

Minutes, Professional Concerns Committee | DRAFT
October 3, 2019
UC 135, 3:15 pm

Members in Attendance:

Shannon Alexander, Linda Dynan, John Farrar, Kathleen Fuegen, Christopher (Collin) Herb, Nicole Grant, Jackie Herman, Ken Katkin, Jim Kirtley, Alexis Miller, Makoto Nakamura, Jackie Permann-Graham, Michael Providenti, Hans Schellhas, Tracy Songer, Michael Washington, Maggie Whitson

Other attendees:

Janel Bloch, Sue Ott Rowlands

Members Not in Attendance:

Kalyani Ankem, Doug Feldmann, Roxanne Kent Drury, Brant Karrick, Ban Mittal, Gary Newell, Kathy Noyes, Ron Shaw/Michael Hatton, Katerina Terhune, Mauricio Torres, (Rep TBD from Academic Affairs/Honors/Undergraduate Education)

1. Call to Order, Adoption of the Agenda
 - a. No additions to the Agenda
 - b. Adopted Unanimously
2. Approval of the minutes from the September 19 meeting (Appendix A)
 - a. K. Katkin move to adopt
 - b. Colin Herb 2nd
 - c. Unanimously adopted
3. Chair's Report and Announcements
 - a. Faculty Senate, September 30
 - i. Provost—SACS response due October 4th to hear back from them in December.
 1. Program review question—sending lots of data to Gray Associates. Workshop in January.
 - b. Regent—St. E project completing in spring 2020, second phase groundbreaking also in spring 2020.
 - c. Research misconduct policy—much discussion on self-plagiarism language. Therefore, (Section 4, Old Business) it is back on the agenda for PCC to talk about. FC Vote postponed until October.
 - d. Handbook change to support creation of schools and colleges without departments—passed with amendments.
 - i. Seeking amendment clarification how things are done in Chase and other schools.

- ii. Questions came up about the Annual Performance Review during this discussion but is separate than the current PCC Section 8 review (Section 6).
 - e. Handbook change to update record keeping for sick leave was passed.
 - 4. Old Business, voting item, Research Misconduct Policy
 - Appendix B – PCC original proposed amendments 4.19.19
 - Appendix C – FAQ distributed to PCC and Faculty senate members before the FS meeting on 9.30.19
 - Appendix D – PCC revised Draft created by K. Katkin for 10.3.19 meeting
 - Appendix E – Reference to the Investigative Report General Findings
 - a. Discussion: K. Katkin around the FAQ and reports that most on the senate were empathetic to PCC's concern.
 - b. Discussion: K. Katkin worked with PCC chair (John Farrar), UCC chair (Richard Fox) and FS chair (Matthew Zecate)
 - i. Definition of research misconduct
 - 1. Mainly, taken out the term self-plagiarism
 - 2. Most of this heavily relies on language that has already been passed.
 - c. **Motion** to amend PCC's 4.19.19's proposal to the 10.3.19 version brought to PCC focusing on 16.7.2.5 Appendix D – K. Katkin
 - i. Linda Dynan – 2nd
 - 1. Discussion: T. Songer brings up the different disciplines creative work and how it would be always “redundant or duplicate publications.” Worried that different disciplines would be governed by language that was too restrictive within the faculty handbook.
 - 2. Discussion: J. Herman brings up predatory “pay for” journals and this hoping to combat submission to those.
 - ii. Motion passes
5. Old Business, voting item, Honored Retired status for lecturers (was Emeritus status) (Appendix F)
 - a. See attachment with Discussion points and changes embedded in the document
 - b. **Action**: Since there will be a merge of information, J. Farrar will work towards a new document and bring it to the next PCC meeting.
6. Old Business, voting Item, Annual Performance Review process (section 8 of Handbook)
 - Appendix G – original section 8 section of the handbook
 - Appendix H - proposed changes to section 8 of the handbook
 - a. Discussion: Program Heads not defined in the handbook. SOTA is the only place on campus that has these.
 - b. Discussion: H. Schellhas - In SOTA, the program head duties are aligned with the chair. The provost points out that program heads don't have to deal with budgets. To SOTA, it feels like the Chair position has been duplicated and the difference is mostly compensation. The provost points

out that the Dean will work directly with the program heads to sort out new compensation.

- c. Discussion: H. Schellhas. With Section 8 changes, evaluations will need to be done from the SOTA director, which would create faculty concern. The Program Head should be the one doing the review.
 - d. Discussion: SOTA concern is that the SOTA faculty doesn't feel protected by the faculty handbook.
 - e. Editing: M. Winston – "if" unsatisfactory – word smith
 - f. Editing: Provost – office of the provost – not the office of Academic Affairs.
 - g. Clarifying information: Some faculty appointments may not fall under a college.
 - h. Discussion: in SOTA being sure that the program directors get input from faculty that work closely with faculty being evaluated.
 - i. **Action:** Chair will reach out to SOTA director to encourage more faculty input as the formation of the school was done so without faculty input.
 - i. Resolution from PCC is that they Postpone vote until more details of the school structure are worked out.
7. New Business, Discussion Item, Reappointment, Promotion and Tenure process (Sections 3.2 and 7.3 of Handbook)
- Appendix I – Current section 3 from Faculty Handbook
- Appendix J – Current section 7 from Faculty Handbook
- Appendix K – FS M. Zecate proposal for RPT Procedure
- a. Opening Discussion – background information
 - i. Who makes up the committee Section 3.2.3
 - ii. Eligibility 3.2.4 (people and information) 3.2.5, 3.2.7, 3.2.8, 3.2.9
 1. In the spring of 2019, PCC's discussion centered around what qualifies to be in the portfolio. If it's not in the portfolio after the first committee review, it should not be considered.
 2. Information after the RPT committee should not be considered against any other criteria.
 3. Background knowledge – candidate can add information. "Right of reconsideration" can happen at any stage.
 4. Question: In the proposal you can add material to the dossier at any level?
 5. Question: J. Herman brought up that her department was OK like evaluations, ect.
 6. Discussion: Follow the departmental guidelines.
 7. Discussion – If the dean considers information important enough then that dean should go to the committee and ask for more information.
 8. Suggestion: Give more time to the committee FOR RPT review but open it up to Chair and Dean so they can look and ask for the committee to request certain information.
 9. Departmental and college or school guidelines should be updated annually.

10. 3.2.6 seems very problematic this year as several faculty are looking to get off the RPT committees.
11. **Action:** PCC – dig into 3.2.6 for ideas – John will bring back reworded proposal with above concerns

8. Adjournment 5:01

Respectfully Submitted,

Tracy Songer

Appendix A

Minutes, Professional Concerns Committee | Final
September 19, 2019
UC 135, 3:15 pm

Members in Attendance:

Kalyani Ankem, Linda Dynan, John Farrar, Kathleen Fuegen, Christopher (Collin) Herb, Doug Feldmann, Nicole Grant, Jackie Herman, Brant Karrick, Ken Katkin, Jim Kirtley, Alexis Miller, Ban Mittal, Makoto Nakamura, Gary Newell, Kathy Noyes, Jackie Perrmann-Graham, Michael Providenti, Mauricio Torres, Hans Schellhas, Tracy Songer, Michael Washington, Maggie Whitson

Other attendees:

Janel Bloch, Steve Finke, Sue Ott Rowlands

Members Not in Attendance:

Shannon Alexander, Roxanne Kent Drury, Ron Shaw/Michael Hatton, Katerina Terhune, (Rep TBD from Academic Affairs/Honors/Undergraduate Education)

1. Call to Order, Adoption of the Agenda
 - a. K. Katkin Add Research Misconduct to Official Agenda (other than chair's report)
2. Approval of the minutes from the September 5 meeting (Appendix A)
 - a. Motion: Jim Kirtley. with no changes
 - b. 2nd: Jackie Herman
 - c. Unanimously approved
3. Chair's Report and Announcements
 - a. Executive Committee, September 16
 - i. Board of Regents passed the consensual relations policy.
 - ii. GenEd committee—upcoming assessment summit to finalize wording on SLOs in response to assessment.
 - iii. UCC—Honor's college revisiting GenEd stacking to allow a more traditional model because of transfer credit.
 - iv. TEEC—faculty development mental health workshops coming, looking at modifying teaching evaluations, looking at grading scales (SGA proposal to remove A-).
 - v. Calendar—committee to be formed to begin study

- a. President Vidya announced there will be a committee to shorten the semester and add times to classes.
- 4. Executive committee already submitted the Research Misconduct Policy to Senate and recommends we amend what they've submitted.
 - a. Q: L. Dynan: Will it be clear the reason why it we were doing an amendment or even recommended to vote against the policy?
 - i. **Motion:** Ken Katkin: The PCC unanimously recommends that the Faculty Senate vote "No" on the Executive Committee's recommendation for a new research misconduct policy. Under Article VII.J of the Faculty Senate Constitution, the PCC's recommendation on this item should have been placed on the Faculty Senate Agenda, and the Executive Committee should not have substituted its own alternative proposal for the PCC's recommendation.
 - a. Discussion: Deviation from Article 7J from the faculty senate constitution. Referenced below:
 - i. **NKU Faculty Senate Constitution Art. VII.J.**
The following duties shall be the specific responsibility of the Professional Concerns Committee:
 - 1) *It shall provide a forum for the faculty to propose policy and to discuss all matters relating to the wellbeing of the University.*
 - 2) *It shall review, evaluate, and make recommendations concerning policies relating to the general academic and professional concerns of the faculty, both full and part-time.*
 - 3) *It shall review, evaluate, and make recommendations regarding all policies, procedures and practices related to governance of the university.*
 - b. Discussion: This is the way to do this rather than amend the current proposed policy, so they understand the censorship issue around the PCC rather than get our actual proposal voted.
 - c. Discussion: The PCC worked for 2 years on the proposal through the appropriate channels and the real issue now is the faculty senate exec committee not accepting the PCC's recommendation and presenting it to the board.
 - d. Discussion: A. Miller: could we bring this up with the parliamentarian (FS) to discuss the way the recommendations were handled. **Action:** John Farrar will investigate
 - ii. **2nd.** Gary Newell
 - iii. Passes Unanimously

5. Emeritus status for lecturers (Appendix B)
 - a. Background Discussion: Title of Emeritus
 - i. K. Ankem suggests thinking about parking spaces, office spaces, and logistical concerns around widening the scope of faculty emeritus.
 - ii. K. Katkin suggests giving the exact same benefit as faculty emeritus but reserving the term emeritus for faculty. The title however would be honored.
 - iii. G. Newell asking about connection between NTR and Tenure Track Faculty.
 - iv. Alt words: honored, lauded, distinguished, (rather than emeritus) faculty.
 - b. Further Discussion: More discussion around what the specific guidelines of Emeritus are.
 - i. What is the criteria for emeritus? HR | Provost has the criteria and benefits, the faculty handbook only has the definition of emeritus.
 - ii. PCC should tackle the benefit and criteria of emeritus status regardless of faculty.
 - c. **Action:** John Farrar. will work on other language around emeritus.
 - i. Alternate words: Honored. Add the word "retired".
6. Annual Performance Review process (section 8 of Handbook) (Appendix C & D)
 - a. Discussion: Concerns in SOTA; Where it mentions chairs and school directors. Adding the term program head is a faculty position not an administrative position.
 - b. Discussion: Part time faculty and NTT(yearly) are evaluated by program directors (different than heads – directors report to chairs, heads are more like chairs).
 - i. Program Directors should be able to evaluate faculty they work more closely with than the deans or chairs.
 - ii. If chairs are required to evaluate all, some departments are too big, and it would be a disservice to the chair and the faculty being evaluated because of the time constraint.
 - c. Discussion: "School Director designee" will address the wording in the handbook.
 - d. Discussion: From this agenda item, it's clear that PCC should take on the understanding the faculty responsibility Program Heads
 - i. Define the role, what they do and how they should be compensated.
 - ii. Turnover for this position shows that the compensation isn't good enough to keep faculty.
 - iii. Program Heads are teaching more than other chairs did.
 - iv. Bring program heads more in line with the chairs.
 - e. **Action:** PCC needs to revisit this and put it back on a later agenda.
7. New Business, Discussion Item: attendance reporting

- a. Problem: Students can add a class after faculty drops them for non-attendance.
 - b. Suggestion: Make it the non-attendance reporting happen after add-drop.
 - i. Discussion around that: Students that are waiting and want to enroll in the course.
 - ii. **Action:** J. Farrar – to find out reasonings behind non-attendance, can we make them have to get a permit to get back in the class?
8. New Business, Discussion Item, Reappointment, Promotion and Tenure process (Proposal, Sections 3.2 and 7.3 of Handbook) (Appendix E, F & G)
- a. Discussion: People on the committee aren't pulling their weight and then saying they won't vote.
 - b. Discussion: Not enough time on the faculty end to complete the first stage.
 - c. Discussion: Contradictions in dates
 - d. S. Finke: In the past, there were boilerplate letters from higher administrators, then the practice changed to administrators having more detailed letters to send up the chain. Issues were brought up to the candidate in these rounds of RPT that weren't a focus from the peer approved and voted on faculty RPT committee. The feedback is coming from the administrator's perspective. It is felt that the RPT process is being changed from faculty peer review to an administrator review.
 - e. Discussion: The changes to 3.1.2 & 3.2.6 were even more confusing (Appendix E)
 - f. **Action:** PCC members to bring up concern with departments, bring feedback and will continue to discuss at October 3rd 2019 meeting.
9. Adjournment 5:03pm

Respectfully submitted,

Tracy Songer
Secretary PCC

MEMORANDUM

To: Faculty Senate
From: PCC
Date: April 19, 2019
Re: Proposed Amendments to Draft “Research Misconduct” Policy

At our meetings of April 4, 2019 and April 18, 2019, at the request of the Provost, the PCC deliberated on a proposed draft policy on “Research Misconduct.” This policy would replace the current NKU Faculty Handbook policy on Research Misconduct, which appears on Pages 103-108 of the 2018 NKU Faculty Handbook. The new policy is intended to incorporate certain language provided by the Provost’s Office, which is said to be needed to ensure that our handbook policy remains consistent with certain federal regulations that govern federally funded behavioral and biomedical research. In addition, the PCC added additional new language derived from:

- (1) A publication of the Office of Research Integrity of the US Department of Health and Human Services entitled *Avoiding Plagiarism, Self-plagiarism, and Other Questionable Writing Practices: A Guide to Ethical Writing* (2003, revised 2015), available online at <<https://ori.hhs.gov/plagiarism-13>>; and
- (2) The Investigative Report setting forth the General Findings Of the Investigation Into Papers by Shailendra Verma, Balasubramani Ramjee, Anju Ramjee, Louis Noyd, and Richard Snyder 1995-2001 prepared by the NKU Ad Hoc Investigative Committee on Research Misconduct (Thomas Kearns, Robert Kempton, and Matthew Shank), December 23, 2002, available online at <<https://www.sendspace.com/pro/ykfsfx>>; and
- (3) Our current NKU Faculty Handbook policy on Research Misconduct, which appears on Pages 103-108 of the current (2016) NKU Faculty Handbook, available online at <<https://www.nku.edu/content/dam/academicaffairs/docs/pdf/Faculty%20Handbook%202018-2019%20Final.pdf>>.

At its Meeting of April 18, 2019, PCC voted to recommend that the Faculty Senate recommend the replacement of the current NKU Faculty Handbook policy on Research Misconduct with the following new policy. The proposed new policy is compliant in all respects with federal regulations that apply to federally-funded biomedical and behavioral research.

16.7. SCIENTIFIC/RESEARCH MISCONDUCT

16.7.1. PREAMBLE AND POLICY STATEMENT

The preeminent principle in all research is the quest for truth. The credibility of such research must be above reproach if the public trust is to be maintained. Any compromise of the ethical standards required for conducting academic research cannot be condoned. While breaches in such standards are rare, these must be dealt with promptly and fairly by all parties in order to preserve the integrity of the research community.

A critical element of any policy on research misconduct is that it be a fair and effective process for distinguishing instances of genuine and serious misconduct from insignificant deviations from acceptable practices, technical violations of rules, or simple carelessness. The policy defined in this Handbook will allow such distinctions to be made in a manner that minimizes disruption and protects the honest researcher from false or mistaken accusations.

Research misconduct, as defined in Section 16.7.2., below, is not condoned at Northern Kentucky University and allegations of such misconduct will be investigated in accordance with the procedures described below. The policy and procedure discussed herein do not restrict or limit any legal options available to any of the parties through appropriate courts and/or administrative agencies. NKU must comply with federal regulations, and additional policies may apply to faculty engaged in federally sponsored research or submitting work to a federal agency.

16.7.2. DEFINITIONS

16.7.2.1. COMPLAINANT

Complainant means a person who in good faith makes an allegation of research misconduct.

16.7.2.2. GOOD FAITH

Good faith as applied to a complainant or witness, means having a belief in the truth of one's allegation or testimony that a reasonable person in the complainant's or witness's position could have 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 made with knowing or reckless disregard for information that would negate the allegation or testimony. Good faith as applied to a committee member means cooperating with the research misconduct proceeding by carrying out the duties assigned impartially for the purpose of helping an institution meet its responsibilities under this part. A committee member does not act in good faith if his/her acts or omissions on the committee are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the research misconduct proceeding.

16.7.2.3. INQUIRY

Inquiry means preliminary information-gathering and preliminary fact-finding.

16.7.2.4. INVESTIGATION

Investigation means the formal collection, examination, and evaluation of all relevant facts to determine whether research misconduct has occurred.

16.7.2.5. RESEARCH MISCONDUCT

The question of what constitutes a serious deviation from accepted scholarly practices must be resolved by applying the standards and norms of the particular academic discipline at issue.

Research “misconduct,” as used herein, is defined as:

- Fabrication, falsification, plagiarism including self-plagiarism, redundant or duplicate publications, or other serious deviations from those accepted practices in proposing, performing, or reviewing research, or in reporting results from research.
 - 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.
 - Self-plagiarism occurs when some or all significant elements of a previous publication (e.g. text, data, and images) are reused in a new publication with ambiguous acknowledgement or no acknowledgement at all as to their prior dissemination. Self-plagiarism is most blatant when a previously published paper is later published again with very little or no modification.
 - Redundant or duplicate publications refers to publications in which a substantial portion of the work has already been published. It also includes the situation in which the work is either so similar to previously published material or so modest an extension of previously published work that it would not be viewed as significant were the previous publication acknowledged. In most academic disciplines, recycling of material in redundant or duplicate publications, without properly citing the prior work, is a serious deviation from accepted scholarly practices.
- Material failure to comply with federal requirements that are uniquely related to the conducting of research.
- Failure to comply with federal requirements for protection of researchers, human subjects, or the public, or for insuring the welfare of laboratory animals or
- Failure to meet other material legal requirements governing research.

Research misconduct does not include honest error or difference of opinion.

In cases of allegations involving activities submitted to or supported by a federal agency and definitions or procedures for research misconduct specified in the agency's regulations differ from those in this policy, the definitions and procedures in the agency's regulations will be used.

In cases of allegations involving activities not submitted to or supported by a federal agency, the definitions of research misconduct specified in this policy should be supplemented by (or interpreted in light of) applicable substantive standards of the relevant research community or

the academic discipline at issue.

16.7.2.6. RESEARCH RECORD

Research record means the record of data or results that embody the facts resulting from scientific inquiry, including but not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and any documents and materials provided to federal agencies or institutional officials by a respondent in the course of the research misconduct proceeding.

16.7.2.7. RESPONDENT

Respondent means the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.

16.7.2.8. RETALIATION

Retaliation for the purpose of this part means an adverse action taken against a complainant, witness, or committee member by an institution or one of its members in response to (a) a good faith allegation of research misconduct or (b) good faith cooperation with a research misconduct proceeding.

16.7.3. POLICIES

16.7.3.1. CONFIDENTIALITY

All parties involved in the inquiry and investigation shall strive to maintain confidentiality of information, respondents, complainants, and research subjects that may be identified from research records or evidence.

16.7.3.2. INTERIM ADMINISTRATIVE ACTION

As provided by federal regulations, at any stage in the process of inquiry, investigation, formal finding and disposition, NKU may take interim administrative action to protect the welfare of human or animal subjects of research, to prevent the inappropriate use of funds, or to protect the interest of students, colleagues, or the University. A suspension or restriction of activities does not in any way imply that research misconduct has taken place. This action will be temporary and used as an interim measure prior to the conclusion of the formal investigation.

16.7.3.3. EXTRAMURAL ASSURANCE AND REPORTING REQUIREMENTS

If applicable, NKU will fully and continually cooperate with the appropriate federal agency during its oversight review or any subsequent administrative hearings or appeals. This may include providing research records and evidence under the institution's control, custody, or possession and access to all persons within its authority necessary to develop a complete record of relevant evidence. If required by a funding agency, the Institutional Official (IO) or designee shall submit written assurance that the institution is in compliance with the agency's requirements for handling allegations of misconduct. If the research is supported by an extramural funding agency, the IO or designee is responsible for ensuring compliance with the applicable funding agency's reporting requirements.

16.7.3.4. STATUTE OF LIMITATION

There is no statute of limitation on investigations of research misconduct at Northern Kentucky University.

However, Federal agencies do not require assurance and reporting of research misconduct allegations made more than six (6) years after publication or submission of the final report on a project for which data was collected. Exceptions to the federal six (6) year limitation are as follows:

- 1) Subsequent use by the respondent by continuation or renewal of any incident of alleged research misconduct that occurred before the six (6) year limitation through the citation, republication or other use for the potential benefit of the respondent of the research record that is alleged to have been fabricated, falsified or plagiarized.
- 2) If the appropriate funding agency or the University in consultation with the funding agency, determines that the alleged misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public.

16.7.3.5. CONFLICT OF INTEREST

Individuals responsible for carrying out any part of the research misconduct proceeding must not have any real or apparent unresolved, personal, professional, or financial conflicts of interest with the complainant, respondent, or witnesses. Any conflict of interest must be disclosed.

A conflict of interest may include, but is not limited to, co-authorship on a paper or book, a professional or personal relationship, professional or personal relationship or antagonism, financial ties, or contact regarding possible employment with either the respondent or the complainant.

16.7.3.6 ABSENCE OF THE RESPONDENT OF THE ALLEGATION

Should the respondent leave NKU before the case is resolved, the dean, on behalf of NKU, when possible, shall continue the examination of the allegation and reach a conclusion. NKU shall cooperate with the process of another institution to resolve such questions to the extent possible under state and federal law.

16.7.3.7. RESTORING REPUTATION

The dean, or designee, or Provost shall undertake all practical and reasonable efforts to protect and restore the reputation of the individual(s) alleged to have engaged in research misconduct but against whom no finding of research misconduct has been made, if requested by the individual(s) as appropriate. The dean, or designee, or Provost shall undertake reasonable and practical efforts to protect or restore the position and reputation of the individual(s) who in good faith, made an allegation of research misconduct, if requested by the individual(s) and as appropriate. The dean, or designee, or Provost shall undertake reasonable and practical efforts to protect or restore the position and reputation of any complainant, witness, or committee member and to counter potential or actual retaliation against these individuals.

16.7.3.8. FALSE ACCUSATIONS

Regardless of the outcome of an inquiry or investigation, it is the policy of the University that no individual who, in good faith, has reported apparent research misconduct shall be subject to retaliation by the University or by any member of the University community. However, if it is determined that the charges were brought against the respondent with malicious or dishonest intent such that the complainant had a clear understanding that they were probably untrue and that they were designed to harm the respondent, the dean may recommend to the provost that appropriate administrative action be taken against the complainant consistent with the University's governing and administrative regulations.

16.7.4. PROCEDURES

16.7.4.1. ALLEGATIONS OF RESEARCH MISCONDUCT

It is the policy of Northern Kentucky University to treat fairly both the complainant and the respondent. All allegations of research misconduct will be treated seriously and, to the extent possible, the confidentiality of those who submit allegations will be maintained.

Though allegations of research misconduct may be by any means of communication to an institutional or federal official, the allegation of misconduct shall initially be documented in writing by either the complainant or the person receiving the allegation. If the allegation is made through the Ethics and Compliance Helpline, the person receiving the allegation should document the allegation in writing. Any other person receiving an allegation of research misconduct should relay the information to the appropriate dean for preliminary inquiry. The Provost may receive reports of research misconduct in situations where the appropriate dean may have a conflict of interest.

Either before or when the institution notifies the respondent of the allegation, inquiry or investigation, the institution must promptly 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. Respondents may be given supervised access to the research records throughout the inquiry and/or investigation.

16.7.4.2. PRELIMINARY INQUIRY

The purpose of the preliminary inquiry is to conduct an initial review of evidence to determine if there are sufficient grounds to warrant a formal investigation of the charge of research misconduct. The preliminary inquiry will be conducted by the dean of the college in which the respondent faculty member is appointed. If the allegation of misconduct is brought against a dean, the provost will appoint another dean to conduct the preliminary inquiry. The dean will notify university legal counsel and the provost regarding the nature of the allegations. University counsel shall determine whether the research at issue is governed by any federal legal regulations, and shall instruct the dean to ensure that the preliminary inquiry is conducted in compliance with any applicable regulations. When deemed necessary, the dean may select one or two other individuals to assist in the preliminary inquiry. Any such individuals should have no real or apparent conflict of interest related to the case in question. A conflict of interest may include, but is not limited to, co-authorship on a paper or book, professional or personal

relationship or antagonism, financial ties, or contact regarding possible employment with either the respondent or the complainant.

The preliminary inquiry should begin with an informal discussion with the complainant to verify that the allegation should be classified as possible research misconduct. Within ten (10) business days after this discussion with the complainant, the dean shall begin an informal discussion with the respondent regarding the allegations. If federal or state regulations so require, the dean shall also present the respondent with a letter that states: the nature of the allegations; the focus of the inquiry; an invitation to the respondent to provide comments and other relevant information to the dean; other relevant information; and a statement that the respondent has the right to be represented by an attorney.

The preliminary inquiry should be completed within sixty (60) days of receipt of the written allegation of misconduct. If the preliminary inquiry determines that there are not sufficient grounds within the context of the definition of misconduct for a formal investigation, the respondent and the complainant will be sent letters informing them of the results. All records will be sent to the office of the provost.

A formal investigation will be found to be warranted if:

- a. A reasonable basis for concluding that the allegation falls within the definition of research misconduct; and
- b. Preliminary information-gathering and preliminary fact-finding from the inquiry indicates the allegation may have substance

If the preliminary inquiry determines that there are sufficient grounds for a formal investigation within the context of the definition of misconduct, the respondent and the complainant will be sent letters informing them of this decision. The letter to the respondent may include (or be deemed) the “draft preliminary inquiry report.” The letter to the respondent (i.e., “the draft preliminary inquiry report”) must include, but is not limited to, the following:

- The name and position of the respondent(s);
- That a formal investigation is to be conducted;
- Information pertaining to federal agencies involved including funding numbers, grant applications, contracts, etc., if applicable;
- The nature of the allegation, including a summary of all evidence that currently exists and the right to review it;
- The basis for recommending that the alleged actions warrant an investigation;
- That the respondent will have an opportunity to respond to the charges; and
- That the respondent has the right to be represented by an attorney.

The respondent shall have the opportunity to respond to this letter, in writing, within thirty (30) calendar days of the date on which the respondent receives it. The draft preliminary inquiry report, combined with any comments received from the respondent, shall constitute the preliminary inquiry report.

In the event a formal investigation is deemed to be warranted, the dean shall inform the following individuals and/or organizations: university legal counsel, chairs of any departments that may be involved, the provost, and appropriate regulatory bodies. As required by law or regulation, University counsel shall notify appropriate government agencies when a formal investigation is convened.

If a formal investigation is judged to be unwarranted and it is determined that the charges were brought against the respondent with malicious or dishonest intent such that the complainant had a clear understanding that they were probably untrue and that they were designed to harm the respondent, the dean may recommend to the provost that appropriate administrative action be taken against the complainant. Such appropriate administrative action shall be consistent with the University's governing and administrative regulations.

Any records produced during the preliminary inquiry stage, including the preliminary inquiry report, must be maintained by University Counsel for at least seven (7) years and, upon request, be provided to the applicable government agencies.

16.7.4.3. FORMAL INVESTIGATION

Before any formal investigation commences, the respondent(s) and any involved collaborators must be notified by written statement of allegations that an investigation is to be conducted. The written statement shall:

- Include a copy of the preliminary inquiry report, which includes information on the nature of the allegations and the focus of the investigation, and inform those being investigated of the opportunity to provide comments and other relevant information to the dean
- Inform the respondent(s), prior to beginning the investigation, of his or her right to be represented by an attorney in preparing and/or giving his or her response in this and all subsequent phases of the investigation.
- Give the respondent a copy of or refer to the institution's policies and procedures related to research misconduct.
- Indicate there can be no actions that are, or could be perceived as, retaliatory against the investigation committee members, witnesses, or the person who raised an allegation or is thought to have raised an allegation.

The dean shall appoint an Investigative Body (IB) with three or more members to initiate an investigation thirty (30) calendar days after receipt of the preliminary inquiry report. IB members must be tenured faculty members with sufficient expertise in the area of investigation to insure a sound base from which to evaluate the nature of the charges. One member of the IB may be from outside the University if necessary to insure an accurate and knowledgeable evaluation of the evidence. All IB members must be free of real or apparent conflicts of interest regarding the investigation. The dean shall document the rationale for selecting IB members based on their expertise and impartiality. All IB members shall be required to sign a statement that they will maintain the confidentiality of the investigation, and that they have no interest that would conflict with those of the respondent, the complainant, the University, or the sponsoring agency for the research. Prior to the beginning of the formal investigation, the respondent shall be given the opportunity to object in writing to the appointment of any member of the IB, based on conflict of interest. If the member is appointed to the IB despite the respondent's objection, this fact shall be noted in the IB's final report.

The IB shall conduct a formal examination and evaluation of all relevant facts to determine if the allegations of misconduct are valid. In order to maintain the integrity of the review process and avoid any appearance of institutional influence over the panel's deliberations or decision-making, the IB shall be insulated from any administrative influence and any *ex parte* communications with the parties. The IB shall seek the advice of university counsel and

may engage in, but is not limited to, the following investigative procedures:

- Interviewing witnesses;
- Sequestering and examining research data (both published and unpublished) and other evidence;
- Seeking expert counsel both inside and outside the University; and
- Conducting a hearing in which the respondent may respond to the charges, call witnesses, and question the complainant.

The IB shall pursue diligently all significant issues and leads discovered that are determined relevant to the investigation. A written summary or transcript of each interview conducted must be completed. A copy of the interview summary or transcript shall be provided to the interviewed party for comment.

The investigation must be completed within 120 days of beginning it, including conducting the investigation, preparing the report findings, providing the draft report for comment, and, if applicable, sending the final report to the appropriate federal agency. If a federal agency is to be involved, the IB must notify the Provost, who will facilitate arrangements for the report to be sent. If the IB is unable to complete the investigation in time, a written request for extension that includes an explanation for the delay shall be submitted to and approved by the Provost and be included in the investigation record. Except: if no federal or state regulation requires the investigation to be completed within 120 days, then the timeline for a particular investigation shall automatically be extended until the IB completes the investigation, without any need for written request of extension.

A finding of research misconduct requires that acts constitute research misconduct as defined above and that:

- 1) There is a significant departure from accepted practices of the relevant research community;
- 2) The misconduct is committed intentionally, or knowingly, or recklessly; and
- 3) The allegation is proven by a preponderance of evidence.

The IB shall prepare a draft Investigation Report. The draft report will be sent to all respondents, and all respondents shall be afforded the opportunity to comment upon the draft report and have the comments included in the formal record of the investigation. Any comments shall be submitted in writing within thirty (30) calendar days of the date on which the respondents received the draft report. The IB shall review all respondents' comments prior to issuing the final Investigation Report.

At the completion of the investigation, the IB shall submit its findings, comments from the respondents, and recommend institutional actions (also known as the Investigation Report) in writing to the dean who shall provide a copy to the respondents of the investigation, the Provost, Legal Counsel, and chair(s) of the affected department(s). The dean shall ensure that publishers and editors of journals are informed if manuscripts emanating from fraudulent research have been submitted or published.

The Investigation Report will include the following:

- 1) Description of the nature of the allegations of research misconduct

- 2) Description and documentation of federal financial support, if applicable (e.g., grant numbers, grant applications, contracts, etc.)
- 3) Institutional charge (e.g., description of specific allegations of research misconduct for consideration in the investigation)
- 4) Copy of the institutional policies and procedures under which the investigation was conducted
- 5) Research records and evidence. Identify and summarize the research records and evidence reviewed, and identify any evidence taken into custody but not reviewed.
- 6) Statement of findings. For each separate allegation of research misconduct identified during the investigation, provide
 - a. A finding as to whether research misconduct did or did not occur as follows:
 - i. Identify whether research misconduct was falsification, fabrication, plagiarism, or other serious deviation from accepted practices and if it was intentional, knowing, or in reckless disregard;
 - ii. A finding that serious research irregularities have occurred, but that the irregularities are insufficient to constitute misconduct; or
 - iii. A finding that no research misconduct or research irregularities were committed.
 - b. A summary of the facts and the analysis that support the conclusion and consideration of the merits of any reasonable explanation by the respondent;
 - c. Information about the specific federal support affected, if applicable
 - d. Identification of any publications in need of correction or retraction;
 - e. Identification of the person(s) responsible for the misconduct; and
 - f. Listing of any current support or known grant proposal applications that the respondent has pending with federal agencies.
- 7) Comments. Include and consider any comments made by the respondent and complainant on the draft investigation report.

The investigation must be thorough and sufficiently documented including examination of all research records and evidence relevant to reaching a decision on the merits of the allegations. The IB must ensure that it maintains and provides all records from the investigation to the Provost. This is necessary so that they can be provided to any applicable federal agencies, which may request all relevant research records and records of the institution's research misconduct proceeding, including results of all interviews and the transcripts or recordings of such interviews.

16.7.4.4. DOCUMENTATION

At the conclusion of an allegation assessment, inquiry, or investigation, the dean shall forward all documentation pertaining to the allegation assessment, inquiry, or investigation to the Provost who shall arrange that the documentation be maintained for seven (7) years and ensure that documentation is provided to the appropriate federal agency upon request, if appropriate. Documentation to be maintained for federal agencies must include the following, as applicable:

- 1) Allegation assessment statement
- 2) Preliminary Inquiry final report
- 3) Formal Investigation Report, including a copy of the report, all attachments, and any appeals
- 4) Findings: statement whether or not the institution accepts the investigation's findings

- 5) Final institutional action: statement if the institution found research misconduct, and if so, who committed the misconduct
- 6) Institutional administrative actions: description of any pending or completed administrative actions against the respondents

The institution must notify the relevant federal agency (if applicable), if the institution plans to close out a case at the inquiry, investigation, or appeal stage on the basis that the respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except the closing of a case at the inquiry stage on the basis that an investigation is not warranted.

16.7.4.5. DISCIPLINARY ACTION

If the findings of the investigation substantiate allegations of research misconduct, the Provost, in consultation with Legal Counsel, shall determine appropriate administrative action, consistent with the University's governing and administrative regulations.

16.7.4.6. APPEAL

The respondent may appeal the decision of the investigative committee in writing to the provost. The respondent shall have thirty (30) days to file an appeal. A reinvestigation of the case will be warranted if one or more of the following conditions are judged by the provost to exist:

- Significant omission of new evidence that was not known or reasonably available at the time of the formal investigation;
- A member of the committee had a conflict of interest; or
- A member of the committee did not accurately interpret the evidence due to lack of expertise concerning the research topic.

The provost must rule within fifteen (15) days of receipt of the respondent's written appeal on whether or not an appeal is warranted. If the provost determines that an appeal is warranted, a new investigative committee will be appointed by the Provost to reexamine the case. The provost's ruling on the issue of appeal is final. The criteria for appointing members to the original investigative committee shall also apply to the qualifications of members of the new investigative committee. The procedures that applied to the original investigative committee will also apply to the new investigative committee. The new committee shall have one hundred twenty (120) days to complete the investigation. The decision of this review committee is final.

FAQ on the Research Misconduct Policy Proposal

Can You Briefly Summarize the PCC recommendation on research misconduct policy?

Yes. After study and deliberation that involved substantial back-and-forth with the NKU administration, in April 2019 the PCC voted to recommend a package of technical amendments to NKU Faculty Handbook Sec. 16.7 (NKU’s current Research Misconduct Policy). The PCC-recommended amendments would bring the Handbook more clearly into conformity with applicable federal regulations, without changing the current scope of the policy’s coverage.

If the PCC’s recommendation doesn’t materially change the current Faculty Handbook policy, then why has there been any controversy?

A controversy arose when the NKU administration asked the Senate to recommend two changes to existing policy. In the PCC’s view, the changes sought by the administration would imprudently relax NKU’s current standards of academic integrity, and would make it harder for the faculty to police certain forms and instances of academic misconduct that have, unfortunately, occurred at NKU. Because integrity is a core value at NKU, PCC could not recommend that our current standard of research integrity be relaxed.

Why shouldn’t the Senate defer to the administration on such matters?

The NKU Faculty Senate exists to represent the faculty, not to represent the administration.¹ The Senate’s role in shared governance requires it to “[e]valuate university policies, programs, and practices and recommend such improvements as seem warranted” to the faculty.² The Faculty Senate Constitution explicitly contemplates that the Senate will make recommendations with which the administration may disagree.³ It provides procedures for

¹ “The Faculty Senate is the official representative body of the General Faculty of Northern Kentucky University.” NKU Faculty Senate Constitution Art. I.A. “The purposes of the Faculty Senate are to: (1) Provide a forum for the faculty to propose policy and to discuss all matters relating to the wellbeing of the University; and (2) Allow the faculty to participate effectively in the enactment of university policies.” NKU Faculty Senate Constitution Art. I.B.

² NKU Faculty Senate Constitution Art. I.B.4. See also Statement of Collegial Governance at NKU Part B.1 (“Faculty bodies have primary responsibility for recommendations in [academic] matters . . . [including] policies which result in dismissal of tenured faculty, . . . and their recommendations should be implemented except for compelling reasons.”).

³ See NKU Faculty Senate Constitution Art. I.C. (“As the representative of the General Faculty, the Senate shall be a counselor to the University president in matters of faculty concern. When the University president disagrees with a recommendation of the Senate, he/she may request the Senate to reconsider its decision at its next regular meeting or at a special meeting called for that purpose. The University president or his/her designee shall provide the Senate with the reasons for his/her disagreement. The Senate shall reconsider its decision, giving due weight to the University president’s reasons. If the Senate and University president cannot agree, the University President, at the request of the Senate, shall report the Senate’s views to the Board of Regents.”). See also Statement of Collegial Governance at NKU Part B.1 (“Faculty bodies have primary responsibility for recommendations in [academic] matters, and their recommendations should be implemented except for

resolving such disagreements collegially, and in public.⁴ These procedures represent the essence of shared collegial governance. The capacity to give unwelcome advice to the administration is an essential attribute of the Faculty Senate that should not be diluted through self-censorship.

What are the actual points of disagreement between the administration and the PCC?

There are only two points of disagreement between the administration and the PCC. One disagreement concerns the scope of the definition of “research misconduct.” The other disagreement concerns a “statute of limitations.”

What’s the disagreement over the definition of “research misconduct”?

Section 16.7.2 of the NKU Faculty Handbook currently defines “research misconduct” to include “Fabrication, falsification, plagiarism, or other serious deviations from those accepted practices in proposing, carrying out, or reporting results from research.”

The Handbook language prohibiting “other serious deviations from those accepted practices” may sound vague. But at NKU, that language has been given authoritative interpretation in written reports issued by various investigating committees, all working under the supervision of the NKU Office of General Counsel. In an exemplary *NKU Investigative Report* prepared in 2002, the phrase “other serious deviations from those accepted practices” was defined to include “the recycling of material in redundant or duplicate publications, compounded by a failure to cite the prior work.”⁵

Under this definition, the term “Redundant or duplicate publications” was further defined to mean “publications in which a substantial portion of the work has already been published. It also includes the situation in which the work is either so similar to previously published material or so modest an extension of previously published work that it would not be viewed as significant were the previous publication acknowledged.”⁶

Also under this definition, the term “Failure to cite prior work” was further defined to refer to “papers that are presented as if the material were new when in fact the authors have

compelling reasons. Reasons for non-implementation of faculty recommendations should be clearly stated in writing. . . .”).

⁴ See id.

⁵ **Investigative Report Setting forth the General Findings Of the Investigation Into Papers by Shailendra Verma, Balasubramani Ramjee, Anju Ramjee, Louis Noyd, and Richard Snyder 1995-2001**, prepared by the NKU Ad Hoc Investigative Committee on Research Misconduct (Thomas Kearns, Robert Kempton, and Matthew Shank), at 5 (Dec. 23, 2002), online at <<https://www.sendspace.com/pro/ykfsfx>>;

⁶ Ibid.

previously published much of the body of the work before. An extension or recycling of previous work must be viewed as such, not as a new and original contribution.”⁷

In the PCC recommendation, these existing NKU definitions are retained, but now would be recited directly in the main text of the Faculty Handbook.

Why shouldn't NKU faculty members be allowed to recycle their scholarly work in redundant or duplicate publications without citing the prior work?

The *2002 NKU Investigative Report* answers this question as follows:

Readers of proceedings and journal articles have a right to know what is new and original in the work in question and how the work is related to previously published material. This requires fair attribution of prior work, including work by the same authors. Because evaluation of faculty members at the University depends in part on an evaluation of their scholarly activity, the obligation to disclose debts to prior work to readers is especially important for those at the University who evaluate performance. Department committees that make decisions on reappointment, promotion, and tenure; chairs that make these same decisions and also decisions about salaries and merit raises; and higher administrators who do the same – all are entitled to a fair understanding of the origins and nature of the scholarly work.⁸

The PCC concurs in these views. Accordingly, PCC does not consider it a “best practice” for NKU faculty members to recycle scholarly work in redundant or duplicate publications without citing the prior work, or to permit their colleagues to do so without consequence.

What was this 2002 Investigative Report about?

In 2002, five professors in the NKU Department of Finance were found to have co-authored and published 23 articles whose content overlapped significantly, over a period of nearly a decade. The faculty investigating committee described its findings as follows:

[The overlap between the papers was] not simply minor duplication of sentences or even an occasional paragraph. In some cases it amounts to essentially an entire paper being recycled. In every instance, the redundancy is accompanied by a failure to cite the prior and duplicated work. In fact, none of the twenty three papers cite any of the others. In almost every instance, very similar papers have been given quite distinct

⁷ ibid.

⁸ ibid. at 6. See also Michael R. Carroll & Sara Sidebottom, *Business School Ethical Dilemma: A Case Study*, 2 *Business Renaissance Quarterly* 91, 99 (Summer 2007) (noting that many journals have “explicit policies about duplicative or redundant publications which generally provide that by submitting a paper for review the authors certify that the work has not been previously published, accepted for publication, presented or submitted elsewhere”; such policies reflect “generally accepted expectations of academic submissions”).

titles, with no suggestion of the relationship between the papers. They have in most cases then been submitted to different outlets for presentation and publication. The Committee considers the packaging of this redundant material to be part of a deliberate and extended pattern of deceit, intended to present the papers in question as entirely new work. The Committee considers this particular deviation from accepted practices to be research misconduct. It will be reported as “deceitful duplication of material.”

In 2003, this committee’s conclusion was endorsed by the NKU General Counsel, Provost, President, and Board of Regents. Under the administration’s present proposal, in contrast, such conduct would no longer fall within NKU’s definition of “research misconduct.”

Are NKU students allowed to recycle the same academic work in more than one course without acknowledging the prior work?

No. An NKU student may not “[s]ubmit an examination, assignment, or graduation requirement that the student has or will submit for credit in another course, without express approval from the professors in each of the courses.”⁹ The PCC believes that NKU students should not be held to a higher standard of integrity in their coursework than NKU faculty members are held to in our scholarly and creative activity.

Should NKU’s policy reflect the variation in accepted practices across academic fields?

Yes. PCC recommends that the Handbook definition of “research misconduct” (Section 16.7.2.5) should state that “The question of what constitutes a serious deviation from accepted scholarly practices must be resolved by applying the standards and norms of the particular academic discipline at issue.” Research practices that are generally accepted within an NKU faculty member’s scholarly field cannot be deemed “misconduct” under this definition.

Got it. So what is the other controversy over a “statute of limitations”?

Under the current NKU Faculty Handbook, investigations may take place whenever evidence of misconduct is discovered and reported. The NKU administration, however, sought to introduce a “safe harbor,” in which misconduct generally would become immune from investigation if it remained undetected or unreported for six years. Because some forms of misconduct (such as plagiarism) may remain undetected for a long time but yet remain easy to prove when discovered, the PCC did not recommend setting any fixed “safe harbor” time period.

Is there some law that requires NKU to relax our current standards of research integrity?

No. For most NKU faculty members, the standards of integrity that govern scholarly and creative activity are established by academic/institutional norms and policies, not by laws

⁹ NKU Student Honor Code Sec. H.2.1.f, codified at NKU Code of Student Rights and Responsibilities Sec. V.H.2.1.f (2012), <<https://inside.nku.edu/scra/information/students/rights-responsibilities.html#policies>>.

or regulations.¹⁰ For NKU faculty members who perform federally-funded behavioral and biomedical research, however, the standards of research integrity also are governed, in part, by US Department of Health & Human Services (HHS) regulations (42 CFR Part 93). For such federally-funded research, these HHS regulations require NKU to investigate certain allegations concerning data fabrication, falsification, and plagiarism, and to deploy certain investigative procedures in so doing. To ensure that our Handbook remains in compliance with these regulations, all pertinent text provided by the Provost's office was incorporated into PCC's recommendation.

Importantly, however, the federal regulations set forth in 42 CFR Part 93 set only minimum permissible standards of integrity for federally-funded behavioral and biomedical research. Those HHS regulations do not prohibit institutions from setting higher standards. To the contrary, Section 102(d) of the HHS regulations explicitly states that the government "does not prohibit or otherwise limit how institutions handle allegations of misconduct that do not fall within this part's definition of research misconduct or that do not involve PHS support." 42 CFR § 93.102(d) (emphasis added).

In short, NKU is neither required nor prohibited by federal regulations to police any of the following forms of research misconduct:

- Misconduct in scholarly or creative activity that is not federally funded;
- Misconduct that remains undiscovered or unreported for six years (with exceptions);
- Recycling of material in redundant or duplicate publications, compounded by a failure to cite the prior work (i.e. "self-plagiarism"); or
- Other serious deviations from accepted practices.

With respect to each of these forms of research misconduct, NKU is free to adopt whatever substantive policy best suits NKU.

Is it *possible* for the PCC-recommended Handbook policy to conflict with federal law?

No. Section 16.7.2.5 of the new Handbook language recommended by PCC would provide:

In cases of allegations involving activities submitted to or supported by a federal agency where definitions or procedures for research misconduct specified in the agency's regulations differ from those in this policy, the definitions and procedures in the agency's regulations will be used.

By this language, the Handbook itself would require that federal laws and regulations must be adhered to in all instances in which they apply, including in instances where contrary

¹⁰ See **2002 Investigative Report** at 4 (finding it unnecessary to investigate any "failure to meet other material legal requirements governing research" because "No federal funding was involved for the research under investigation in this case").

Handbook provisions otherwise might apply. Accordingly, this language renders it impossible for the PCC-proposed Handbook language to conflict with any federal law or regulation.

The HHS regulations don't require NKU to investigate "self-plagiarism"? Doesn't this mean that HHS doesn't think "self-plagiarism" is all that bad?

Although applicable HHS regulations neither prohibit nor require institutions like NKU to police "self-plagiarism," the HHS Office of Research Integrity continues to characterize "self-plagiarism" as one of "the most serious negative consequences" of the present academic ecosystem. It observes:

As can be expected, and in the context of decreasing or, at best, stagnant funding for research, the current reward system produces a tremendous amount of pressure for scientists to generate as many publications as possible. Unfortunately, some of the most serious negative consequences of the present system, aside from fabrication, falsification and outright plagiarism, are the problems of duplicate publication and of other forms of redundancy. In the sciences, duplicate publication generally refers to the practice of submitting a paper with identical or near identical content to more than one journal, without alerting the editors or readers to the existence of its earlier published version.¹¹

The HHS Office of Research Integrity does not consider it a "best practice" for researchers to recycle scholarly work in redundant or duplicate publications without citing the prior work, or to permit their colleagues to do so without consequence.

Do NKU's accreditors want NKU to stop policing "self-plagiarism"?

No. In 2003, the NKU College of Business removed five faculty members from the classroom, mid-semester, after finding that those faculty members had engaged in a course of research misconduct, including fraudulent submission of duplicative or redundant publications. When provided with the faculty committee's investigative report, the College's accreditor concluded that in removing tenured faculty members for fraudulent submission of duplicative or redundant publications, "Northern Kentucky University acted appropriately and decisively to correct the internal research misconduct."¹²

¹¹ See, e.g., HHS Office of Research Integrity, **Avoiding Plagiarism, Self-plagiarism, and Other Questionable Writing Practices: A Guide to Ethical Writing** (2003, revised 2015), online at <<https://ori.hhs.gov/plagiarism-14>>.

¹² AACSB Maintenance Accreditation Committee Letter (2003), *quoted in* Michael R. Carroll & Sara Sidebottom, Business School Ethical Dilemma: A Case Study, 2 **Business Renaissance Quarterly** 91, 106 (Summer 2007).

PCC Draft for Oct 3, 2019

16.7.2.5. RESEARCH MISCONDUCT

The question of what constitutes research misconduct must be resolved by applying the standards and norms of the particular academic discipline at issue.

Research “misconduct,” as used herein, is defined as:

- Fabrication, falsification, plagiarism, or other serious deviations from those accepted practices in proposing, performing, or reviewing research, or in reporting results from research.
 - 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.
- Substantial recycling of material in redundant or duplicate publications, if compounded by a failure to cite the prior work, can constitute a serious deviation from accepted research practices.
 - “Redundant or duplicate publications” refers to publications in which a substantial portion of the work has already been published. It also includes the situation in which the work is either so similar to previously published material or so modest an extension of previously published work that it would not be viewed as significant were the previous publication acknowledged.
 - “Failure to cite prior work” refers to papers that are presented as if the material were new when in fact the authors have previously published much of the body of the work before. An extension or recycling of previous work must be viewed as such, not as a new and original contribution.
- Material failure to comply with federal requirements that are uniquely related to the conducting of research.
- Failure to comply with federal requirements for protection of researchers, human subjects, or the public, or for insuring the welfare of laboratory animals or
- Failure to meet other material legal requirements governing research.

Research misconduct does not include honest error or difference of opinion.

In cases of allegations involving activities submitted to or supported by a federal agency and definitions or procedures for research misconduct specified in the agency's regulations differ from those in this policy, the definitions and procedures in the agency's regulations will be used.

In cases of allegations involving activities not submitted to or supported by a federal agency, the definitions of research misconduct specified in this policy should be supplemented by (or interpreted in light of) applicable substantive standards of the relevant research community or the academic discipline at issue.

Investigative Report: General Findings

Section 1 Introduction

In a memorandum to the Dean of the College of Business, dated February 6, 2002, Professor Nancy Lang raised the possibility of research misconduct in six papers published by faculty in the former Department of Economics, Finance, and Information Systems. Her memorandum to Dean Michael Carrell said simply:

There appears to be the possibility of research misconduct in the attached research papers. According to the Faculty Policies and Procedures Handbook, I am forwarding them to you for your review.

The authors of the papers who remain faculty members at Northern Kentucky University are:

Louis Noyd, Associate Professor of Economics
Anju Ramjee, Professor of Finance
Balasubramani “B” Ramjee, Professor of Finance
Richard Snyder, Associate Professor of Economics
Shailendra Verma, Associate Professor of Finance

Two other individuals who have left the university also were listed authors: Dean Kiefer and Jeffrey Donaldson, both formerly Assistant Professors of Finance.

In accord with Part II, Section VIII -- Scientific/Research Misconduct -- of the *NKU Faculty Policies and Procedures Handbook* (Faculty Handbook), Dean Carrell appointed a preliminary inquiry committee¹. That committee determined that there were sufficient grounds for a formal investigation. The Preliminary Hearing Committee concluded that:

Research misconduct (as defined in the *NKU Handbook*) may have occurred in the form of:

- 1) papers with duplicated paragraphs of background material and methodology, but different data sets; and/or
- 2) a reporting issue due to the failure in some papers to reference the earlier paper and thus give proper credit.

The Preliminary Hearing Committee also raised three other concerns:

- (1) the practice of senior faculty putting pressure on junior faculty to add their names to work when they contribute little or nothing,
- (2) faculty submitting those works in their annual reports, and
- (3) faculty allowing their names to be added to research without any substantial contribution worthy of co-authorship.

An Investigative Committee consisting of Professors Thomas Kearns (Mathematics and Computer Science), Robert Kempton (Chemistry), and Matthew Shank (Management and Marketing) was appointed².

The six papers originally questioned were presented or published in 1999 or 2000. Since duplication of published work was an issue, the Investigative Committee in its considerations reviewed all papers, twenty-two in total, published by the five faculty members during the period 1995 - 2000. The year 1995 was chosen as the starting point since that is when Prof. Shailendra Verma, generally acknowledged to be the lead author in the six works first in question, joined the NKU faculty. At hearings held by this committee³, six additional

¹ The committee consisted of Dean Carrell; Thomas Comte, Professor Emeritus of Management and former dean of the College of Business; and Frederick Schneider, Professor of Law. Their findings are reported in memoranda from the committee to the faculty members involved, dated March 7, 2002 .

² Subsequent references to “the Committee” or “this committee” in this report will refer to the Investigative Committee.

³ A list of all hearings is provided in Appendix 1 at the end of this report.

papers from 2001 were introduced. Only one of them was actually presented and this paper was added to our considerations.

This report provides the findings of the Investigative Committee with regard to the papers themselves and authorship issues. The extent to which each of the five faculty is responsible for misconduct or irregularities will be dealt with in individual reports.

Section 2 List of Papers

The twenty-three papers investigated are as follows.

- 1 *A Test of Unbiased Forward Exchange Rate Hypothesis Using Generalized Method of Moments*; S. Verma, A. Ramjee, B. Ramjee; presented at Southeast Chapter of INFORMS Annual Meeting, October 5-6, 1995; published in the proceedings of this meeting
- 2 *Production Based Asset Pricing Model: A Conceptual Framework for Investment Returns*; S. Verma, A. Ramjee, B. Ramjee; presented at Southeast Decision Sciences Institute Meeting, February 21-24, 1996; published in the proceedings of this meeting
- 3 *A Test of Risk Adjusted Investment Returns in Overseas Markets: The Case of the United Kingdom*; S. Verma, A. Ramjee, B. Ramjee; presented at Annual Meeting of the Midwest Business Administration Association, March 13-15, 1996; published in Midwest Review of Finance & Insurance
- 4 *A Framework for Assessing the Structural Differences in Assets and Their Intertemporal Behavior Across Industry*; B. Ramjee, A. Ramjee; S. Verma; presented at Southeast Chapter of INFORMS Annual Meeting, October 3-4, 1996; published in the proceedings of this meeting
- 5 *An Empirical Test of European Capital Market Integration: The Case of U.K and Germany.*; S. Verma, B. Ramjee, A. Ramjee; presented at The Midwest Decision Science Institute Annual Meeting, Apr. 24-26, 1997; published in the proceedings of this meeting
- 6 *Cross-Country Influence on Stock Market Efficiencies: The Case of U.S. and U.K.*; S. Verma, B. Ramjee, A. Ramjee; presented at Annual Meeting of the Midwest Business Administration Association, March 12-14, 1997; published in Midwest Review of Finance & Insurance
- 7 *A Seemingly Unrelated Regression (SUR) Joint Estimation Technique for Measurement of Currency Exposure: A Mathematical Exposition*; S. Verma, A. Ramjee, B. Ramjee; presented at Southeast Chapter of INFORMS Annual Meeting, October 2-3, 1997; published in the proceedings of this meeting
- 8 *Cointegration Between European Stock Markets*; S. Verma, A. Ramjee, B. Ramjee; presented at Annual Meeting of the Midwest Business Administration Association, March 25-27, 1998; published in Midwest Review of Finance & Insurance
- 9 *A Test of Causality in the Exchange Rate Mechanism Amongst Major European Currencies*; S. Verma, L. Noyd, A. Ramjee; presented at Southeast Chapter of INFORMS Annual Meeting, October 1-2, 1998; published in the proceedings of this meeting
- 10 *Examining the Cross-Sectional Relationship Between Tobin's q and Insider Ownership*; D. Kiefer, B. Ramjee, S. Verma.; presented at Southeast Chapter of INFORMS Annual Meeting, October 1-2, 1998; published in the proceedings of this meeting
- 11 *An Examination of the Factors Influencing the Aggregate Market Price Earnings Multiple*; B. Ramjee, A. Ramjee; S. Verma; presented at Annual Meeting of the Midwest Business Administration Association, March 17-19, 1999; published in Midwest Review of Finance & Insurance

- 12 *Stochastic Analysis of the Causal Modeling Between Stock Prices and Interest Rates: An Examination of Pre and Post Unified Germany*; S. Verma, B. Ramjee, R. Snyder; presented at The Midwest Decision Science Institute Annual Meeting, April 22-24, 1999; published in the proceedings of this meeting
- 13 *Market Volatilities and Forward Exchange Risk Premia in Currency Market*; S. Verma, A. Ramjee, L. Noyd; presented at National Applied Business Research Conference, August 1-2, 1999; published in the proceedings of this meeting
- 14 *Interest Rate Levels, Spot Rates and Forward Rates in the Foreign Currency Market: The Case of Yen and Deutsche Mark*; S. Verma, D. Kiefer, B. Ramjee,; presented at Southeast Chapter of INFORMS Annual Meeting, September 30-October 1, 1999; published in the proceedings of this meeting
- 15 *Cross-Sectional Relationship Between the Market Value and Insider Ownership for Small Cap Firms*; D. Kiefer, S. Verma; presented at American Academy of Accounting and Finance Meeting, December 9-11, 1999; published in Journal of Accounting and Finance Research
- 16 *The Relationship Between Forward Exchange Risk Premia and Market Volatilities*; S. Verma, D. Kiefer J. Donaldson; presented at Annual Meeting of the Midwest Business Administration Association, March 1-3, 2000;
- 17 *Standard Industrial Classification as Proxy for Risk Class*; D. Kiefer, S. Verma, A. Ramjee; presented at American Academy of Accounting and Finance Meeting, December 9-11, 1999; published in Journal of Accounting and Finance Research
- 18 *Price Discovery in Stock Index and Treasury Bills Futures Markets*; S. Verma, D. Kiefer, B. Ramjee; presented at Annual Meeting of the Midwest Business Administration Association, March 1-3, 2000; published in Midwest Review of Finance & Insurance
- 19 *Test of Consumption Based Asset Pricing Model*; S. Verma, B. Ramjee, R. Snyder; presented at Southwestern Economic Association Meeting, March 15-18, 2000;
- 20 *Consumption Based CAPM vs Conventional CAPM*; S. Verma, B. Ramjee, L. Noyd; presented at Eastern Economic Association Meeting, March 23-25, 2000;
- 21 *The Role of Treasury Eurodollar (TED) Spread in the Price Discovery Process*; S. Verma, A. Ramjee, B. Ramjee; presented at Southeast Chapter of INFORMS Annual Meeting, October 5-6, 2000; published in the proceedings of this meeting
- 22 *Comparison of Conventional CAPM and Consumption Based CAPM*; S. Verma, B. Ramjee, A. Ramjee, L. Noyd; presented at Southeast Chapter of INFORMS Annual Meeting, October 5-6, 2000; published in the proceedings of this meeting
- 23 *Are Forward Rates Unbiased Estimators of Future Spot Rate: An Empirical Examination of the Foreign Currency Market*; S. Verma, L. Noyd, A. Ramjee; presented at Eastern Economic Association Meeting, February 22-25, 2001

Papers will be referenced by these numbers in the remainder of this report. The six papers that were called into question in the initiating complaint are Papers 12, 18, 19, 20, 21, and 22 in the above list. The paper added late in the process to the Committee's considerations is Paper 23.

The published papers occur in six publications:

- Journal of Accounting and Finance Research (American Academy of Accounting and Finance Meeting) -- 2 papers
- Midwest Review of Finance & Insurance (Annual Meeting of the Midwest Business Administration Association) -- 5 papers
- Proceedings of National Applied Business Research Conference -- 1 paper
- Proceedings of Southeast Chapter of INFORMS Annual Meeting -- 8 papers
- Proceedings of Southeast Decision Sciences Institute Meeting -- 1 paper

- Proceedings of Midwest Decision Science Institute Annual Meeting -- 2 papers

Four papers were presented at meetings, but not subsequently published:

- Annual Meeting of the Midwest Business Administration Association
- Eastern Economic Association Meeting (twice)
- Southwestern Economic Association Meeting

Shailendra Verma is listed as an author on all 23 papers, B Ramjee on 17, Anju Ramjee on 15, Louis Noyd on five, and Richard Snyder on two. Former faculty members Dean Kiefer and Jeffrey Donaldson are listed on six papers and one paper, respectively.

Section 3 Research Misconduct Issues

NKU's policy on Scientific/Research Misconduct limits such misconduct to these four offenses:

1. Fabrication, falsification, plagiarism, or other serious deviations from those accepted practices in proposing, carrying out, or reporting results from research;
2. Material failure to comply with federal requirements that are uniquely related to research;
3. Failure to comply with federal requirements for the protection of researchers, human subjects, or the public, or for insuring the welfare of laboratory animals; or
4. Failure to meet other material legal requirements governing research.⁴

No federal funding was involved for the research under investigation in this case and there is no suggestion of any contravention of the fourth item listed above. The concerns that brought the case to the Committee and the Committee's subsequent focus have been the four prongs of the first stated offense: fabrication, falsification, plagiarism, or serious deviations from accepted practices.

These four prongs closely matched those utilized by federal government agencies up until 2000 or later. Following a decade of discussion and reports, the federal Office of Science and Technology in the Executive Office of the President issued a revised policy on research misconduct in 2000. The fourth prong in NKU's policy – serious deviation from accepted practices – is no longer a part of the federal policy and there has been some question about our continued use of this clause. However, although the federal policy no longer includes the “deviation from accepted practices” clause, it does not preclude its use. The federal guidelines, which apply only to federally sponsored research, explicitly recognize the authority of universities to *add* to the federal guidelines.

The Committee's investigation focused on three areas of possible research misconduct:

- *Fabrication or falsification of research results*
- *Serious deviations from accepted practices, in the form of redundant or duplicate publications and the failure to cite previous papers*
- *Plagiarism in the form of falsely claimed authorship or plagiarized material*

⁴ NKU Faculty Handbook, Part II, Article VIII.B Definition of Research Misconduct

3.1 Fabrication or Falsification of Research Results

We will not make a distinction between fabrication and falsification of data and will use the following operative definition in this report:

“Fabrication /falsification of research results” is defined to mean that data or the results have been made up and reported as real. This includes the situation where the data or results themselves may be real, but not for the study in question.

In Section 4 of this report, a number of instances of fabrication/falsification of research results in the papers in question will be identified. All will have the same pattern wherein a first paper or presentation reports results from a particular set of data and is followed by a second and closely related paper wherein exactly, or almost exactly, the same results are claimed for a purportedly different set of data. Different falsified results are sometimes reported in several following papers, not just one. The Committee considers this research misconduct.

3.2 Serious Deviations from Accepted Practices

The serious deviation from accepted practices that the Committee considered in this case is the recycling of material in redundant or duplicate publications, compounded by a failure to cite the prior work.

“Redundant or duplicate publications” refers to publications in which a substantial portion of the work has already been published. It also includes the situation in which the work is either so similar to previously published material or so modest an extension of previously published work that it would not be viewed as significant were the previous publication acknowledged.

Two of the journals in which papers listed in Section 2 appeared have explicit policies about duplicate or redundant publications.

- The Midwest Review of Finance and Insurance (MRFI) policy states “ the submission of a paper for MRFI indicates that it or a similar version has not been previously published, accepted for publication, or is under publication consideration elsewhere.”
- The Midwest Decision Sciences Institute requires for its conference proceedings that “By submitting a manuscript, the author(s) certify that it is not copyrighted, previously published, presented, accepted, or currently under review for presentation at another professional meeting.”

The Committee’s position is that these are the generally accepted expectations of all scholarly proceedings and journals, whether explicitly stated or not.

“Failure to cite prior work” refers to papers that are presented as if the material were new when in fact the authors have previously published much of the body of the work before. An extension or recycling of previous work must be viewed as such, not as a new and original contribution. Readers of proceedings and journal articles have a right to know what is new and original in the work in question and how the work is related to previously published material. This requires fair attribution of prior work, including work by the same authors. Because evaluation of faculty members at the University depends in part on an evaluation of their scholarly activity, the obligation to disclose debts to prior work to readers is especially important for those at the University who evaluate performance. Department committees that make decisions on reappointment, promotion, and tenure; chairs that make these same decisions and also decisions about

salaries and merit raises; and higher administrators who do the same – all are entitled to a fair understanding of the origins and nature of the scholarly work.

The issues of duplication and citation are dealt with in the Academy of Management’s Code of Ethical Conduct:

Many management-related journals have policies prohibiting or restricting potential articles from being reviewed concurrently in other outlets. These policies should be closely observed or there should be explicit discussion with the relevant journal editors concerning intended multiple submissions. More than one report of essentially the same data and results should not be published unless the reports are explicitly directed to different types of audiences through different types of outlets. When several but related reports result from a single study, the existence of the different reports should be made known to the relevant journal editors and the reports should reference each other.⁵

These authorship obligations appear to be clearly recognized within the former Department of Economics, Finance, and Information Systems. In the Spring of 2001 that department’s tenure committee evaluated a candidate for a position with tenure and made the following statement:

Of a more serious nature, the RPT Committee identified three papers in which identical wording appears without any reference. The papers were submitted by [name omitted] as original papers rather than updated initial versions or amended versions. In addition, there are three other submissions to research outlets with overlapping content. The Committee considers [name omitted]’s actions as highly unprofessional and unethical. It is the opinion of the RPT Committee that [name omitted]’s actions are of a nature to be identified with “research misconduct” as defined on page 125 of the NKU Faculty Handbook.⁶

Four of the five members of the committee that issued this statement – Professors Noyd, A, Ramjee, B Ramjee, and Snyder – are now subjects of the investigation by this Committee for the same offenses, but on a much larger scale.

In Section 4 of this report, numerous instances of duplicated material in the papers in question will be documented. The duplication will be significant, not simply minor duplication of sentences or even an occasional paragraph. In some cases it amounts to essentially an entire paper being recycled. In every instance, the redundancy is accompanied by a failure to cite the prior and duplicated work. *In fact, none of the twenty three papers cite any of the others.* In almost every instance, very similar papers have been given quite distinct titles, with no suggestion of the relationship between the papers. They have in most cases then been submitted to different outlets for presentation and publication. The Committee considers the packaging of this redundant material to be part of a deliberate and extended pattern of deceit, intended to present the papers in question as entirely new work. The Committee considers this particular deviation from accepted practices to be research misconduct. It will be reported as “deceitful duplication of material.”

3.3 Plagiarism

The third area of possible research misconduct considered by the Committee -- plagiarism -- will be considered in two forms. Plagiarized material, that is, material closely approximating or copied verbatim,

⁵ Rena A. Gorlin (ed.). *Codes of Professional Responsibility: Ethics Standards in Business, Health, and Law* (Washington, DC: The Bureau of National Affairs, 1999, 4th Edition)

⁶ Memo dated May 9, 2001, entitled “RPT Decision for [name omitted] as Requested” from the Reappointment, Promotion, and Tenure Committee to Interim Chair Nancy Lang. The fifth member of the committee was Vijay Raghavan.

without citation, from another source will be delineated in Section 4. Issues surrounding authorship rights and responsibilities will be discussed in Sections 5 and 6 of this report. Specific findings with regard to authorship issues involving each of the five faculty will be submitted in separate reports.

Section 4 Analysis and Findings in the Papers

Detailed analyses of the papers in question are presented below. Much of the analysis is presented in tables showing duplication between papers. The contents of the papers are shown in parallel columns and each paper is broken down into paragraphs, each paragraph into collections of sentences. Paragraphs are set off in the table by a bold border. Collections of sentences that are duplicated exactly from one paper to the next are colored orange and connected by a solid line. Collections of sentences that are a paraphrasing of each other are colored yellow and connected by a line, either dotted or solid.

	Paragraphs bordered in bold.			
1-2	Sentences numbered within paragraph. Here are two.			
1	Sentence copied verbatim in orange & connected by solid line		1	Sentence copied verbatim in orange & connected by solid line
1	Sentence paraphrased shown in yellow & connected by dotted line.		1	Sentence paraphrased shown in yellow & connected by dotted line

Copies of the papers themselves are submitted separately in “Collections,” with the text colored in the same schemes to indicate identical or paraphrased statements.

4.1 Papers 1, 14, and 23 (Collection 1)

- 1 *A Test of Unbiased Forward Exchange Rate Hypothesis Using Generalized Method of Moments*; S. Verma, A. Ramjee, B. Ramjee; presented at Southeast Chapter of INFORMS Annual Meeting, October 5-6, 1995; published in the proceedings of this meeting
- 14 *Interest Rate Levels, Spot Rates and Forward Rates in the Foreign Currency Market: The Case of Yen and Deutsche Mark*; S. Verma, D. Kiefer, B. Ramjee,; presented at Southeast Chapter of INFORMS Annual Meeting, September 30-October 1, 1999; published in the proceedings of this meeting
- 23 *Are Forward Rates Unbiased Estimators of Future Spot Rate: An Empirical Examination of the Foreign Currency Market*; S. Verma, L. Noyd, A. Ramjee; presented at Eastern Economic Association Meeting, February 22-25, 2001

Papers 1 and 23 are identical except for one sentence. In paper 1, the sample period is given as 1975 to 1990 whereas in Paper 23 it is given as 1989 to 1999. The statistical results of the data analysis are identical. The results in Paper 23 are therefore fabricated.

General Finding 1 The fabrication/falsification of the research results in Paper 23 constitutes research misconduct.

General Finding 2 The deceitful duplication of material from Paper 1 in the presentation of Paper 23 constitutes research misconduct.

Paper 14 overlaps extensively with Paper 1 (and therefore also with Paper 23.) The extent to which Paper 14 duplicates Paper 1 (and therefore also paper 23) is indicated in Table 1⁷.

General Finding 3 The deceitful duplication of material from Paper 1 in the presentation and publication of Paper 14 constitutes research misconduct.

4.2 Papers 2, 3, 5, and 6, plus the Doctoral Dissertation of S. Verma (Collection 2)

- 2 *Production Based Asset Pricing Model: A Conceptual Framework for Investment Returns*; S. Verma, A. Ramjee, B. Ramjee; presented at Southeast Decision Sciences Institute Meeting, February 21-24, 1996; published in the proceedings of this meeting
- 3 *A Test of Risk Adjusted Investment Returns in Overseas Markets: The Case of the United Kingdom*; S. Verma, A. Ramjee, B. Ramjee; presented at Annual Meeting of the Midwest Business Administration Association, March 13-15, 1996; published in Midwest Review of Finance & Insurance
- 5 *An Empirical Test of European Capital Market Integration: The Case of U.K. and Germany*; S. Verma, B. Ramjee, A. Ramjee; presented at The Midwest Decision Science Institute Annual Meeting, Apr. 24-26, 1997; published in the proceedings of this meeting
- 6 *Cross-Country Influence on Stock Market Efficiencies: The Case of U.S. and U.K.*; S. Verma, B. Ramjee, A. Ramjee; presented at Annual Meeting of the Midwest Business Administration Association, March 12-14, 1997; published in Midwest Review of Finance & Insurance

SV⁸ *International Evidence on Production Based Pricing Models*, Doctoral Dissertation, Shailendra Verma, University of New Orleans, December 1995.

Papers 2, 3, 5, and 6 are all derived from the doctoral dissertation of Shailendra Verma. The relationship of these four papers to the dissertation is presented in Section 6.1 and Tables 17-20.

Papers 2 and 3 are closely related to each other. The extent to which Paper 3 duplicates Paper 2 is indicated in Table 2.

General Finding 4 The deceitful duplication of material from Paper 2 in the presentation and publication of Paper 3 constitutes research misconduct.

Papers 5 and 6 are also closely related to each other and to Verma's dissertation. The extent to which Paper 5 duplicates Paper 6 is indicated in Table 3.

⁷ The Table thus provides a map of sorts to the coloring of Papers 1 and 14, and 1 and 23, in Collection 1. It will show where material in one paper occurs in the other. However, both the Tables and the highlighted copies of the papers are meant to convey the *extent* of the duplication, not a symbol-by-symbol comparison; minor differences have sometimes been ignored in both the Tables and the highlighted papers. The Table and highlighting may not match exactly due to the Committee's desire to keep the tables short. The same caveat applies to all subsequent Tables of this sort and to all highlighted papers in the Collections.

⁸ Dissertations will be denoted by the author's initials: SV for Shailendra Verma, BR for B Ramjee, DK for Dean Kiefer.

General Finding 5 The deceitful duplication of material from Paper 5 in the presentation and publication of Paper 6 constitutes research misconduct.

Overlap also exists between the first two papers (Papers 2 and 3) and the second two (Papers 5 and 6), but it is on a smaller scale and is not considered here.

Verma's dissertation and Papers 3, 5, and 6 utilize data from the International Financial Statistics database issued by the International Monetary Fund. The sample periods for the data in his dissertation are

- for the U.S., 1947:1 to 1990:4
- for the U.K. 1967:1 to 1993:4
- for Germany 1975:1 to 1993:4

Paper 5 claims to use data for both the U.K. and Germany for 1975:1 to 1993:4, but the results reported are identical to those in the dissertation with a different time period for the U.K. The statistical results in Paper 5 are thus falsified.

General Finding 6 The fabrication/falsification of the research results in Paper 5 constitutes research misconduct.

Paper 6 claims to use data for both the U.K. and the U.S. for 1975:1 to 1993:4, but the results reported are essentially the same as those in the dissertation with different time periods for both countries. The statistical results in Paper 6 are thus falsified.

General Finding 7 The fabrication/falsification of the research results in Paper 6 constitutes research misconduct.

4.3 Paper 4 plus the Doctoral Dissertation of B Ramjee (Collection 3)

- 4 *A Framework for Assessing the Structural Differences in Assets and Their Intertemporal Behavior Across Industry*; B. Ramjee, A. Ramjee; S. Verma; presented at Southeast Chapter of INFORMS Annual Meeting, October 3-4, 1996; published in the proceedings of this meeting

BR *Asset Structure of the Firm: Theory and Empirical Evidence*, Doctoral Dissertation, Balasubramani Ramjee, University of Cincinnati, March 1988

Paper 4 is derived *in total* from the doctoral dissertation of B Ramjee. The relationship to the dissertation is presented in Section 6.2 (see Table 21).

The Ramjee dissertation analyzes data from 361 firms in eighteen industries for the period 1976 - 1985. In Paper 4, 193 of the firms in ten of the eighteen industries are *claimed* to be analyzed for the period 1981-1990. The statistical results reported in Paper 4 are identical to those in the dissertation and, therefore, falsified.

General Finding 8 The fabrication/falsification of the research results in Paper 4 constitutes research misconduct.

4.4 Papers 8, 9, 12, 18, and 21 (Collection 4)

- 8 *Cointegration Between European Stock Markets*; S. Verma, A. Ramjee, B. Ramjee; presented at Annual Meeting of the Midwest Business Administration Association, March 25-27, 1998; published in *Midwest Review of Finance & Insurance*
- 9 *A Test of Causality in the Exchange Rate Mechanism Amongst Major European Currencies*; S. Verma, L. Noyd, A. Ramjee; presented at Southeast Chapter of INFORMS Annual Meeting, October 1-2, 1998; published in the proceedings of this meeting
- 12 *Stochastic Analysis of the Causal Modeling Between Stock Prices and Interest Rates: An Examination of Pre and Post Unified Germany*; S. Verma, B. Ramjee, R. Snyder; presented at The Midwest Decision Science Institute Annual Meeting, April 22-24, 1999; published in the proceedings of this meeting
- 18 *Price Discovery in Stock Index and Treasury Bills Futures Markets*; S. Verma, D. Kiefer, B. Ramjee; presented at Annual Meeting of the Midwest Business Administration Association, March 1-3, 2000; published in *Midwest Review of Finance & Insurance*
- 21 *The Role of Treasury Eurodollar (TED) Spread in the Price Discovery Process*; S. Verma, A. Ramjee, B. Ramjee; presented at Southeast Chapter of INFORMS Annual Meeting, October 5-6, 2000; published in the proceedings of this meeting

These five papers supposedly examined different sets of data:

- Paper 8 investigates the U.K. (FTSE) and German (DAX) stock market indices from 1975:1 to 1995:4
- Paper 9 investigates the daily close spot exchange rates for the Deutschmark, French franc, and Netherlands guilder from 1983 to 1994
- Paper 12 investigates the real return calculated from industrial share prices on the German stock index (DAX) and indices of long-term government bonds and short-term nominal interest rates from 1975:1 to 1997:4
- Paper 18 investigates daily data on the S&P 500 index futures and Treasury Bill futures between 1995 and 1998
- Paper 21 investigates Eurodollar futures and Treasury Bill futures for an unspecified period.

The results of the various statistical tests are essentially the same for all five papers. The reported test results in the first table in each of the five papers is summarized in Table 4A, those in the second table in each paper in Table 4B. Two of the papers have a third table and the reported results in those tables are summarized in Table 4C. The results are clearly falsified on a large scale. The Committee assumes that the first results reported are real but has not confirmed this.

General Finding 9 The fabrication/falsification of the research results in Paper 9 constitutes research misconduct.

General Finding 10 The fabrication/falsification of the research results in Paper 12 constitutes research misconduct.

General Finding 11 The fabrication/falsification of the research results in Paper 18 constitutes research misconduct.

General Finding 12 The fabrication/falsification of the research results in Paper 21 constitutes research misconduct.

There is also a great deal of duplication of material in the five papers. This is summarized in Tables 5 through 10. Table 5 gives an overview of the duplication with blocks of material colored orange and connected by a line if it is identical; here material in tables is connected by a dashed line. Tables 6 through 9 give the details of the duplication for Papers 8 and 9, 9 and 12, 12 and 18, 18 and 21, respectively. Table 10 provides another overview of the duplication. In this table the coloring scheme is altered: blocks of material that appears in just two of the papers is colored green, material that appears in three is colored pink, in four blue, and material that appears in all five papers is colored purple.

General Finding 13 The deceitful duplication of material from Paper 8 in the presentation and publication of Paper 9 constitutes research misconduct.

General Finding 14 The deceitful duplication of material from Papers 8 and 9 in the presentation and publication of Paper 12 constitutes research misconduct.

General Finding 15 The deceitful duplication of material from Papers 8, 9 and 12 in the presentation and publication of Paper 18 constitutes research misconduct.

General Finding 16 The deceitful duplication of material from Paper 8, 9, 12, and 18 in the presentation and publication of Paper 21 constitutes research misconduct.

4.5 Papers 10 and 15, plus the Doctoral Dissertation of D. Kiefer (Collection 5)

- 10 *Examining the Cross-Sectional Relationship Between Tobin's q and Insider Ownership*; D. Kiefer, B. Ramjee, S. Verma,; presented at Southeast Chapter of INFORMS Annual Meeting, October 1-2, 1998; published in the proceedings of this meeting
- 15 *Cross-Sectional Relationship Between the Market Value and Insider Ownership for Small Cap Firms*; D. Kiefer, S. Verma; presented at American Academy of Accounting and Finance Meeting, December 9-11, 1999; published in Journal of Accounting and Finance Research

DK *The Relationship Between Market Value and Insider Ownership: Initial Public Offerings Through Time*, Doctoral Dissertation, Dean Kiefer, University of New Orleans, May 1996

These papers represent two of the three papers in the list of twenty-three for which the principal writer was not Shailendra Verma. Papers 10 and 15 were written by Dean Kiefer and derived from his doctoral dissertation: The relationship to the dissertation is presented in Section 6.3 (see Table 22).

Paper 10 (and the dissertation) investigated initial public offerings from 1983; data requirements reduced the sample to 34 firms. Ownership and accounting data from 1985 through 1993 were analyzed. Paper 15 extends the sample to 50 firms and the time frame to 1994.

Because Paper 15 extends the study in Paper 10 there is a natural similarity in its structure and format. Much of the background material is paraphrased from Paper 10 but very little is duplicated. The tables in the two papers are the same in format but present quite different statistical results. Paper 15 refers to “earlier studies” but does not cite Paper 10.

The extent to which Paper 15 duplicates Paper 10 is indicated in Table 11.

The Committee takes no issue with the overlap between the two papers. It finds the lack of citation of Paper 10 in Paper 15 to be problematic but considers it, of itself, to represent neither research misconduct nor a research irregularity serious enough to warrant a formal finding.

4.6 Paper 11, plus pre-1986, 1988, and 1989 Papers 11A, 11B, and 11C (Collection 6)

11 *An Examination of the Factors Influencing the Aggregate Market Price Earnings Multiple*; B. Ramjee, A. Ramjee; S. Verma; presented at Annual Meeting of the Midwest Business Administration Association, March 17-19, 1999; published in *Midwest Review of Finance & Insurance*

Paper 11 is derived from work in the 1980's, a pre-print and two published papers:

11A (1) *Impact of Selected Economic Factors on Aggregate Price/Earnings Ratios: An Examination of Causal Relationships* or (2) *Causal Relationship Between Market Price Earnings and Macro Economic Variables*. This draft paper has both titles (1) and (2) in the version provided the Committee; it is reportedly based upon a paper with the second title authored by Z. Lew Melnyk, B Ramjee, A. Ramjee, and P. Medury which was presented at ORSA/TIMS meeting, October 1986.

11B *Determining the Effect of Macro Economic Variables on the Market price/Earnings ratio: A Time Series Approach*; Z. Lew Melnyk, B Ramjee, A. Ramjee, and P. Medury; presented at the Southern Finance Association meeting, November 21, 1988. (This paper contains material from Paper A.)

11C *The Determinants of the Market Earnings Multiple: Further Empirical Evidence*; P. Medury, A. Ramjee, B Ramjee; presented at The Southeast Decision Science Institute Annual Meeting, February 22-24, 1989; published in the proceedings of this meeting

Paper 11 consists *in total* of material from Papers 11A, 11B, and 11C. The duplication is summarized in Table 12.

<p>General Finding 17 The deceitful duplication of material from Papers 11B and 11C in the presentation and publication of Paper 11 constitutes research misconduct.</p>

Paper 11A examines data for economic variables and the Standard and Poor's 500 price earnings ratios for the period 1980-1985. Paper 11 reports doing the same for the period 1990-95. Since the statistical results reported in the two papers are exactly the same, the results in Paper 11 are, therefore, fabricated.

General Finding 18 The fabrication/falsification of the research results in Paper 11 constitutes research misconduct.

4.7 Papers 13 and 16

- 13 *Market Volatilities and Forward Exchange Risk Premia in Currency Market*; S. Verma, A. Ramjee, L. Noyd; presented at National Applied Business Research Conference, August 1-2, 1999; published in the proceedings of this meeting
- 16 *The Relationship Between Forward Exchange Risk Premia and Market Volatilities*; S. Verma, D. Kiefer J. Donaldson; presented at Annual Meeting of the Midwest Business Administration Association, March 1-3, 2000;

The Committee received no separate copy of Paper 16. In testimony to the Committee, the principal author of the papers, Shailendra Verma, reported that Papers 13 and 16 are identical.⁹

General Finding 19 The deceitful duplication of material from Paper 13 in the presentation of Paper 16 constitutes research misconduct.

Paper 13 is submitted separately as part of Collection 8.

4.8 Papers 19, 20, and 22, plus 1971 and 1986 Papers 19A and 19B and the Doctoral Dissertation of S. Verma (Collection 7)

- 19 *Test of Consumption Based Asset Pricing Model*; S. Verma, B. Ramjee, R. Snyder; presented at Southwestern Economic Association Meeting, March 15-18, 2000;
- 20 *Consumption based CAPM vs Conventional CAPM*; S. Verma, B. Ramjee, L. Noyd; presented at Eastern Economic Association Meeting, March 23-25, 2000;
- 22 *Comparison of Conventional CAPM and Consumption Based CAPM*; S. Verma, B. Ramjee, A. Ramjee, L. Noyd; presented at Southeast Chapter of INFORMS Annual Meeting, October 5-6, 2000; published in the proceedings of this meeting
- SV *International Evidence on Production Based Pricing Models*, Doctoral Dissertation, Shailendra Verma, University of New Orleans, December 1995.

Papers 19, 20, and 22 are derived from the doctoral dissertation of Shailendra Verma and the following papers:

⁹ [SV 8/13, 78, 25]. Abbreviations used to reference hearing testimony are listed in Appendix A. The testimony here was as follows: Committee: You had indicated that you would look for the materials from the presentation number 16 to see if you still had overheads or things left. Did you find them? Response: Yeah, I did and I found it was the same as number 13. Committee: So you used the same overheads and things for presentations? Response: As number 13 it's the same as number 13.

- 19A “Optimum Consumption and Portfolio Rules in a Continuous-Time Model”; Robert C. Merton, *Journal of Economic Theory*, 3, pages 373-413 (1971)
- 19B “Risk and Return: Consumption Beta Versus Market Beta,” N. Gregory Mankiw and Matthew D. Shapiro, *Review of Economics and Statistics*, 69, pages 452-459 (1986)
- 20A “An Intertemporal Asset Pricing Model with Stochastic Consumption and Investment Opportunities,” Douglas T. Breeden, *Journal of Financial Economics*, 7, pages 265-290 (1979)

The introduction to Paper 19 contains two sentences paraphrased from Paper 19A and two more that are essentially copied from Paper 19B.

The core theoretical formulation of the model in Paper 19, also used in the other two papers, is taken directly, without citation, from Paper 19B. The material in the section titled “Conventional CAPM” in Paper 19 beginning with equation (1) to the end of the paragraph containing equation (3) either duplicates or paraphrases corresponding material in Section II.A on pages 452-453 of Paper 19B. Similarly, the material titled “Consumption CAPM” in Paper 19 duplicates or paraphrases material from Section II.B in Paper 19B. In particular, Equations (1) through (12) are the same in both papers with some changes in notation.

Additional material from Paper 19B occurs in the data, results, and conclusion sections of Paper 19.

General Finding 20 The deceitful duplication of material from Paper 19A in the presentation of Paper 19 constitutes plagiarism and research misconduct.

General Finding 21 The deceitful duplication of material from Paper 19B in the presentation of Paper 19 constitutes plagiarism and research misconduct.

The Committee notes also that the data reported in Table 1 of Paper 19 is remarkably similar to that in Table 1 of Paper 19B but makes no finding in this regard. The sources of Paper 19 in Papers 19A and 19B are summarized in Table 13.

Paper 20 presents the same model formulation as Paper 19 and the duplication, without citation, of material from Paper 19B occurs in Paper 20 as well. No separate summary of sources for Paper 20 is included here because the material in the section developing the models is the same in both Paper 19 and Paper 20.

General Finding 22 The deceitful duplication of material from Paper 19B in the presentation of Paper 20 constitutes plagiarism and research misconduct.

The two paragraph introduction in Paper 20 is taken verbatim from Paper 20A.

General Finding 23 The deceitful duplication of material from Paper 20A in the presentation of Paper 20 constitutes plagiarism and research misconduct.

The duplication of material in Papers 19 and 20 is shown in Table 14.

General Finding 24 The deceitful duplication of material from Paper 19 in the presentation of Paper 20 constitutes research misconduct.

Table 15 summarizes the duplication of material from Paper 19 in Paper 22; some of this material also appears in Paper 20.

General Finding 25 The deceitful duplication of material from Papers 19 and 20 in the presentation and publication of Paper 22 constitutes research misconduct.

The duplication from Paper 19 to Paper 22 does not include the plagiarized material in the development of the models from Paper 19B because that development is omitted in Paper 22. However, some of the plagiarized material in Paper 19 is included in the introduction and results sections of Paper 22. The sources of Paper 22 in Papers 19A and 19B are summarized in Table 16.

General Finding 26 The deceitful duplication of material from Paper 19A in the presentation and publication of Paper 22 constitutes plagiarism and research misconduct.

General Finding 27 The deceitful duplication of material from Paper 19B in the presentation and publication of Paper 22 constitutes plagiarism and research misconduct.

Paper 22 does not identify the data studied or its source. In testimony to the Committee, the principal author of the papers, Shailendra Verma, reported that the studies in Papers 19 and 22 are identical and that there is no data behind the results listed in Paper 22.¹⁰ The results in Paper 22 are, therefore, fabricated.

General Finding 28 The fabrication/falsification of the research results in Paper 22 constitutes research misconduct.

The relationship of the dissertation to these three papers is presented in Section 6.1 (see Tables 24 - 26.)

4.9 Papers 7 and 17 (Collection 8)

- 7 *A Seemingly Unrelated Regression (SUR) Joint Estimation Technique for Measurement of Currency Exposure: A Mathematical Exposition*; S. Verma, A. Ramjee, B. Ramjee; presented at Southeast Chapter of INFORMS Annual Meeting, October 2-3, 1997; published in the proceedings of this meeting
- 17 *Standard Industrial Classification as Proxy for Risk Class*; D. Kiefer, S. Verma, A. Ramjee; presented at American Academy of Accounting and Finance Meeting, December 9-11, 1999; published in *Journal of Accounting and Finance Research*

¹⁰ [SV 8/13, 87, 23] Committee: But there is no real data to support the numbers that are reported as results there on No. 22?
Response: Yes, you are right.

Up to this point, the Committee has found no cause for concern about these two papers in the course of its investigation.

Papers 7 and 17, along with Paper 13 which was previously discussed but not placed in a collection, are now submitted separately as Collection 8.

Section 5 Authorship Issues

A person who claims authorship without any right to it commits plagiarism. Nothing more than a common dictionary definition is needed to so classify it: *plagiarize* (1) to appropriate for use as one's own passages or ideas from (another); (2) to use and pass off (the ideas or writings of another) as one's own.¹¹ The second part of the definition is the sense in which the Committee will consider any false claims of authorship to be plagiarism

Authorship brings with it privileges and benefits, both tangible and intangible. The latter include recognition, reputation, and esteem. The former, in an academic setting, include a positive influence on performance reviews (and, therefore, salary determination), reappointment and tenure reviews, and promotion reviews. In NKU's College of Business, the benefits also include formal designation as an "Active Scholar" and a reduction in teaching load. The integrity of the academic reward system depends on an accurate assessment of the role a listed author has played in the development of scholarly work. The process is seriously compromised when undeserved authorship is conveyed or claimed.

The Committee is not aware of any uniform scholarly standard for what activities constitute "authorship." That is, it can find no commonly accepted list of activities which entitle multiple persons to claim authorship of scholarly work.

There is, however, agreement as to what the components of such a list would include, at least for research in science or related disciplines that follow the general approach of science. The papers in question fall into this category. Any such list of author activities would include these items in some form¹²:

- significant contribution to the conception for the research, the framing of the research hypothesis;
- significant contribution to the design of the research, of planning the methods to carry it out;
- significant contribution to the collection of data;
- significant contribution to the analysis of data;
- significant contribution to the interpretation of results from data analysis;
- significant contribution to the search of the literature related to the research;
- significant contribution to the initial writing of research report or scholarly article;
- significant contribution to critical revision of the manuscript for content (as opposed to proofreading or editorial assistance); and
- some form of final approval over the version of the manuscript to be published.

While there may be varied opinions about what constitutes authorship, there is considerable consensus about the responsibility that authorship entails: persons who claim credit for authorship also bear the responsibility for the quality and validity of the published work. The National Academy of Science puts it this way¹³: "an

¹¹ *The American Heritage Dictionary of the English Language*, Fourth Edition 2000

¹² In laboratory sciences, it is also common to include: significant contribution to the provision of necessary resources (materials, space, personnel, money), as might occur in a large research laboratory or a multi-institution project under one grantee. This is not an issue with the papers in question.

¹³ Committee on Science, Engineering, and Public Policy, *On Being a Scientist: Responsible Conduct in Research*, 1995 (National Academy Press, Washington, D.C.) Available online at <http://www.nap.edu/readingroom/books/obas/contents/authorship.html>

author who is willing to take credit for a paper must also bear responsibility for its contents.” National Institute of Health guidelines¹⁴ include “As such, [authorship] potentially conveys great benefit, as well as responsibility Each author should be willing to support the general conclusions of the study.” The American Chemical Society’s *Ethical Guidelines to the Publication of Chemical Research*¹⁵ includes this definition of *co-author*: “The co-authors of a paper should be all those persons who have made significant scientific contributions to the work and who share responsibility and accountability for the results.” The American Psychology Association has published ethical standards for that profession since 1958. Its latest *Ethical Principles of Psychologists And Code of Conduct*¹⁶ -- widely utilized in other behavioral and social sciences policies -- includes this statement under the heading “Publication Credit” (Section 6.23): “Psychologists take responsibility and credit, including authorship credit, only for work they have actually performed or to which they have contributed.” Another phrasing comes from Columbia University¹⁷: “Joint authorship requires joint responsibility; each author claiming credit for an entire work must also be aware of joint discredit.”

The Committee’s position is that the linkage between credit and responsibility is commonly accepted and it has proceeded on that basis. It does, however, recognize that there may be exceptions where massive collaborative efforts are necessary on large projects, especially in the hard sciences where widely distributed laboratories may be involved. Eventually the scale of such projects can preclude each individual assuming responsibility for the entire work of the research. Nothing of this sort applies to the case at hand.

Section 6 Authorship of the Papers

There is disagreement among those listed as authors of the papers in question as to the extent each of them was involved in the research presented in the papers. The Committee’s response to each of the parties’ claims regarding authorship and responsibility will be addressed in individual reports. Some general statements are made in this section.

6.1 Papers 2, 3, 4, 5, 6, 10, 15, 19, 20, and 22

Papers 2, 3, 4, 5, 6, 10, 15, 19, 20, and 22 all are derived in large part from the doctoral dissertations of Dean Kiefer, B Ramjee, or Shailendra Verma:

- Papers 2, 3, 5, 6, 19, 20, and 22 from the dissertation of Shailendra Verma
- Paper 4 from the dissertation of B Ramjee
- Papers 10 and 15 from the dissertation of Dean Kiefer

The extent to which these papers are derived from the respective dissertations is summarized in tables as listed below. These tables differ from those used with orange to indicate exact duplication and yellow to indicate paraphrasing. To show the source of a paper in a doctoral dissertation, the same orange and yellow coloring scheme is used for the paper, and paragraphs and sentences in the paper are indicated as before. However, only a reference to its page source in the dissertation is provided.

¹⁴ *Guidelines for the Conduct of Research in the Intramural Research Programs at NIH*, available online at <http://www.nih.gov/news/irnews/guidelines.htm#anchor128256>

¹⁵ Editors of the Publications Division of the American Chemical Society, *Ethical Guidelines to the Publication of Chemical Research*, January 2000. Available online at <http://pubs.acs.org/instruct/ethic.html>

¹⁶ American Psychological Association, *Ethical Principles of Psychologists And Code of Conduct*, December 1992. Available online at <http://www.apa.org/ethics/code.html#1.03>

¹⁷ Columbia University, *Statement on Professional Ethics and Faculty Obligations and Guidelines for Review of Professional Misconduct*, 1986. Available online at http://www.columbia.edu/cu/vpaa/fhb/app/app_e.html

Verma dissertation page		
Abstract		
1-4	In this paper production investments are	iv
5	We extend .. In the capital stock	
6	Production based asset cycle variables.	70

The papers themselves are included in the Collections appended to this report, as listed below; appropriate pages from each dissertation are also included in each Collection:

- Paper 2 in Table 17 and Collection 2
- Paper 3 in Table 18 and Collection 2
- Paper 5 in Table 19 and Collection 2
- Paper 6 in Table 20 and Collection 2
- Paper 4 in Table 21 and Collection 3
- Paper 10 in Table 22 and Collection 5
- Paper 15 in Table 23 and Collection 5
- Paper 19 in Table 24 and Collection 7
- Paper 20 in Table 25 and Collection 7
- Paper 22 in Table 26 and Collection 7

The greater the reliance on the dissertation, and in some cases it is essentially all cut-and-paste, the less credible become other parties' claims to authorship.

6.2 Generally Accepted Conclusions Regarding Authorship of the Papers

There is general agreement among the faculty members under investigation, and the Committee as well, on several points concerning the papers (with exceptions noted):

1. *No* meeting about the work ever took place involving all listed authors for the following purposes for *any* of the papers –
 - to discuss who would assume what responsibilities in carrying out the research;
 - to discuss the work in progress; or
 - to review the manuscript to be submitted.
2. With exception of Papers 4 and 11, the first derived from B Ramjee's dissertation and the second from earlier papers by the Ramjees, the work on the following aspects of the paper, from the list of author activities in Section 5 above (page 16), was solely the work of Shailendra Verma or Dean Kiefer:
 - the design of the research and planning the methods to carry it out;
 - any collection of data;
 - any analysis of data;
 - any interpretation of results from data analysis;
 - any search of the literature related to the research;
 - the initial writing of research report or scholarly article;
 - any critical revision of the manuscript for content (as opposed to proofreading or editorial assistance);
 - any final approval over the version of the manuscript to be published.

That is, not only did the other listed authors not make a *significant* contribution in any of these areas, they made *no* contribution. Dean Kiefer is the principal writer of Papers 10, 15, and 17; Shailendra Verma of the other 18.

3. With the exception again of Papers 4 and 11, the sole contribution alleged by listed authors other than Shailendra Verma or Dean Kiefer was to the conception of the research and/or the framing of the research

hypothesis in the form of “discussions” with the principal author – discussions about the “research question” or about general concepts. Almost without exception, none of the authors other than Shailendra Verma or Dean Kiefer could credibly point out a specific place in *any* paper where their contribution could be seen.

Other particulars regarding the papers are contested by the various authors. These include questions of the level of multiple authors’ individual contributions and the responsibility for deciding who would be listed as an author.

In addition to the issue of whether the work in question was so fully contained in a doctoral dissertation as to preclude additional authors, the question of authorship will also hinge on the credibility of conflicting claims as to whether the discussions even took place and, if so, whether they contributed in any significant way to the research.

Section 7 Conclusion

The preliminary Inquiry raised these issues regarding papers by the authors under investigation:

- i. Two issues related to duplication in papers: papers with duplicated paragraphs of background material and methodology, and a reporting issue due to the failure in the papers to reference the earlier paper and thus give proper credit;
- ii. A related issue that called into question the integrity of reported results: papers with duplicated paragraphs of background material and methodology, but different data sets;
- iii. Two issues related to possible false claims of authorship: faculty allowing their names to be added to research without any contribution worthy of authorship, and faculty submitting those works in their annual reports, etc.; and
- iv. The possible practice of senior faculty putting pressure on junior faculty to add their names to work when they contribute little or nothing.

With regard to (i): This Investigative Committee has found twelve papers -- Papers 3, 6, 9, 11, 12, 14, 16, 18, 20, 21, 22, and 23 -- where deceitful duplication of material constitutes research misconduct. The Committee reiterates its opinion that this duplication, compounded by a lack of citation of prior work, deceptive titling, and, for the most part, careful placing of duplicated work in different scholarly outlets represents a pattern of willful deceit.

The Committee also found three of the papers -- Papers 19, 20, and 22 -- to be significantly plagiarized from other sources. There may be additional instances of plagiarism from the works of authors not affiliated with NKU, but the Committee has made no systematic effort to unearth it.

A summary table of the Committee’s findings is included in the report as Appendix 2; a list of all findings is included as Appendix 3.

With regard to (ii): This Investigative Committee has found a related, and more serious, problem: papers where different input data should yield different output results, but did not. This has occurred in ten papers -- Papers 4, 5, 6, 9, 11, 12, 18, 21, 22, and 23 -- and is considered by the Committee to be research misconduct consisting of “fabrication /falsification of research results”.

With regard to (iii): This Investigative Committee will report instances of this in individual reports regarding each faculty member in question. If the Committee concludes that authorship (and its benefits) have been falsely claimed, it will be considered research misconduct in the form of plagiarism.

With regard to (iv): The dispute as to who actually determined which faculty members would be listed as authors for each paper is at the heart of this last issue. Determining the actual process by which authorship was assigned was not critical to any of the Committee's decisions. No matter how the individuals' names were assigned to a paper, the fact is clear that they *claimed* the authorship – in annual performance review materials; in vitae; in reappointment, promotion, and tenure materials. Active Scholar status, promotions, and tenure were awarded based on these claims.

If it were the case that an individual assigned authorship credit to a person who did not meet criteria for authorship, this would be considered unethical research conduct on some campuses.¹⁸ The Committee has not adjudicated the authorship assignment issue since it appears to be outside the purview of our investigation into research misconduct under NKU's definition. This is not to say that the allegations are not serious. If the alleged behavior were true, it would represent a serious breach of ethical and professional conduct.

¹⁸ For example, see Michigan State University Guidelines on Authorship: "A claim of authorship by, or assignment of authorship to, persons who may have been associated in some way with a study but do not meet the four criteria in item 1 may constitute an unethical research practice." Item 1 outlines rigorous standards for authorship. The policy is available online at <http://www.msu.edu/user/ucrihs/authorship.htm>.

Appendix F

1.7.1 EMERITUS FACULTY AND HONORED RETIRED LECTURERS

Emeritus faculty are tenured faculty and administrators who hold faculty rank, who, upon retirement, and upon recommendation of the faculty of the department or program in which they hold tenure and upon the recommendations of the appropriate chair, dean, the provost, and the president of the University, have been conferred emeritus status by the Board of Regents. Such persons hold the title and rank held immediately prior to their retirement, followed by the title “emeritus.”

Honored Retired Lecturers are faculty who hold the rank of lecturer, lecturer II, or senior lecturer, who, upon retirement, and upon the recommendation of the faculty of the department or program in which the lecturer, and upon the recommendations of the appropriate chair, dean, the provost, and the president of the University, have been conferred honored retired status by the Board of Regents. Such persons hold the title of Honored Retired Lecturer.

2.11 EMERITUS FACULTY AND HONORED RETIRED LECTURER APPOINTMENTS

A department or program faculty may nominate a retiring faculty member for appointment to emeritus (for tenured faculty) or honored retired (for lecturers) status. In order to be nominated, the retiring person must hold academic rank. Normally, a person will have served the University for a long period in order to be appointed. Such a nomination will be given to the dean by the chair or director, forwarded to the provost, and then to the president. The dean and the provost may make their own recommendations about the appointment of the faculty member when forwarding the nomination. Emeritus and honored retired status may be conferred only by the Board of Regents, and then only upon recommendation by the president (see Section 7.1, Emeritus Faculty and Honored Retired Lecturers).

Commented [JF1]: Should there be a new section for Honored Retired Lecturer? 1.7.2 (and then renumber the rest of the sections in 1.7)
Action: PCC recommend that it is separated – so J.F will bring it back to PCC for a vote during the next meeting.

Commented [JF2]: Should we differentiate between NTR and NTT lecturers? Or, does long service to NKU suggest/require that they be NTR?
Discussion: K. Katkin – non tenured faculty as a blanket statement.
N. Grant – should go with emeritis and not honorable
A. Miller – Honored retired faculty

Commented [JF3]: Should this just be senior lecturer? A lecturer is eligible for promotion to lecturer II after 5 years with a recommendation from the chair. A lecturer II is eligible for promotion after another 5 years with a recommendation from the chair. Senior lecturer suggests long service to NKU.

Commented [JF4]: Should this title reflect the rank? That is, Honored Retired Lecturer II and Honored Retired Senior Lecturer?

Commented [JF5]: Because it is not clear what the recommendation is. Is the recommendation in regards to the nomination only? Or, could a dean or provost be able recommend a faculty member for emeritus or honored retired status without a departmental nomination?
–The Chair dean and provost can make reccos – leave in the “about the appointment.... Nomination”

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 1.3 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 misevaluation is damaging his/her professional status or advancement may pursue one of the complaint processes as set forth in Section 14, Grievances.



MEMORANDUM

To: Faculty Senate Executive Committee

Cc: Sue Ott Rowlands, Provost and Vice President for Academic Affairs

From: Matthew Zacate, Faculty Senate President

Re: Recommendation to review section 8 of the Faculty Handbook

Date: August 19, 2019

It has been brought to my attention that section 8 of the Faculty Policies and Procedures Handbook (*Faculty Handbook*) may need updating in order to ensure that all members of the faculty know that they are evaluated annually as part of the annual performance review process. In addition, I have had conversations in recent years that suggest to me that the use of the terms *program* and *program director* in section 8 may lead faculty members to believe incorrectly that academic program directors are involved in the annual performance review process. To begin addressing these issues, I have included some proposed wording changes that describe more accurately the performance review process that is used currently at NKU. I believe that it is only necessary to change sub-sections 8.1 and 8.2 (added text in red and green and deleted text in red, strike-through).

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 all faculty (see Section 1.3 regarding applicability to renewable faculty).~~ All faculty members undergo an annual performance review. (Additional information for non-tenure-track renewable faculty can be found in Section 1.3.)

Faculty members in a department are evaluated by the department chair. Faculty members of a school are evaluated by the school director. Faculty members of Stealy Library and colleges without departments or schools are evaluated by the corresponding dean. A faculty member who does not have an appointment in a department, school, or college is evaluated by the program director of his/her unit.

8.2. CRITERIA



The criteria for evaluation set forth in ~~Section 3.1, Criteria, and~~ in ~~the~~ departmental/school, college, ~~and~~ Steely Library ~~RPT~~, and program guidelines shall be the criteria upon which a performance review is based for all faculty except part-time, temporary faculty. Tenured and tenure-track faculty are evaluated using additional criteria as set forth in Section 3.1. The criteria used to evaluate part-time, temporary faculty are given on the Part-Time Faculty Evaluation Form, which can be obtained from the office of Academic Affairs. 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/school or program.

3. EVALUATION FOR REAPPOINTMENT, PROMOTION, AND TENURE

3.1. CRITERIA

In making evaluations required for reappointment, promotion, and tenure, three major categories of professional responsibility are to be used. These categories, in order of importance, are teaching effectiveness; scholarship and creative activity; and service to the University, the discipline/profession and the community.

All academic units must have specific guidelines concerning expectations for reappointment, promotion, and tenure, what materials may be considered in each review category, what constitutes appropriate documentation, and how materials will be evaluated. All guidelines must be approved by a majority of the tenured / tenure-track faculty within the affected unit(s), the Chair or School Director, the Dean, and the Provost. Upon final approval by the Provost, all faculty within the affected units(s) must be notified and guidelines must be made available. All new faculty will be given a copy of these guidelines at the time of their hiring.

3.1.1 TEACHING

Teaching includes all work that is intended primarily to enhance student learning. Assessment of teaching effectiveness should take into account documented student learning, contact hours, preparations, service learning, delivery method, and/or number of students.

3.1.2 SCHOLARSHIP AND CREATIVE ACTIVITY

Scholarship and creative activity includes all work that is related to the applicant's academic discipline or current role at the University. To qualify as scholarship or creative activity, the activity should require a high level of discipline-related or interdisciplinary expertise, and meet the standards of the discipline for scholarly and creative activity. NKU values transdisciplinary scholarship, scholarship of teaching, and scholarship of engagement in addition to traditional scholarship and creative activity.

3.1.3 SERVICE TO THE UNIVERSITY, THE DISCIPLINE/PROFESSION, AND/OR THE COMMUNITY

Service includes all work that contributes to the effective operation, governance, and advancement of programs, departments, schools, colleges, the University, one's discipline, and/or the community. Service also includes public engagement activities.

3.2. PROCEDURES FOR DECISIONS ON REAPPOINTMENT, PROMOTION, AND TENURE

As stated in Kentucky law, all persons involved in evaluation of personnel shall consider all information received and all deliberations as confidential unless disclosure is required by law.

3.2.1 TIME SCHEDULE

Each spring, the provost will issue a calendar listing deadlines for each step in the evaluation process for the coming academic year, a template for dossier preparation, and notification of any updates to the process.

3.2.2 INITIATION OF REQUEST

The applicant is responsible for initiating consideration by applying for reappointment, promotion, tenure, or a combination of them. A full-time administrator with academic rank may apply for tenure or promotion supported by documentation. The applicant will compile an RPT dossier, including a cover sheet provided by the provost's office.

3.2.3. DEPARTMENTAL/SCHOOL COMMITTEE

Each department or school shall have a reappointment, promotion, and tenure (hereinafter, RPT) committee consisting of at least five faculty members elected at a regular or special department or school faculty meeting. If the department or school has five or more full-time tenured members in the case of a tenure committee or five or more members of appropriate rank (a rank above the level of the applicant) in the case of a promotion committee, then the committee shall be formed from faculty within the department or school. If the department or school has fewer than five full-time, tenured members in the case of a tenure committee, or fewer than five members of appropriate rank in the case of a promotion committee, those members, in consultation with the department chair or school director, shall prepare a list of full-time, tenured faculty of appropriate rank from other departments or schools from which faculty will be appointed by the committee to fill out its membership. In choosing members from other departments or schools, preference shall be given to teaching faculty in departments or schools with affinity to the department or school.

The members of the committee shall elect their own chair. The committee chair shall notify the department chair or school director of committee membership within ten working days of election.

3.2.4. DEPARTMENTAL/SCHOOL COMMITTEE: ELIGIBILITY

All full-time, tenure-track faculty in the department or school are eligible to vote to elect the committee membership. Only full-time, tenured faculty may serve on the committee. The department chair or school director may not serve on the committee. Department chairs or school directors in other departments or schools, and assistant and associate deans with faculty

appointments serving as administrators with reassigned time may serve on the committee. Tenured faculty with appointments in more than one department/school or discipline may serve on the committee of any department/school or discipline in which they hold appointment. Faculty on sabbatical or paid leave are eligible but not required to serve on the committee. Faculty on unpaid leave are not eligible to serve on the committee.

Upon agreement of RPT committee members, the department chair or school director, the appropriate dean, and the applicant, faculty external to the University and of suitable rank and tenure may serve on the committee. Persons holding full-time administrative appointments, as defined in Section 1.8.1 are not eligible to serve on the committee.

In departments or schools where no faculty members are eligible to serve on a needed RPT committee, the department or school faculty shall serve in place of the department or school committee members to elect suitable RPT committee members.

3.2.5. DEPARTMENT/SCHOOL COMMITTEE: DELIBERATIONS

A quorum of an RPT committee shall be four-fifths (4/5) of its members; a quorum is required in order for the committee to act.

Material considered by the RPT committee must include, but may not be limited to, the applicant's submissions. The committee may consider supplemental material that will aid in their decision. If material not submitted by the applicant is considered, the applicant must be notified of this material. As part of their deliberations, the RPT committee may meet with the applicant when such a meeting aids in the committee's decision process.

If an RPT committee requires clarification on any procedural matter, the committee should make this request to the respective department chair or school director. Committees should not ordinarily make requests to the dean, provost, university counsel, human resources, or any other university official or department.

3.2.6. DEPARTMENT/SCHOOL COMMITTEE: VOTING AND REPORTING

Each member of the committee shall have one vote. Each member is required to vote on each matter before the committee. A member who has not reviewed materials submitted by the applicant or fully participated in the committee discussion of the applicant cannot vote on that applicant.

The recommendation of the committee shall be reported in writing to the department chair or school director and must be characterized as either unanimous or non-unanimous. The recommendation of the committee will reflect the committee's deliberations and must be signed by all committee members. In cases where the committee vote is not unanimous, support for both positive and negative votes must be included in the recommendation. In the case of a tie vote, the committee's recommendation will be deemed a positive recommendation. A copy of the

recommendation will be given to the applicant. After receiving a negative recommendation from the committee, the applicant may elect within three business days to withdraw the application and terminate the RPT process.

3.2.7. CHAIR/DIRECTOR

No sooner than three business days after receipt of the committee recommendation, the department chair or school director shall make a recommendation to the dean in writing. The chair or director may consult with the department or school committee prior to making a recommendation, but not with committee members individually. As part of his or her deliberations, the department chair or school director may meet with the applicant to aid in his or her decision. The reasons for the department chair's or school director's recommendation, whether positive or negative, shall be included in the recommendation. The department chair or school director shall forward his or her recommendation, the department or school committee's recommendation, and the applicant's file to the appropriate dean. A copy of the department chair's or school director's recommendation shall be given to the applicant and all members of the department or school committee.

3.2.8 DEAN

After receipt of the department chair's or school director's recommendation and the department or school committee's recommendation, the dean shall make a recommendation to the provost in writing. The reasons for the dean's recommendation, whether positive or negative, shall be included in the written recommendation. The dean may consult with the department or school committee and/or the department chair or school director prior to making a recommendation, but not with individual committee members. As part of his or her deliberations, the dean may meet with the applicant to aid in his or her decision. The dean shall forward this recommendation, the department chair's or school director's recommendation, the department or school committee's recommendation, and the applicant's file to the provost. A copy of the dean's recommendation shall be given to the applicant, the department chair or school director, and all members of the department or school committee.

3.2.9. PROVOST

After receipt of the dean's recommendation, the department chair's or school director's recommendation, the department or school committee's recommendation, and the applicant's file, the provost shall make a written recommendation to the president. The reasons for the provost's recommendation, whether positive or negative, shall be included in the written recommendation. The provost may consult with the department or school committee, the department chair or school director, the dean, or with any combination of them, but not with individual committee members. As part of his or her deliberations, the provost may meet with the applicant to aid in his or her decision. A copy of the provost's recommendation shall be given to the applicant, the dean, the department chair or school director, and all members of the department committee.

3.2.10. PRESIDENT

The president will forward the provost's recommendation to the Board of Regents.

3.2.11. BOARD OF REGENTS

Reappointment, promotion, and tenure may be granted only by the Board of Regents, and then only upon the recommendation forwarded by the president of the University. The Board shall act in accordance with statutory requirements and the bylaws of the Board of Regents

3.2.12. NOTICE OF NON-REAPPOINTMENT

Notice of non-reappointment of a probationary contract must be in writing, by the provost, and given:

- Not later than December 15 of the second academic year of service;
- At least 12 months before the expiration of an appointment after two or more years of service at the University.

3.2.13. FORMAL RECONSIDERATION AND APPEAL

In the case of a negative recommendation concerning reappointment, promotion, tenure, or any combination of them, the applicant has the right to a formal reconsideration only at the level of the initial negative recommendation. An “initial” negative recommendation is defined as the first negative recommendation given for a particular reason. If a negative recommendation is subsequently given at a higher level for a different reason, it shall be considered an initial negative recommendation for the purpose of formal reconsideration. When a negative recommendation is first made, the applicant shall be informed, in writing, of the right to request a formal reconsideration.

In order to exercise this right, the affected applicant must request the reconsideration in writing, with any omitted materials attached, within 10 University working days of receipt of notification of the negative recommendation. Upon receipt of such a request for reconsideration, the department or school committee or the person who made the initial negative recommendation shall complete the reconsideration within 10 university working days and shall notify the applicant, in writing, of the decision reached. The department or school committee must send a copy of the request for reconsideration to the Office of the Provost and Executive Vice President for Academic Affairs for the purpose of resetting the review calendar for the applicant.

During the process of reconsideration, the calendar for the recommendation is extended, and the next level of recommendation shall not consider the applicant’s application until reconsideration is completed. Once the decision regarding formal reconsideration is reached, the process shall continue at the next level.

The procedures for the committee's deliberations, voting, and reporting will be the same procedures as specified in Sections 3.2.5 and 3.2.6 of this Handbook.

In the event the Provost makes a negative recommendation on an application for reappointment, promotion, tenure, or any combination of them, the applicant may appeal using the procedures set forth in Section 14, Grievances. The appeal must be initiated by the applicant within 15 university working days from receipt of the provost's notice.

3.2.14. WITHDRAWAL OF APPEAL

A faculty member may withdraw an appeal at any time by request in writing. In that event, no further action may be taken concerning the appeal. In the case of denial of mandatory tenure, if an appeal from a negative recommendation or decision is withdrawn prior to a decision on the appeal, tenure cannot be recommended.

3.2.15. TIME

Unless otherwise specified in these procedures, whenever any recommendation or notice is to be given or conveyed, it shall be given or conveyed within 15 university working days of receipt of the file by the person who is to take action.

4. REAPPOINTMENT

4.1. ELIGIBILITY

A person who is making satisfactory progress toward grant of tenure is eligible for reappointment. A person who is making less than satisfactory progress toward grant of tenure may be terminated or may be reappointed to continued probation.

4.2. QUALIFICATION

A person seeking reappointment must present evidence of satisfactory progress in teaching effectiveness, scholarly and creative activity, and institutional and public service consistent with Section 3, Evaluation, of this Handbook.

4.3. PROCEDURES

The criteria and procedures in Section 3, Evaluation, apply to applications for reappointment.

7. APPOINTMENT, REAPPOINTMENT, PROMOTION, AND TENURE FOR LIBRARIANS

7.1 DISTINCT RESPONSIBILITIES

Librarians have responsibilities different from those of other faculty; they work on 12-month contracts and devote specified hours each week to their professional assignments in the libraries. Therefore, certain modifications have been made in criteria used in evaluation for reappointment, promotion, and tenure.

7.2. FACULTY STATUS AND RANK

Librarians at NKU have faculty status and rank (see Section 1.6, Librarians). The master's degree in library science is the appropriate terminal degree and is necessary for appointment to a library faculty position.

7.3. POLICIES AND PROCEDURES

The policies and procedures for faculty presented in this Handbook apply to librarians as modified in this Section 7. Effective performance on the job replaces the teaching effectiveness category. The Steely Library and Chase Law Library are considered to be departments with regard to implementation of the reappointment, promotion, and tenure process. The director of the Steely Library serves as department chair. The director of the Steely Library will forward reappointment, promotion, and tenure recommendations to the provost. The director of Chase Law Library serves in the functions of department chair and reports to the dean of the College of Law.

7.4. RANKS FOR LIBRARIANS

Library faculty may be appointed to these ranks:

- Instructor of library services,
- Assistant professor of library services,
- Associate professor of library services, or
- Professor of library services.

(See Section 1.9, Qualifications for Appointment to Rank.)

7.5. CRITERIA FOR EFFECTIVE PERFORMANCE

Effective performance requires:

- Meeting the responsibilities of the assigned positions successfully and effectively
- Demonstrated successful job performance in:
 - 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 1.3 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.

MEMORANDUM

To: Faculty Senate Executive Committee
Cc: Sue Ott Rowlands, Provost and Vice President for Academic Affairs
From: Matthew Zacate, Faculty Senate President
Re: Recommendation to consider Faculty Handbook changes to clarify RPT policies and procedures
Date: August 12, 2019

Over the past couple of years, a number of issues related to the reappointment, promotion, and tenure process have arisen. They highlight some shortcomings in descriptions of criteria and procedures contained in section 3 of the Faculty Policies and Procedures Handbook (*Faculty Handbook*). Below is a proposed set of changes to the *Faculty Handbook* based on my best efforts to incorporate direct suggestions for change or to address observations made by members of the faculty, department chairs, and deans. The change been indicated using the “Track Changes” feature of MS-Word. Some have been highlighted with comments to include explanation for the changes.

3. EVALUATION FOR REAPPOINTMENT, PROMOTION, AND TENURE

3.1. CRITERIA

In making evaluations required for reappointment, promotion, and tenure, three major categories of professional responsibility are to be used. These categories, in order of importance, are teaching effectiveness; scholarship and creative activity; and service to the University, the discipline/profession and the community.

All academic units must have specific guidelines concerning expectations for reappointment, promotion, and tenure, what materials may be considered in each review category, what constitutes appropriate documentation, and how materials will be evaluated. All guidelines must be approved by a majority of the tenured / tenure-track faculty within the affected unit(s), the Chair or School Director, the Dean, and the Provost. Upon final approval by the Provost, all faculty within the affected units(s) must be notified and guidelines must be made available. All new faculty will be given a copy of these guidelines at the time of their hiring.

3.1.1 TEACHING

Teaching includes all work that is intended primarily to enhance student learning. Assessment of teaching effectiveness should take into account documented student learning, contact hours, preparations, service learning, delivery method, and/or number of students.

3.1.2 SCHOLARSHIP AND CREATIVE ACTIVITY

Scholarship and creative activity includes all work that is related to the applicant’s academic discipline or current role at the University. To qualify as scholarship or creative activity, the activity should require a high level of discipline-related or interdisciplinary expertise, and meet the standards of the discipline for scholarly and creative activity. NKU values transdisciplinary scholarship, scholarship of teaching, and scholarship of engagement in addition to traditional scholarship and creative activity.

3.1.3 SERVICE TO THE UNIVERSITY, THE DISCIPLINE/PROFESSION, AND/OR THE COMMUNITY

Service includes all work that contributes to the effective operation, governance, and advancement of programs, departments, schools, colleges, the University, one’s discipline, and/or the community. Service also includes public engagement activities.

3.2. PROCEDURES FOR DECISIONS ON REAPPOINTMENT, PROMOTION, AND TENURE

As stated in Kentucky law, all persons involved in evaluation of personnel shall consider all information received and all deliberations as confidential unless disclosure is required by law.

3.2.1 TIME SCHEDULE

Each spring, the provost will issue a calendar listing deadlines for each step in the evaluation process for the coming academic year, a template for dossier preparation, and notification of any updates to the process.

3.2.2 INITIATION OF REQUEST

The applicant is responsible for initiating consideration by applying for reappointment, promotion, tenure, or a combination of them. A full-time administrator with academic rank may apply for tenure or promotion supported by documentation. The applicant will compile an RPT dossier, including a cover sheet provided by the provost’s office.

3.2.3. DEPARTMENTAL/SCHOOL COMMITTEE

Each department or school shall have a reappointment, promotion, and tenure (hereinafter, RPT) committee consisting of at least five **tenured** faculty members elected at a regular or special department or school faculty meeting. If the department or school has five or more **full-time** tenured members in the case of a tenure committee or five or more members of appropriate rank (a rank above the level of the applicant) in the case of a promotion committee, **available to serve**, then the committee shall be formed from faculty within the department or school. If the department or school has fewer than five **full-time**, tenured members in the case of a tenure

Commented [MZ1]: To allow faculty members in phased-retirement or in temporary part-time status to serve.

Commented [MZ2]: To account for the possibility that someone may not be able to serve because, for example, he/she is on sabbatical leave.

committee, or fewer than five members of appropriate rank in the case of a promotion committee, ~~available, then~~ those members, in consultation with the department chair or school director, shall prepare a list of ~~full-time~~, tenured faculty of appropriate rank from other departments or schools from which faculty will be appointed by the committee to fill out its membership. In choosing members from other departments or schools, preference shall be given to teaching faculty in departments or schools with affinity to the department or school.

The members of the committee shall elect their own chair. The committee chair shall notify the department chair or school director of committee membership within ten working days of election.

3.2.4. DEPARTMENTAL/SCHOOL COMMITTEE: ELIGIBILITY

All ~~full-time~~, tenure-track faculty in the department or school are eligible to vote to elect the committee membership. Only ~~full-time~~, tenured faculty may serve on the committee. The department chair or school director may not serve on the committee. Department chairs or school directors in other departments or schools ~~may serve on the committee provided that they are in a different college, and a~~ Assistant and associate deans with faculty appointments serving as administrators with reassigned time may serve on the committee ~~provided that they are serving as administrators in a different college.~~ Tenured faculty with appointments in more than one department/school or discipline may serve on the committee of any department/school or discipline in which they hold ~~an~~ appointment. Faculty on sabbatical or paid leave are eligible but not required to serve on the committee. Faculty on unpaid leave are not eligible to serve on the committee. ~~The Faculty Senate President will not serve on a department/school RPT committee unless there is fewer than five eligible faculty members available, in which case the Faculty Senate President can serve but will not chair the committee.~~

Upon agreement of RPT committee members, the department chair or school director, the appropriate dean, and the applicant, faculty external to the University and of suitable rank and tenure may serve on the committee. Persons holding full-time administrative appointments, as defined in Section 1.8.1 are not eligible to serve on the committee.

In departments or schools where no faculty members are eligible to serve on a needed RPT committee, the department or school faculty shall serve in place of the department or school committee members to elect suitable RPT committee members.

3.2.5. DEPARTMENT/SCHOOL COMMITTEE: DELIBERATIONS

A quorum of an RPT committee shall be four-fifths (4/5) of its members; a quorum is required in order for the committee to act.

Material considered by the RPT committee must include, but may not be limited to, the applicant's submissions. The committee may consider supplemental material ~~consistent with department/school guidelines~~ that will aid in ~~their-its~~ decision. If material not submitted by the applicant is considered, the applicant must be notified of this material. As part of ~~their-its~~ deliberations, the RPT committee may meet with the applicant when such a meeting aids in the committee's decision process.

Commented [MZ3]: To avoid a potential conflict of interest for chairs, directors, and assistant/associate deans who report directly to the dean who would also evaluate the RPT candidates.

Commented [MZ4]: To avoid the possible appearance of a conflict of interest arising from the Faculty Senate President's greater access to the Provost.

Commented [MZ5]: It is important to put some parameters on what kind of supplemental information can be considered.

If an RPT committee requires clarification on any procedural matter, the committee should make this request to the respective department chair or school director. Committees should not ordinarily make requests to the dean, provost, university counsel, human resources, or any other university official or department.

3.2.6. DEPARTMENT/SCHOOL COMMITTEE: VOTING AND REPORTING

Each member of the committee shall have one vote. Each member is required to vote on each matter before the committee. A member who has not reviewed materials submitted by the applicant or fully participated in the committee discussion of the applicant cannot vote on that applicant. Nominally, each member of the committee including the chair shall have one vote for each applicant; however, a member who has not reviewed materials submitted by or fully participated in committee discussion about an applicant cannot vote on the recommendation of that applicant. Immediately before the vote of each candidate, the committee chair will determine the eligibility of each committee member to vote on the recommendation. The chair will make an announcement to the committee and take note of who is eligible to vote. Each eligible member present for the vote must vote on the recommendation; that is, abstention is not allowed. While a quorum must be present for the vote to take place, it is not necessary that 4 or more members participate in the vote.

Commented [MZ6]: This paragraph is terribly confusing. It has (at least) 3 conflicting ideas in conjunction with section 3.2.5: 4/5 must be present for a quorum, all members must vote, and only members who reviewed materials may vote.

The recommendation of the committee shall be reported in writing to the department chair or school director and must be characterized as either unanimous or non-unanimous. The recommendation of the committee will reflect the committee's deliberations and must be signed by all committee members who voted. In cases where the committee vote is not unanimous, support for both positive and negative votes must be included in the recommendation. In the case of a tie vote, the committee's recommendation will be deemed a positive recommendation. A copy of the recommendation will be given to the applicant. After receiving a negative recommendation from the committee, the applicant may elect within three business days to withdraw the application and terminate the RPT process.

3.2.7. CHAIR/DIRECTOR

No sooner than three business days after receipt of the committee recommendation, the department chair or school director shall make a recommendation to the dean in writing. The chair or director may consult with the department or school committee prior to making a recommendation, but not with committee members individually. As part of his or her deliberations, the department chair or school director may meet with the applicant to aid in his or her decision. The reasons for the department chair's or school director's recommendation, whether positive or negative, shall be included in the recommendation. The chair or school director may consider supplemental material consistent with department/school guidelines that will aid in his/her decision. If material not submitted by the applicant is considered, then this must be indicated in the recommendation. The department chair or school director shall forward his or her recommendation, the department or school committee's recommendation, and the applicant's file to the appropriate dean. A copy of the department chair's or school director's recommendation shall be given to the applicant and all members of the department or school committee.

Commented [MZ7]: It is important to put some parameters on what kind of supplemental information can be considered.

3.2.8 DEAN

After receipt of the department chair's or school director's recommendation and the department or school committee's recommendation, the dean shall make a recommendation to the provost in writing. The reasons for the dean's recommendation, whether positive or negative, shall be included in the written recommendation. The dean may consult with the department or school committee and/or the department chair or school director prior to making a recommendation, but not with individual committee members. As part of his or her deliberations, the dean may meet with the applicant to aid in his or her decision. The dean may consider supplemental material consistent with department/school guidelines that will aid in his/her decision. If material not submitted by the applicant is considered, then this must be indicated in the recommendation. The dean shall forward this recommendation, the department chair's or school director's recommendation, the department or school committee's recommendation, and the applicant's file to the provost. A copy of the dean's recommendation shall be given to the applicant, the department chair or school director, and all members of the department or school committee.

Commented [MZ8]: This sentence is added to affirm the dean's right to consider unsubmitted material.

Commented [MZ9]: It is important to put some parameters on what kind of supplemental information can be considered.

3.2.9. PROVOST

After receipt of the dean's recommendation, the department chair's or school director's recommendation, the department or school committee's recommendation, and the applicant's file, the provost shall make a written recommendation to the president. The reasons for the provost's recommendation, whether positive or negative, shall be included in the written recommendation. The provost may consult with the department or school committee, the department chair or school director, the dean, or with any combination of them, but not with individual committee members. As part of his or her deliberations, the provost may meet with the applicant to aid in his or her decision. The provost may consider supplemental material consistent with department/school guidelines that will aid in his/her decision. If material not submitted by the applicant is considered, then this must be indicated in the recommendation. A copy of the provost's recommendation shall be given to the applicant, the dean, the department chair or school director, and all members of the department committee.

Commented [MZ10]: It is important to put some parameters on what kind of supplemental information can be considered.

3.2.10. PRESIDENT

The president will forward the provost's recommendation to the Board of Regents.

3.2.11. BOARD OF REGENTS

Reappointment, promotion, and tenure may be granted only by the Board of Regents, and then only upon the recommendation forwarded by the president of the University. The Board shall act in accordance with statutory requirements and the bylaws of the Board of Regents

3.2.12. NOTICE OF NON-REAPPOINTMENT

Notice of non-reappointment of a probationary contract must be in writing, by the provost, and given:

- Not later than December 15 of the second academic year of service;
- At least 12 months before the expiration of an appointment after two or more years of service at the University.

3.2.13. FORMAL RECONSIDERATION AND APPEAL

In the case of a negative recommendation concerning reappointment, promotion, tenure, or any combination of them, the applicant has the right to a formal reconsideration only at the level of the initial negative recommendation. An “initial” negative recommendation is defined as the first negative recommendation given for a particular reason. If a negative recommendation is subsequently given at a higher level for a different reason, it shall be considered an initial negative recommendation for the purpose of formal reconsideration. When a negative recommendation is first made, the applicant shall be informed, in writing, of the right to request a formal reconsideration.

In order to exercise this right, the affected applicant must request the reconsideration in writing, with any ~~omitted~~ additional materials attached, within 10 University working days of receipt of notification of the negative recommendation by sending the request and additional materials to the chair of the department/school committee or the person who made the initial negative recommendation. Upon receipt ~~of such of the~~ request for reconsideration, the chair of the department-~~or~~/school committee or the person who made the initial negative recommendation must send a copy of the request for reconsideration to the Office of the Provost and Executive Vice President for Academic Affairs for the purpose of resetting the review calendar for the applicant. Then, the department-~~or~~/school committee or the person who made the initial negative recommendation shall complete the reconsideration within 10 university working days of having received the request for reconsideration. The applicant -and shall notify the applicants shall be notified, in writing, of the decision reached, and the letter of reconsideration with additional submitted material and the reconsideration decision will be forwarded to the individual responsible for the next level of review.

Commented [MZ11]: Reordered to make timing less confusing. The provost should be notified right away.

During the process of reconsideration, the calendar for the recommendation is extended, and the next level of recommendation shall not consider the applicant’s application until reconsideration is completed. Once the decision regarding formal reconsideration is reached, the process shall continue at the next level.

The procedures for the committee’s deliberations, voting, and reporting will be the same procedures as specified in Sections 3.2.5 and 3.2.6 of this Handbook.

In the event the Provost makes a negative recommendation on an application for reappointment, promotion, tenure, or any combination of them, the applicant may appeal using the procedures set forth in Section 14, Grievances. The appeal must be initiated by the applicant within 15 university working days from receipt of the provost’s notice.

3.2.14. WITHDRAWAL OF APPEAL

A faculty member may withdraw an appeal at any time by request in writing. In that event, no

further action may be taken concerning the appeal. In the case of denial of mandatory tenure, if an appeal from a negative recommendation or decision is withdrawn prior to a decision on the appeal, tenure cannot be recommended.

3.2.15. TIME

Unless otherwise specified in these procedures, whenever any recommendation or notice is to be given or conveyed, it shall be given or conveyed within 15 university working days of receipt of the file by the person who is to take action.