



The Florida State University  
Tallahassee, Florida 32306-1030

Faculty Senate  
904-644-6876

**AGENDA**  
**FACULTY SENATE MEETING**  
Moore Auditorium  
December 6, 1989  
3:45 p.m.

- I. Approval of the minutes of the October 11, 1989 and November 8, 1989 meetings
- II. Approval of the agenda for the December 6, 1989 meeting
- III. Report of the Steering Committee, A. Mabe
- IV. Special Order  
Mr. Bill Smith, chairman, Alumni Association
- V. Unfinished Business
  - a. Misconduct in Research, A. Mabe, F. Leysieffer, M. Young  
(Copy of the report is in the November 8 Senate Minutes)
  - b. Multicultural Component Discussion, P. Wright
- VI. University Welfare
- VII. Announcements of Deans and other administrative officers
  - a. Provost A. Turnbull, Definition of responsibility for oversight of salary decisions by Deans/Department Heads and Budget Update
- VIII. Announcements of the President of the University

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ANNOUNCEMENT:      The College of Education and the  
                                 University Club will host the University Club  
                                 Wednesday Social in the Garnet and Gold  
                                 University Room (University Union)  
                                 immediately following the Senate meeting.  
                                 The University Club will collect \$1.50 to help  
                                 defray their expenses. Everyone is welcome!

**A special session of the Faculty Senate to continue discussion of the Multicultural Component is scheduled for December 13, 3:45 in Moore Auditorium**

**THE NEXT REGULAR SENATE MEETING WILL BE JANUARY 17, 1990**



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**FACULTY SENATE MEETING**  
**Moore Auditorium**  
**December 6, 1989**  
**3:45 p.m.**

**I. Regular Session**

The regular session of the 1989-1990 Faculty Senate met on Wednesday, December 6, 1989 at 3:45 p.m. Senate President Leo Sandon presided.

The following members were absent. Their alternates who were present are listed in parenthesis. J. Altholz, C. Avery (K. Anderson), H. Baker, D. Behrman, G. Buzyna (L. Tung), T. Clark (S. Bechtold), J. Cook, R. Dalton, P. Elliott, R. Feiock, W. Haas, J. Hills (C. Emihovich), R. Jenks, C. Lacher, W. Landing, G. Leahy, D. Levi, P. Levine, P. Martin, A. McNeece, J. Morse, D. Nast (R. Braswell), W. Nichols, J. Piersol, P. Ray, K. Scott, B. Shellahamer, W. Shrode, J. Simmons (J. Flake), J. Standley, D. Sumners, P. Tait, C. Tolbert, W. Veal, E. Walker (D. Kirby), L. Weingarden.

**II. Approval of the Minutes of October 11 and November 8, 1989**

The minutes of October 11, 1989 and November 8, 1989 were approved as distributed.

**III. Approval of the Agenda for December 6, 1989**

The proposed agenda was approved. Under announcements Senator Roeder moved that the December 16 special session of the Senate be postponed until the regular January 17 Senate meeting. The Multicultural component will be the first item under unfinished business at that session. The motion was seconded and passed.

#### IV. Report of the Steering Committee, A. Mabe

1. The faculty forum devoted to a discussion of the University Center occurred as planned on Wednesday, November 15th at 3:30 in Moore Auditorium. Speakers representing the variety of viewpoints on the project had an opportunity to speak. The session ended when no one present wished to make any further statements or raise any additional questions.
2. The special session of the Faculty Senate devoted to the issue of the proposed multicultural component for liberal studies has been set for next Wednesday, December 13th at 3:45 p.m.
3. Questions have occurred regarding the policies of the Campus Postal Service particularly in light of the Steering Committee report at the last meeting. One department reported that it was told it would be charged for a new letterhead plate, and others have reported that mail with an incorrect R or B code was returned. Mr. Walter Butler assures us that the Campus Postal Service will cover the cost of a plate if the change is generated by the need to add the new postal code to the letterhead. He also said that it was contrary to postal policy for mail to be returned, and should that happen he would welcome a call. The code book will soon be available with all units in alphabetical order, and the list is available in a Lotus 123 file to be copied onto a disk for department use.
4. The Student Senate has passed two resolutions directed to the Faculty Senate. One "endorse[s] the multicultural component as currently formulated by the...Undergraduate Policy Committee," and the other urges support for the University Center project.
5. The University Budget Advisory Committee has now been constituted. Faculty members include President Sandon, Fred Standley, Chair of the Senate Budget Committee, Carol Darling, Patricia Martin, and Joe Beckham.
6. In a meeting with the President and Provost we learned the good news that due to the efforts of Betty Castor and others

lottery money will be utilized so there will be no cuts in the educational budget this year.

V. **Special Order**

Mr. Bill Smith, chairman, Alumni Association

"Good afternoon and thank you. You have honored our Alumni Board, our 140,000 alumni, and me as chairman by extending this invitation to briefly address the Faculty Senate today. The Alumni Board often discusses the Faculty Senate and its constitutional based authority for determining education policy for the University. We recognize it as the most important faculty body within the State University System. I am personally intrigued by the manner in which I understand it to operate, and view it of particular importance to the University in its overall objectives and representation of the faculty. It enables Florida State University to continue to be recognized as one of the leading universities in the country. It has been my distinct pleasure to work with your president, Leo Sandon, as he carries on an outstanding leadership tradition of the Faculty Senate.

First, a word about your Alumni Association. Following in the footsteps of Ken vanAssenderp, our immediate past chairman who had the privilege of addressing you last year, has been no easy task. Ken is an eloquent spokesman who has no immediate family, but rather has adopted Florida State University. He began many programs which are still underway today, one of which is this exchange of addresses between our two chairs. But probably more important was the appointment of our Board's nine standing committees to meet with groups like yours and learn as much as possible about FSU.

The Alumni Board, also, began to discuss the often overlooked and sometimes misunderstood liberal arts based tradition of our University. I might add, the oldest continuous and only liberal arts tradition in the State of Florida with its many related distinguished research, graduate, professional, and public service efforts. This tradition led by the "state's best and most distinguished faculty," as often mentioned by former chair Joan Ruffier, and the strongest university president continues to separate FSU from the others.

But, I wish to pause for a second and reflect on Florida State's liberal arts tradition from an outsider's point of view. While Florida State prides itself on its liberal arts tradition, we

found this to be of little importance to our alumni, in our focus group around the state. Rather, as one might suspect, they were more interested in a smaller scope; i.e., their particular school, the friends they made on campus, athletics, or a particular faculty member. This presents an opportunity for FSU. For if FSU is to be known for its liberal arts, you the faculty, and we the alumni, must begin to emphasize this more to the student while he or she is on campus. Do our students know of our liberal arts tradition, or should they know? And, what can we do to help foster that belief, if in fact, that is one which the Faculty Senate wishes to foster. I will return to the liberal arts in a few moments, if you will allow me.

The Alumni Association undertook in great earnest this year to disseminate information to our 140,000 plus alumni throughout the country and literally the world. As you probably are aware, outside of greater Leon County, our largest population of alumni is Dade, Broward, and Palm Beach counties with some 20,000 plus. We are represented in every state in the nation, every county in Florida, and 140 foreign countries. This dissemination of information is important because we found that, while those of us who in Tallahassee are relatively conscious of Florida State University, although sometimes not appreciative enough, our alumni from around the state and around the country, have little to no contact other than perhaps a homecoming celebration, reunion, or athletic event. Therefore, we undertook a couple of major initiatives: one was the upgrading of our fine alumni magazine. This magazine, which often features outstanding faculty and programs, is currently published four times a year, mailed three times a year to alumni association members, and one time a year to all of our 140,000 alumni. We believe this has been a positive first step which we hope to upgrade to six times annually in the near future. This will be a vehicle for you to be exposed to our alumni at large. The comments, letters to the editor, and telephone calls we have received are very gratifying. But, we needed to do more. The establishment of a loose knit group known as the Garnet and Gold Infrastructure, a group of some 200 well-placed individuals throughout the State of Florida and the south has been organized to help foster a greater understanding of Florida State.

We have begun to supply this group with more detailed information. I discount the notion that alumni are not

powerful and influential because of the age of our male population. In fact, we are. I believe it is incumbent upon our University, our Faculty Senate, our Alumni Association, our boosters, and our foundation to give this well-placed group as much information as possible. For we believe information is power. We have recently begun to supply more detailed information to a larger body of alumni, including faculty, and other friends regarding the University Center. As you know, the Alumni Association unanimously endorsed this project in February, 1988, and have begun to work within our Garnet and Gold Infrastructure to update them about this very worthwhile project. We are trying to tap, harness and mobilize our influential alumni base throughout the country.

This group can assist Florida State in many ways. Not only will external support for the University increase, but so will the quality of our incoming students. Indirect lobbying with the legislature, while controlled through the Board of Regents, can be influenced by an informed and educated alumni. We believe we are working towards those goals through your Alumni Association.

To return to the liberal arts discussion for one quick moment. While we have begun to discuss this well-placed tradition at Florida State, I believe it has only happened in recent years. As a business school major, my liberal arts education at Florida State was tolerated, and not properly appreciated. I fault this on two accounts, first from the student's standpoint because he or she was not counseled to understand the importance of a liberal based education as Steve Edwards often corrects me when I use the term liberal arts. I believe it is important that we teach our students how to think. Once again, I BELIEVE IT IS IMPORTANT THAT WE TEACH OUR STUDENTS HOW TO THINK. The understanding of a liberal based education has not penetrated our alumni to the depth which you might desire. Can it? Yes, but we must be patient and should emphasize those areas of FSU which our alumni have an interest in while continuing to raise their level of overall university understanding. We must remember that academically, their first love will be their particular school, or perhaps a particular professor. With this in mind, I charge you the faculty to fall in love with a student. I have charged the students to fall in love with a faculty member when I had the opportunity to address them recently. You can and will have a positive influence on their life. To say this over and over to

you is to preach to the choir, you the outstanding members of the Florida State University faculty who do in fact fall in love with students. But, we must continue to remember that you have the ability to shape their minds, their bodies, and their careers.

When I had the pleasure of addressing the Fall Convocation, a tradition reactivated by your Alumni Association a year ago, I told the students that I hoped they learned as much outside the classroom as inside. I also told them that two great things might happen to them while at FSU. First they might find someone to marry; and, second they just might get a job.

One of the ways I think we as alumni, and faculty can influence our students is to expose them to some of the harsh realities after FSU. I would hope they would leave Florida State knowing how to write, talk, and act. As simple as those things are, they have the potential to initially separate them from the pack. In a world where being late for a meeting means not being able to get in; where not being able to shake hands properly, or to converse means not being able to impress an interviewer or a superior are facts often overlooked in our counseling process. Tough, harsh realities when we discuss liberal arts education. If our graduates can overcome these initial harsh yet continuing realities, they will shine like angels because they have been educated by you, the finest faculty in the country. Thank you for affording me the privilege to speak."

## VI. Unfinished Business

a. Misconduct in Research, A. Mabe, F. Leysieffer, M. Young  
(A copy of the document as initially presented is in the Faculty Senate Minutes of November 8.)

Senator Mabe reported two changes agreed to by the mover, Senator Roeder: 1. The title "Research Standards at Florida State University and Procedures for Dealing with Misconduct in Research and Creative Activity is to be replaced by "Policies and Procedures for Dealing with Misconduct in Research and Creative Activity." 2. The following statement on page 3, lines 37-41 is deleted: "Employees who make such good faith reports within the scope of their employment will not be held personally liable in tort or named as a defendant in any action for any injury or damage suffered as a result of such reports,

as provided in section 768.28(9)(a), Florida Statutes." A similar statement already appears in the Faculty Handbook.

Senator Mabe moved that the Senate divide the document into two parts for action: Part 1, the document as a whole minus the bracketed material on page 1, lines 39-44 and page 4, lines 17-20; part 2, the bracketed material on page 1, lines 39-44 and page 4, lines 17-20. The Chair ruled that the question would be so divided.

Senator Launer moved that the motion to approve Part 1 be amended to state that the document should pertain only to NSF and NIH recipients. His motion was seconded and defeated.

Senator F. Standley moved to amend Part 1 by deleting "if known" on page 3, line 46. His motion was seconded and passed.

Senator F. Standley moved to postpone action on the motion. It was seconded and defeated.

Part 1 was approved.

It was moved and seconded to strike the bracketed material on Page 1, lines 39-44. Motion passed.

It was moved and seconded to strike the bracketed material on Page 4, lines 17-20. It was moved and seconded to amend the motion to strike so as to strike only the part of the sentence from "by informing..." to "...the research", and to approve the first part of the sentence. The amendment passed. The Senate then voted to approve the inclusion of the statement, "It is the policy of FSU to take legally allowed measures to set the record straight if misconduct is established."

A copy of the policy on misconduct in research and creative activity as adopted is attached.

b. Multicultural Component Discussion, P. Wright

Senator Wright gave a brief account of the progress of the multicultural component. As recorded earlier the special session of the Senate scheduled for December 13 to discuss this



issue was postponed. The first item under Unfinished Business at the January 17 Senate meeting will be the continuation of this discussion. Senator Wright made several points of clarification, 1) the original proposal from UPC does not increase the number of hours for Liberal Studies, that remains at 49 hours, 2) the proposal are guidelines only 3) individual courses related to a multicultural component will be brought to the Senate for approval. First establish the guidelines, then establish the courses.

## **VII. University Welfare**

Senator Pestle reported that Woodward Avenue is still a major concern for the safety of the University community. President Sandon stated that discussions are underway and the Senate will continue to pursue the issue.

Senator Pohl wanted to know if the Senate would discuss the alternate proposal on the Multicultural Component that the Department of Anthropology had submitted. The proposal had been submitted to a member of the UPC and had not yet been presented to the Senate as a whole. The faculty are encouraged to submit any proposals they wish and all will be given consideration by the Senate.

## **VIII. Announcements of Deans and other administrative officers**

a. Provost A. Turnbull, Definition of responsibility for oversight of salary decisions by Deans/Department Heads and Budget Update

Provost Turnbull presented the following written remarks.

" I am responding to concerns expressed at an earlier Senate meeting about the way salary decisions were handled this year with especial concerns being raised about the process in one department of the College of Education.

First, let me speak to the general procedure. As you know, the salary procedures in recent years have been governed by the collective bargaining agreement, but for 1989-1990 the UFF and the BOR failed to reach agreement, hence the routine of

recent years was altered. Each year, in the general salary guidelines, I insert a paragraph of guidance on how to handle "discretionary" funds--that paragraph for this year read as follows:

#### Provost's Message

Unlike all recent years no agreement was reached on salaries through the collective bargaining process. The Legislature has mandated that faculty raises be given in only two categories: "across the board" and "discretionary." The official interpretation of this action is that there is not a "merit" component this year and that the "merit" procedures formerly mandated by the collective bargaining agreement are not operative for this year's salary decisions.

The traditional procedure of Florida State University has been that discretionary monies are not to be spread across-the-board, but rather used to support faculty who have demonstrated meritorious performance over their careers and who are most attractive to counteroffers. This use of these dollars should be continued. In addition, discretionary dollars can be used to remedy egregious salary inequities caused by market forces or the operation of the salary system itself over several years.

As usual, I have reserved some dollars in a central pool to which you may apply for assistance in meeting special needs. Please submit a memorandum justifying any such requests.

Confusion arises because FSU has traditionally used the term "merit increase" and has had departmental and college procedures based on that terminology which predated the collective bargaining agreement and the "refinement" of procedures for separate "discretionary" and "merit" pools. One way of characterizing our practice has been that the discretionary dollars are used to recognize longer-range merit as opposed to the annual merit review typically made by each department. This year, the intent was to continue the traditional FSU practice while observing the letter of our

instructions from the BOR--namely that this year there was no collective bargaining agreement on the distribution of "merit" monies as has been defined in previous agreements.

We also have an annual logistical problem; information on dollars available are usually not available until sometime in July and the new payroll goes into effect the first week of August. Departmental and college merit reviews have been completed a month or two earlier. There are literally only a few days in which to apply the dollars available to the merit evaluations and to provide for review and request additional discretionary dollars at the college and university level. This year, because of the lack of an agreement and the necessity to change routines, the available time was allocated primarily to department-college level actions, and the President and I had an opportunity only to act on special requests rather than also to review the department/college level routine decisions as we usually do. One result was a handful of cases where things fell between the cracks, and had to be dealt with on a case-by-case basis after the start of the academic year.

The other was the more specific concern brought to the Senate by Professor John Simmons. To get further information on what happened, I asked the Dean of the Faculties Edwards to meet with Professor Simmons, Dean Lathrop and with other concerned parties. Dean Edwards initiated a series of discussions among the principals involved. From these discussions my conclusion is that the new department chairman involved may not have followed in correct detail appropriate FSU or college procedures. It is my understanding that Professor Simmons and Dean Lathrop have reached some accord on the issue, and I am asking the Dean to make sure that fully correct procedures are followed next year.

In addition, I have asked the Budget Office to do what it can next year to insure that there is more time available at the level of the Provost/President, to review department/college decisions.

In closing, I would like to recognize the continuing value of the "faculty welfare" section of the Senate agenda and of the Senate Steering Committee's willingness to follow up on any issues of concern to individual members of the faculty. It is a very

valuable check and balance in our increasingly bureaucratic world."

#### **IX. Announcements of the President of the University**

President Sliger reported on two special activities this past week. One was the dedication of the Dirac Library and the second was the groundbreaking for the Bobby Leach Recreation Complex. The University Budget Committee held its first meeting. They were told by the BOR that FSU would need to cut the budget by \$3.7 million. By the second meeting they were told they only needed to cut \$700,000 and then they received word that it would not be necessary to have any budget cuts. Thanks to Commissioner Castor and Chancellor Reed, lottery funds were made available to meet the shortfalls first anticipated. President Sliger assured the faculty that proceeds from the Fiesta Bowl earmarked for academic programs would exceed \$100,000.

President Sliger wished everyone a pleasant and safe holiday season.

#### **X. Adjournment**

The meeting adjourned at 5:38 p.m.



Janis D. Sass  
Secretary to the Faculty

**Policies and Procedures for Dealing with Misconduct  
in Research and Creative Activity  
December, 1989**

# Policies and Procedures for Dealing with Misconduct in Research and Creative Activity

## General Policies and Procedures

### 1. Policy Statement

In fostering academic freedom, it is the policy of The Florida State University to uphold the highest standards of integrity in research and creative activity, and to protect the right of its employees to engage in research and creative activity. Researchers are expected to adhere to the standards of research in their area of endeavor, and to encourage adherence to those standards by their colleagues and by those under their supervision. Particularly unacceptable are fabrication or falsification of data in scientific research, and plagiarism in any research or creative endeavor. Deviations which are believed to constitute misconduct are to be reported to an appropriate University official. Misconduct does not include honest error or honest difference in interpretations or judgment of data.

Florida State University is committed to adhering to and enforcing applicable federal, state and local laws and to following procedures required by granting agencies from which grant funds are secured. Researchers are to be aware of any special provisions regarding standards of research and of procedures required by funding agencies for resolving allegations of misconduct in research. Application for funding from an agency shall indicate that the researcher agrees to the procedures required by that agency should it be necessary to investigate an allegation of misconduct in research.

Each department or unit in which research or creative activity is conducted will have a statement of procedures for fostering integrity in research and creative activity. Each department or unit will keep a current copy of its statement on file in the Office of the Vice President for Research.

### 2. Procedures for Reporting Allegations of Misconduct in Research and Creative Activity

A suspected instance of misconduct in research and creative activity is to be reported to an appropriate University official. Normally this report will be to the departmental chair or the dean of the college (or comparable administrator if the person involved is not under a dean; henceforth this will be understood when the term "dean" is used). Any University official, including departmental chairs, who receives such a report shall communicate the report to the dean of the college in which the alleged misconduct occurred. The dean of the college is responsible for informing the departmental chair (if the report is from another source), the Dean of Faculties and the Vice President for Research. The dean is also responsible for promptly initiating an

inquiry into any suspected or alleged instance of misconduct to determine whether an investigation is warranted.

### 3. Inquiry and Investigation

The inquiry will be conducted by a three person committee appointed by the dean. The inquiry will determine whether there is reasonable cause to conduct a full investigation. Upon initiating an inquiry the dean will notify the affected faculty or staff member in writing that an allegation has been made against him or her and that the dean's office is conducting an inquiry to determine whether there is reasonable cause to initiate an investigation.

It will be the task of the committee of inquiry to separate allegations deserving further investigation from frivolous, unjustified, or clearly mistaken allegations.

If the committee of inquiry recommends that no further action should be taken, no record of the allegation or inquiry is to remain in the accused faculty member's evaluation file.

If a full investigation is recommended by the committee of inquiry, the dean will appoint a three person faculty committee to conduct the investigation. The dean may appoint a larger committee or may appoint members from outside the University if that is deemed warranted by the circumstances of the case. The affected faculty or staff member will be given written notification of the charges and will be accorded due process in the investigation. Both the University and the affected faculty or staff member will have an opportunity to present evidence, call witnesses and have questions put to witnesses. A record of the proceeding will be available to the affected faculty or staff member at cost. The affected faculty or staff member may have counsel or a representative present during the proceedings. At the conclusion of the investigation, the committee shall provide documented recommendations to the dean regarding whether they think misconduct has occurred. The affected faculty or staff member will have an opportunity to provide the dean with a written statement regarding the recommendations.

The dean, in consultation with the Dean of Faculties and the Vice President for Academic Affairs, will decide either to take action appropriate to his authority or to recommend a course of action to the Vice President for Academic Affairs. The dean can render a judgment that misconduct has not occurred; that misconduct has occurred and the appropriate penalty is within his or her authority; or that misconduct has occurred but an appropriate penalty is not within the dean's authority. The dean may act upon the first two judgments, the third would have to be a recommendation to the Vice President for Academic Affairs. If the affected faculty or staff member is judged not to have engaged in misconduct, this will be communicated to all appropriate parties, and diligent efforts will be undertaken, as appropriate, to restore the reputation of anyone alleged to have engaged in misconduct

when allegations are not confirmed. If the affected faculty or staff member is judged to have engaged in misconduct this fact should be communicated to the faculty member along with the proposed penalty.

A faculty or staff member, at this point, depending on his or her standing and the severity of the proposed penalty will have available one or more avenues of appeal from which to choose as delineated in the BOR-UFF Agreement, the FSU Constitution, the Florida Administrative Code, and any other applicable authority.

Those appointed to inquiry or investigatory committees should be free of any conflict of interest and committees should have sufficient expertise to be able to assess the charges before them.

University procedures of inquiry and investigation are not to breach pledges of confidentiality or anonymity provided to human subjects of research.

Those accused of misconduct shall be afforded confidential treatment to the maximum extent possible.

#### 4. Protection of those Reporting Misconduct

The University will protect employees who make good faith reports of misconduct in research or creative activity from job-related disciplinary reprisals and will make diligent efforts to protect their reputation. Confidentiality will be maintained to the extent compatible with law and due process. Once an allegation is made it shall be the responsibility of the University to pursue the matter. Those accused of misconduct in research or creative activity will be informed regarding the person or persons who made the allegation about their work, unless such knowledge is irrelevant to the evaluation of the allegation. This information will be provided with the notification that an inquiry is to take place.

#### 5. Promptness of Procedure

Each stage should be completed as quickly as is compatible with a fair and effective process for assessing the allegations. If the allegation involves research funded by certain agencies, a specific timetable will need to be followed.

#### 6. Requirement of Notification and Interim Actions

Should it be necessary to provide information to external agencies or organizations, the Vice President for Research will be the University official responsible for those notifications. In some instances regulations will require interim actions. The Vice President for Research in consultation with the dean conducting the procedure of inquiry and investigation will initiate



those interim actions. Those conducting an inquiry or investigation will provide necessary information to the Vice President for Research to allow him to comply with externally mandated actions or reports.

It is the policy of FSU to take legally allowed measures to set the record straight if misconduct is established.

#### 7. Dissemination of Information Regarding Integrity in Research and Creative Activity

The Vice President for Research shall publish a document containing all relevant University policy statements, generally applicable federal, state and local requirements, and specific requirements of particular funding agencies regarding integrity in research and creative activity. Each faculty member engaged in research or creative activity shall be given a copy. Staff or graduate students employed in research shall also be provided copies of this document. Those holding relevant administrative positions will likewise be provided copies. This document will be revised periodically so as to remain current.

Subsection A: Standards and Procedures for Addressing Allegations of Misconduct in Research funded by the National Science Foundation.

These standards and procedures are meant to supplement the University's general procedures for handling allegations of misconduct in research and creative activity in order for the University to meet requirements promulgated by the National Science Foundation. If there are inconsistencies between these processes and the general University processes, provisions of this process supplant the incompatible general University provisions, when the research in question is funded by the National Science Foundation.

1. The National Science Foundation has specific requirements for conducting investigations of allegation of misconduct involving work which it has funded. It is University policy that an applicant for funding from NSF or anyone working on a project funded by NSF agrees to be bound by the University's process of inquiry and investigation which implements NSF's requirements.

2. For NSF "Misconduct" means (1) fabrication, falsification, plagiarism, or other serious deviation from accepted practices in proposing, carrying out, or reporting results from research; (2) material failure to comply with Federal requirements for protection of researchers, human subjects, or the public or for ensuring the welfare of laboratory animals; or (3) failure to meet other material legal requirements governing research.

3. NSF provides specific definitions of "inquiry" and "investigation": An "inquiry" consists of information gathering and preliminary fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation. An "investigation" is a formal examination and evaluation of relevant facts to determine whether misconduct has taken place or if misconduct has already been confirmed, to assess its extent and consequences or determine appropriate NSF action.

4. The University will take action necessary to ensure the integrity of research, the rights and interests of research subjects and the public, and the observance of legal requirements and responsibilities.

5. The University will inform NSF immediately if an initial inquiry supports a formal investigation, and will keep NSF informed during such an investigation.

6. The University will notify NSF before deciding to initiate an investigation or as required during an investigation (i) if the seriousness of the apparent misconduct warrants; (ii) if immediate health hazards are involved; (iii) if NSF's resources, reputation, or other interests need protecting; (iv) if Federal action may be needed to protect the interests of a subject of the investigation or of others potentially affected; or (v) if the scientific com-

munity or the public should be informed.

7. In order to defer independent inquiry or investigation by NSF, the University will decide whether an investigation is warranted within 90 days, and will complete an investigation and reach a disposition within 180 days after initiating an investigation. Should additional time be needed, the University will seek a continuing deferral from NSF, however NSF may require submission of periodic status reports.

8. The University will provide NSF with a final report from any investigation.

9. The investigatory phase shall be deemed completed for the purpose of reporting the results of the investigation to NSF when the dean or the Vice President for Academic Affairs either finds the faculty or staff member innocent of the charges or finds misconduct to have occurred and proposes an appropriate penalty. Any such report to NSF must contain an account of any additional processes the affected person may invoke and the bearing those processes may have on the issue of misconduct.

Florida State University may ask for an extension for reporting the results of an investigation in certain specified instances. If any of the following penalties are contemplated, a faculty member has a right to a peer hearing as specified in Rule 6C2-4.0335, Florida Administrative Code: to suspend with or without pay, reduce the compensation or rank of, terminate the annual appointment of a tenured faculty member; to immediately suspend or to terminate the appointment of a non-tenured faculty member prior to the expiration of the non-tenured faculty member's current employment contract. If an accused faculty member exercises this right, the University will request an extension, if needed, and provide an accounting of the current status of the case, and an estimation of the time needed to complete the peer hearing required by 6C2-4.0335.

10. Based on required reports to NSF, NSF may order that interim actions be taken to protect Federal resources or to guard against continuation of any suspected or alleged misconduct. Any interim action by NSF will be reviewed periodically during an investigation and modified as warranted. An interested party may request a review and modification of any interim action.

Subsection B: Standards and Procedures for Addressing Allegations of Misconduct in Research funded by the Public Health Service of the Department of Health and Human Services.

These standards and procedures are meant to supplement the University's general procedures for handling allegations of misconduct in research and creative activity in order for the University to meet requirements promulgated by the Public Health Service of the Department of Health and Human Services. If there are inconsistencies between these processes and the general University processes, provisions of this process supplant the incompatible general University provisions when the research in question is funded by the Department of Health and Human Services or its institutes or agencies. These standards and procedures are necessary to meet the assurance conditions promulgated by the Public Health Service of HHS.

1. The Public Health Service of HHS has specific requirements for conducting investigations of allegations of misconduct involving research, research training or related activities which they have funded or for which funds have been requested. It is University policy that an applicant for funding from HHS or anyone working on a project funded by HHS agrees to be bound by the University's process of inquiry and investigation which implements the Public Health Service's requirements.

2. For PHS of HHS "misconduct" or "misconduct in science" means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting or reporting research. It does not include honest error or honest difference in interpretations or judgments of data.

3. PHS provides specific definitions of "inquiry" and "investigation": "Inquiry" means information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation; "Investigation" means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

4. The University will inquire immediately into an allegation or other evidence of possible misconduct. An inquiry is to be completed within 60 calendar days of its initiation. A written report shall be prepared that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusions of the inquiry. The individual(s) against whom the allegation was made shall be given a copy of the report, and if they choose to comment their comments will be part of the record. If circumstances clearly warrant, a longer period may be involved, but in that case the record of inquiry should include documentation of the reasons for exceeding the 60-day period.

5. Sufficiently detailed documentation of inquiries will be maintained for at least three years so as to permit a later

assessment of the reasons for determining that an investigation was not warranted.

6. An investigation must be undertaken within 30 days if the findings from the inquiry provide sufficient basis for doing so.

7. The decision to initiate an investigation must be reported in writing to the Director, Office of Scientific Integrity on or before the date the investigation begins.

8. The investigation normally will include examination of all documentation, including but not necessarily limited to relevant research data and proposals, publications, correspondence, and memoranda of telephone calls. Whenever possible, interviews should be conducted of all individuals involved either in making the allegation or against whom the allegation is made, as well as individuals who might have information regarding key aspects of the allegations; complete summaries of these interviews should be prepared, provided to the interviewed party for comment or revision, and include as part of the investigatory file.

9. An investigation should ordinarily be complete within 120 days of its initiation. Included in this time frame are the conducting of the investigation, preparing the report of findings, obtaining comments from subject(s) and submitting the report to the Office of Scientific Integrity. If the investigation cannot be completed in 120 days, the University will submit a request for an extension to the funding agency. This request will include an interim report on the progress to that point and an estimate of the date for completion of the report and other necessary steps. The University will file periodic reports as requested by the agency.

10. The University will notify the funding agency of the final outcome of the investigation. The final report will describe the policies and procedures under which the investigation was conducted, how and from whom information was obtained relevant to the investigation, and include the findings, documentation to substantiate the investigation's finding, and the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct. This report will be made available to the Director, Office of Scientific Integrity who will decide whether the Office will either proceed with its own investigation or will act on the institution's findings. If they can be identified, the person(s) who raised the allegations will be provided those portions of the report which address their role and opinions in the investigation.

11. If the decision is made to terminate an inquiry or investigation for any reason without completing all relevant requirements, a report of such planned termination, including a description of the reasons for such termination, shall be made to the Office of Scientific Integrity.

12. The University will notify the Office of Scientific Integrity if it ascertains from the inquiry or investigation that any of the following conditions exist:

- (1) There is an immediate health hazard involved;
- (2) There is an immediate need to protect Federal funds or equipment;
- (3) There is an immediate need to protect the interest of the person(s) making the allegations or the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
- (4) It is probable that the alleged incident is going to be reported publicly.
- (5) There is a reasonable indication of possible criminal violation. In that instance, the institution will inform the Office of Scientific Integrity within 24 hours of obtaining that information.

13. The investigatory phrase shall be deemed completed for the purpose of reporting the results of the investigation to HHS when the dean or the Vice President for Academic Affairs either finds the faculty or staff member innocent of the charges or finds misconduct to have occurred and proposes an appropriate penalty. Any such report to HHS must contain an account of any additional processes the affected person may invoke and the bearing those processes may have on the issue of misconduct.

Florida State University may ask for an extension for reporting the results of an investigation in certain specified instances. If any of the following penalties are contemplated, a faculty member has a right to a peer hearing as specified in Rule 6C2-4.0335, Florida Administrative Code: to suspend with or without pay, reduce the compensation or rank of, terminate the annual appointment of a tenured faculty member; to immediately suspend or to terminate the appointment of a non-tenured faculty member prior to the expiration of the non-tenured faculty member's current employment contract. If an accused faculty member exercises this right, the University will request an extension, if needed, and will provide an accounting of the current status of the case, and an estimation of the time needed to complete the peer hearing required by 6C2-4.0335.

14. The University will take interim administrative actions, as appropriate, to protect Federal funds and insure that the purposes of the Federal financial assistance are carried out.