governing the conduct of research, accuracy or authenticity of data, primacy of findings, and reproducibility of results.

Management of research data is a shared responsibility among: the Office of the Vice Provost for Graduate Education, Research and Outreach; the Office of the Chief Information Officer; the University Library; the colleges; and the Principal Investigator (PI).

NKU has developed this policy to protect NKU investigators and the integrity of research data generated under the auspices of NKU. Investigators have the right to choose the nature and the direction of their investigations, to use research data generated to pursue future research, to publish their results, and to share their findings academic communities. The exercise of these rights, however, is subject to compliance with laws and regulations, as well as contractual obligations, governing the conduct of research. In conducting research as part of the NKU community, investigators are obligated to assist NKU in fulfilling its responsibilities of

complying with applicable federal, state, and local laws, and sponsor requirements governing the conduct of research, including the management and sharing of research data.

NKU's responsibility for stewardship of research data, including access to data, derives from [Uniform Guidance, Section 200.333](#). While this regulatory authority applies specifically to federally funded activities, the principle that it espouses informs good management practices with respect to all research activities undertaken at NKU. Further an increasing number of sponsors (e.g., National Science Foundation [NSF], National Institutes of Health [NIH]) have requirements for sharing research data and disseminating research results.

II. ENTITIES AFFECTED

Academic Affairs, including the Provost's Office, GERO, RGC, faculty, staff, students, Legal Affairs, NKU Library staff, IT

III. DEFINITIONS

Principal Investigator (PI)

The individual or individuals primarily responsible for and in charge of a research project.

Research Data

Recorded factual material commonly accepted in the scientific or scholarly community as necessary to validate research findings, excluding preliminary analyses, drafts of scholarly or scientific work, plans for future research, peer reviews, communications with colleagues and physical objects (e.g., laboratory samples). Research data may be in hard-copy form (including research notes, laboratory notebooks, or photographs) or in electronic form, such as computer software, computer storage/backup, or digital images.

Research data are not limited to raw experimental results and instrument outputs; they encompass associated protocols, numbers, graphs, tables, and charts used to collect and reconstruct the data. Research data include numbers, field notes or observations, procedures for data analysis and/or reduction, data obtained from interviews, or surveys, computer files and databases, research notebooks or laboratory journals, slides, audio/video recordings, and/or photographs.

Research materials are tangible physical objects from which data are obtained such as, environmental samples, biological specimens, cell lines, derived reagents, drilling core samples, or genetically-altered microorganisms. While these are not considered to be research data, they should be retained consistent with disciplinary standards.

Research data do not include: unreported preliminary analyses of data, drafts of scientific papers, future research plans, peer reviews, or communications with colleagues; trade secrets, commercial information, or materials necessary to be held confidential by a researcher until they are published, or similar information protected under law; personnel, medical, and similar information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. (See [Uniform Guidance, Section 200.315](#))

Exceptional University Support

Financial or other support (facilities, equipment, etc.) for research and teaching activities that exceeds the norm for a faculty member or student's research or for teaching in his or her field or department. The term does not include the use of personal office space, local telephone, library resources and personal computer equipment. It is the responsibility of the dean or equivalent supervisor in concert with the Vice Provost of Graduate Education, Research and Outreach to evaluate situations and determine whether exceptional NKU support has occurred.

V. RESPONSIBILITIES

VP for GERO, CIO, and the Dean of the Library

Jointly responsible for ensuring that research data management needs and regulatory obligations, including preservation and long-term accessibility, are met for critical, high-value research data, and operational considerations with respect to the various types of research data are captured.

- Evaluate existing research data management solutions across the University.
- Determine future research data management requirements.

Colleges, Schools

Work with VP GERO and CIO to identify and track their research data management needs, including future capacity needs, and inform the VP GERO and Provost about those needs.

Office of the Chief Information Officer (CIO)

Responsible for the information technology strategy for the University, which includes a strategy for research data storage, archiving, and information security and addresses the information technology needs of the University, including the needs of research data storage.

Office of the Vice Provost for Graduate Education, Research and Outreach (GERO)

The VP GERO is responsible for ensuring that

- research data management practices meet state and federal regulations, sponsor requirements, and University policies; and
- research data management practices do not conflict with other University policies or interests, such as the protection of research subjects, national security interests, intellectual property, or technology transfer.

Principal Investigator (PI)

- Determines what needs to be retained in sufficient detail and for an adequate period of time.
- Manages access to research data.
- Selects the vehicle for publication or presentation of the data.
- Shares research data, including placing research data in public repositories, unless specific terms of sponsorship or other agreements supersede these rights.
- Is responsible for ensuring that critical, high-value research data under their stewardship are preserved.
- Educates all participants in the research project about their obligations regarding research data.
- Alerts Office of Research, Grants and Contracts (RGC) if a grant or contract may require management of research data that go beyond standard requirements.

Office of Research, Grants and Contracts (RGC)

- Identifies and tracks sponsor requirements for research data management, including security and retention needs that go beyond standard requirements.
- Communicates exceptional sponsor requirements for research data management to the PI and administering unit of the grant or contract, and if needed, to other units, such as the Libraries.
- Trains and supports researchers in the creation and implementation of data management plans.

Dean of the Library

- Ensures accessibility and preservation of research data through curation, metadata, repositories, and other access and retrieval mechanisms to meet federal, state, sponsor, and University requirements.
- Trains and supports researchers in the creation and implementation of data management plans.
- Assists campus library directors if their assigned responsibilities exceed campus capacity.

- Works with campus library directors to develop research data management solutions system-wide, where appropriate.

VII. PROCEDURES

Recording Research Data

Investigators shall record research data consistent with the standard practices of their discipline. In the absence of such standards, NKU's minimum standard is that research records are written/recorded, dated, and identified by the project title and name(s) of the individual(s) conducting the activity, experiment(s), or other investigation(s). Whatever the organizational system used, the Investigator should ensure that all personnel involved with the research project/activity, including any key administrative personnel, understand and adhere to the system.

Maintaining/Retaining Research Data

Research data and associated materials/correspondence must be retained in sufficient detail and duration to allow appropriate response to questions about research accuracy, authenticity, primacy, and compliance with laws and regulations governing the conduct of research.

The recordkeeping systems/practices used by Investigators should allow unmediated access by NKU over their entire retention period when necessary to comply with laws and regulations.

Investigators are responsible for the physical storage and security of research data during collection and retention periods, consistent with the standard practices of their discipline and/or the terms of a sponsored agreement. Of particular importance are issues involving confidentiality and general management of data obtained from human subjects, security of research data against theft or loss, and maintenance of backup or archival copies of research data that may be needed in the event of a disaster, as well as any software. Adherence to the University's Information Security Policy and all other state requirements concerning data security are required.

The PI is the steward of the research data that are under their control. PIs are responsible for managing access to research data under their stewardship. PIs will select the vehicle(s) for publication or presentation of the data. PIs decide whether or not to share research data, including placing research data in public repositories, unless specific terms of sponsorship or other agreements supersede this right.

The PI is responsible for determining what needs to be retained in sufficient detail to enable appropriate responses to questions about accuracy, authenticity, primacy, and compliance with laws and regulations governing the conduct of research.

The University has the option to take custody of primary research data to ensure appropriate access in case of an allegation of research misconduct.

Data Retention Period. Except as noted below, NKU complies with the [State University Model Records Retention Schedule](#) as required by state law and NKU policy. Series U0120 Research Data must be retained for "five (5) years after submission or publication of the final project report for which the data were collected, whichever is longer" unless the funding agency's regulations are longer in which case the agency requirements apply.² Although additional documents such as financial records or correspondence are likely to be created during a research project, and also be subject to the Records Retention Schedule, this policy will focus on research data. For assistance with other documents, contact the University Records and Information Management Program managed by the University Archives.

PIs may choose to retain the data beyond the minimum period, up to any deadline specified by laws, regulations of other agreements.

Exceptions:

For Student Investigators, research data must be retained in an authorized manner until the pertinent five year controlling period (above) has elapsed, the student's degree is awarded, or the research project/activity is closed or completed, whichever is longer. In addition, if the student's department requires a longer retention period, the latter would prevail.

When existing research data are relevant to an allegation of misconduct in scholarly activity or of financial conflict of interest, records must be retained until seven (7) years after the end of the investigation before they can be destroyed (U0120); or to an open case of litigation, claim, or audit, maintain the records until all litigation, claims or audit findings involving the records have been resolved and final action taken, then destroy (U1800)

Data relevant to intellectual property interests must be retained for as long as may be necessary to protect those interests, at minimum for the (above) five year controlling period

Data subject to specific federal, state, or local regulation must be retained for the period indicated by the regulation, or the five year controlling period (above), whichever is longer.

When records are transferred to or maintained by the federal awarding agency, the five year retention requirement is not applicable to the award recipient.

Accessing Research Data

Reasonable access to research data should normally be available to any member of the research group in which the data were collected, when such access is not limited otherwise by written agreement, policy, or regulation. Prior to the initiation of a research project/activity, the PI should come to a written understanding with each Student Investigator and/or member of the research group, specifying who has access to what research data and when. If there is any possibility that a copyright or patent application might emerge from a group project or other collaborative effort should promptly contact NKU Office of GERO for guidance.

There may be instances in which it is necessary for NKU to access research data in situations including, but not limited to, sponsor requests, patent disputes, allegations of data misuse, subpoena, or Freedom of Information Act/Right to Know Law requests. To facilitate necessary, timely, and appropriate access to research data, NKU reserves the right to take physical possession of such data. This responsibility lies with the VPGERO.

Where there exists a legitimate official need to take physical possession of research data in situations not covered by existing NKU policies such as those on Intellectual Property, Responsible Conduct of Research, Financial Conflict of Interest in Research, the VPGERO will notify the Investigator, the department chair and the dean in writing of such need. The VPGERO's request will describe the data sought and set forth the legitimate official need(s) sufficient to justify the request. The Investigator may appeal the request to the NKU Provost. Any such appeal must be in writing and submitted to the Provost within 5 days of the VPGERO's request. The Provost shall review the appeal, make any further inquiry deemed appropriate, determine whether there is sufficient legitimate official need, and inform the Investigator of the decision in writing within 5 working days of receipt of the appeal. The Provost's decision shall be final.

Without Prior Notification. If the VPGERO determines it would be impractical (e.g., deceased Investigator) or would be contrary to NKU's interests (e.g., Investigator has violated a NKU contractual obligation) to notify the Investigator that the VPGERO intends to take physical possession of the research data, the VPGERO will present the written request and justification to the NKU Provost. The Provost will determine whether to grant the request, and her/his decision shall be final. If the request is granted, the President will communicate this decision to the Investigator, the department chair and the dean after the research data have been secured by the VPGERO.

Sharing Research Data

Certain external sponsors (e.g., the National Science Foundation and the U.S. Public Health Service) require that data gathered in the course of research supported with their funds be shared broadly in a timely manner after the associated research results have been published or provided to the sponsor. When data sharing is not governed otherwise by another written agreement or an applicable policy or regulation, research data created by Investigators may be shared in a manner consistent with standard practices of their discipline. Tangible research materials (e.g., cell lines, technical data, manufactures of matter, or any unique material) shall be shared only by specific agreement with persons or entities outside NKU (or vice-versa). Such specific agreements may include but are not limited to Material Transfer Agreements, License Agreements, Grants, and Contracts.

Archiving Research Data

Some funding agencies have begun to require that the data they fund be deposited in a public archive. Researchers should plan for eventual archiving and dissemination of project data before the data even come into existence. According to Jacobs and Humphrey (2004), "Data archiving is a process, not an end state where data is simply turned over to a repository at the conclusion of a study. Rather, data archiving should begin early in a project."⁴ Organization of the research documents and data, file naming conventions, file format selection, the creation and preservation of accurate metadata, to name a few, ensure the usability of the research data and support the long term preservation of research records.

The PI needs to create a data management plan to identify: project personnel and their responsibilities for data management; the types of data to be generated by the research project; data formats and contextual details (metadata) necessary to make the data meaningful to the project team and others; the level of access to/sharing of data including privacy or restrictions; data storage tasks and preservation needs; and potential costs for data management.⁵ Data management plans should be developed in conjunction with Archives to maximize the utility of the data and to ensure its availability in the future.⁶ Data management plans must also adhere to NKU's Information Security Policy and all other state requirements concerning data security.

Records selected to document a research project or for preservation should be originals for all analog formats. Records should be selected based on their information content, not their format. Records are likely to fall into one of three general categories: short term records that will be destroyed at the end of their retention period, records for which public access is needed and records to be preserved for long term use. The PI is responsible for maintaining short term records until the end of their retention period and filing a Records Destruction Certificate to obtain approval for their authorized destruction. If the PI leaves NKU prior to destruction of the records, the responsibility falls to the respective department chair. Steely Library is able to provide public access to digital research records and datasets via the Digital Repository it manages for the university. Digital files identified for public access should not contain private, confidential or restricted information; however pre-publication articles can be embargoed. Contact the University Archives for specifics of supported file formats, file transfer methods and other details as part of developing a data management plan. The University Archives also manages the long term preservation of permanent university records whether analog or digital. Digital files requiring long term preservation are likely to overlap those requiring public access but not fully. Actively curating digital data for long term preservation is not inexpensive. Not everything generated should be preserved. Preservation and access copies are managed in two separate systems.

Transfer of Research Data

If a PI leaves or joins the University or a project is moved to or from another institution, the PI may request that a copy of the research data be transferred. If/when the PI permanently leaves NKU, s/he may normally take original research data for which s/he is custodian. In doing so, s/he must notify her/his department chair and Dean/Director of the location of such data. However, original research data must remain at NKU when (a) the data have been used for a patent application filed or pending filing by NKU, (b) the research data are relevant to an ongoing inquiry/investigation under NKU's policy on Responsible Conduct of Research; (c) the funding sponsor of the project/activity specifically requires NKU retain original data or (d) NKU is otherwise required to maintain the original research data.

Student Investigators. Upon departure from NKU, a Student Investigator may take a copy of NKU-owned data related to her/his research project/activity (including thesis or dissertation). However, s/he must leave the original research data, including laboratory notebooks, with the Sponsoring PI.

Destroying Research Data

PIs must destroy research data when required by laws, regulations, or other agreements, on or before a specified deadline, and follow the applicable process for destroying research data.

IX. EXCEPTIONS

For Student Investigators, research data must be retained in an authorized manner until the pertinent five year controlling period (above) has elapsed, the student's degree is awarded, or the research project/activity is closed or completed, whichever is longer. In addition, if the student's department requires a longer retention period, the latter would prevail.

When existing research data are relevant to an allegation of misconduct in scholarly activity or of financial conflict of interest, records must be retained until seven (7) years after the end of the investigation before they can be destroyed (U0120); or to an open case of litigation, claim, or audit, maintain the records until all litigation, claims or audit findings involving the records have been resolved and final action taken, then destroy (U1800)

Data relevant to intellectual property interests must be retained for as long as may be necessary to protect those interests, at minimum for the (above) five year controlling period

Data subject to specific federal, state, or local regulation must be retained for the period indicated by the regulation, or the five year controlling period (above), whichever is longer.

When records are transferred to or maintained by the federal awarding agency, the five year retention requirement is not applicable to the award recipient.

XII. REFERENCES AND RELATED MATERIALS

REFERENCES & FORMS

Link any forms or instructions needed to comply or implement this policy. If links are unavailable, attach forms to this policy as examples.

[State University Model Retention Records Schedule](#)

RELATED POLICIES

Intellectual Property

Financial Conflict of Interest Disclosure in Research

REVISION HISTORY

REVISION TYPE	MONTH/YEAR APPROVED
Revision	02/2017 (Estimated)
Revision	11/2009
Revision	11/2005
Choose an item.	
Choose an item.	

Choose an item.

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