



**Faculty Senate Meeting**

Thursday, April 21, 2011

3:30-5:30 p.m. – Adelbert Hall, Toepfer Room

**Members Present**

Kathryn Adams  
Bud Baeslack  
Jessica Berg  
Ronald Blanton  
Lee Blazey  
Ben Brouhard  
Martha Cathcart  
Gary Chottiner  
Elizabeth Click  
David Crampton  
Lisa Damato  
William Deal

Faye Gary  
Julia Grant  
Jared Hamilton  
Sue Hinze  
Christine Hudak  
David Hutter  
Quentin Jamieson  
Elizabeth Kaufman  
Jim Kazura  
Kenneth Ledford  
Alan Levine  
Joseph Mansour  
Diana Morris

Carol Musil  
John Orlock  
Mary Quinn Griffin  
Roy Ritzmann  
Cassandra Robertson  
Alan Rocke  
JB Silvers  
Sorin Teich  
Lee Thompson  
Susan Tullai-McGuinness  
Georgia Wiesner  
Elizabeth Woyczynski  
Xin Yu

**Members Absent**

Keith Armitage  
Hussein Assaf  
Bruce Averbook  
Timothy Beal  
Richard Buchanan  
Mark Chance  
Mary Davis  
Alfredo Hernandez  
Peterson Huang

Ken Loparo  
Kalle Lyytinen  
Jim McGuffin-Cawley  
Laura McNally  
Frank Merat  
Heather Morrison  
G. Regina Nixon  
Daniel Ornt  
Leena Palomo

Faisal Quereshy  
Jonathan Sadowsky  
Barbara Snyder  
Michele Walsh  
David Wilson  
Gary Wnek  
Nicholas Ziats

**Others Present**

Daniel Anker  
Christine Ash  
Pat Crago  
Robin Dubin  
Donald Feke  
Wallace Gingerich  
Bill Leatherberry

Ginny Leitch  
Janet McGrath  
Ermin Melle  
Marilyn Mobley  
Larry Parker  
Dean Patterson  
Timothy Robson

Ginger Saha  
John Sideras  
David Singer  
Lynn Singer  
Christian Swol  
Colleen Trembl  
Jeff Wolcowitz

**Call to Order**

Professor Alan Levine, chair, Faculty Senate, called the meeting to order at 3:30 p.m.

### **Approval of minutes**

The minutes of the Faculty Senate meeting of March 22, 2011 were approved as submitted.

### **Provost's announcements**

Provost Bud Baeslack thanked the senators for their participation on the Faculty Senate.

### **Chair's announcements**

Prof. Alan Levine, chair, Faculty Senate said undergraduates are surveyed every three years upon graduation; the surveys ask about the quality of the undergraduate experience in and outside the classroom. Prof. Levine encouraged senators to review the survey results and consider ways that they could address any concerns identified. At the December Faculty Senate meeting there was a report about impending changes to investment opportunities in Vanguard. While it is clear that Vanguard should have announced the changes to the university community sooner, more completely, and more effectively, senators should also have better alerted their constituent faculties of the impending changes. The spring faculty senate newsletter will be emailed shortly. Prof. Levine thanked senators for their commitment to faculty governance.

### **Report from the Executive Committee**

Prof. Gary Chottiner, chair-elect, Faculty Senate, said the Executive Committee heard a report from the Faculty Senate Committee on Research about areas where the university can improve research support. The committee's year-end report is available on the Faculty Senate website. The Executive Committee approved the resolution presented by the Faculty Senate Committee on Undergraduate Education concerning 2+2 programs with international institutions. The Executive Committee also approved the Medical School's plan to discontinue the MS in Family Medicine.

### **Report from Secretary of the Corporation**

Ms. Colleen Trembl, interim secretary of the corporation and general counsel, said the Board of Trustees approved new endowments and faculty appointments. Mr. John Sideras, senior vice president and chief financial officer, gave a report about the university's finances; Mr. Bruce Loessin, senior vice president for university relations and development, gave a report about the university's fundraising efforts. President Barbara Snyder gave a report about the first year experience: orientations, welcome days, Emerging Leaders Program, and the retention rate to sophomore year.

### **Consent Agenda: Year End Reports from Faculty Senate Standing Committees**

Prof. Levine presented the year end reports from the faculty senate standing committees.

### **Research Administration Updates to Senate By-laws & Faculty Handbook**

Prof. Ken Ledford, chair, Committee on By-laws, presented proposed changes to the Faculty Handbook and the Faculty Senate Bylaws that identify the associate vice president for research as the administrator assigned to work with Faculty Senate Committee on Research and the Faculty Senate Committee on Graduate Studies. The associate vice president for research is also identified as the designated official for handling charges of research misconduct. The Faculty Senate voted to approve the proposed changes. The April 2011 Faculty Handbook and Faculty Senate By-laws are posted on the Faculty Senate website.

### **Case School of Engineering Bylaws**

Prof. Ken Ledford and Prof. Pat Crago, associate dean, Case School of Engineering, presented the proposed changes to the Case School of Engineering By-laws which bring the by-laws into compliance

with the Faculty Handbook and which establish the Division of Education and Student Programs. The Faculty Senate voted to approve the proposed changes. The approved April 2011 Case School of Engineering By-laws are posted on the Faculty Senate website.

#### **FSCUE Resolutions: Minors and Pass/No Pass**

Prof. Larry Parker, vice-chair, Faculty Senate Committee on Undergraduate Education (FSCUE), presented proposals for two new minors: Mechanical Design, and Manufacturing and Business Management, and a proposal to discontinue a minor: History of Technology and Science. The Faculty Senate voted to approve these proposals. Prof. Parker also presented the proposed changes to the Pass/No Pass option; the Faculty Senate voted to approve the proposed changes. The proposals are attached to these meeting minutes.

#### **Pilot Faculty Conciliation and Mediation Program**

Prof. Bill Leatherberry, chair, Faculty Senate *ad hoc* Committee on Grievance Process Reform presented a draft resolution to make the Faculty Conciliation and Mediation program permanent. The resolution charges the Faculty Senate Committee on By-laws with making the necessary changes to the Faculty Handbook. Prof. Emeritus Wally Gingerich, Conciliation Counselor, summarized his activities during the 18 month pilot program. The Faculty Senate voted to approve the resolution. The resolution and the report from the conciliation counselor are attached to these meeting minutes.

#### **Internationalizing the Curriculum**

Prof. Janet McGrath, co-chair, International Planning Committee discussed the committee's efforts to draft its final proposal about internationalizing the university which will be submitted to the provost in May. The committee solicited feedback from faculty and students; external consultants from the American Council on Education (ACE) provided advice. A senator inquired about financial support for proposal; Provost Baeslack said financial support for the proposal would be reviewed by the University Budget Committee. Professor McGrath said metrics for success are being added to the draft report. As soon as the report is complete, it will be posted to the provost's website. Prof. Levine commented that the Faculty Senate will review and comment on the proposal in the fall.

#### **Strategic Plan for University Libraries**

Prof. Mary Quinn-Griffin, chair, Faculty Senate Committee on University Libraries (FSCUL), presented the final version of the strategic plan for the university libraries which was approved by the FSCUL. After some discussion, the Faculty Senate voted to endorse the strategic plan. The strategic plan is attached to these meeting minutes.

#### **Candidates for New Members of Faculty Senate Standing Committees**

Prof. Susan Tullai-McGuinness, chair, Faculty Senate Nominating Committee, presented the slate of candidates for membership on faculty senate standing committees. The Faculty Senate voted to approve the new members for 2011-2012. The proposed slate of candidates is attached to these meeting minutes.

#### **2011-2012 Chair-elect and Executive Committee and Recognition of the Chair**

Prof. Alan Levine introduced Prof. Robin Dubin who was elected as chair-elect of the Faculty Senate. Prof. Chottiner thanked Prof. Levine for his leadership and he announced the 2011-2012 school and college representatives to the Faculty Senate Executive Committee: Prof. Georgia Wiesner (SOM), Prof. Sorin Teich (SODM), Prof. Christine Hudak (SON), Prof. David Crampton (MSASS), Prof. Jessica Berg (LAW), Prof. Richard Buchanan (WSOM), Prof. Alan Rocke (CAS), and Prof. Joseph Mansour (CSE).

The meeting was adjourned at 5:30 p.m.

APPROVED  
by the  
FACULTY SENATE



ELIZABETH H. WOYCZYNSKI  
SECRETARY OF UNIVERSITY FACULTY

**Faculty Senate Meeting**  
Thursday, April 21, 2011  
3:30 p.m. - 5:30pm – Adelbert Hall, Toepfer Room

AGENDA

3:30 p.m.	Approval of Minutes from the March 22, 2011 Faculty Senate meeting, <i>attachment</i>	A. Levine
	President and Provost's Announcements	B. Snyder B. Baeslack
	Chair's Announcements	A. Levine
3:40 p.m.	Report from the Executive Committee	G. Chottiner
	Report from Secretary of the Corporation	C. Trembl
3:45 p.m.	Consent Agenda: Year End Reports from Faculty Senate Standing Committees, <i>attachment</i>	A. Levine
3:50 p.m.	Research Administration Updates to Senate By-laws & Faculty Handbook, <i>attachments</i>	K. Ledford
3:55 p.m.	CSE Bylaws, <i>attachment</i>	K. Ledford P. Crago
4:05 p.m.	FSCUE Resolutions: Minors and Pass/No Pass, <i>attachments</i>	L. Parker
4:15 p.m.	Internationalizing the Curriculum	J. McGrath J. Kazura
4:30 p.m.	Pilot Faculty Conciliation and Mediation Program <i>attachments</i>	W. Gingerich B. Leatherberry
4: 45 p.m.	Strategic Plan for University Libraries <i>attachment</i>	M. Quinn-Griffin
5: 00 p.m.	Candidates for New Members of Faculty Senate Standing Committees, <i>attachment</i>	S. Tullai-McGuinness
5:05 p.m.	2011-2012 Chair-elect and Executive Committee Recognition of the Chair Passing the Gavel to the Chair-elect	A. Levine G. Chottiner

## **Year-End Report of the Faculty Senate Faculty Compensation Committee, 2010-2011**

On March 14, 2011 the Faculty Senate Faculty Compensation Committee met. This was the first meeting of this committee since the untimely death of its former chair, Dr. Mark Smith. The new chair of this committee is Dr. Nicholas Ziats of the School of Medicine, Department of Pathology. The major goal of this meeting was to set an agenda for the following year. A number of issues/concerns were discussed by the committee including: 1) better coordination between our committee and other committees such as Faculty Senate Budget Committee and the University Fringe Benefits Committee; 2) gender salary and recruitment issues (as brought forth by Dr. Lynn Singer in the Gender Salary Analysis); 3) pension funds/retirement concerns; 4) pay concerns of faculty in clinical departments and 5) the working spouse benefit issue. The committee will discuss these issues and try to be as proactive as possible.

Nicholas Ziats

Chair, Faculty Senate Faculty Compensation Committee

## **Year-End Report of the Faculty Senate Committee on Women Faculty, 2010-2011**

During the academic year 2010-2011, the Faculty Senate Committee on Women Faculty continued to monitor progress on the child care center initiative and continued to work on developing language to support faculty who chose to work less than 100% time in the pre-tenure period or after achieving tenure. In addition, Lynn Singer met with the Committee to discuss the recent gender salary analysis.

President Snyder continues to support work toward an on-campus child care center. There are continuing discussions with the Music School Settlement about a new facility that may address the need for high-quality child care, including infant care. CWRU has offered to provide land for such a center.

The Committee continues to work with Jim Kazura from the Personnel Committee to develop recommendations for “part-time tenure”. This has two components: 1) extension of the pretenure period and 2) part time work for tenured faculty. Our faculty handbook already contains provisions for extension of the pretenure period for faculty working at least 50% but less than 100%, but the wording supporting this option needs to be made more explicit. On April 1, the Chair of the Committee on Women Faculty met with the Bylaws Committee to go over our recommendations for appropriate language to address this. This will go forward to the Executive Committee on April 15 and, if approved, to the Senate on April 21.

Based on the experience of other institutions that have offered “part-time tenure” (extending the tenure clock by up to 3 years while a junior faculty member works part-time), it is anticipated that very few faculty members would choose to use this option. Reasons not to use it include constraints by grant requirements, need for full-time salary, and concerns about being perceived as “not serious”. Yet, the availability of the part-time tenure option might be valuable for occasional faculty (or prospective faculty) who require additional flexibility. Offering part-time tenure might prevent occasional young faculty members from leaving CWRU, a situation that costs the university considerable resources since the departing faculty member represents a substantial loss (e.g. start up funds) and new faculty must then be recruited. If only a few potentially excellent faculty members could be retained at CWRU through use of the part-time tenure option, the faculty would be strengthened and a substantial amount of money could be saved. In addition, the availability of part-time tenure could be a recruiting tool: it would send a message to prospective faculty that CWRU promotes a culture that is flexible and friendly to families.

Currently, we do not have a provision for tenured faculty who may wish to work less than 100% time, other than the irreversible part time option for faculty over 55. In reality, a tenured faculty member may need to seek temporary part-time status before age 55 (e.g. to care for young children and ailing parents) and later wish to return to full-time work. While such arrangements would need to be negotiated in such a way that institutional needs are met, a flexible work environment is likely to enhance faculty recruitment and retention and serve the institution well in the long run. We recommend using language similar to that in the OSU faculty handbook, which allows tenured faculty to negotiate a change in percent FTE. Liz Madigan from the Committee on Women Faculty will be attending a meeting of the Personnel Committee in late April to continue work toward developing language to address this. We anticipate that these proposed changes will go to the Bylaws Committee early next fall and from there to the Executive Committee and Senate.

Finally, the committee was asked to consider whether the Committee on Women Faculty should be combined with other committees, including the Committee on Minority Affairs, the Committee on Faculty Compensation, and the Committee on Faculty Personnel. Responses to this included some interest in exploring this further, especially as “women’s issues may not get sufficient credibility or respect” as well as concern that we may lose focus on the special challenges faced by women faculty. It was also pointed out that for progress to be made, it takes a champion who has the support of the dean or University President—and money to implement programs. I will summarize by saying that the Committee on Woman Faculty has been successful at championing women’s issues, working closely with other committees and with the President, and keeping focus on the need to commit money toward implementation of our most important initiative.

Respectfully submitted, Elizabeth S. Kaufman, MD, Chair, Faculty Senate Committee on Women Faculty, April 2, 2011

## **End of Year Report of Faculty Senate Committee on University Libraries**

With the appointment of the University librarian, Mr. Arnold Hirshon, the committee has spent time reviewing, discussing and providing input for a number of new initiatives he is planning for the university libraries.

### **1. Strategic Plan**

The plan involved a three part process: Environmental Scan, Visioning, and Planning Priorities

**Part 1: Environmental Scan.** This working group is composed of library staff have been assigned to identify 2-3 trends/key issues for each of the five areas that will direct the strategic plan. Five areas: education; scholarly research and publishing; information technology; teaching and learning; and society. Completion date: January 2011

**Part 2: Visioning.** Developing mission, vision and value statements of the library. This will be a highly participative process open to all library staff and to the campus community. The dates for this session are set for January 18-19, 2011. Completion date end of January 2011.

**Part 3: Planning Priorities.** Articulation of proposed KSL strategic objectives, priorities, and success metrics for the next 3-5 years with the university's strategic goals. Also benchmark strategic plan with their peer research libraries. A small Strategic Planning Team will be formed that is representative of faculty, students, and university staff. Initial draft, will be circulated on campus for comment. Completion Date - April 2011.

There were campus wide forums in March 2011 to gain feedback about the strategic plan. Faculty was invited to attend and/or provide e-mail comments. Follow this comments period the final draft of the plan was prepared.

At the April 2011 Faculty Senate Committee on University Libraries meeting the strategic plan was approved. The vote was 8:1.

At the April 2011 Faculty Senate Executive the strategic plan was approved in principle.

Nest year a number of work groups will be convened to work on the objectives and the metrics for the strategic plan. Faculty should be well represented on these work groups. The Faculty Senate Committee on University Libraries will be involved in these groups and will make sure that the objectives in the plan, particularly those related to faculty, are met. This will be a major work item for this committee in the coming year.

### **2. Taskforce on Acquisition and Retention of Library Materials**

This taskforce continues to meet and will have a report for the FSCUL meeting in the Fall 2011.

### **3. Library Development and the Capital Campaign**

A development position for the library has been created. Interviews have been held and the person will be in position later this year. The Faculty Senate Committee on University Libraries is extremely supportive of having a development position for the library. With the implementation of new initiatives, the budget issues with Ohiolink, increasing costs of acquisitions etc development support is a key factor in improving the current library services

### **4. Faculty Study Space**

The pilot initiative with six faculty carrels continues. These carrels were in the basement of KSL. They are being moved to a more conducive place on the 3<sup>rd</sup> floor. The same faculty will continue to use the carrels and assess the new space. This committee will continue to monitor this issue.

### **5. Research Commons**

Pilot project to have a designated research commons area for faculty, graduate students, and post-docs. Pilot will be evaluated and other ways to support this group will be solicited. This committee will continue to monitor this issue.

### **6. KSL Café**

The KSL café has opened. Another initiative this semester was a student competition to redesign the KSL first floor. The winning and finalist designs will be used to help design the new 1<sup>st</sup> floor.

Respectively submitted, Mary T. Quinn Griffin, Chair, Faculty Senate Committee on University Libraries  
April 2011



## **Proposed Summary of Recommendations from the Faculty Senate Committee on Research (FSCOR)**

The committee has gathered information over the several years from all the schools and has reviewed multiple recommendations and concerns. Consistent with the perceived current situation, it has identified multiple areas where both bottlenecks and progress over the last 12-18 months is noted. The progress is greatly appreciated by the research stakeholders, however, the committee recommends close monitoring by the Senate of the following issues.

**Sub-optimal research space management and long renovation timetables** in A&S and Engineering are resulting in delayed startup for new faculty, deferred initiation of new research programs and deferred expansion of existing programs with a negative impact on new faculty recruitment. Clear lines of authority and communication are lacking and must be remedied. Progress in this area appears to be limited over the last 12 months.

**The level of purchasing efficiency** is inadequate as revealed in a recent self-study. The University is to be commended for completing this study. A 5 year plan has been developed to improve value, compliance, and efficiency (top three areas of concern). Across the board, the University must develop a customer service mentality in delivering all purchased goods and services.

**Post-Award Grants and Contracts:** Delays and inefficiencies in the setup of grant accounts and the approval of contracts and sub-contracts are contributing to substantial delays and inefficiencies in the research enterprise. Poor communication between institutional officials and stakeholders in defining and executing policies, lack of specific knowledge of where delays exist, and poor communication overall are common concerns. **These issues represent significant intellectual, financial, and compliance risks to the University as a whole.** Last year the committee recommended that benchmarks for account and contract setup be established and closely monitored to promote a culture of accountability. The ORA has begun this benchmarking process and the ORA is increasing communication with the Deans for Research from each school. A committee has been tasked with evaluating a more up to date grants management system; such implementation has been discussed for years with little progress so far.

**Faculty continue to search for sources of research support through Federal, Foundation, and Industrial grants.** The University has developed better systems for disseminating information on grant opportunities. The Office of Research Administration (ORA) intends to develop discipline specific workshops and information targeted at specific classes of investigators (Senior faculty, Junior faculty, Post-Docs, Students, etc.) as well as provide specific information for "group" grant opportunities. The latter should include providing access to continually revised "boilerplate" that describes the University as a whole and the individual schools.

**Faculty have interests in garnering support for commercial development of their discoveries in partnership with industry.** Our efforts at garnering industrial support and partnering with industry in defining joint research programs appear to lag peer groups. The opportunity to recruit a new VP for Research and to properly align Corporate Development, Tech Transfer and Academic Research objectives raises expectations that we can advance this area for the University.

**Library resources and infrastructure lag peer groups, limiting research progress.** Both acquisition of and access to digital and non-digital library resources are critical to research, scholarship, and educational objectives of all the schools. A new head of library resources has been recruited and a strategic plan has been formulated. The FSCOR urges the Senate to closely monitor the development and execution of this strategic plan to assure adequate resources for faculty and students in this critical area.

**FSCOR Stakeholders.** The committee needs representation from all schools and all stakeholders. In particular Arts and Humanities faculty and students, whose research goals and objectives have generally not had the visibility of those in science and engineering, need to be assured a voice on the committee. The Committee recommends the Senate reconsider the "rules" governing the membership of the committee to assure adequate committee oversight of all relevant issues.

To: Alan Levine, Chair of Faculty Senate AY 2010-11  
From: James McGuffin-Cawley, FSCUE Chair AY 2010-11  
Re: Annual Report of Activities  
Date: April 17, 2011

General:

This academic year represents the second complete year of operation of the committee. As such, a certain percentage of time was devoted to resolving operational procedures. This was however a small fraction. The membership of this committee proved to be quite focused on efficacy and progress. An impressive number of issues were considered and resolved. The university was well served by the individuals that participated. The membership was as follows:

Members: Larry Parker (WSOM), Christine Cano, and myself  
Constituent faculty representatives: James Swain (SOM), Bob Greene (CAS),  
Bob Savinell (CSE), Jennifer Reimer (PHED), Lynn Lotas (SON),  
Jennifer Johnson (WSOM)  
ex officio: Bud Baeslack (Provost), Rick Bishoff (VP, Enrollment  
Management), Don Feke (Vice Provost, Undergraduate Education), Glenn Nicholls (VP,  
Student Affairs), Jeff Wolcowitz (Dean, Undergraduate Studies)  
Undergraduate Students: Steven Cummins, Gabby Markoff

The committee chose not to continue a policy of “regular, non-voting, guests,” but instead guests were invited as needed throughout the academic year. This was very helpful to the operation of the committee and I personally recommend that FSCUE avoid “regular guests” in the future.

Specific Actions:

- 1) October 2010, FSCUE moved forward the following two resolutions continued from AY 2009-2010 that were ultimately approved by the Faculty Senate Executive Committee on October 14, 2010.

FSCUE Statement on Academic Certificate Programs for Undergraduates: While applauding the curricular innovation that often leads academic units to seek ways to recognize students’ sustained work in an academic area, the Faculty Senate Committee on Undergraduate Education, FSCUE, strongly discourages the development of certificate programs for this purpose for students pursuing an undergraduate degree at Case Western Reserve University. We prefer that such recognition be fit into the existing rubrics of majors and minors that can be recognized on a student’s transcript.

The University and its constituent faculties have well-defined procedures for reviewing and approving new minors, including interdisciplinary programs that cross the boundaries of departments and schools, and programs developed by academic units of the University that do not offer undergraduate degrees. Minors normally require a minimum of 15 credit-hours of work, which seems an appropriate minimum for formal recognition of a free-standing academic program.

There is often a wish to recognize and certify focused work within a student’s major. The FSCUE requests that the University Registrar and the Dean of Undergraduate Studies explore ways to include the name of the specific track or specialty sequence completed by the student as part of his or her major on the transcript. Once developed, the FSCUE will expect that this recognition only be granted to well-defined tracks that are part of the approved structure of the major and that include at least 9 credit-hours of defined work for the track that count toward the major.

Policy on Participation in International Study: Students may participate in study abroad if they are in good academic and disciplinary standing (and have no pending judicial actions or other holds on registration), have completed at least 24 credit-hours of coursework at CWRU and have declared a major.

- 2) December 2010, The USG Resolution on SAGES was discussed. Problems with the current University Seminar requirements were identified: Students who did not take Life of the Mind First Seminar (FSCC

100) are constrained to take a University Seminar in each of the two categories (Natural World (\*\*NA), Social World (\*\*SO), and Symbolic World (\*\*SY) that differ from that of their First Seminar; and there have been fewer Natural World University Seminars which may delay students' completion of the University Seminars. These create issues of equity between students. Several issues were raised with the proposed resolution, and the FSCUE decided to send the proposal on to the Curriculum Subcommittee with the guidelines to look at the issues of equality for all students, sufficient breadth in SAGES curriculum, and insufficient availability of Natural World Seminars.

FSCUE anticipates a report from the FSCUE subcommittee in early May, and being able to issue a formal comment on the resolution prior to the close of the 2010-11 AY.

- 3) February 2011, FSCUE approved a set of guidelines for the participation of undergraduate as teaching assistants that had been prepared by Vice-Provost Feke. These guidelines were later approved by the Faculty Senate Executive Committee on February 12, 2011.

#### **Guidelines for the Participation of Undergraduates as Teaching Assistants**

Undergraduate students participate in a variety of teaching and grading roles across campus. These experiences can be both educational and beneficial to the undergraduate acting as a teaching assistant, and can greatly aid the faculty member being assisted to deliver a high quality experience for the students enrolled in the course.

CWRU encourages the responsible use of undergraduate teaching assistants (UTAs). Since undergraduate students may have little experience in delivering education and/or dealing with complex academic situations, CWRU recognizes the special obligation to provide adequate mentoring and guidance for UTAs so they can properly fulfill their duties. The guidelines listed below are intended to provide the structure for the responsible involvement of undergraduates in teaching assistant roles.

- 1) **Faculty members are responsible for ensuring that the undergraduate student has the necessary background and abilities to function as an UTA in his/her course.** Normally, the UTA would be expected to have previously taken the course in which the assistance will be utilized, or to have taken a higher level course in the same topic area. Faculty members should become acquainted with the UTA to ascertain whether he/she has appropriate skills and depth of knowledge to carry out the intended teaching or grading assignment.
  - 2) **Faculty and UTAs should work together to identify any potential peer conflicts for the UTA.** The course roster should be examined at or prior to the start of the semester to identify potential conflicts of interest. UTAs should not be placed in a position wherein they asked to evaluate the academic work of their friends.
  - 3) **UTAs should identify and resolve scheduling constraints that may hinder the UTA in performing his/her duties.** UTAs should understand the scheduling of assignments and exams in the courses in which they themselves are enrolled and manage their time in a manner that allows them to fulfill their teaching or grading assignment.
  - 4) **UTAs are responsible for attending mandatory training sessions offered by Educational Services for Students (ESS) prior to or concurrent with their first teaching assignment. Faculty members are expected to provide any additional course-specific training necessary for the UTA to complete his/her assignment.** Training sessions are offered by ESS at the beginning of each semester.
  - 5) **Faculty members must supervise the activities of UTAs and review the work they produce.** Faculty members may not allow UTAs to prepare course materials without oversight; course materials produced by UTA must be evaluated by the faculty member before the students enrolled in the course receive them. Course materials include, for example: the content of lectures or recitations; questions for homework, quizzes, or exams; answer keys; study guides. Once the teaching or grading assignment is underway, faculty members should continue to monitor the performance of the UTA.
  - 6) **Faculty members are expected to set the grading policies for the course.** Grading rubrics, assignment of partial credit, policies about regarding work, and other issues related to the assessment of the performance of students enrolled in the course must be determined by the faculty member.
- 4) February 2011, FSCUE approved two resolutions brought forth by FSCUE Admission and Aid subcommittee. The first redefined scholarship retention guidelines and the second altered admissions

requirements for international students. Both were subsequently approved by the full Faculty Senate on February 16, 2011.

Proposed Scholarship Retention Criteria: The scholarship retention criteria for students entering CWRU beginning in Fall 2011 with University, Michelson-Morley, or Bolton Scholarships shall be good academic and disciplinary standing. Scholarship eligibility shall be evaluated at the end of each semester.

Scholarships for students who return to good academic and disciplinary standing shall be reinstated.

Students lose a semester of scholarship eligibility for each semester that they fail to achieve good standing; that is, students will not receive these scholarships while on probation or during their first semester back from an academic or disciplinary separation.

#### Admission Requirements for International Students:

**English Proficiency:** For all international applicants, including transfer students, increase minimum TOEFL requirement to 90 for Fall 2012 and to 100 for Fall 2013. Adjust other means of meeting proficiency requirements appropriately.

**SAT Requirement:** Require the SAT or ACT for all international applicants, including transfer students, beginning with the class entering in fall of 2012.

**ELS Relationship/Conditional Admission:** Discontinue conditional admission with the class that enters in Fall 2012.

- 5) April 2011, FSCUE approved the following resolution regarding 2+2 programs with international universities. This proposal was later approved by the Faculty Senate Executive Committee on April 15, 2011.

Regarding 2+2 programs with international universities FSCUE recommends the following:

- 1) The current 2+2 contracts with Asian universities should be modified rather than terminated. All subsequent international 2+2 programs should be constructed to follow the Asian university model.
- 2) The Office of the Provost should modify the current contracts to clarify, where needed, that 2+2 students must adhere to CWRU policies on admission and graduation requirements for transfer students.
- 3) The admission process for international 2+2 students follow a three step process:
  - i) Students apply to for admission to the Office of Undergraduate Admission.
  - ii) The Office of Undergraduate Admission determines whether or not the criteria for admission as an international transfer student have been met. If so, the student's package is forwarded to the CWRU department that offers the sought-after degree and the Office of Undergraduate Studies.
  - iii) The Office of Undergraduate Studies will create a learning plan for each admitted student from **\*\*International\*\*** 2+2 universities, in consultation with the designated representative of the department where the student wants to pursue a major. The learning plan will list the required classes for each semester the student will study at CWRU in order to complete his or her degree requirements. In the event that a department determines that an unreasonable length of time, i.e., much greater than two years or four semesters, would be required for degree completion the student should not be admitted under the 2+2 agreement, but might be invited to apply as a standard transfer student.
- 4) Each admitted student from an international university with a CWRU approved 2+2 agreement will concurrently receive a letter of admission from the Office of Undergraduate Admission and a learning plan from the Office of Undergraduate Studies. The learning plan must be co-signed by the academic representative of the student's proposed major.
- 5) The modified contracts should be presented to partnering international 2+2 universities by the Office of International Affairs for renewed signatures. The amended contracts should have sunset clauses that allow for each contract to be

reviewed by the Office of the Provost and renewed every 2 years. Partner schools should be informed that student enrollment rate will be a key criterion for renewal.

- 6) A representative of the CWRU Office of the Provost should meet with any CWRU faculty who facilitated the creation of partnerships with **\*\*an international\*\*** 2+2 universities to clarify the CWRU policies on admission and degree requirements to which the 2+2 students should adhere.

- 6) April 2011, FSCUE approved the “transcripting” of concentrations or tracks within a major. Specifically, this was done as an alternative to issuing “certificates” at the undergraduate level, which had been stopped by FSCUE during the 2009-2010 academic year.

In parallel FSCUE has requested an audit of the current tracks and concentrations used by all undergraduate degree programs at CWRU. We anticipate compiling this and making a recommendation regarding a standard nomenclature prior to the end of AY 2010-11.

- 7) April 2011, FSCUE approved a change to the Pass – No Pass option for undergraduates. The policy that was approved is as follows:

Undergraduate students (degree candidates and transient students enrolled at the undergraduate level) may elect to take one course each fall and spring semester on a P/NP grading basis, provided they remain enrolled in at least 3 credit-hours of courses for regular evaluative grades. Courses that are graded on a P/NP basis do not preclude a student’s use of the P/NP option for another course that semester. The P/NP option may not be used for courses being repeated, and is not available during the summer session or to undergraduate degree candidates enrolled at the graduate or professions levels through the IGS program or Senior-Year in Professional Studies. All courses to be counted toward major, minor, and SAGES/general education/core requirements must be taken for a letter-grade.

Students must opt for the P/NP option by the relevant course withdrawal deadline for that semester (currently the 11th Friday of the semester for upperclass students, including new transfer students; and the last day of classes for first-year students). A decision to use the P/NP option is irrevocable unless the student needs that course to complete requirements for a major or minor declared in a subsequent semester; in that case, at the student’s request, the Office of Undergraduate Studies will reveal the grade on the transcript at the start of the student’s final semester or summer session at CWRU.

- 8) January 2011, The Faculty senate charged FSCUE with creating a proposal for SAGES governance that includes “an unambiguous pathway for bringing concerns and proposals about SAGES to the governance structure of the university.” FSCUE in turn charged the FSCUE subcommittee on Curriculum with this and, specifically, to engage the four UPF faculties in the process.

FSCUE anticipates a reply from the subcommittee and being able to relay a recommendation to the faculty senate prior to the end of the 2010-11AY.

**Research changes to BY-LAWS OF THE FACULTY SENATE OF CASE WESTERN RESERVE UNIVERSITY**

**BY-LAW VII. COMMITTEES**

***Item a. General Provisions with Respect to Committees of the Faculty Senate.***

- 1) The chair of each standing and ad hoc committee of the Faculty Senate, if a member of the University Faculty and not otherwise a member of the Faculty Senate, shall be a voting member of the Faculty Senate for the duration of the term of office, as provided in the Constitution, Article V, Section C.
- 2) The term of membership of all newly elected members of standing committees shall begin on the day following Commencement Day each year.
- 3) Any standing committee of the Faculty Senate may establish subcommittees and appoint members of such subcommittees. The establishment of any standing subcommittee shall be subject to approval by the Faculty Senate, with the exception of standing subcommittees of the Committee on Undergraduate Education. The membership of any subcommittee need not be confined to members of the parent committee.
- 4) With respect to standing committees with overlapping terms of membership, the respective terms of individual members comprising the initial membership of such committees shall be determined by lot.

***Item b. Executive Committee.***

The membership and functions of the Executive Committee shall be as provided in the Constitution, Article VI, Section A, excepting that, in addition to the functions therein specified, the Executive Committee shall also assume the following responsibilities:

- 1) Each year the Executive Committee, in consultation with the Secretary, shall determine the dates of regular meetings of the Faculty Senate as specified in By-law III, Item a.
- 2) The Executive Committee shall select the chair of each standing and ad hoc committee from among the faculty members of each respective committee.
- 3) Upon request by the chair of any standing committee, the Executive Committee shall submit to that standing committee a written statement clarifying the responsibilities of the standing committee, subject to the provisions of the Constitution and of these By-laws; and the Executive Committee may submit such a statement to any standing committee on its own initiative.
- 4) The Executive Committee shall be responsible for identifying existing or emerging issues affecting the nature and scholarly effectiveness of the University, including all proposed changes in the organizational structure of the University falling within the scope of Article III, Section B, and Article V, Section A, Paragraph 2, of the Constitution of the University Faculty. The Executive Committee shall take suitable and timely action with respect to all such issues, including, as appropriate, their placement on the agenda of the Faculty Senate.
- 5) Since each elected faculty member on the Executive Committee serves *ex officio* on his or her constituent faculty executive committee, as provided in the Constitution Article VI, Sec. A, Par.

1, he or she should report to the Faculty Senate Executive Committee at least once during the year about issues affecting his or her constituent faculty.

6) The Executive Committee should hear reports from the standing committees at least once a year, preferably in the middle of the academic year.

The Executive Committee shall take the initiative in periodically exploring with the President plans and projects affecting the Faculty and the University and shall assume full responsibility for bringing to the attention of the Faculty Senate all issues which, in the Committee's judgment, affect the vital interests of the Faculty and involve the nature and direction of the University.

***Item c. Nominating Committee.***

The membership and functions of the Nominating Committee shall be as provided in the Constitution, Article VI, Section B, subject, however, to the following provisions:

1) Pursuant to the Constitution, Article VI, Section B, the annual designation of members of the Nominating Committee for the following year shall be made not later than May 1; and the term of membership on the Nominating Committee shall begin on the day following Commencement Day.

2) Each year, the Nominating Committee shall submit to the Faculty Senate nominations for membership in standing committees for the following year not later than April 1; and the term of membership of all elected members of standing committees shall begin on the day following Commencement Day.

3) In the selection of nominees for membership on each standing committee of the Faculty Senate, the Nominating Committee shall consult with the incumbent Chair of the committee for which nominees are being selected.

***Item d. Budget Committee.***

1) The membership and functions of the Senate Budget Committee shall be as provided in the Constitution, Article VI, Section C.

2) The Chair of the Senate Budget Committee shall request the President to designate a deputy to sit with the Committee regularly and participate in its deliberations. In fulfillment of the functions of the Senate Budget Committee specified in the Constitution, Article VI, Section C, Paragraph 3, the Senate Budget Committee may request the President, or such deputy as the President may designate, to report directly to the Faculty Senate with respect to budgetary matters.

3) An elected faculty member of the Budget Committee may serve for a maximum of two immediately successive three-year terms and thereafter shall be eligible for re-election to the Committee only after the lapse of at least one year following the expiration of a continuous six-year period of service.

***Item e. Committee on Faculty Personnel.***

1) The Committee on Faculty Personnel shall consist of a deputy designated by the President, a member of the Committee on Faculty Compensation elected by that committee to serve *ex officio*, the Faculty Diversity Officer to serve *ex officio*, and nine voting members of the University Faculty elected by the Faculty Senate. The term of membership on the Committee on Faculty Personnel shall be three years; three members shall be elected each year. Each elected member shall be eligible for re-election only after the lapse of at least one year following the expiration of two consecutive three-year terms of membership.

2) The Committee on Faculty Personnel shall review faculty personnel policies and procedures, including those having to do with appointment, reappointment, promotion, tenure, and retirement and shall recommend to the Faculty Senate as to desirable changes in these policies and procedures.

3) At least once during each academic year, the Committee on Faculty Personnel, or one of its subcommittees, shall discuss with the Provost or Dean of each constituent faculty the personnel policies and procedures of that faculty. Each year the Committee shall request of the chief academic officer of the University a report on personnel actions in the categories designated in Paragraph (2) of this item.

***Item f. Committee on Research.***

1) The Committee on Research shall consist of the Dean of the School of Graduate Studies, *ex officio*, the [Associate Vice President for Research](#) ~~Vice President for Research and Technology Management~~, *ex officio*, nine voting members of the University Faculty elected by the Faculty Senate, three student members elected by the Graduate Student Senate, and one postdoctoral scholar/fellow elected by the Post Doctoral Researchers Association. The term of membership on the Committee on Research shall be three years for faculty members and one year for student and postdoctoral scholar/fellow members. Each elected faculty member shall be eligible for re-election only after the lapse of at least one year following the expiration of two consecutive three year terms of membership. The terms of student and postdoctoral scholar/fellow members shall begin immediately upon their election to the Committee at the first regular meeting of the Faculty Senate subsequent to Commencement each year. Student and postdoctoral scholar/fellow members shall be eligible for re-election annually.

2) No more than two of the nine faculty members of the Committee on Research shall be chosen from any one constituent faculty.

3) The Committee on Research shall participate in the initiation and formulation of University policies bearing directly on academic research encompassing all disciplines and shall direct such participation towards facilitation of the performance of high quality research. The Committee shall devote special attention to the policies and regulations deriving from sponsoring agencies providing funding from sources outside the University and shall direct its attention to the maintenance of a proper balance between the recognition and fulfillment of obligations assumed in the acceptance of outside funding and the retention of academic freedom in the pursuit of appropriate research initiatives.

4) The Committee on Research shall monitor the implementation of existing research policy to determine status and adequacy. Categories of interest to the Committee shall include, but not



be limited to, research involving human subjects, animal experimentation, inventions and patents, copyrights, computer resources, and biohazards. The Committee shall request regular annual reports from such administrative committees as specifically deal with these and other categories within the Committee's purview and shall maintain accurate and timely information with respect to these categories. The Committee shall participate in an advisory capacity in the selection of qualified members to serve on either faculty or administrative committees dealing with the research-related categories within its purview.

*Faculty Handbook, Chapter 2, Article VI*

**Sec. D. Committee on Graduate Studies**

Par. 1. The Committee on Graduate Studies shall consist of the dean of graduate studies, *ex officio*, the associate vice president for research ~~and technology management~~, *ex officio*, nine voting members of the University Faculty elected for overlapping three-year terms, three graduate student members and one post-doctoral scholar/fellow elected for one-year terms, and the professional school senator, *ex officio*. The Nominating Committee, in consultation with the dean of graduate studies, shall select nominees for election to the committee on the basis of participation in graduate research and in graduate study and instruction. Such selection shall be broadly representative of graduate disciplines.

Par. 2. The Committee on Graduate Studies shall review and recommend to the Faculty Senate with respect to the academic standards and degree requirements of all departmental, inter-departmental, inter-divisional constituent faculty, and *ad hoc* and special programs under the administration of the dean of graduate studies.

## ***FACULTY HANDBOOK, CHAPTER 3***

(Pages 56-90)

### ***PART TWO***

#### ***I. University Policies on Research and Scholarship***

This section contains four university policies governing aspects of university activity in research and scholarship. They are:

- (A) Case Western Reserve University Intellectual Property Policy;
- (B) University Policy on Involvement of Human Participants in Research, Training, Demonstration, and Related Activities;
- (C) University Policy on Authorship and Copyright;
- (D) University Policy on Equipment Transfer; and
- (E) Guidelines on Technology Transfer Operations Involving Non-University Personnel on University Premises.

As notes in the texts of the policies themselves, further information about research related matters can be obtained from the Office of Research Administration. Formulating and recommending policy on research and scholarship is a responsibility of the Committee on Research of the Faculty Senate. Its membership includes the dean of graduate studies and research, nine elected faculty members, and three elected student members.

#### **A. Case Western Reserve University Intellectual Property Policy\***

Preamble

Case Western Reserve University is a privately financed institution devoted to teaching, research, and other scholarly activities benefiting the public. The university faculty, staff, and students, as part of their normal professional activities, conduct research that may be of significant benefit to the public and that merits development of its commercial potential. The University supports such research from its own resources; corporations, foundations, and governmental entities also provide funding for such research (“external funding”). The sponsors of external funding impose a variety of contractual terms on the University in connection with their financial support, including requirements regarding disclosure of matters pertaining to the research supported by external funding and allocation of the rights to inventions and discoveries produced by such research (collectively such inventions and discoveries are referred to herein as “applications”). These contractual terms are especially important in connection with those applications with commercial potential. This policy is therefore intended to provide an equitable and orderly procedure to promote the commercial development of applications while also maintaining compliance with the rights and duties associated with the external funding supporting it. The further purpose of this policy is to contribute to the promotion of a culture and spirit of innovation, creativity, imagination, dynamism, and scholarship that characterizes a research university.

## 1. Intellectual Property

For purposes of this policy, except as provided below, “intellectual property” includes any research results having potential commercial value produced by university faculty, staff, and students in connection with activities funded by the University and/or by external funding or using university employees, facilities, or equipment, including but not limited to any inventions, computer programs or other software, data bases, any information or material subject to copyright under the laws of the United States or any other government, trade secrets (as defined in the Ohio Uniform Trade Secrets Act) and know-how related to inventions.

Notwithstanding the foregoing, intellectual property does *not* include books (or textbooks), articles, novels, poems, psychological and educational tests and measures and educational software, musical works, dramatic works including any accompanying music, pantomimes and choreographic works, pictorial, graphic and sculptural works, motion pictures, audio-visual works, and sound recordings, regardless of whether such exempt materials were produced in connection with the use of university facilities, staff, or equipment. This policy does not apply to educational software.

## 2. Objectives of the Policy

- a. To promote creative intellectual effort by university faculty, staff, and students for the purposes of developing the commercial value of intellectual property.
- b. To establish principles for recognizing the rights of the creators of intellectual property, the sponsors of external funding, and the University.
- c. To provide means to determine the commercial potential of intellectual property and to promote the commercialization of such intellectual property for the benefit of its creators and of the University.

## 3. General Provisions

The University owns title to intellectual property except as otherwise contractually provided, whether such contractual provisions are associated with external funding or otherwise. This ownership helps further the University’s academic mission in that it promotes research, the dissemination of knowledge, and the well being of society in general. University ownership of intellectual property expedites commercialization, and ownership is often a condition of external funding; indeed the Bayh-Dole Act requires it for research funded by federal agencies. The benefits accruing to the University as a result of its ownership of intellectual property benefits its faculty by increasing the resources available to (1) promote the commercialization of intellectual property, thus providing royalties and other benefits to faculty and staff, and (2) advance the long-range development of departmental capabilities and of the University.

The University recognizes that if creative intellectual effort is to be fostered and stimulated, there must be a fair appraisal of rights to intellectual property and a funded mechanism for commercializing intellectual property. In order to recognize the interests of the appropriate parties, it is necessary that faculty, staff, and students who develop intellectual property during their association with the University cooperate with the University in defining and securing the rights to such intellectual property and assist in the University’s commercialization efforts as requested by the University. In order to achieve protection and commercialization of intellectual property, the creator shall provide the vice president for research and technology management or his or her representative with a statement disclosing the intellectual property and the circumstances under which the intellectual

property was conceived with particular reference to (a) whether the project or program from which the intellectual property derived was financed in whole or in part by a grant or contract, and if so, the name of the funding entity; (b) whether the intellectual property falls within the creator's activities and responsibilities for the University; and (c) whether university funding, equipment, staff, or physical facilities were employed in the process of developing the intellectual property. This should be done as soon as the creator is aware of the novelty and potential value of the intellectual property.

The vice president for research and technology management, or his or her designee, shall make a decision whether or not the University elects to pursue the commercialization of the intellectual property and shall inform the creator or creators of the disposition of said intellectual property within 120 days of receiving all information necessary for a complete disclosure. In cases where the university elects to pursue commercialization of the intellectual property, the Office of Technology Transfer shall incur the costs of protecting (through patenting, trademark, or copyright as necessary) and marketing the intellectual property to interested potential licensees. The Office of Technology Transfer is obligated to pursue commercialization expeditiously and in consultation with the creator(s). In cases where the University elects not to pursue commercialization of the intellectual property, subject to funding and governmental restrictions and in accordance with Sections 6 and 9 of this policy, said intellectual property shall be released to the creators at their request.

#### 4. Distribution of Rights

- a. Intellectual property may result from research falling generally into one or more of the following categories: (i) supported wholly or in part by university funding or use of university facilities, staff, or equipment; (ii) financed wholly or in part by a government grant or contract; (iii) financed wholly or in part by an industrial corporation or other private source under contract or written agreement; or (iv) conducted wholly on the creator's own time, at the creator's expense, and without use of university facilities, staff, or equipment. Intellectual property arising from research conducted wholly on the inventor's time and at the inventor's expense is not a product of university funding. In all categories other than category (iv), all rights to the intellectual property have automatically been assigned to the University by reason of this policy and the creators, whether staff, students, or faculty, shall be obligated to execute any documents necessary to reflect such assignment of all rights to intellectual property to the University and to participate as necessary and appropriate in the acquisition and protection of proprietary rights to the intellectual property.
- b. The University is obligated to report to the appropriate government agency all intellectual property that has been derived from government funding in whole or in part for definition of the government's rights and interests. This definition can result in: (i) a release of the intellectual property to the University (also see Section 6), with the government retaining a non-exclusive, non-transferable, royalty-free license (i.e. the normal course); or (ii) the government acquiring and reserving to itself specific rights.
- c. Rights with respect to intellectual property that is financed by industrial corporations or other private sources or that results from joint work with persons or agencies outside the University are governed by the terms of contracts or agreements with the corporation or agency (also see Section 6). The responsible investigator is responsible for informing all persons working on the project of their rights and obligations under such contracts or agreements before initiation of the research.
- d. The University assumes no right or responsibility with respect to intellectual property coming within clause A (iv) above. However, to be sure that there is no disagreement over whether intellectual property falls within that clause and for a creator to secure ownership rights with

respect to such intellectual property, the creator must notify the vice president for research and technology management, or his or her designee, of the intended disposition of said intellectual property and request and obtain a waiver of university ownership prior to engaging in any commercialization activities of such intellectual property, including application to obtain property rights through patenting, etc. If the creator and the University mutually agree, the creator may assign the intellectual property to the University and thus avail himself or herself of the commercialization services of the University. (Complete information on these services is available from the vice president for research and technology management.)

- e. This policy applies to post-doctoral scholars, research associates, senior research associates, research and clinical faculty, and visiting faculty and scholars in the same way that it applies to faculty.

## 5. Disposition of University Rights

Disclosures of intellectual property must be made by creators to the vice president for research and technology management or his or her designee. In all cases where rights to intellectual property reside with the University, the vice president for research and technology management or his or her designee shall decide, in consultation with the creator(s), whether the intellectual property shall be commercialized by or through the university (or through an external source acting as agent for the University) or offered for release to the creator(s).

When the intellectual property is offered for release to the creator(s), they must inform the vice president for research and technology management, or his or her designee, in writing if they wish to pursue commercialization of the intellectual property on their own. The University shall release the intellectual property to the creator(s), except in cases where one or more of the following conditions prohibits such release: 1) federal regulations governing the intellectual property prohibit such release; 2) release of the intellectual property in question would create an undue liability or risk for the University, due to the potentially dangerous or inappropriate way(s) in which the intellectual property could be used; 3) the intellectual property in question is not yet developed to a point where its commercialization potential can be determined or maximized.

Irrespective of which alternative may be selected, wherever federal funding is involved in the development of the intellectual property, the U.S. government shall generally retain as a minimum the right to a royalty-free, non-exclusive, irrevocable license throughout the world under any patent which may eventually be issued, as well as the right to take back the intellectual property absent adequate commercial development.

## 6. Maximizing Commercial Potential of Intellectual Property

A viable technology transfer operation generates significant benefit to faculty, staff, and students of a university. In addition to providing a mechanism for transfer of knowledge and discoveries from research to commerce, a technology transfer operation also increases researchers' exposure to commercial entities, thus increasing the potential for sponsored research. A world-class technology transfer operation helps the University to recruit and retain the best research talent. There is direct benefit derived from the license income and start-up companies created by technology transfer activities, in terms of income for creators and their departments, and job creation for the local community.

Start-ups of new technology-based business ventures are among the pathways for transferring university ideas to practical application and public benefit. Faculty participation in such business

ventures is premised on the strong affirmation that a faculty member's primary loyalty and attention must be given to the role of teacher and scholar. Properly managed, however, appropriate participation in such ventures can provide a special channel of intellectual satisfaction for faculty members wishing to play a role in seeing their research results converted to practical products. Such ventures also provide the opportunity for financial rewards to participating faculty, their department or school, and the University, through equity and/or royalty participation in the start-up granted in return for license of intellectual property rights.

The vice president for research and technology management, or his or her designee, shall monitor all such start-up arrangements in consultation with the appropriate department chair or division head having administrative oversight over the faculty member involved in a startup; and the management center dean and shall submit a written report annually of his or her findings to the provost. In the event that the interested party (faculty member) involved is a chair or division head, the vice president for research and technology management, or his or her designee, and the management center dean shall select another administrator to consult with the vice president for research and technology management.

To expedite the flow of intellectual property into the stream of commerce and hence ensure maximum benefit to the public, the creators, and the University, the University shall invest in the establishment of its own commercialization capabilities and may also develop relationships with several licensing institutions, economic development centers, and other organizations to realize the commercial benefit of this intellectual property. The establishment of such an organization will be partially funded by proceeds derived from technology transfer activities, as outlined in Section 8.

## 7. Division of Income

Unless contractually agreed otherwise in advance, the net income received by the University in the form of royalty payments or other earnings on the intellectual property shall be allocated as specified below. "Net income," as used here, means the income which remains after deducting from gross income the expenses for external marketing, legal, intellectual property protection, travel, litigation, consulting payments, and/or fees due to third parties as a result of their support of research or commercialization of the intellectual property and other services and expenses directly related to the intellectual property in question or commercialization thereof. The deductions shall be reasonable and fair and shall be properly disclosed on a periodic basis to the creator(s) and the relevant department chair and dean. In no event shall payments for research activities be deemed to be part of "net income" for purposes of distribution to creator(s).

Net income up to \$100,000 shall be divided equally between the University and the creator(s). When net income exceeds \$100,000, a fifteen percent (15%) administrative charge to defray the expenses of general operation and services of the Office of Technology Transfer shall be deducted; and the remainder shall be divided equally between the University and the creator(s). Unless otherwise agreed in writing, the University's share of net income shall be divided equally between the University and the school of the creator(s). The allocation of net income between units with the school shall be specified in an agreement signed by the creator(s) and the dean. This allocation remains the same if the creator(s) should leave the University.

If there should be a plurality of creators, that part of the income accruing to the creators shall be distributed as specifically requested in writing by all the creators involved in that disclosure, typically as specified in the original invention disclosure forms used by the inventors in their disclosure to the Office of Technology Transfer. In case of dispute among the creators, the allocation shall be

determined by the vice president for research and technology management, who shall make the final decision.

Where intellectual property has been developed with federal grant support, the University and its researchers are bound by the terms of the grant agreement. Those terms supersede this policy to the extent this policy is inconsistent with them. If a grant agreement reduces the amount of earnings that can be shared with a creator, the percentage of gross proceeds contributed to the operation of the technology transfer office shall also be adjusted on a pro rata basis.

The principle of sharing financial rewards of commercialization with the creators of intellectual property also applies when those rewards are in the form of equity participation in a company. However, it should be noted, because of the complexity of business start-up arrangements, the precise division of benefits will have to be negotiated on a case-by-case basis, particularly when faculty may have a continuing role in the company.

#### 8. Intellectual Property Created by Staff Within Scope of Employment

Intellectual property created by staff within the normal scope of their employment shall be owned by the University by virtue of the employment relationship and therefore shall not be subject to the division of income provisions of this policy. Other intellectual property created by staff is subject to this policy.

#### 9. Release to Creator of University-Owned Intellectual Property

In the event that the University releases intellectual property owned by the University to the creator(s), the University shall retain a perpetual, non-exclusive, non-transferable, world-wide, royalty free license to use said intellectual property for educational and research purposes of the University and to sublicense it for current or future research in conjunction with the results of such research. The University may set requirements concerning such release as are appropriate, in the judgment of the vice president of research and technology management, to (i) provide for protection of the University's interests should creator seek to utilize university facilities thereafter in relation to the released intellectual property, (ii) preserve any rights of the sponsor, and (iii) protect the University from claims or costs arising from the use of the intellectual property after its release. In the case of software, this policy requires access by specified university personnel to the source code, and the University shall require each person to whom a disclosure is made to execute in advance a binding confidentiality agreement in favor of and enforceable by the creator.

#### 10. Individual Agreements

Intellectual property that is the subject of a specific agreement between the University and the creator(s) thereof shall be owned as provided in said agreement. Such agreements by the University and the creators are encouraged. Except where limited by external sponsorship agreements, creators and the University may negotiate individual agreements to govern ownership of intellectual property and any other matters, regardless of the applicability of any other provision hereof. The faculty and the University are encouraged to participate in unique agreements that promote reinvestment of royalties and receivables to further the research and educational activities of the University. In such cases, the University shall match such commitments of the faculty from their portion of the benefits.

#### 11. Student Materials



Regardless of use of university facilities, student coursework or other intellectual property shall belong to the student unless created (a) while student is acting as an employee of the University, (b) while student is engaged in research funded by the University or external funding, or (c) as part of a class or other academic project involving a commercial entity's intellectual property, provided that it is announced at the commencement of the project that students will not have ownership of intellectual property created in conjunction with that project.

If faculty or teaching assistants, acting as advisors, assist in the creation of intellectual property and are therefore co-creators (with the student as creator), they may choose to disclose the invention to the vice president for research and technology management, or his or her designee, and avail themselves of the services of the Office of Technology Transfer in commercializing such inventions.

## 12. Role of Faculty Committee

In the event there is a disagreement between the creator and the University regarding the interpretation of this policy or its application, the Faculty Committee on Research or its designated resource group shall be consulted for its advice. This group shall consider all of the relevant facts concerning the development and reduction to practice of the intellectual property and meet with the creator and/or avail itself of appropriate legal assistance if either or both are deemed necessary. The committee shall make its recommendations on the disposition of the case to the president of the University who shall make the final decision.

*\*Adopted by the Faculty Senate 12/2/02; approved by the Board of Trustees 7/23/03*

### **B. University Policy on Human Research Protection\*\***

The promotion of scholarship and the discovery of new knowledge through research are among the major functions of Case Western Reserve University as an institution of higher learning. If this research is to be meaningful and beneficial to humanity, involvement of human subjects as experimental participants is necessary. It is imperative that investigators in all disciplines strive to protect human subjects. University policy and federal regulations demand compliance. Moreover, faculty investigators also have a moral obligation to humankind. The rights of society and the rights of individual subjects must be protected at the same time that investigators are privileged to carry out the mandate to advance knowledge. Research may entail risks to human subjects. Therefore, investigators are obligated to weigh those risks in light of potential benefits to the subject and/or to society.

The Case Western Reserve University Human Research Protection Program (HRPP) covers all human research conducted by any student, employee, faculty member of Case Western Reserve University (CWRU), University Hospitals of Cleveland (UHC) and The MetroHealth System (MHS) as part of his or her job responsibilities with that organization, or any human research conducted by an independent contractor of these organizations as part of the organization's contract. In addition, for any human research in which Case Western Reserve University acts as the grantee, employees of the Louis Stokes Cleveland Department of Veterans Affairs Medical Center (LSCDVAMC) and the Cleveland Clinic Foundation (CCF) are also responsible for complying with the HRPP. Hereafter, these institutions shall be referred to as "member Institutions" under the Case Western Reserve University HRPP. The following policy statements enunciate the guidelines under which investigations involving human subjects may be pursued through the Case Western Reserve University HRPP:

#### 1. Ethical Principles and Regulatory Mandates

Human subject research associated with the Case Western Reserve University HRPP must be carried out in an ethical manner and in accordance with The Belmont Report. In addition, investigators must comply with all applicable federal, state and local regulations that related to the protection of human subjects,

including any and all Food and Drug Administration regulations (i.e., 21 CFR 50 and 56) and any and all Department of Health and Human Services (DHHS) regulations (i.e., 45 CFR 46). Case Western Reserve University maintains a Federalwide Assurance (FWA) with DHHS and applies the requirements of this assurance to all research regardless of funding. Research must not begin until investigators have received review and approval to conduct such research by one of the Institutional Review Boards (IRBs) listed on the Case Western Reserve University FWA.

The IRB Advisory Committee (IAC) was created to ensure that oversight of human subject research is appropriate and in accordance with institutional, federal and state regulations and local mandates. It is empowered by this policy to create procedures and programs for the Case Western Reserve University HRPP to accomplish this mission. The provost will act as the institutional official for the Case Western Reserve University HRPP.

## 2. Definitions

"Research" is defined in 45 CFR 46 as "systematic investigation designed to develop or contribute to generalizable knowledge." Therefore, any investigation designed to generate results that could be published (e.g. journal, book, or technical report) or presented at a conference is considered to be research. Research conducted with human subjects for masters or doctoral theses also must receive IRB approval prior to initiation.

"Human subject" is defined in 45 CFR 46 as a "living individual about whom an investigator (whether professional or student) conducting research obtains: data through intervention or interaction with the individual or identifiable private information." See 45 CFR 46 for definitions of "intervention," "interaction," and "private information." Subjects may include, for example, persons involved in behavioral science studies; normal volunteers; donors of services; in-patients and out-patients; living donors of body fluids, organs, and tissues; and members of the general population who may be involved in environmental or epidemiological studies or similar activities.

"Minimal Risk" is defined in federal regulations at 45 CFR 46.102(f) and 21 CFR 56.102(i) as the probability and magnitude of harm or discomfort anticipated in the research are not greater in and of themselves than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.

## 3. Informed Consent

An investigator may involve a human subject in research only if the investigator has obtained the informed consent of the subject or the subject's legally authorized representative. An investigator shall seek such consent only under circumstances that provide the prospective subject or representative sufficient opportunity to consider whether or not to participate and that minimize the possibility of coercion or undue influence. The investigator must provide the information in written documentation, which uses language that is understandable to the subject or representative. The investigator cannot include in the consent process, either orally or in writing, any language through which the subject or representative is made to waive or appear to waive any of the subject's legal rights or which releases the investigator, the sponsor, the institution, or its agents from liability for negligence. Informed consent is a process.

The basic elements of informed consent are as follows:

- 1) statement that study involves research, explanation of purposes of research and expected duration of subject's participation, description of procedures to be followed, and identification of any procedures which are experimental;
- 2) description of risks or discomfort to subject;
- 3) description of benefits to subject or to others;
- 4) disclosure of alternative procedures, if appropriate;
- 5) description of the extent to which confidentiality will be maintained;
- 6) for research involving more than minimal risk, explanation as to whether compensation and medical treatments are available if injury occurs;
- 7) explanation of whom to contact if questions arise about the research, the subject's rights or whom to contact if research related injury occurs; and
- 8) statement that participation is voluntary, that refusal to participate involves no penalty or loss of benefits, and that subject may discontinue at any time.

#### 4. Privacy and Confidentiality of Data

University investigators are responsible for protecting the right to privacy of research subjects by safeguarding the confidentiality of all individual data and all data that could in any way be attributed to or used to identify the individuals. Should any investigator be called upon by any individuals or groups, private or public, to reveal research data which would in any way endanger confidentiality, it is his or her obligation to refuse to divulge such information as privileged communication between researcher and subject.

However, the University itself has the right to audit data in order to ensure that human subjects are being adequately protected and that the University is in compliance with the MPA. Those individuals performing the audit are bound by the same rules of confidentiality as the investigator.

#### 5. Investigator Non-compliance

All investigators working with human subjects have a responsibility to comply with federal regulations and university policy. Human subject non-compliance is defined as conducting research involving human subjects in a manner that disregards or violates federal regulations governing such research or policies established by the applicable IRB. This can include, but is not limited to, failure to obtain IRB approval for research involving human subjects; inadequate or non-existent procedures for informed consent; inadequate supervision in research involving experimental drugs, devices or procedures; failure to follow the approved version of the protocol; failure to follow recommendations made by the IRB to insure the safety of subjects; failure to report adverse events or proposed protocol changes to the IRB; and continued failure to provide ongoing progress reports.

Per the applicable regulations, IRBs have the authority to review allegations of human subject non-compliance for their particular institution. An IRB may receive allegations in several different ways including, quality assurance auditing reports, subject complaints, internal allegations, or investigator self-reporting. The process by which an IRB reviews allegations should be determined by the seriousness of the allegations and the probability or occurrence of subject harm. It is important to

note that harm to subjects is not limited to physical harm, but also includes social/psychological harms such as breach of confidentiality.

## 6. Submitting Research to an Institutional IRB under the FWA

IRBs are charged with reviewing and approving protocols to assure the adequate protection of human subjects.

## 7. Types of Review

**Exempt Review.** All research involving human subjects must be submitted to the appropriate IRB. Determination of exemption must be made by an appropriate IRB. Research may be exempt from IRB review if it meets the criteria described in 45 CFR 46. FDA regulations do not allow for exemptions for research (except in the case of emergency use of test article), therefore research subject to such regulation cannot be exempt. If a determination of exemption is made, investigators are still responsible for ethical conduct of research with human subjects in accordance with The Belmont Report.

**Expedited Review.** Expedited review is a procedure through which certain kinds of research may be reviewed and approved without convening a meeting of the full IRB. DHHS and FDA regulations specifically define when minimal-risk research can receive expedited review by an IRB.

**Full Review.** All research that has not received an exemption or expedited review by the IRB must be reviewed by a convened meeting of the IRB where a quorum of voting members is present.

**Amendments.** Investigators wanting to change a procedure in a study that has already been approved must prepare a written description of the change and the reason for the change. Such changes include the entry or enrollment criteria of subjects, procedures for data collection, or some activity or procedure that must be changed due to an adverse event. The IRB will then reassess the balance of risks to benefits. In light of the reassessment, the IRB may require the research to be modified or terminated. Any amendment to a study must be reviewed and approved in accordance with IRB policies prior to initiation of the change.

**Adverse Events.** An adverse event is defined as any undesirable and unintended (although not necessarily unexpected) impact on the subject, as a result of therapy or other intervention. Investigators must report in writing to the IRB all adverse events in accordance with the IRB's policies and procedures for reporting such events. If during the course of an investigator's approved research subjects experience adverse effects or new knowledge impacts research design, investigators must inform subjects of any information deemed important by the IRB, which may affect a subject's willingness to continue participation.

## 8. Faculty Advisors are Responsible for Student Research

A faculty member assigning research projects involving human subjects must take an active role in assuring that the subjects of student research are adequately protected. The University expects that advisors will take an active part in preparing students for the role of researcher, instructing them in the ethical conduct of research and assisting in the preparation of IRB applications. After protocol approval, the advisor should meet regularly with the student in order to review their work and progress. While a student serves as the primary researcher for the protocol, the faculty advisor is

ultimately responsible for the protection of human subjects. A faculty member's signature on the application indicates their willingness to comply with all administrative and federal regulations.

## 9. International Research

All human subject research, regardless of funding, performed outside the United States must obtain appropriate institutional IRB approval according to federal regulations and the FWA. The University recognizes that "the procedures normally followed in the foreign countries may differ from those set forth in this policy." The research, however, may be approved if "the procedures prescribed by the (foreign) institution afford protections that are at least equivalent to those provided in the FWA."

*\*approved by the Board of Trustees 3/6/99.*

*\*\*approved by the Faculty Senate 12/19/05 and the Board of Trustees 2/25/06.*

## C. University Guidelines on Authorship and Policy on Copyright\*

### 1. Introduction

The University should concern itself with matters of authorship, author-university relations, and copyright in order to stimulate faculty interest in creating learning materials and ensure that the learner, the author, and the University appropriately share the benefits of the creativity, money, and energy expended.

To fulfill these purposes, the university policy must be highly flexible and must be incorporated in an administrative process responsive to the needs of the learner, the author, and the unit of the University which sponsors and/or produces the learning material.

Within the context of this policy, the "university unit" is defined as a school, department, center, or other academic organization having an assigned budget or supporting grant. "Learning Materials" may be defined as any copyrightable item which contributes to an educational objective, except that in the process of commercialization computer software other than computer aided instructional material, will ordinarily be treated as an invention or discovery and governed by the "University Policy on the Disposition of Inventions and Discoveries" in this section, notwithstanding the possibility that the software may be protected by copyright.

### 2. University Guidelines on Authorship of Research and Scholarly Publications\*\*

Contributing to knowledge is a core activity of faculty, staff, and students in a research university. Contributions to knowledge are evaluated by the publications produced, regardless of the medium or format. Recognizing that authorship can sometimes be a complex process, Case Western Reserve offers these guidelines for helping faculty, staff, and students navigate authorship issues. For the purposes of these guidelines, publications include any and all articles, abstracts, and/or manuscripts based on original work (research and scholarship) conducted at Case Western Reserve University. These guidelines describe what is expected of faculty, staff, and students in authorship matters and are intended to encourage open communication about authorship issues.

#### a. Purpose of the Guidelines

1. Granting agency and public concerns are requiring explicit standards of accountability for all authors of research and scholarly publications.

2. In multiple investigator research and scholarly projects, standards are needed so that contributors can anticipate and understand their rights and responsibilities related to authorship or acknowledgment. However, in very large, multidisciplinary, or multi-institutional projects, following these precise guidelines may not be feasible. Nevertheless, scholars are expected to adhere to the spirit of the guidelines.
3. Not all contributors in any research or scholarship endeavors have the same role, power, or seniority in relationships. It is necessary to clarify the roles of all those involved and to understand each person's rights and obligations in authorship. The potential scholarly contributions of all collaborators, including students, need to be considered in the decisions of authorship.

b. Responsibilities and Criteria for Authorship

1. Authorship is attributed to persons responsible for the intellectual content of the publication. Only those who have contributed substantially to the conception, execution, or interpretation of the work, such that they are willing and able to take public responsibility for the publication, should be included as authors. Honorary authorship that is listing someone as a co-author in the absence of substantial intellectual contribution is discouraged.
2. All authors must have contributed to developing the manuscript and have read and understood the entire contents of the publication.
3. All authors must be sufficiently familiar with the conduct and at least the general interpretation of the research to accept responsibility for its integrity and credibility.
4. It is the responsibility of the author corresponding with the journal or conference, or his or her proxy, to ensure that authorship decisions conform to Case Western Reserve University guidelines and ensure that all authors approve the final submission before publication.
5. All investigators accepting authorship should also accept the responsibility of avoiding unnecessary duplicate journal publication of similar material. Previous publication should be cited in any repeated use of data or theory, and a new publication should meet the criterion of making a new intellectual contribution to the field.
6. In the absence of meeting the above criteria, limited contributions such as provision of standard materials (for example, plasmids, cell lines, tissue, and antibodies), performance of incidental assays or measurements, use of facilities, routine patient care, critical review of the manuscript, providing access to subjects or providing an environment and/or financial support for the research, collecting or analyzing data in a routine format, chairing or advising a dissertation or thesis committee, having an administrative relationship to the research, or contributing to the general intellectual development of one or more authors are insufficient to justify authorship unless the above criteria have also been met but may be recognized by acknowledgment.

For large group projects, it is important at the outset that all members of the research team understand and agree to these principles of authorship. It is also important that procedures for resolving more detailed concerns, such as the timing of presentations or publications, order of authorship, and privilege of presenting results at meetings, be discussed to the extent feasible at the beginning and throughout the work as needed.

7. If disputes or questions concerning authorship have not been successfully resolved among members of a collaboration, these disputes or concerns should be brought, by the individual having a concern, for assistance in resolution to the following administrative officials in this order: a) the department chair, division head, or similar first line of academic management; b) the dean; and c) the provost.

However, if these matters involve allegations or evidence of scholarly misconduct or threats of retribution, they must immediately be brought to the attention of the appropriate university official, as per Chapter 3, Part 2, II. Policy for Responding to Allegations of Research misconduct, in the Faculty Handbook. Journals, societies, and conferences may have different authorship policies that are more stringent or more lenient than these guidelines. In such cases, the guidelines expressed in the present document are to be considered as the minimum standards to which all faculty, staff, and students should adhere.

*\*\*approved by Board of Trustees 7/13/05*

- c. Definition

For the purpose of these guidelines, research publications include articles based on original research submitted to journals, abstracts or manuscripts submitted for conference proceedings, or review articles submitted to journals or book publishers.

3. Relationship of the Author and the University

- a. Independently-Authored Learning Material

In the absence of a prior agreement between the author and the University, it is assumed that materials developed through the normal activities of faculty (including sabbatical leave) are the property of the faculty member. He or she shall have full ownership of the copyright in the materials which he or she has prepared, and the University shall have no claim or rights to the material.

If, however, material is developed as a consequence of initiatives taken by others (e.g., department head, curriculum committee, etc.), then the university unit shall be entitled to the royalty free right to its internal use for an indefinite period, even though the faculty member may leave the University.

- b. University Sponsored Learning Material

Where a university unit sponsors the preparation of copyrightable materials, there is to be a prior written agreement or contract specifying the rights of the author and the rights of the University.

- (1) Where in the preparation of instructional material the author makes extensive use of university personnel and/or facilities without personal charge to him or her, the material shall be considered "university sponsored;" and, depending on the extent and cost of the university facilities and personnel, one of the following conditions will apply:

- a. The author shall own the copyright, and the University shall have royalty free rights to internal use of the material for an indefinite period, even though the faculty member may leave the University.

- b. The author shall own the copyright, and the University shall have a royalty free right to internal use of the material and shall be entitled to a percentage of income derived from such material.
  - c. The University shall own the copyright, shall have a royalty free right to internal use of the material, and shall pay the author a percentage of income from the material.
- (2) In all the above cases the author and/or the university unit shall have the right to limit or restrict the use of university sponsored material, and any such restrictions shall be stated in the contract between the author and the university unit.
  - (3) When conditions and demand require a revised or subsequent edition, a new contract shall be entered into by the author and the University for revision of the material. If the author declines to revise or fails to complete the revision within the time specified by contract, the university unit may then make arrangements with another person or persons for the revision. In such cases the original author shall retain a partial royalty, as it may be provided for in the original contract or the contract covering the revised edition.
  - (4) The author and the university unit may mutually agree to market or license the marketing of university sponsored material for audiences external to the University.
  - (5) Any net income which may derive from externally used copyrighted material generally will be divided between the author (or authors) and the University. However, since circumstances will alter the relative equities of the author and the University, the final terms of division in any particular case are to be negotiated at the time a written agreement is developed.
  - (6) In the event that the author and the university unit fail to agree on matters of development, production, or marketing of university sponsored learning materials, the author may, upon approval by the University Advisory Committee on Copyright, elect to have the material published or marketed by another organization. In such cases, the University shall receive reasonable compensation, either from the author or from the new agency, for the release of the University's rights to the material.

c. University Commissioned Learning Material

Where the author is "commissioned" by a university unit, i.e. given release time from his normal workload to prepare learning material, the University, unless it otherwise agrees in writing, may:

- (1) Copyright the material in its name and may claim absolute and exclusive title to the material  
or
- (2) Make any other arrangements concerning copyright and concerning the distribution of income derived from that copyright which it deems best.

4. Role of the University Advisory Committee on Copyright

- a. Advise faculty and administrators of the requirements and procedures for establishing, maintaining, and registering copyright.
- b. Urge faculty to acquire and maintain copyright on all appropriate material which they create independently of the University and, when appropriate, to register the copyright.



- c. Urge the party (author or university unit) entitled to the copyright of university sponsored material promptly to copyright the material; to maintain copyright; and, as soon as appropriate, to register the copyright.
- d. Advise faculty and administrators that the "rights-in-data" clause in federal contracts, which can preclude or complicate copyright, can usually be altered at the request of the author and the University and that the University's Office of Research Administration is available for consultation on this matter.
- e. Hear any disputes which may arise between authors and the University regarding the implementation of this policy. This mechanism shall not preclude use of the grievance provisions of the policies and procedures for faculty members.

## 5. Implementation of the Policy

### a. Administrative Responsibility

Advice and assistance in obtaining copyright are available to faculty and administrators through the ~~University Office of Research Administration~~ Technology Transfer Office. This office, in taking responsibility for administering the policy, will act as a clearinghouse in referring questions to appropriate internal or external experts so that definitive answers will be obtained. Assistance will also be given in arranging or finalizing contracts or agreements such as specified under 2,b above.

### b. Disputes

As indicated above (3,e), the University Advisory Committee on Copyright shall review disputes and make recommendations to the Committee on Research as to their settlement.

*\*approved by the Board of Trustees 8/5/74.*

## 6. University Policy on Custody of Research Data

### a. Rationale and Purpose of the Guidelines

This policy establishes the assurance that research data are appropriately recorded, archived for a reasonable period of time, and available for review under the appropriate circumstances.

1. Research support agencies, journals, clinical care sites, or colleagues in the field may need or be legally entitled to review primary research data well after publication or dissemination of results and will hold the University accountable for the availability of these data.
2. Researchers involved in multi-investigator projects have rights to access to data gathered by all members of the group.
3. The University may be required to review internally the adequacy and integrity of data if findings of university research are called into question.

### b. Contact person

~~Vice President for Research and Technology Transfer~~ Associate Vice President for Research

c. Applicability and Definitions

This policy shall apply to all Case Western Reserve University faculty, staff, students, and other persons at Case Western Reserve University involved in the design, conduct, or reporting of research at or under the auspices of Case Western Reserve University or with the use of university resources or facilities. It shall apply to all research projects on which those individuals work, regardless of the source of funding for each project.

Research is defined as "a systematic investigation designed to develop and contribute to generalizable knowledge." Examples of activities that constitute research include any study intended to result in publication or public presentation; any activity resulting in publication or public presentation, even though it involves only review of existing data that were collected with no intent to publish; or any use of an investigational drug or device.

Research data are defined as the material, originally recorded by or for the investigator, commonly accepted in the scientific community as necessary to validate research findings. Research data include but are not limited to laboratory notebooks, as well as any other records that are necessary for the reconstruction and evaluation of reported results of research and the events and processes leading to those results, regardless of the form or the media on which they are recorded.

The principal investigator (PI) is defined as the person responsible for the research or who is the signatory person for sponsored research. Confidential information is specified in the "Case Western Reserve University Intellectual Property Policy" and the "University Policy on the Involvement of Human Participants in Research." For student research involving human subjects, the faculty member who is serving as the responsible investigator with respect to the human subject research is considered the PI.

d. Rights and responsibilities

Both the University and principal investigator (PI) have responsibilities and rights concerning access to, use of, and maintenance of research data. The PI is responsible for maintenance and retention of research data in accord with this policy. Case Western Reserve's responsibilities with regard to research data include, but are not limited to:

1. Complying with terms of sponsored project agreements;
2. Ensuring the appropriate use of animals, human subjects, recombinant DNA, etiological agents, radioactive materials, and the like;
3. Protecting the rights of faculty, students, postdoctoral scholars, and staff, including, but not limited to, their rights to access data from research in which they participated;
4. Securing intellectual property rights other than copyright;
5. Facilitating the investigation of charges, such as research misconduct or conflict of interest;
6. Responding to legal actions involving the University related to research carried out under its auspices.

e. Collection and retention of research data

Case Western Reserve University must retain research data in sufficient detail and for an adequate period of time to enable appropriate responses to questions about accuracy, authenticity, primacy, and compliance with laws and regulations governing the conduct of the research.

The PI is the custodian of research data, unless agreed on in writing otherwise, and is responsible for the collection, management, and retention of research data. The PI should adopt an orderly system of data organization and should communicate the chosen system to all members of a research group and to the appropriate administrative personnel, where applicable. Particularly for long-term research projects, the PI should establish and maintain procedures for the protection of essential records.

Research data must be archived for not less than three years after the final close-out or publication, whichever occurs last, with original data retained whenever possible. This should include reasonable and prudent practice for off-site back-up of electronic and hard-copy data. Where applicable, appropriate measures to protect confidential information must be taken. In addition, any of the following circumstances may justify longer periods of retention:

1. Data must be kept for as long as may be necessary to protect any intellectual property resulting from the work;
2. If any charges regarding the research arise, such as allegations of research misconduct or conflict of interest, data must be retained until such charges are fully resolved; and
3. If the data involved constitute part of a student's work toward a degree, they must be retained at least until the degree is awarded or it is clear that the student has abandoned the work.

Beyond the period of retention specified here, the destruction of the research record is at the discretion of the PI and his or her department or laboratory.

To enable the University to meet its responsibilities related to custody of research data (as previously described), the PI is obligated, upon appropriate request, to make all data available for review by the University, its officials or bodies, or the external funding agency or journals, or other external regulatory agencies. This obligation continues even after the PI leaves the University.

In group research projects, the PI is obligated to give co-investigators access to the research data or copies thereof for review and/or use in follow-on research, with proper acknowledgment. Data sharing and custody arrangements by co-investigators or group projects should be determined by the investigators when joining the project and preferably defined in a data use agreement.

Research data will normally be retained in the unit where they are produced. Research data must be retained in such a manner that they are accessible for inspection and copying by authorized representatives of Case Western Reserve University at reasonable times and in a reasonable manner.

f. Transfer in the event a researcher leaves Case Western Reserve University

When individuals involved in research projects who are not PI's at Case Western Reserve University leave the university, they may take copies of research data for projects on which they have worked. The PI must, however, retain original data, at Case Western Reserve University, unless specific permission to do otherwise is granted by the [associate vice president for research](#)

~~and technology transfer~~. In the case of student research where the student is not the PI, the individual who is the PI may allow the student to take the original data (except for original informed consent documents if the study involves human subjects) when the student leaves the university as long as the student signs a written agreement (also signed by the PI and the associate vice president for research and technology management or his or her designee) agreeing to accept custodial responsibilities for the data and that Case Western Reserve University will be given access to the data should that become necessary.

If a PI leaves Case Western Reserve University, custody of the data may be transferred as long as there is a written agreement signed by the vice president for research and technology management or his or her designee and either the PI or (in the event the project is moved to another institution) both the PI and the new institution that guarantees:

1. acceptance of custodial responsibilities for the data, and
2. that Case Western Reserve University be given access to the data should that become necessary.

*Approved by the Board of Trustees 5/18/93. Amended by the Faculty Senate 12/14/00 and approved by the Board of Trustees 6/13/01. Amended by the Faculty Senate 2/27/06 and approved by the Board of Trustees 4/26/06.*

#### **D. University Policy on Equipment Transfer\***

As established by the Board of Trustees, current Case policy on equipment transfer includes the following provisions:

1. Since grants and contracts are awarded to the University and not to individual faculty members, all equipment purchased under outside sponsorship, unless otherwise specified by the grant or contract, is the property of the University.
2. Equipment purchased under grants and contracts is intended for use in the research and educational programs of the University.
3. When a faculty member leaves the University for another academic position, it is anticipated that equipment which has been purchased will usually continue to be needed in the ongoing research and/or educational activities of the specific department concerned and will therefore remain at the University.
4. Where a faculty member requests that certain specialized items of equipment be made available for transfer to the new institution, exceptions to item 3 above will be considered by the department chair and dean. If in their judgment the equipment in question is of such a nature that it will not be put to good use following the departure of the faculty member, it may be recommended for transfer to the new institution. If the equipment was purchased under a grant or contract, the grant or contract must be reviewed since the grant or contract may prohibit or require transfer of the equipment.
5. Since university property cannot be given to another institution by a dean, department chair, or faculty member, the recommendation of the dean is subject to final approval of the university vice president (acting on behalf of the Board of Trustees). He or she will consider these recommendations when the new institution has formally requested transfer of specific items of equipment.

6. Transfers of equipment for reasons other than the relocation of a faculty member to another academic institution are also subject to the procedures in items 4 and 5 above. The transfer request should include the proposed disposition of the equipment, the reasons why the equipment should be disposed of, the original funding source, and a statement that the terms of any grant or other source do not prohibit such a disposition.

*\*adopted by the Board of Trustees 7/5/67; amended 12/8/69*

### **E. Guidelines, Technology Transfer Operations Involving Non-University Personnel on University Premises\***

As part of the process of bringing the practical benefits of university research into widespread societal application, it may be necessary that personnel not on the university payroll (outside personnel) from organizations commercializing or otherwise applying these results (sponsoring organizations) be allowed to work temporarily within university facilities to learn and develop needed techniques. However, it is important that such interactions be conducted on a scale, and in a framework of defined guidelines, so that they do not disrupt academic activities and do not allow any use of university or governmental assets to benefit sponsoring organizations without appropriate compensation and only under written agreements.

The following guidelines will govern such interactions at Case Western Reserve University:

1. Faculty involvement with outside personnel must be at a scale and character that it does not cause disruptions in the primary role of university teacher and scholar. If time commitments are to exceed levels compatible with full-time commitment to the university faculty role, these must be designated in written agreements with which the faculty dean and department chair concur.
2. The time period during which outside personnel will be permitted to work within university academic facilities will be strictly limited to a time defined by a specific work plan for technology transfer steps and training. All such arrangements will be reviewed annually by the dean of graduate studies and research and the cognizant department chair and management center dean.
3. In these interactions, there must be no conversion of university facilities, or staff or student effort, to the benefit of the sponsoring organization unless this support is paid for at normal rates and arrangements and expectations are detailed in written agreements with the University. It will be especially important to ensure that student and faculty freedom of choice in determining project and research interests is not limited by the relationship with the sponsoring organization.
4. In determining the terms of the agreements, such sponsoring organizations will be treated no more favorably than we have treated and/or are prepared to treat federal or other research agencies or any other organizations wanting to work with the University on research and technology transfer projects which conform to our guidelines. A faculty and/or university equity role in the sponsoring organization will not be used as a rationale to provide terms more favorable to it than we would offer to organizations without such linkages to us.
5. There will be no conversion of government, foundation, or any other grant or contract support or results to the benefits of the sponsoring organization unless specified in a written agreement and in compliance with the policies of the agency providing that grant or contract support.
6. All university personnel and/or students whose efforts are covered in whole or in part by agreements with the sponsoring organization will be made aware of that fact and of the obligations and limitations of those agreements.

7. Any charges related to the activities of outside personnel will be paid for from specific accounts set up for those purposes, and funds received from the sponsoring organization for expenses related to agreements with it will be deposited in these accounts. Charges and funds related to the activities of the outside personnel will not be commingled with other university funds or channeled through unspecified discretionary accounts.
8. Outside personnel will carry out activities in university academic laboratory space only for agreed and limited periods in order to facilitate effective technology transfer and scale-up from the academic laboratory to commercial scale activities. While operating in university academic laboratory space they will be treated and regarded as visitors, not university employees. The University will accept no liability related to their presence on university premises. They will comply with such working guidelines as the university, laboratory head, and/or department chair may require to ensure that their presence does not disrupt academic functions and that the principles 1-7 above are not violated. They will also comply with all regulatory requirements governing Case Western Reserve research, including those governing laboratory safety, hazardous material use and disposal, and animal care and use.
9. These guidelines will apply equally to all such arrangements with sponsoring organizations, whether or not university faculty or the university itself have equity or other roles in the sponsoring organization or receive any financial rewards from the application of the research results transferred.

*\*Approved by the Board of Trustees 6/25/94.*

## ***II. Policy for Responding to Allegations of Research Misconduct\****

- A. Introduction
  1. General Policy

Research misconduct will not be tolerated or accepted at Case Western Reserve University. Scientific integrity and ethics are highly valued and expected from all members of the University community. While ensuring compliance, the University will make all efforts to protect the rights and reputations of all individuals including the respondent and good faith complainant.

The University will educate researchers and staff members on policies and the importance of compliance. Preventative measures are by far the most productive and least damaging to all involved. Our goal is to initiate department-level discussions among students, faculty, and staff researchers to examine the contemporary stresses felt on academic research ethics, and to consider ways to deal with those stresses.

The University's basic procedural approach to handling allegations of research misconduct is to investigate as soon as misconduct is suspected, inform and cooperate with the Office of Research Integrity (ORI), and to follow the proceeding policies.

2. Scope

This policy and the associated procedures apply to all individuals at Case Western Reserve University engaged in any research whether it is supported by the U.S. Public Health Service (PHS) or not. The PHS regulation, 42 Code of Federal Regulations (CFR) Part 93, applies to any research, research-training or research-related grant or cooperative agreement with PHS. This University policy applies

to any person paid by, under the control of, or affiliated with the institution, such as scientists, trainees, technicians and other staff members, students, fellows, guest researchers, or collaborators at Case Western Reserve University. While the University's authority to investigate, to compel cooperation, and to impose sanctions against those who are not members of the University Community is limited, the University will nonetheless investigate all allegations of misconduct involving research.

The policy and associated procedures will normally be followed when an allegation of possible research misconduct is received by a University official. Particular circumstances in an individual case may dictate variation from the normal procedure, when such variations are deemed to be in the best interests of Case Western Reserve University and PHS. Any change from normal procedures also must ensure fair treatment to the subject of the inquiry or investigation

## **B. Definitions**

1. *Allegation* means any written or oral statement or other indication of possible research misconduct made to a University or HHS official where the alleged misconduct occurred within six years of the date the University received the allegation.
2. *Complainant* means a person who makes an allegation of research misconduct.
3. *Conflict of interest* means the real or apparent interference of one person's interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.
4. *Deciding Official* means the University official who makes final determinations on allegations of research misconduct and any responsive institutional actions. The Deciding Official will not be the same individual as the Research Integrity Officer and should have no direct prior involvement in the institution's inquiry, investigation, or allegation assessment.
5. *Good-faith allegation* means an allegation made with the honest belief that research misconduct may have occurred. An allegation is not in good faith if it is made with knowing or reckless disregard for the information that would negate the allegation.
6. *Inquiry* means gathering information and initial fact-finding to determine whether an allegation or apparent instance of research misconduct warrants an investigation.
7. *Investigation* means the formal examination and evaluation of all relevant facts to determine whether misconduct has occurred, and, if so, to determine the responsible person and the seriousness of the misconduct.
8. *ORI* means the Office of Research Integrity, the office within the U.S. Department of Health and Human Services (DHHS) that is responsible for the research misconduct and research integrity activities of the U.S. Public Health Service.
9. *PHS* means the U.S. Public Health Service, an operating component of the DHHS.
10. *PHS regulation* means the Public Health Service regulation establishing standards for institutional inquiries and investigations into allegations of research misconduct, which is set forth at 42 CFR Part 93, "Public Health Service Policies on Research Misconduct."

11. *PHS support* means PHS grants, contracts, or cooperative agreements or applications therefore.
12. *Research Integrity Officer* means the University official responsible for assessing allegations of research misconduct and determining whether such allegations warrant inquiries and for overseeing inquiries and investigations.
13. *Research record* means any data, document, computer file, computer diskette, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of research misconduct. A research record includes, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.
14. *Respondent* means the person against whom an allegation of research misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.
15. *Retaliation* means any action that adversely affects the employment or other institutional status of an individual that is taken by an institution or an employee because the individual has in good faith made an allegation of research misconduct or of inadequate institutional response thereto or has cooperated in good faith with an investigation of such allegation
16. *Research Misconduct* means fabrication, falsification, plagiarism in proposing, performing, or reviewing research, or in reporting research results. Fabrication is making up data or results and recording or reporting them. Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record. Plagiarism is the appropriation of another person's ideas, processes, results or words without giving appropriate credit. Research misconduct does not include honest error or differences in opinion.

A finding of research misconduct requires that 1) there be a significant departure from accepted practices of the relevant research community, 2) the misconduct be committed intentionally, knowingly or recklessly; and 3) the allegation be proven by a preponderance of the evidence.

### **C. Rights and Responsibilities**

#### **1. Research Integrity Officer**

The Research Integrity Officer will have primary responsibility for implementation of the procedures set forth in this document. The Research Integrity Officer will be a University official who is well qualified to handle the procedural requirements involved and is sensitive to the varied demands made on those who conduct research, those who are accused of misconduct, and those who report apparent misconduct in good faith.

The Research Integrity Officer will appoint the inquiry and investigation committees and shall take all reasonable steps to ensure an impartial and unbiased research misconduct proceeding to the maximum extent practicable. He/she shall select those conducting the inquiry or investigation on the basis of scientific expertise that is pertinent to the matter and, prior to selection, shall screen them for



any unresolved personal, professional, or financial conflicts of interest with the respondent, complainant, potential witnesses, or others involved in the matter. Any such conflict which a reasonable person would consider to demonstrate potential bias shall disqualify the individual from selection.

To the extent allowed by law, the Research Integrity Officer shall maintain the identity of respondents and complainants securely and confidentially and shall not disclose any identifying information, except to: (1) those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; and (2) ORI as it conducts its review of the research misconduct proceeding and any subsequent proceedings.

To the extent allowed by law, any information obtained during the research misconduct proceeding that might identify the subjects of research shall be maintained securely and confidentially and shall not be disclosed, except to those who need to know in order to carry out the research misconduct proceeding.

The Research Integrity Officer will assist inquiry and investigation committees and all University personnel in complying with these procedures and with applicable standards imposed by government or external funding sources. The Research Integrity Officer is also responsible for maintaining files of all documents and evidence and for the confidentiality and the security of the files.

The Research Integrity Officer will report to ORI as required by regulation and keep ORI apprised of any developments during the course of the inquiry or investigation that may affect current or potential DHHS funding for the individual(s) under investigation or that PHS needs to know to ensure appropriate use of Federal funds and otherwise protect the public interest.

## 2. Complainant

The complainant will ordinarily have an opportunity to be interviewed by the inquiry and investigation committees, to review portions of the inquiry and investigation reports pertinent to his or her allegations or testimony, to be informed of the results of the inquiry and investigation, and to be protected from retaliation. Also, if the Research Integrity Officer has determined that the complainant may be able to provide pertinent information on any portions of the draft report; these portions may be given to the complainant for comment.

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with an inquiry or investigation.

## 3. Respondent

The respondent will be informed in writing of the allegations when an inquiry is opened and notified in writing of the final determinations and resulting actions. The respondent will also have the opportunity to be interviewed by and present evidence to the inquiry and investigation committees, to review the draft inquiry and investigation reports, and to have the advisor of choice. Advisors, however, may only consult with the respondent. They may not address the committee, ask questions of the committee, or participate in the interviews.

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry or investigation. If the respondent is not found to have engaged in research misconduct, he or she has the right to receive institutional assistance in restoring his or her reputation.

#### 4. Deciding Official

The associate vice president for Research and Technology Management (or in his or her absence, a representative appointed by the provost) as the deciding official will receive the inquiry and/or investigation report and any written comments made by the respondent or the complainant on the draft report. The deciding official will consult with the research integrity officer ~~or~~ and other appropriate officials and will determine whether to conduct an investigation, whether misconduct occurred, whether to impose sanctions, or whether to recommend and/or take other appropriate administrative actions.

### D. General Policies and Principles

#### 1. Responsibility to Report Misconduct

All employees or individuals associated with Case Western Reserve University should report observed, suspected, or apparent misconduct in research to the Research Integrity Officer. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may contact the Research Integrity Officer to discuss the suspected misconduct informally. If the circumstances described by the individual do not meet the definition of research misconduct, the Research Integrity Officer will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

At any time, an employee may have discussions and consultations about concerns of possible misconduct with the Research Integrity Officer and will be counseled about appropriate procedures for reporting allegations.

#### 2. Protecting the Complainant

The Research Integrity Officer will monitor the treatment of individuals who bring allegations of misconduct or of inadequate institutional response thereto, and those who cooperate in inquiries or investigations. The Research Integrity Officer will attempt to ensure that these persons will not be retaliated against in the terms and conditions of their employment or other status at the institution and will review instances of alleged retaliation for appropriate action.

Employees or those affiliated with the University or a PHS grant should immediately report any alleged or apparent retaliation to the Research Integrity Officer.

Also the University will protect the privacy of those who report misconduct in good faith to the maximum extent possible. For example, if the complainant requests anonymity, the University will make a reasonable effort to honor the request during the allegation assessment or inquiry within applicable policies and regulations and state and local laws, if any. The complainant will be advised that if the matter is referred to an investigation committee and the complainant's testimony is required, anonymity may no longer be guaranteed. The University is required to undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations.

#### 3. Protecting the Respondent

Inquiries and investigations will be conducted in a manner that will ensure fair treatment to the respondent(s) and confidentiality to the extent possible without compromising public health and safety or thoroughly carrying out the inquiry or investigation.

University employees accused of research misconduct may consult with an advisor (who is not a principal or witness in the case) to seek advice and may bring the advisor to interviews or meetings on the case. However, the advisor may only consult with the respondent. Advisors may not address the committee, ask questions of the committee, or participate in the interview.

#### 4. Cooperation with Inquiries and Investigations

University employees and those working on PHS grants will cooperate with the Research Integrity Officer and other institutional officials in the review of allegations and the conduct of inquiries and investigations. Employees have an obligation to provide relevant evidence to the Research Integrity Officer or other University officials on misconduct allegations.

#### 5. Preliminary Assessment of Allegations

Promptly after receiving an allegation of research misconduct, defined as a disclosure of possible research misconduct through any means of communication, the Research Integrity Officer shall assess the allegation to determine if: (1) it meets the definition of research misconduct in 42 CFR Section 93.103; (2) it involves either the PHS supported research, applications for PHS research support, or research records specified in 42 CFR Section 93.102(b) or other non-PHS support; and, (3) the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified. This assessment will be presented in writing to the Deciding Official for concurrence before the Research Integrity Officer either closes the matter or proceeds to inquiry. All parties will be notified in writing if the matter is closed after the preliminary assessment.

### E. Conducting the Inquiry

#### 1. Initiation and Purpose of the Inquiry

Following the preliminary assessment, if the Research Integrity Officer determines that the allegation provides sufficient information to allow specific follow-up and falls under the PHS definition of research misconduct, he or she will initiate the inquiry process whether it involves PHS support or not. In initiating the inquiry, the Research Integrity Officer should identify clearly the original allegation and any related issues that should be evaluated. The purpose of the inquiry is to make a preliminary evaluation of the available evidence and testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation. The purpose of the inquiry is not to reach a final conclusion about whether misconduct definitely occurred or who was responsible. The findings of the inquiry will be set forth in an inquiry report.

#### 2. Sequestration of the Research Records

After determining that an allegation falls within the definition of misconduct in research, the Research Integrity Officer must ensure that all original research records and materials relevant to the allegation are secured. The Research Integrity Officer may consult with ORI for advice and assistance in this regard.

The Research Integrity Officer shall take the following specific steps to obtain, secure, and maintain the research records and evidence pertinent to the research misconduct proceeding:

- 1) **Either before or when the Research Integrity Officer notifies the respondent of the allegation**, the Research Integrity Officer shall promptly take all reasonable and practical steps to obtain custody of all research records and evidence needed to conduct the research

misconduct proceeding, inventory those materials, and sequester them in a secure manner, except in those cases 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.

- 2) Where appropriate, give the respondent copies of, or as reasonable, supervised access to the research records.
- 3) Undertake all reasonable and practical efforts to take custody of additional research records and evidence discovered during the course of the research misconduct proceeding, including at the inquiry and investigation stages, or if new allegations arise, subject to the exception for scientific instruments in (1) above.

### 3. Appointment of the Inquiry Committee

The Research Integrity Officer, in consultation with other University officials as appropriate, will appoint an inquiry committee and committee chair. The inquiry committee should consist of individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry. These individuals may be scientists, subject matter experts, administrators, lawyers, or other qualified persons, and they may be from inside or outside the University.

The Research Integrity Officer will notify the respondent of the proposed committee membership in writing. If the respondent submits a written objection to any appointed member of the inquiry committee or expert based on bias or conflict of interest within 5 days, the Research Integrity Officer will determine whether to replace the challenged member or expert with a qualified substitute.

### 4. Charge to the Committee and the First Meeting

The Research Integrity Officer will prepare a charge for the inquiry committee that describes the allegations and any related issues identified during the allegation assessment and states that the purpose of the inquiry is to make a preliminary evaluation of the evidence and testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation as required by the PHS regulation. The purpose is not to determine whether research misconduct definitely occurred or who was responsible.

At the committee's first meeting, the Research Integrity Officer will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The Research Integrity Officer and the Office of General Counsel will be available throughout the inquiry to advise the committee as needed.

### 5. Inquiry Process

The inquiry committee will normally interview the complainant, the respondent and key witnesses as well as review relevant research records and materials. Then the inquiry committee will evaluate the evidence and testimony obtained during the inquiry. After consultation with the Research Integrity Officer and the Office of General Counsel, the committee members will decide whether there is sufficient evidence of possible research misconduct to recommend further investigation. The scope

of the inquiry does not include deciding whether misconduct occurred or conducting exhaustive interviews and analyses.

## **F. The Inquiry Report**

### **1. Elements of the Inquiry Report**

The written inquiry report shall contain the following information: (1) The name and position of the respondent(s); (2) A description of the allegations of research misconduct; (3) The PHS support involved, including, for example, grant numbers, grant applications, contracts, and publications listing PHS support or other non-PHS support; (4) The basis for recommending that the alleged actions warrant an investigation; and (5) Any comments on the report by the respondent or the complainant. The report should also include recommendations on whether any other actions should be taken if an investigation is not recommended. The Office of General Counsel will review the report for legal sufficiency.

### **2. Comments on the Report by the Respondent and the Complainant**

The Research Integrity Officer will provide the respondent with a copy of the inquiry report for comment and rebuttal, along with a copy of this policy. The Research Integrity Officer may provide the complainant, if he or she is identifiable; with a summary of the inquiry findings that addresses the complainant's role and opinions in the investigation.

#### **a. Confidentiality**

The Research Integrity Officer may establish reasonable conditions for review to protect the confidentiality of the report.

#### **b. Receipt of Comments**

Within 14 calendar days of receipt of the report or summary, the respondent (and complainant, if applicable) will provide their comments, if any, to the inquiry committee. Any comments that the complainant or respondent submits on the report may become part of the final inquiry report and record. Based on the comments, the inquiry committee may revise the report as appropriate.

### **3. Inquiry Decision and Notification**

#### **a. Decision by Deciding Official**

The Research Integrity Officer will transmit the final report and any comments to the Deciding Official, who will make the determination of whether findings from the inquiry provide sufficient evidence of possible research misconduct to justify conducting an investigation. The inquiry is completed when the Deciding Official makes this determination. The determination is ordinarily made within 60 days of the first meeting of the inquiry committee, unless circumstances warrant a longer period. The reasons for exceeding the 60-day period shall be documented in the inquiry record.

#### **b. Notification**

The Research Integrity Officer will ordinarily notify both the respondent and the complainant

in writing of the Deciding Official's decision of whether to proceed to an investigation and will remind them of their obligation to cooperate in the event an investigation is opened. The Research Integrity Officer will also notify all appropriate University officials of the Deciding Official's decision.

#### 4. Time Limit for Completing the Inquiry Report

The inquiry committee will normally complete the inquiry and submit its report in writing to the Research Integrity Officer no more than 60 calendar days following its first meeting, unless the Research Integrity Officer approves an extension because circumstances warrant a longer period. If the Research Integrity Officer approves an extension, the reason for the extension will be entered into the records. The respondent also may be notified of the extension.

On or before the date on which the investigation begins (the investigation must begin within 30 calendar days of the institution finding that an investigation is warranted), the Research Integrity Officer shall provide ORI with the written finding by and a copy of the inquiry report containing the information required by 42 CFR Section 93.309(a). Upon a request from ORI he/she shall promptly send them: (1) a copy of institutional policies and procedures under which the inquiry was conducted; (2) the research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and (3) the charges for the investigation to consider. Inquiry reports of allegations that do not involve PHS support in accordance with the definition of research misconduct will not be forwarded to ORI, but will otherwise be in accordance with this policy.

### **G. Conducting the Investigation**

#### 1. Purpose of the Investigation

The purpose of the investigation is to explore in detail the allegations, to examine the evidence in depth, and to determine specifically whether misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged misconduct involves clinical trials or potential harm to human subjects or the general public or if it affects research that forms the basis for public policy, clinical practice, or public health practice. The findings of the investigation will be set forth in an investigation report.

#### 2. Sequestration of the Research Records

The Research Integrity Officer will immediately sequester any additional pertinent research records that were not previously sequestered during the inquiry. This sequestration should occur before or at the time the respondent is notified that an investigation has begun. The need for additional sequestration of records may occur for any number of reasons, including the University's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

#### 3. Appointment of the Investigation Committee

The Research Integrity Officer, in consultation with other University officials as appropriate, will appoint an investigation committee and the committee chair as soon as practicable after the

respondent has been notified that an investigation is planned. The investigation committee should consist of at least three individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegations, interview the principals and key witnesses, and conduct the investigation. These individuals may be scientists, administrators, subject matter experts, lawyers, or other qualified persons, and they may be from inside or outside the University. Individuals appointed to the investigation committee may also have served on the inquiry committee.

The Research Integrity Officer will notify the respondent of the proposed committee membership. If the respondent submits a written objection to any appointed member of the investigation committee, the Research Integrity Officer will determine whether to replace the challenged member with a qualified substitute.

#### 4. Charge to the Committee and the First Meeting

##### a. Charge to the Committee

The Research Integrity Officer will define the subject matter of the investigation in a written charge to the committee that describes the allegations and related issues identified during the inquiry, defines research misconduct, and identifies the name of the respondent. The charge will state that the committee is to evaluate the evidence and testimony of the respondent, complainant, and key witnesses to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, to what extent, who was responsible, and its seriousness.

During the investigation, if additional information becomes available that substantially changes the subject matter of the investigation or would suggest additional respondents, the committee will notify the Research Integrity Officer, who will determine whether it is necessary to notify the respondent of the new subject matter or to provide notice to additional respondents.

##### b. The First Meeting

The Research Integrity Officer, with the Office of General Counsel, will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of these instructions and, where PHS funding is involved, the PHS regulation.

#### 5. Investigation Process

In conducting all investigations, the University shall: (1) Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of the allegations; (2) Interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of investigation; (3) Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of additional instances of possible research misconduct, and

continue the investigation to completion; and (4) Otherwise comply with the requirements for conducting an investigation in 42 CFR Section 93.310

The respondent will be notified sufficiently in advance of the scheduling his or her interview so that the respondent may prepare for the interview and arrange for the attendance of an advisor, if the respondent wishes.

## **H. The Investigation Report**

### **1. Elements of the Investigation Report**

The Research Integrity Officer, in conjunction with the Investigation Committee, shall prepare the draft and final institutional investigation reports in writing and provide the draft report for comment as provided elsewhere in these policies and procedures and 42 CFR Section 93.312. The final investigation report shall:

- (1) Describe the nature of the allegations of research misconduct;
- (2) Describe and document the PHS support (if applicable), including, for example any grant numbers, grant applications, contracts, and publications listing PHS support;
- (3) Describe the specific allegations of research misconduct considered in the investigation;
- (4) Include the institutional policies and procedures under which the investigation was conducted, if not already provided to ORI;
- (5) Identify and summarize the research records and evidence reviewed, and identify any evidence taken into custody, but not reviewed. **The report should also describe any relevant records and evidence not taken into custody and explain why.**
- (6) Provide a finding as to whether research misconduct did or did not occur for each separate allegation of research misconduct identified during the investigation, and if misconduct was found, (i) identify it as falsification, fabrication, or plagiarism and whether it was intentional, knowing, or in reckless disregard, (ii) summarize the facts and the analysis supporting the conclusion and consider the merits of any reasonable explanation by the respondent and any evidence that rebuts the respondent's explanations, (iii) identify the specific PHS support or other support; (iv) identify any publications that need correction or retraction; (v) identify the person(s) responsible for the misconduct, and (vi) list any current support or known applications or proposals for support that the respondent(s) has pending with non-PHS Federal agencies; and
- (7) Include and consider any comments made by the respondent and complainant on the draft investigation report.

The University shall maintain and provide to ORI upon request all relevant research records and records of its research misconduct proceeding, including results of all interviews and the transcripts or recordings of such interviews.

### **2. Comments on the Draft Report**

#### **a. Respondent**



The Research Integrity Officer will provide the respondent with a copy of the draft investigation report, and concurrently, a copy of, or supervised access to, the evidence on which the report is based and notify the respondent that any comments must be submitted within 30 days of the date on which he/she received the draft report.. The respondent's comments will be attached to the final report and are considered in the final investigation report.

b. Complainant

The Research Integrity Officer will provide the complainant; if he or she is identifiable, with those portions of the draft investigation report that address the complainant's role and opinions in the investigation. The report may be modified, as appropriate, based on the complainant's comments.

c. Review by Office of General Counsel

The draft investigation report will be transmitted to the Office of General Counsel for a review of its legal sufficiency. Comments should be incorporated into the report as appropriate.

d. Confidentiality

In distributing the draft report, or portions thereof, to the respondent and complainant, the Research Integrity Officer will inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality. For example, the Research Integrity Officer may request the recipient to sign a confidentiality statement or to come to his or her office to review the report.

3. University Review and Decision

Based on a preponderance of the evidence, the Deciding Official will make the final determination whether to accept the investigation report, its findings, and the recommended University actions. A preponderance of the evidence means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not. If this determination varies from that of the investigation committee, the Deciding Official will explain in detail the basis for rendering a decision different from that of the investigation committee in the institution's letter transmitting the report to ORI. The Deciding Official's explanation should be consistent with the PHS definition of research misconduct, the University's policies and procedures, and the evidence reviewed and analyzed by the investigation committee. The Deciding Official may also return the report to the investigation committee with a request for further fact-finding or analysis. The Deciding Official's determination, together with the investigation committee's report, constitutes the final investigation report for purposes of ORI review.

When a final decision on the case has been reached, the Research Integrity Officer will notify both the respondent and the complainant in writing of the decision. In addition, the Deciding Official will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The Research Integrity Officer is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

#### 4. Transmittal of the Final Investigation Report

After comments have been received and the necessary changes have been made to the draft report, the investigation committee should transmit the final report with attachments, including the respondent's and complainant's comments, to the Deciding Official, through the Research Integrity Officer.

#### 5. Time Limit for Completing the Investigation Report

An investigation should ordinarily be completed within 120 days of its initiation, with the initiation ordinarily beginning with the first meeting of the investigation committee. This includes conducting the investigation, preparing the report of findings, making the draft report available to the subject of the investigation for comment, submitting the report to the Deciding Official for approval, and submitting the report to the ORI. If the University will not be able to complete the investigation in 120 days, it will submit to ORI a written request for an extension and an explanation for the need for an extension.

### **I. Requirements for Reporting to ORI**

1. The University shall promptly provide to ORI after the investigation: (1) A copy of the investigation report, all attachments, and any appeals; (2) A statement of whether the institution found research misconduct and, if so, who committed it; (3) A statement of whether the institution accepts the findings in the investigation report; and (4) A description of any pending or completed administrative actions against the respondent. *(Only actions involving respondents who receive funding from PHS will be reported to ORI.)*
2. If the University plans to terminate an inquiry or investigation for any reason without completing all relevant requirements of the PHS regulation, the Research Integrity Officer will submit a report of the planned termination to ORI, including a description of the reasons for the proposed termination.
3. If the University determines that it will not be able to complete the investigation in 120 days, the Research Integrity Officer will submit to ORI a written request for an extension that explains the delay, reports on the progress to date, estimates the date of completion of the report, and describes other necessary steps to be taken. If the request is granted, the Research Integrity Officer will file periodic progress reports as requested by the ORI.
4. When the case involves PHS funds, the University cannot accept an admission of research misconduct as a basis for closing a case or not undertaking an investigation without prior approval from ORI.
5. At any time during a research misconduct proceeding, the University shall notify ORI immediately if it has reason to believe that any of the following conditions exist:
  - (1) Health or safety of the public is at risk, including an immediate need to protect human or animal subjects.
  - (2) HHS resources or interests are threatened.
  - (3) Research activities should be suspended.
  - (4) There is a reasonable indication of violations of civil or criminal law.

(5) Federal action is required to protect the interests of those involved in the research misconduct proceeding.

(6) The University believes the research misconduct proceeding may be made public prematurely, so that HHS may take appropriate steps to safeguard evidence and protect the rights of those involved.

(7) The University believes the research community or public should be informed.

## **J. Institutional Administrative Actions**

The University will cooperate with and assist ORI and HHS, as needed, to carry out any administrative actions HHS may impose as a result of a final finding of research misconduct by HHS.

The University will also take appropriate administrative actions against individuals when an allegation of misconduct has been substantiated.

If the Deciding Official determines that the alleged misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken, after consultation with the Research Integrity Officer. The actions may include:

- withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found.
- removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment;
- restitution of funds as appropriate.

The University will report to ORI any proposed settlements, admissions of research misconduct, or institutional findings of misconduct that arise at any stage of a misconduct proceeding, including the allegation and inquiry stages.

## **K. Other Considerations**

### **1. Termination of University Employment or Resignation Prior to Completing Inquiry or Investigation**

The termination of the respondent's employment with the University, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, ordinarily will not preclude or terminate the misconduct procedures.

If the respondent, without admitting to the misconduct, elects to resign his or her position prior to the initiation of an inquiry, but after an allegation has been reported, or during an inquiry or investigation, the inquiry or investigation ordinarily will proceed. If the respondent refuses to participate in the process after resignation, the committee will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's failure to cooperate and its effect on the committee's review of all the evidence.

### **2. Restoration of the Respondent's Reputation**

If the University finds no misconduct or that the allegation of misconduct cannot be substantiated and ORI concurs, after consulting with the respondent, the Research Integrity Officer will undertake

reasonable efforts to restore the respondent's reputation. Depending on the particular circumstances, the Research Integrity Officer should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in forums in which the allegation of research misconduct was previously publicized, or expunging all reference to the research misconduct allegation from the respondent's personnel file.

### 3. Protection of the Complainant and Others

Regardless of whether the University or ORI determines that research misconduct occurred, the Research Integrity Officer will undertake reasonable efforts to protect complainants who made allegations of research misconduct in good faith and others who cooperate in good faith with inquiries and investigations of such allegations. Upon completion of an investigation, the Research Integrity Officer will determine, after consulting with the complainant, what steps, if any, are needed to protect or restore the position or reputation of the complainant. The Research Integrity Officer will also take appropriate steps during the inquiry and investigation to prevent any retaliation against the complainant.

### 4. Allegations Not Made in Good Faith

If relevant, the Inquiry or Investigation Committee will determine whether the complainant's allegations of research misconduct were not made in good faith and will include such determination in its respective report. If an allegation was not made in good faith, the Deciding Official will determine whether any administrative action should be taken against the complainant.

### 5. Interim Administrative Actions

At any time during a research misconduct proceeding, the University shall take appropriate interim actions to protect public health, federal funds and equipment, and the integrity of the PHS supported research process. The necessary actions will vary according to the circumstances of each case, but examples of actions that may be necessary include delaying the publication of research results, providing for closer supervision of one or more researchers, requiring approvals for actions relating to the research that did not previously require approval, auditing pertinent records, or taking steps to contact other institutions that may be affected by an allegation of research misconduct.

## **L. Record Retention**

After completion of a case and all ensuing related actions, the Research Integrity Officer will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the Research Integrity Officer or committees.

The University shall cooperate fully and on a continuing basis with ORI during its oversight reviews of this institution and its research misconduct proceedings and during the process under which the respondent may contest ORI findings of research misconduct and proposed HHS administrative actions. This includes providing, as necessary to develop a complete record of relevant evidence, all witnesses, research records, and other evidence under the University's control or custody, or in the possession of, or accessible to, all persons that are subject to the University's authority.

The University shall maintain all records of the research misconduct proceeding, as defined in 42 CFR Section 93.317(a), for 7 years after completion of the proceeding, or any ORI or HHS proceeding under Subparts D and E of 42 CFR Part 93, whichever is later, unless the University has transferred custody of

the records and evidence to HHS, or ORI has advised the University that it no longer need to retain the records.

*\*approved by the Faculty Senate 12/19/05 and the Board of Trustees 2/25/06.*

## **II. Institutional Conflict of Interest Policy.**

### **A. Who is covered by this policy?**

This institutional conflict of interest policy applies to the members of the Board of Trustees, the President, the Provost, all senior (“cabinet-level”) officials of the University (comprising the President, Provost, General Counsel, Senior Vice President for Administration, Chief Financial Officer, Vice President for Medical Affairs, the Chief of Staff, the vice presidents for Development, University Relations, and Diversity, and any other individual that the President designates), vice presidents, vice provosts, deputy provosts, deans, associate and vice deans, department chairs, academic division chiefs, directors of department-level centers, IRB chairs, the chair of the Conflict of Interest Committee, the chair of the Institutional Biosafety Committee, and directors of institutes and centers with department-level status.

### **B. What is an institutional conflict of interest?**

An institutional conflict of interest arises when the financial interests of the University, or a University official acting within his or her authority on behalf of the University, may influence or appear to influence the research, education, clinical care, business transactions, or other activities of the University. In the case of research, the concern is that the financial interests of the University, or of a University official acting within his or her authority on behalf of the University, might affect—or reasonably appear to affect—University processes for the conduct, review, or oversight of the research.

An institutional conflict of interest also might arise when an individual covered by this policy receives a financial or other benefit from the use or disclosure of non-public information pertaining to the University.

Institutional conflicts of interest may arise when outside activities are inconsistent with an individual’s responsibilities to the University. Outside activities include leadership participation in professional, community, or charitable activities, self-employment, participation in business partnerships, employment or consulting arrangements with entities other than the University, either compensated or uncompensated, and service on any private-sector board, including for-profit, non-profit, advisory, or honorary. These activities are inconsistent with an individual’s responsibilities to the University when they adversely influence or appear to adversely influence the research, education, clinical care, business transactions, or other activities of the University.

An individual conflict of interest may raise an institutional conflict of interest issue and vice versa.

### **C. Reporting.**

There is no separate individual reporting under the institutional conflict of interest policy. The information reported on individual conflict of interest forms is used in carrying out the institutional conflict of interest policy.

In addition, the Conflict of Interest Office periodically must receive the following information:

1. From the Senior Vice President of Finance and Chief Financial Officer, a list of the entities in which the University has any financial interest.
2. From the Board of Trustees, a list of the entities in which members of the Board of Trustees and senior officials of the University, their spouses, dependent children, domestic partners, or any other dependent person living in the same household as the individual, have any financial interest. The list of entities provided by the Audit Committee of the Board of Trustees to the Conflict of Interest Committee does not contain the identities of the individuals who have the financial interest in those entities.
3. From the Office of Development, a list of major gifts to the University.
4. From the ~~Office of Research and Technology Management~~ Technology Transfer Office, a list of the University's equity holdings and technology licenses.

# **BYLAWS OF THE FACULTY OF THE CASE SCHOOL OF ENGINEERING**

## **CASE WESTERN RESERVE UNIVERSITY**

Approved by the faculty of the Case School of Engineering, 17 November 2005

Approved with minor modifications by the Faculty Senate, 27 February 2006

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## Chapter 1. Organization and Constitution of the Faculty

### ARTICLE I — PURPOSE

These bylaws and all amendments adopted, as hereinafter provided, shall constitute the rules governing the Faculty of The Case School of Engineering (hereinafter called the faculty) in the performance of its duties in consonance with the *Faculty Handbook* of Case Western Reserve University.

### ARTICLE II — MEMBERSHIP

#### Section A. Privileges

Tenured and tenure-track members of the university faculty with primary or joint appointment in the Case School of Engineering (hereinafter called the school) shall be voting members of the faculty. Non-tenure track faculty, special faculty, and administrators in the school may attend faculty meetings, but shall not vote, hold office or serve on standing committees in the school, nor represent the school on the Faculty Senate.

#### Section B. *Ex officio* Members

The following university officers shall be members *ex officio* of the faculty when presiding at a meeting, with voting privileges defined in Article IV:

- a. The president
- b. The dean of The Case School of Engineering (hereinafter called the dean of engineering).

#### Section C. List of Faculty

The dean of engineering shall furnish a list to the secretaries of the engineering faculty and the university faculty of all tenured/tenure-track faculty and non-tenure track faculty of the school showing ranks and voting privileges by September 1 of each year. Additions or deletions from the list shall be communicated to the secretaries of the engineering faculty and the university faculty when they occur.

### ARTICLE III — OFFICERS OF THE FACULTY

The officers of the faculty shall be the dean of engineering and the secretary of the faculty.

## **Section A. Dean**

Par. 1. The dean of engineering shall be the chief executive officer of the faculty and shall be appointed by the president of the university after consultation with the tenured/tenure-track faculty.

Par. 2. The dean's duties shall include, but shall not necessarily be limited to:

- a. Planning for the development and continuing welfare of the faculty and the school.
- b. Transmitting with his or her recommendation to the president of the university all cases of appointment, promotion and tenure.
- c. Presiding at meetings of the faculty when the president of the university does not preside.
- d. Representing the faculty to the president and to other academic officers and units of the university.
- e. Representing the school to all constituents outside the university.
- f. Reviewing and approving curriculum changes as recommended by the faculty.

Par. 3. In carrying out the above duties, the dean may appoint associate deans after consultation with the faculty.

## **Section B. Secretary**

Par. 1. The secretary of the faculty shall be a faculty member elected at the last regular faculty meeting of the academic year. The secretary shall assume office at the conclusion of that meeting and shall serve for a term of two years and may be re-elected without limitation on the number of two-year terms (s)he may serve.

Par. 2. The secretary's duties shall include, but not necessarily be limited to:

- a. Compiling, upon certification of the dean of engineering, a directory of members of the faculty and administrative officers of the school and their membership classification at the beginning of the fall semester of each year, and noting changes as may occur through the year.
- b. Recording attendance, establishing the presence of a quorum, and keeping minutes of all meetings of the faculty.
- c. Distributing copies of the directory and minutes of faculty meetings to members of the faculty and to the university archives.
- d. Serving as secretary of the Executive Committee of the faculty, defined in Article VI.

- e. Preparing official resolutions for actions by the faculty on appropriate occasions.
- f. Maintaining files of minutes of meetings of all committees except the Committee on Appointments.
- g. Transmitting to the successor, at the expiration of the secretary's term of office, all records pertaining to that term as described above.

## **ARTICLE IV — MEETINGS**

### **Section A. Regular Meetings**

The faculty shall hold regular meetings at least once each semester on dates established at the spring meeting of the previous year. Additional regular meetings may be called by the Executive Committee or by majority vote of the faculty at any regular meeting.

### **Section B. Special Meetings**

The faculty shall hold special meetings when called by the dean of engineering or by the Executive Committee, or on a petition signed by twenty percent of the voting members of the faculty stating the purpose of the meeting.

### **Section C. Agenda**

The agenda for all meetings shall be prepared by the Executive Committee, and shall include reports from the standing committees and the provision for the introduction of new business. The secretary shall notify each faculty member and the dean's office of the agenda at least 7 days before each regular meeting and 6 days before special meetings.

### **Section D. Conduct of Meetings**

The president of the university shall preside at both regular and special meetings. If the president chooses not to preside, the dean of engineering or the dean's designate shall preside at both regular and special meetings. The presiding officer shall conduct such meetings in accordance with the most recent edition of *Robert's Rules of Order, Newly Revised*. The dean shall appoint a member of the faculty to act as parliamentarian.

### **Section E. Quorum; Voting**

Forty percent of the voting members of the faculty shall constitute a quorum, and all decisions shall be majority vote of those present and voting except as indicated in Article X, Par. 2. The presiding officer as defined in Section D may vote only to resolve a tie.

## ARTICLE V — COMMITTEES

### Section A. Committees of the Faculty and of the Dean

The standing committees of the faculty shall be the Executive Committee (Article VI, Section A), Committee on Appointments (Article VI, Section B), Committee on Undergraduate Studies (Article VI, Section C), Committee on Graduate Studies (Article VI, Section D), Committee on Research (Article VI, Section E), and Committee on Budget (Article VI, Section F). The Committees on Undergraduate Studies, Graduate Studies, Research and Budget report to the Executive Committee. In addition there is a Policy Committee (Article VII), a committee of the dean of engineering.

### Section B. Membership on Multiple Committees

No faculty member may serve at one time on more than two standing committees of the school.

### Section C. Terms of Office

The term of office shall be two years on the Executive Committee, Committee on Undergraduate Studies, Committee on Graduate Studies, Committee on Research and the Committee on Budget. A year shall elapse before a member who has served a full term may again serve on the same committee. Terms of office shall be overlapped, approximately one-half of the membership of each committee being replaced each year.

### Section D. Announcement of New Members and Chairs

New members of the standing committees, and chairs of these committees except the chair of the Executive Committee and the chair of the Committee on Appointments, shall be announced at the last regular faculty meeting of the academic year. These persons shall assume office on July 1. Chairs shall serve for one year.

### Section E. Special Committees

The Executive Committee may at any time appoint a special committee to make recommendations on any matter or matters within the jurisdiction of the faculty, provided that such matter or matters are not solely within the jurisdiction of any standing committee.

## ARTICLE VI — COMPOSITION AND DUTIES OF FACULTY STANDING COMMITTEES

### Section A. Executive Committee

Par. 1. The Executive Committee shall consist of:

- a. From each department of the school, one faculty member who has been a member of the faculty for at least three years and who is not the department

chair shall be elected by the voting members of the department faculty. The names of the elected representatives shall be transmitted annually to the chair of the Executive Committee prior to the spring faculty meeting by each department chair;

- b. The secretary of the faculty, ex officio with vote;
- c. The dean of engineering, the retired chair of the Executive Committee (who will serve for one year), one member of the Policy Committee (chosen by the Policy Committee), one engineering faculty senator (chosen by the Executive Committee from among the elected engineering senators) all ex officio without vote.

Par. 2. The chair of the Executive Committee shall be elected annually by the committee from among its tenured members at the committee's first meeting of the academic year. The outgoing chair of the Executive Committee shall call the meeting at which the new chair will be elected. The chair of the Executive Committee shall assume office on the first day of classes for the fall semester and serve until the first day of classes for the following fall semester.

Par. 3. The secretary of the faculty shall serve as secretary of the committee.

Par. 4. The Executive Committee shall hold meetings on dates to be determined by the chair who shall notify each member at least three days before each meeting, specifying the time, the place and the agenda of the meeting. The Executive Committee shall meet at least once every month during the academic year.

Par. 5. The duties of the Executive Committee shall be:

- a. To determine immediate and long range matters demanding faculty study and action,
- b. To transmit such matters to the faculty after due consideration by appropriate standing or ad hoc committees,
- c. To provide for full faculty debate of proposals for faculty action,
- d. To act as the nominating committee for the faculty, and
- e. To review applications for sabbatical leaves, and prepare a recommendation concerning the merits of the proposal and the applicant's qualifications to undertake it (*Faculty Handbook*, Chapter 3, Part One, §II.A.9).

Par. 6. In the pursuit of its duties, the Executive Committee may propose subjects for study to the appropriate standing committees, may appoint special committees, shall review committee progress, and the recommendations of all committees before their presentation to the faculty.

Par. 7. The Executive Committee shall prepare the agenda for all faculty meetings and include committee recommendations in writing together with a summary of the Executive Committee's opinion of the recommendations.

Par. 8. In its role as nominating committee, the Executive Committee shall:

- a. Ensure that each department selects its representatives to all standing committees. Names will be forwarded by each department chair to the chair of the Executive Committee in time for announcement at the spring faculty meeting preceding the academic year in which the representatives will serve.
- b. Nominate for election at the regular Spring meeting of the faculty the secretary of the faculty (when necessary), and nominate for approval by the faculty the chairs of the committees on Undergraduate Studies, Graduate Studies, and Research.
- c. As needed to fill expired terms, select members of the faculty to represent the school on the Faculty Senate Committee on Undergraduate Education.
- d. Prepare a slate for and supervise the election of faculty representatives for the University Faculty Senate. The slate shall contain twice the number of names to be elected, and the election shall be held in time to transmit its results to the faculty senate at a time specified by the secretary of the senate.
- e. Fill any vacancies that may occur on standing committees of the School of Engineering or in the school's representatives to the Faculty Senate Committee on Undergraduate Education during the academic year. Each such vacancy shall be filled for the remainder of that year, and the remainder of the unexpired term shall be filled by the next election or appointment procedure.

Par. 9. At least every five years, the Executive Committee, in consultation with the dean of engineering and the Policy Committee, shall consider initiating and organizing a comprehensive review of academic, research, and administrative policies of the school.

## **Section B. Committee on Appointments**

Par. 1. The Committee on Appointments shall consist of five members of the faculty with the rank of professor, with tenure and without administrative appointment who shall be appointed for one year terms by the Executive Committee in time for announcement to the faculty at the last regular faculty meeting of the academic year. The chair of the committee shall be elected annually by the committee from among its members at the committee's first meeting each academic year. Members of the Committee on Appointments will start their terms on the first day of classes for the fall semester and serve until the first day of classes for the following fall semester.

Par. 2. The Committee on Appointments shall hold meetings on dates to be determined by the chair, who shall notify each member at least three days before each meeting, specifying the time, the place and agenda of the meeting. The chair or his or her designate shall act as secretary,

record the actions of all meetings, prepare all correspondence and keep the minutes of all meetings.

Par. 3. The Committee on Appointments shall consider:

- a. All matters of tenure, promotion, or appointments to the ranks of associate professor and full professor,
- b. All initial tenured appointments,
- c. All research professor and associate professor appointments, and
- d. All emeritus faculty appointments.

In addition, it shall consider and make recommendations pertaining to the dismissal of tenured faculty members when permitted by the *Faculty Handbook*. The tenure policy shall be that stated in Chapter 2, Article I.

Par. 4. Recommendations concerning promotion or tenure of a faculty member shall be prepared each year by the chair of each department in accord with the *Faculty Handbook* and shall be forwarded to the dean of engineering for transmission to the Committee on Appointments. The committee chair shall notify each department chair of the deadline for submission of recommendations at least four weeks in advance of the deadline. The committee shall prepare its recommendations concerning promotion or award of tenure of faculty members and forward the recommendations to the dean of engineering. If the Committee on Appointments does not support a department recommendation, or if it recommends action in the absence of department recommendation, it shall refer its recommendation to the appropriate department chair for advice and consultation for possible reconsideration by the Committee on Appointments before it forwards its recommendations to the dean. All recommendations, positive and negative, shall be reported to the appropriate department chair.

Par. 5. The Committee on Appointments shall recommend to the Executive Committee the approval of rules governing the procedures of the Committee on Appointments, and the approval of criteria for the recommendation of appointment, promotion, and tenure.

Par. 6. The Committee on Appointments shall review those untenured tenure-track faculty who are at the end of their third pretenure year. Recommendations concerning this review of a faculty member shall be prepared each year by the chair of each department in accord with the *Faculty Handbook* and shall be forwarded to the dean of engineering for transmission to the review committee. The chair of this review committee shall notify each department chair of the deadline for submission of recommendations at least four weeks in advance of the deadline. A written summary of all evaluations shall be communicated to the faculty member, the department chair, and the dean.

### **Section C. Committee on Undergraduate Studies**

Par. 1. The Committee on Undergraduate Studies shall consist of one faculty representative from each department of the school selected by the department faculty, and an undergraduate

engineering student representative selected by the Undergraduate Student Government. The names of the selected representatives shall be transmitted annually to the chair of the Executive Committee prior to the spring faculty meeting by each department chair.

Par. 2. The Committee on Undergraduate Studies shall hold meetings on dates to be determined by the chair, who shall notify each member, the secretary of the faculty, and the office of the dean of engineering at least three days before each meeting, specifying the time, the place and the agenda of the meeting. The chair or the chair's designated shall act as secretary, record the actions of all meetings, prepare all correspondence and keep the minutes of all meetings. At least one meeting in the fall semester and in the spring semester shall be held jointly with the Committee on Graduate Studies.

Par. 3. The Committee on Undergraduate Studies shall recommend to the faculty matters pertaining to undergraduate education, including the requirements for all degree programs within the school, or undergraduate degree programs offered in conjunction with other units of the university. In addition, it shall participate with similar committees of other academic units of the university in setting general education criteria.

Par. 4. The Committee on Undergraduate Studies is authorized to:

- a. Review and recommend to the dean of engineering the addition or deletion of engineering undergraduate courses.
- b. Approve:
  - i. Minor or temporary changes in established undergraduate curriculum programs,
  - ii. Minor modifications in courses,
  - iii. Changes in the engineering core course list.
- c. Review and recommend to the faculty major changes in engineering curriculum programs, engineering core, and freshman/sophomore common core requirements.
- d. Initiate and formulate policy that will maintain and improve the standards and quality of undergraduate education in the school.
- e. As needed to fill vacancies, and in consultation with the Executive Committee, select members of the faculty to represent the school on the Faculty Senate Committee on Undergraduate Education Curriculum Subcommittee.

Par. 5. The committee shall periodically review the Cooperative Education and Binary Programs, as they pertain to the school, and make recommendations concerning their operation.

Par. 6. The committee shall promote student professional development by providing special programs on professional ethics, professional registration and professional organizations.



## **Section D. Committee on Graduate Studies**

Par. 1. The Committee on Graduate Studies shall consist of one faculty representative from each department of the school selected by the department faculty, and an engineering graduate student representative selected by the Graduate Student Senate. The names of the selected representatives shall be transmitted annually to the chair of the Executive Committee prior to the spring faculty meeting by each department chair.

Par. 2. The Committee on Graduate Studies shall hold meetings on dates to be determined by the chair, who shall notify each member, the secretary of the faculty, and the office of the dean of engineering at least three days before each meeting, specifying the time, the place and the agenda of the meeting. The chair or the chair's designated shall act as secretary, record the action of all meetings, prepare all correspondence and keep the minutes of all meetings. At least one meeting in the fall semester and in the spring semester shall be held jointly with the Committee on Undergraduate Studies.

Par. 3. The Committee on Graduate Studies shall recommend to the faculty matters pertaining to graduate education, including the requirements for all graduate degree programs within the school, or graduate degree programs offered in conjunction with other units of the university. In addition, it shall be charged with participating, as appropriate, with similar committees of other academic units of the university in setting general graduate education criteria.

Par. 4. The Committee on Graduate Studies is authorized to:

- a. Review and recommend to the dean of engineering the addition, deletion or significant modification of engineering graduate courses.
- b. Review any changes in graduate and professional program requirements and make recommendations to the faculty. Certify to the dean of engineering that graduate and professional programs meet the minimum requirements of the university and the school.
- c. Recommend to the dean of engineering, for consideration and transmittal to the dean of graduate studies, appropriate action to be taken on student petitions for waiver of a regulation or any other request pertaining to his or her program of study and/or duties as a graduate student.
- d. Initiate and formulate policy that will maintain and improve the standards and quality of graduate education in the school.

## **Section E. Committee on Research**

Par. 1. The Committee on Research shall consist of one faculty representative from each department of the school selected by the department faculty. The names of the selected representatives shall be transmitted annually to the chair of the Executive Committee prior to the spring faculty meeting by each department chair.

Par. 2. The Committee on Research shall hold meetings on dates to be determined by the committee chair, who shall notify each member, the secretary of the faculty, and the office of the dean of engineering at least three days before each meeting, specifying the time, the place and the agenda of the meeting. The chair or the chair's designated shall act as secretary, record the actions of all meetings and prepare all correspondence.

Par. 3. The Committee on Research shall consider and recommend to the faculty matters pertaining to research (e.g. opportunities for research, the applications of research, research facilities, the organization and function of research day(s), special school-wide lectures and seminars).

Par. 4. The committee shall serve as liaison between the faculty and the research centers.

Par. 5. The committee shall organize and promote undergraduate research opportunities.

## **Section F. Committee on Budget**

Par. 1. The Committee on Budget shall consist of one voting member from each department of the school, to be elected by the voting members of the department faculty. The names of the elected representatives shall be transmitted annually to the chair of the Executive Committee prior to the spring faculty meeting by each department chair.

Par. 2. The Committee on Budget shall hold meetings on dates to be determined by the committee chair, who shall notify each member, the secretary of the faculty (Article I), and the office of the dean of engineering at least three days before each meeting, specifying the time, the place and the agenda of the meeting. The chair or the chair's designated shall act as secretary, record the actions of all meetings and prepare all correspondence.

Par. 3. The Executive Committee shall elect annually from among the tenured and tenure-track associate professors and professors of the faculty of the school a chair-elect of the Committee on Budget, who shall serve as vice chair during his or her first year of office and shall become chair of the Committee on Budget during his or her second year in office and Past Chair in the third year. If not already an elected member of the Committee on Budget, the vice chair, the chair, and the past chair shall be voting members of the Committee on Budget by virtue of office. The chair or chair's designate shall serve ex officio as the Case School of Engineering's representative to the Faculty Senate Budget Committee (and thus, the University Budget Committee) in accordance with the rules of the Faculty Senate Budget Committee.

Par. 4. The Committee on Budget shall consider and make recommendations to the faculty on matters pertaining to budget. It shall advise the Executive Committee and the administration of the Case School of Engineering, including the department chairs, the dean and the budget office, on the adherence to budget priorities and the attainment of budgetary goals.

Par. 5. The Committee on Budget shall advise the faculty on the financial feasibility of the school's current and planned education programs, activities, and facilities, and their effect on the operating budget, capital requirements, and financial health of the Case School of Engineering.

Par. 6. The Committee on Budget shall also advise the faculty on budgetary questions as they affect current and planned educational programs, activities, and facilities.

## **ARTICLE VII — THE POLICY COMMITTEE: COMPOSITION AND DUTIES**

Par. 1. The Policy Committee shall consist of all department chairs, the chair of the Executive Committee, the dean of engineering, who shall chair the committee, and any associate deans of the school.

Par. 2. This committee shall set administrative policy for the school. Primary responsibility for educational policy will rest with the Executive Committee, Committee on Undergraduate Studies, Committee on Graduate Studies and the faculty.

Par. 3. Other duties of the Policy Committee shall include the following:

- a. Develop and coordinate graduate and undergraduate recruiting programs.
- b. Organize programs for faculty development and promote an active faculty awards program.
- c. Promote a program for the involvement of the Alumni and other interested friends in the school.

## **ARTICLE VIII — REPRESENTATION IN UNIVERSITY GOVERNANCE**

The faculty shall be represented in university governance by the dean of engineering and by faculty members as they shall from time to time be selected to serve on university governing bodies.

### **Section A. Representative Bodies**

Vacancies in the faculty delegation to the respective organizations and committees shall be filled by the Executive Committee or by elections supervised by the Executive Committee. If elections are required, they shall be carried out as follows: first, each department shall fill any vacancies that have occurred in its delegation; second, the Committee shall prepare a slate for and conduct the election of the remaining members-at-large.

### **Section B. University Faculty Senate**

Par. 1. The Faculty delegation to the University Faculty Senate shall be constituted in accordance with the *Faculty Handbook*.

Par. 2. Vacancies in the faculty delegation to the senate shall be filled by an election supervised by the Executive Committee in accordance with these bylaws.

## ARTICLE IX — DEPARTMENTS

The tenured and tenure-track faculty of the school shall be grouped by departments, which will administer all ~~major~~ degree programs. ~~Other~~ Non-tenure track and special faculty will be appointed in the departments or in the Division of Education and Student Programs.

### Section A. Department Chairs

Par. 1. Each department shall have a chair, appointed by the president on the recommendation of the dean of engineering after consultation with the faculty members of the department. The chair shall report to the dean of engineering. The chair of the department shall serve for an initial appointment not to exceed five years and shall be eligible for reappointment to successive terms, each of which shall not exceed five years. The dean of engineering in consultation with the faculty shall review the performance of the department chairs no later than one year prior to the end of the appointment and no later than the third year of the appointment.

Par. 2. The chair shall be the executive officer of the department and shall assume leadership in matters of department policy, including appointments, promotions, instruction, research and administration in accord with the *Faculty Handbook*. The chair shall be responsible for the preparation of the department's budget subject to the approval of the dean of engineering and shall represent the department to other departments and to the officers of the administration. The chair shall convene all department meetings. The chair shall also, as necessary, appoint committees, delegate duties, and prepare teaching schedules after consultation with the faculty members of the department. The chair shall be the hiring officer for all non-academic personnel assigned to the department. The chair shall maintain records and conduct correspondence.

### Section B. Departmental Meetings

The department faculty shall hold at least two meetings each semester during the academic year to assist the department chair in the duties listed in Section A and other matters of departmental policy and procedure.

### Section C. The Division of Education and Student Programs

Par. 1. The mission of the Division of Education and Student Programs is to support through teaching and educational research - the Case School of Engineering educational programs, student programs, and outreach activities at all academic levels: K-12, undergraduate, graduate, and continuing education.

\_\_\_\_\_ Par. 2. An associate dean will serve as director of the ~~division~~. ~~A Governing~~ An Advisory Board, consisting of one tenured or tenure-track faculty elected by each department, will meet bi-monthly to advise the director and will review the operation of the ~~division~~ annually. ~~The dean will appoint faculty following review and recommendation by the director and Governing Board.~~

Members of the Advisory Board shall serve for a term of two years and may be re-elected without limitation on the number of two-year terms (s)he may serve. The Advisory Board's duties shall include:

~~Par. 3. Faculty in the Division may teach courses that are not discipline specific, but major and minor curriculum are under the control of the academic disciplines and departments.~~

- a. In conjunction with the director of the division recommend to the dean of engineering the appointment or promotion of non-tenure track and special faculty to be based in the division. Following such recommendation, the appointment process will be the same as that used for non-tenure track or special faculty based in departments.
- b. In conjunction with the director of the division, review non-tenure track and special faculty in the same manner used for non-tenure track and special faculty based in departments.
- c. Provide consultation to the dean on the appointment of an associate dean as director of the division.

Par. 3. Faculty in the division may teach courses that are not discipline specific, but major and minor curricula are under the control of the departments. Faculty in the ~~Division~~ division may teach courses required by the ~~disciplines~~ degree programs (including engineering core courses) with the permission and under the supervision of the chairs of those ~~disciplines~~ departments. This would require a secondary appointment in the department housing that discipline. Faculty in the ~~Division~~ division may serve as academic advisors ~~at~~ with the ~~discretion~~ permission of the ~~disciplines and~~ departments.

## ARTICLE X — AMENDMENT

Par. 1. Any member of the faculty may submit a proposed amendment to these bylaws to the Executive Committee. The Executive Committee shall place it on the agenda of a regular or special meeting of the faculty. At least 14 days before the meeting at which it is to be discussed, the Executive Committee shall submit the proposal in writing to the faculty with arguments in support of and in opposition to the amendment as well as the Executive Committee's opinion of the proposal.

Par. 2. During discussion of proposed amendments at the faculty meeting, changes voted to be non-substantive ~~changes~~ in the proposed amendments may be made by majority vote. ~~The vote on~~ of those present. A copy of any proposed amendment ~~shall~~ and a summary of the discussion will be sent to the faculty within one week of the faculty meeting, followed by electronic polling of the voting faculty. ~~Approval shall require at least half plus one~~ A majority of the eligible ~~voting~~ faculty to ~~must~~ vote, and on the proposed amendment. Approval shall require an affirmative vote by three-fifths of those faculty members voting. At least two weeks shall be allowed between the solicitation of votes and the determination of ~~election~~ results.

## Chapter 2. Policies and Procedures for Faculty Appointments

The process of hiring a new faculty member involves a rigorous evaluation of the candidate to determine whether past performance demonstrates a pattern and level of excellence that predicts future success in research, teaching and service at the school. After the initial appointment, all faculty members are required to complete annual activity reports and will receive annual evaluations focusing on the activities and accomplishments that contribute to what is valued in the performance of faculty of the school. An intensive third-year review is conducted for untenured faculty. The school will provide faculty with copies of the procedures used for the annual review, the three-year review and consideration for promotion or tenure.

### ARTICLE I — POLICIES & STANDARDS FOR APPOINTMENT, REAPPOINTMENT, PROMOTION & TENURE

#### Section A. Qualifications

The evaluation of a faculty member in the Case School of Engineering for appointment, promotion, or award of tenure is governed by the policies and procedures set forth in the current Case Western Reserve University *Faculty Handbook*. Chapter 3, Part One, §I.F.1 (Qualifications and Standards for Appointments, Reappointments, Promotions and Tenure) of the *Handbook* states:

*The qualifications for faculty appointment and reappointment include the following, as appropriate to the type of appointment:*

- (1) *An expert knowledge of his or her academic field and a commitment to continuing development of this competence;*
- (2) *A dedication to effective teaching;*
- (3) *A commitment to a continuing program of research or other advanced creative activity, including production of art or artistic performance, or, where more appropriate to the particular academic context, professional service activities; and*
- (4) *A willingness to assume a fair share of university administrative and service tasks.*

The standards for appointing faculty of various categories and ranks and for awarding promotion and tenure in the Case School of Engineering are predicated on these four qualifications, as described in the following sections.

#### Section B. Standards for Faculty Appointments

Par. 1. In the Case School of Engineering, faculty appointments may be made by category and rank as indicated in Table I.

**TABLE I. Faculty of the Case School of Engineering by category, type, and rank**

		Senior	Assistant	Associate	
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Category & type	Instructor	Instructor	Professor	Professor	Professor
<b>Tenured/Tenure-Track</b>			√	√	√
<b>Non-Tenure-Track</b>	√	√	√	√	√
<b>Special:</b>					
Research Faculty			√	√	√
Adjunct Faculty	√	√	√	√	√
Visiting Faculty	√	√	√	√	√
Secondary* Appointment	√	√	√	√	√
Lecturer					

\*) Rank of secondary appointment may not be higher than that of the primary appointment.

Par. 2. Chapter 3, Part One, §I.F.2 of the *Handbook* states:

*Faculty appointments with tenure or without tenure but leading to consideration for tenure should be based on evidence that the candidate can and will continue to satisfy all of the [four abovementioned] qualifications. Faculty appointments on the non-tenure track should be based on evidence that the candidate can and will continue to satisfy item (1) and two of items (2), (3), and (4) of the foregoing qualifications. Special faculty appointments should be based on evidence that the candidate can and will continue to satisfy item (1) and one of items (2), (3), and (4) of the foregoing qualifications.*

Par. 3. For all faculty appointments and promotions in the Case School of Engineering, external letters of reference from experts in the field comprise a major source of evidence of the candidate's expert knowledge in the field. Course evaluations and letters of reference from former students should be used, whenever possible and when appropriate to the appointment being considered, for evidence of dedication to effective teaching. Additional standards by which qualifications (1) through (4) will be evaluated as appropriate to the rank and category under consideration with respect to the appointment, reappointment, and promotion of faculty are described in this section.

Par. 4. **Visiting faculty** belong to the category of special faculty and can be appointed at the ranks of instructor, senior instructor, assistant professor, associate professor, and professor. The standards for appointment, reappointment, and promotion of visiting faculty will be evaluated as listed in Table II for special faculty at the corresponding ranks, or as described below for lecturers, instructors, and senior instructors.

Par. 5. **Lecturers** belong to the category of special faculty. As the primary role of lecturers is teaching, only qualifications 1 and 2 apply to the standards for their appointment and reappointment and will be evaluated per the following standards:

Earned master's degree in a field of engineering or related science, or an earned bachelor's degree in a field of engineering or related science with substantial professional engineering experience. A person with exceptional qualifications may be considered for appointment to the rank of Lecturer without a degree. (1)

## Evidence of pedagogical abilities relevant to engineering education (2)

Par. 6. The rank of **instructor** can be used for non-tenure track faculty, adjunct faculty, visiting faculty, and faculty with secondary appointments. Qualifications 1 and 2 apply to the standards for the appointment and reappointment for all instructors and will be evaluated per the following standards:

Earned master's degree in field of engineering or related science (1)

Evidence of pedagogical abilities relevant to engineering education (2)

In addition, for non-tenure track faculty with the rank of instructor, qualification 4 applies to the standards for their appointment and reappointment and will be evaluated per the following standard:

Willingness to assume service and administrative tasks at the levels of the department, school, or university (4)

Par. 7. The rank of **senior instructor** can be used for non-tenure track faculty, adjunct faculty, visiting faculty, and faculty with secondary appointments. Qualifications 1 and 2 apply to the standards for the appointment and reappointment for all senior instructors and will be evaluated per the following standards:

Earned master's degree in field of engineering or related science (1)

Demonstrated major role in teaching (2)

In addition, for non-tenure track faculty with the rank of senior instructor, qualification 4 applies to the standards for their appointment and reappointment and will be evaluated per the following standard:

Significant participation in service and administrative tasks at the levels of the department, school, or university (4)

Par. 8. With regard to their appointment and reappointment at the ranks of **assistant professor, associate professor, and professor**, Table II lists standards by which qualifications (1) through (4) will be evaluated for tenured, tenure-track, non-tenure track, and special faculty.

Par. 9. In the Case School of Engineering, appointments at the level of assistant professor will focus on the candidate's *potential* for meeting the requirements for the ranks of associate professor and professor. Appointments at the level of associate professor will be based on the candidate's *performance*. Appointments at the level of professor will be based on the candidate's demonstrated *leadership*. These criteria are described more fully in Table II. For initial appointments to individuals whose professional experience has been primarily in non-academic settings, evidence of skills that are comparable to those needed for academic teaching, advising, mentoring, and service may be taken into consideration for the purpose of determining the appropriate rank of the appointment.



**TABLE IIa**

<p style="text-align: center;"><b>Tenure Track</b> <i>(Qualifications 1-4 apply)</i></p>	<p style="text-align: center;"><b>Non-Tenure Track &amp; Special</b> (where rank is applicable) <i>(Qualification 1 applies to all. At least two of qualifications 2, 3, &amp; 4 apply to non-tenure track; at least one applies to special)</i></p>
<p style="text-align: center;"><b><u>ASSISTANT PROFESSOR</u></b></p> <p>Earned doctorate in a field of engineering or related science (1)</p> <p>Promise for achieving recognition in a field of engineering (1)</p> <p>Potential for effective teaching (2)</p> <p>Clear plan for a program of research and evidence of excellence and productivity in research (3)</p> <p>Willingness to assume university service and administrative tasks (4)</p>	<p style="text-align: center;"><b><u>ASSISTANT PROFESSOR</u></b></p> <p>Earned doctorate in a field of engineering or related science (1)</p> <p>Potential for effective teaching (2)</p> <p>Evidence of high quality and productivity in research (3)</p> <p>Willingness to assume university service and administrative tasks (4)</p>

TABLE IIb

<p style="text-align: center;"><b>Tenured &amp; Tenure Track</b> (Qualifications 1-4 apply)</p>	<p style="text-align: center;"><b>Non-Tenure Track &amp; Special</b> (Qualification 1 applies to all. At least two of qualifications 2, 3, &amp; 4 apply to non-tenure track; at least one applies to special)</p>
<p style="text-align: center;"><b><u>ASSOCIATE PROFESSOR</u></b></p> <p><i>Achieving this rank requires continued fulfillment of all criteria at the assistant professor level, with the addition of the following:</i></p> <p>Achieved recognition as an expert in a field of engineering (1)</p> <p>Demonstrated excellence in teaching, academic advising, and student development as evidenced by course evaluations, student testimonials, course or curricular development, or other contributions to engineering education (2)</p> <p>Established research program leading to significant contributions to a field of engineering as evidenced by professional presentations, monographs, reports, papers, articles, book chapters or books, activities in workshops, institutes, seminars, advisory panels, etc. (3)</p> <p>Effectiveness in mentoring undergraduate and graduate students in research as evidenced by directing undergraduate student projects and serving as primary research advisor for M.S. and Ph.D. students (3)</p> <p>Participation in university service and administrative roles, such as committee membership, interdisciplinary proposals developed, and university leadership positions (4)</p>	<p style="text-align: center;"><b><u>ASSOCIATE PROFESSOR</u></b></p> <p><i>Achieving this rank requires continued fulfillment of the applicable criteria (per the terms of appointment) at the assistant professor level, with the addition of the following:</i></p> <p>Achieved recognition as an expert in a field of engineering (1)</p> <p>Demonstrated excellence in teaching as evidenced by course evaluations, student testimonials, course or curricular development, or other contributions to engineering education (2)</p> <p>Demonstrated capability of establishing and guiding an externally funded research program (3)</p> <p>For faculty who serve as primary research advisors: effectiveness in mentoring undergraduate and graduate students in research (3)</p> <p>Participation in university service and administrative roles as evidenced by committee membership, interdisciplinary proposals developed, and university leadership positions (4)</p>

TABLE IIc

<p align="center"><b>Tenured &amp; Tenure Track</b> <i>(Qualifications 1-4 apply)</i></p>	<p align="center"><b>Non-Tenure Track &amp; Special</b> <i>(Qualification 1 applies to all. At least two of qualifications 2, 3, &amp; 4 apply to non-tenure track; at least one applies to special)</i></p>
<p align="center"><b><u>PROFESSOR</u></b></p> <p><i>Achieving this rank requires continued fulfillment of all criteria at the associate professor level, with the addition of the following:</i></p> <p>Recognized leadership in a specific area of engineering (1)</p> <p>Consistent record of excellence in teaching, program development, and mentoring of students (2)</p> <p>Develop, sustain and lead a nationally and internationally recognized research program (3)</p> <p>Continued development of young researchers as evidenced, for example, by a number of students having graduated with Ph.D. degrees (3)</p> <p>Major role and recognized leadership in key school, university, and professional committees or initiatives, <i>e.g.</i> serving as committee chairperson or other advanced positions of service, preparation of concept or position papers, administrative leadership activities and accomplishments (4)</p>	<p align="center"><b><u>PROFESSOR</u></b></p> <p><i>Achieving this rank requires continued fulfillment of the applicable criteria (per the terms of appointment) at the associate professor level, with the addition of the following:</i></p> <p>Recognized leadership in a specific area of engineering (1)</p> <p>Consistent record of excellence in teaching, program development, and mentoring of students (2)</p> <p>Demonstrated capability of establishing and guiding a nationally/internationally recognized research program (3)</p> <p>Major role and recognized leadership in key professional committees or initiatives, <i>e.g.</i> by assuming positions within the university, preparation of concept or position papers, administrative leadership activities and accomplishments (4)</p>

## Section C. Standards for Tenure

Par. 1. In the Case School of Engineering (CSE), tenured and tenure-track faculty are valued for their contributions to society through excellence in education; student development, engagement, and partnership; leadership in research; service to the profession; support of the institution through service and visibility; and professionalism through collegiality, mentorship, and ethical practice.

Par. 2. Chapter 3, Part One, §I.F.3 (Qualifications and Standards for Appointments, Reappointments, Promotion and Tenure) of the *Faculty Handbook* states:

*In general, criteria for awarding tenure shall include, at a minimum, a documented national or international reputation for sustained scholarship, as appropriate to faculty rank and discipline.*

§I.F.7 states:

*Tenure is awarded to a faculty member only when the University foresees for him or her a continuing fulfillment of the [four] qualifications presented above.*

In the Case School of Engineering, appointments of new faculty with tenure at the ranks of Associate Professor or Professor will also require evidence of excellence in teaching ability.

Par. 3. The award of tenure is based primarily on assessment of a candidate's documented past contributions and potential for future growth in the areas of teaching, research, and professional service. In this research-intensive university, excellence in research and potential for leadership are expected. In addition, University faculty are distinguished by their strong contributions to the teaching mission of the University. However, it is recognized that the level and significance of the contributions in the separate areas will differ from individual to individual. In all cases, however, an award of tenure will only be made to faculty whose overall accomplishments and potential for continued professional growth are judged to be significant, and competitive at the national and international levels.

Par. 4. Examples of measures indicating past success and future potential include, but are not limited to:

- Evidence of effective teaching, advising, and mentoring of students
- Development of new courses and innovative teaching methods
- Evidence of external impact on engineering education
- Publications in peer-reviewed journals of record
- Peer-reviewed publications in archival meeting proceedings
- Citations to published articles
- Organization of national and international symposia
- Invited lectures before external organizations
- National and international honors and awards for research, teaching, and professional service
- Principal investigator status on externally funded research grants and contracts

- Development of collaborative research efforts
- Departmental and university service
- Service in national and international professional organizations

### **Section D. Tenure Policies**

Par. 1. Each faculty member whose appointment leads to tenure consideration shall be considered for tenure no later than six years after the date of initial appointment, *i.e.*, in the sixth year.

Par. 2. Service at other institutions may be taken into consideration in establishing the length of a faculty member's pre-tenure period. Such consideration must be made a written part of the initial appointment.

Par. 3. Under exceptional circumstances, an extension of the pre-tenure period may be made as provided in the *Faculty Handbook*.

Par. 4. If tenure has not been awarded by the end of the pre-tenure period, the normal procedure shall be that the faculty member is given a one-year terminal appointment.

Par. 5. Renewable faculty term appointments may be made beyond the end of the pre-tenure period upon mutual agreement of the department chair, the dean of engineering, and the faculty member. Such appointments shall be conditional on at least the following two items:

- a. The appointment will not lead to tenure consideration.
- b. The appointment is contingent upon full support from non-university resources.

Par. 6. Tenure for faculty in the Case School of Engineering resides at the level of the constituent faculty, not in individual departments.

## **ARTICLE II — NON-TENURE TRACK FACULTY**

### **Section A. Policies**

Par. 1. DEFINITION, RANKS, AND QUALIFICATIONS. Non-tenure track faculty members are those persons holding full-time academic appointments at the ranks of professor, associate professor, assistant professor, senior instructor and instructor whose obligations to the University include two of the three obligations of the tenured/tenure track faculty, *i.e.* 1) teaching, 2) research and scholarship or 3) service to the University community. The appropriate rank is based on the individual's qualifications and experience relative to tenured/tenure track faculty at similar ranks, as set forth in Article I, "Policies & Standards for Appointment, Reappointment, Promotion & Tenure." Non-tenure track faculty are covered by the provisions of the *Faculty Handbook*, unless specifically excluded.

Par. 2. PURPOSE. The appointment of a non-tenure track faculty member is intended to add expertise to the school in all of its academic endeavors of teaching and scholarly work.

Par. 3. APPOINTMENTS

- a. The appointment of a non-tenure track faculty member must be initiated by and based in a department of the School, or in the Division of Education and Student Programs. The appointment of a non-tenure track faculty member requires approval by a majority of the tenured/tenure track faculty of the department, or, if the appointment is in the Division of Education and Student Programs, by the advisory board and the director of the division.
- b. The proposed rank of a non-tenure track faculty member requires approval by a majority of the tenured/tenure track faculty of equal rank or higher within the department, or, if the appointment is in the Division of Education and Student Programs, within the advisory board and the director of the division.
- c. The Committee on Appointments shall review and forward to the dean of engineering a recommendation on new non-tenure track faculty appointments at the rank of Associate Professor or Full Professor. The appointment of a non-tenure track faculty member shall be evaluated based on the candidate's competence in two of the three areas of obligation listed above.
- d. The dean of engineering shall review all non-tenure track faculty appointments. If the dean approves the appointment, the dean shall forward the recommendation to the provost.
- e. Non-tenure track appointments shall normally be made for a term of one to three years and may be renewed. Regardless of when the appointment begins, every non-tenure track appointment term shall have an end date of June 30<sup>th</sup>.
- f. All offers of appointment shall be issued by the office of the dean of engineering.
- g. A non-tenure track faculty member's compensation must be arranged prior to the beginning of the appointment and approved by the department chair, or if the appointment is in the Division of Education and Student Programs, by the director of the division, and the dean of engineering. The annual salary of a full-time non-tenure track faculty member shall remunerate service for an academic year of approximately nine months or for a longer period.

Par. 4. EVALUATION AND PROMOTION

- a. Non-tenure track faculty shall be evaluated annually by the department chair, or, if the appointment is in the Division of Education and Student Programs, by the advisory board and the director of the division in a manner similar to that used for tenured/tenure track faculty.

- b. The annual evaluation and recommendation for salary shall be forwarded by the department chair, or, if the appointment is in the Division of Education and Student Programs, by the director of the division to the dean of engineering.
- c. A department's recommendation for promotion shall be made by the department chair after a vote of the tenured/tenure-track department faculty of equal or higher rank, or, if the appointment is in the Division of Education and Student Programs, by the director of the division after a vote of the members of the advisory board of equal or higher rank. For promotion above the assistant professor rank, this recommendation is then forwarded to the Committee on Appointments. After review, the Committee on Appointments shall forward its recommendation to the dean of engineering. After review, the dean of engineering shall add his or her recommendation and forward all recommendations to the Provost.

#### Par. 5. TERMINATION

- a. A decision not to reappoint a non-tenure track faculty member beyond his or her current appointment term shall be communicated to him or her in writing by the department chair, or, if the appointment is in the Division of Education and Student Programs, by the director of the division, with a copy sent to the dean of engineering in accordance with the schedule in the *Faculty Handbook*, Chapter 3, Part One, §I.K.
- b. Failure of the University, *i.e.* the department chair, director of the Division of Education and Student Programs, or the dean of engineering, to provide notice of the intention not to reappoint a non-tenure track faculty member according to the schedule in the *Faculty Handbook*, Chapter 3, Part One, §I.K. shall entitle the non-tenure track faculty member to an additional one-year reappointment.
- c. For purposes of this section, an academic year appointment shall be considered to expire on June 30.
- d. In addition to insufficient academic credentials or performance or grave misconduct or neglect of academic responsibility, the causes for which a term appointment may not be renewed are changes in academic programs, financial constraints, tenured/non-tenured faculty ratios, or other reasons.
- e. If requested by the faculty member, the University, *i.e.* the chair, the director of the Division of Education and Student Programs, or the dean, shall provide written explanation for the non-renewal of a term appointment.
- f. An appointment may be terminated during the current term, without the notice set out in Par. 6.a., for just cause, as set out in Chapter 3, Part One, §I.E.3 of the *Faculty Handbook*.

## Par. 6. RIGHTS AND RESPONSIBILITIES

- a. As permitted by the *Faculty Handbook*, non-tenure track faculty members shall be entitled to vote on all matters coming before the University faculty.
- b. Non-tenure track faculty members may attend meetings of the Engineering faculty, but (per the bylaws of the School) are not entitled to vote.
- c. The two of the three areas (teaching, research and service) for which the non-tenure track faculty has obligations must be determined at time of appointment. A change of the two areas must be approved by the chair and shall require reappointment.
- d. Non-tenure track faculty members can engage in academic advising of students or any other University service functions, contingent on the approval of the department chair, and, if the appointment is in the Division of Education and Student Programs, by the director of the division.
- e. Non-tenure track faculty members may serve as thesis advisors of graduate students and may be voting members of thesis committees.
- f. Non-tenure track faculty members may submit external research proposals serving as the principal or co-principal investigator, subject to University policies.

## Section B. Procedures

Par. 1. Departments must submit a completed Case School of Engineering Appointment Form and a current CV for each new appointment and reappointment, together with other supporting documentation as detailed in the School's appointment procedures.

Par. 2. Departmental recommendations shall be made by the chair after a vote by the eligible members of the department, including those on leave of absence or, if the appointment is in the Division of Education and Student Programs, by the director of the division after a vote by the eligible members of the advisory board.

Par. 3. Departments must prepare and submit the appropriate affirmative action paperwork, prior to recommending a new appointment.

Par. 4. Annual performance reviews shall be completed for all incumbents using the school Faculty Activity Report, prior to processing the annual faculty reappointment form.

Par.5. Non-tenure track faculty members shall receive an appointment letter upon their initial appointment. Subsequent reappointments may be made using the faculty appointment form.



## ARTICLE III — RESEARCH FACULTY

### Section A. Policies

Par. 1. CATEGORY. Research Faculty are members of the faculty of the school under the category of special faculty members. Special faculty are covered by the provisions of the *Faculty Handbook* except where provisions of the *Faculty Handbook* exclude application of a provision to special faculty.

Par. 2. PURPOSE. The appointment of a research faculty member is intended to add expertise to the School in its research endeavors.

#### Par. 3. APPOINTMENTS

- a. The appointment of a research faculty member must be initiated by and based in a department of the School, or in the Division of Education and Student Programs. The appointment of a research faculty member requires approval by a majority of the tenured/tenure track faculty of the department, or, if the appointment is in the Division of Education and Student Programs, by the advisory board and the director of the division.
- b. The proposed rank of a research faculty member requires approval by a majority of the tenured/tenure track faculty of equal rank or higher within the department, or if the appointment is in the Division of Education and Student Programs, within the advisory board and the director of the division.
- c. The Committee on Appointments shall review and forward to the dean of engineering a recommendation on new research faculty appointments at the rank of Associate Professor or Full Professor. The appointment of a research faculty member shall be evaluated based on the candidate's research competence.
- d. The dean of engineering shall have final approval of all research faculty appointments.
- e. All offers of appointment for research faculty shall be issued by the office of the dean of engineering.
- f. Research faculty member appointments shall be made for a specific period of time, not to exceed one year, and may be renewed.
- g. A research faculty member's compensation is contingent on the availability of external support. Financial compensation for a research faculty member must be arranged prior to the beginning of the appointment and approved by the department chair, or if the appointment is in the Division of Education and Student Programs by the director of the division, and the dean of engineering.

#### Par. 4. QUALIFICATIONS

- a. A research faculty member shall be appointed as Research Professor, Research Associate Professor, or Research Assistant Professor and shall have research experience and qualifications comparable to those of tenured/tenure track faculty at the corresponding ranks, as set forth in Article I, “Policies and Standards for Appointment, Reappointment, Promotion & Tenure.”
- b. A Research Professor shall have completed the Ph.D. (or other terminal degree), have recognized leadership and a consistent record of excellence in a specific area of engineering, and show a commitment to the continuing development of his or her research competencies. A Research Professor shall also have a commitment to a continuing contribution to the academic objectives of the program, the School, and the University.
- c. A Research Associate Professor shall have completed the Ph.D. (or other terminal degree), achieved recognition as an expert in a field of engineering, conducted research or other relevant experience leading to significant contributions to a field of engineering, and demonstrate clear promise of meeting the standards for promotion to the rank of Research Professor.
- d. A Research Assistant Professor shall have completed the Ph.D. (or other terminal degree), have demonstrated a) excellence and productivity in research, including the ability to generate outside funding, b) the ability to mentor graduate students, and c) clear promise of meeting the standards for promotion to the rank of Research Associate Professor.
- e. A person with exceptional qualifications may be considered for appointment to the rank of Research Professor without a Ph.D. or other terminal degree.

#### Par. 5. EVALUATION AND PROMOTION

- a. Research faculty members shall be evaluated annually by the department chair, or, if the appointment is in the Division of Education and Student Programs, by the director of the division, in a manner similar to that used for tenured/tenure track faculty.
- b. The annual evaluation and recommendation for salary shall be forwarded by the department chair, or, if the appointment is in the Division of Education and Student Programs, by the director of the division, to the dean of engineering.
- c. A department’s recommendation for promotion shall be made by the department chair after a vote of the tenured/tenure track department faculty of equal or higher rank, or, if the appointment is in the Division of Education and Student Programs, by the director of the division after a vote of the members of the advisory board or equal or higher rank. For promotion above the assistant professor rank, this recommendation is then forwarded to the

Committee on Appointments. After review, the Committee on Appointments shall forward its recommendation to the dean of engineering. The dean of engineering shall make the ultimate decision regarding all promotions.

Par. 6. TERMINATION

- a. If reappointment is not made, employment shall terminate at the end of the current appointment term. If possible, the department chair, or, if the appointment is in the Division of Education and Student Programs, the director of the division, shall notify the research faculty member in advance of the current appointment end date that reappointment shall not be made.
- b. Research faculty appointments may be terminated prior to the end of the current appointment term (1) for just cause using the same definition which applies to the University faculty in the *Faculty Handbook*, Chapter 3, Part One, §I.E.3.; (2) for failure to meet the performance standards applicable to the research faculty member's current rank; or (3) lack of funds to support the appointment.
- c. As referenced in Par. 3.g., a research faculty member's compensation is contingent upon the availability of external support. It is the responsibility of the department chair, or, if the appointment is in the Division of Education and Student Programs, the director of the division, to notify the appointee, the office of the dean of engineering and the Office of Human Resources in a timely manner if a research faculty member's compensation must be terminated due to lack of funds.
- d. Research faculty members shall not be entitled to severance pay.

Par. 7. RIGHTS AND RESPONSIBILITIES

- a. A research faculty member does not have the teaching responsibilities required of a tenured/tenure track faculty member.
- b. A research faculty member may serve as a guest lecturer, but cannot be the instructor of record for regular undergraduate or graduate courses. With the approval of the department chair and, if the appointment is in the Division of Education and Student Programs, by the director of the division, and the dean of engineering, a research faculty member may supervise independent study courses or teach advanced level graduate seminar courses.
- c. A research faculty member may submit external research proposals serving as the principal investigator, subject to University policies.
- d. A research faculty member cannot engage in academic advising of students or any other University service functions on a regular basis.

- e. A research faculty member may serve as the M.S. thesis, M.S. Plan B project or Ph.D. dissertation advisor of a graduate student and can be a voting member of a dissertation or thesis committee. A tenured/tenure track faculty member, however, must serve as the student's Academic Advisor.
- f. A research faculty member may be invited to meetings of the tenured/tenure track faculty, but shall not have the privilege of voting.

## Section B. Procedures

Par. 1. Departments must submit a completed Case School of Engineering Appointment Form and a current CV for each new appointment and reappointment of research faculty, together with other supporting documentation as detailed in the School's appointment procedures. The office of the dean of engineering will not routinely check the availability of funding for a research faculty appointment. It is assumed that in signing the paperwork, the department chair, [or, if the appointment is in the Division of Education and Student Programs, the director of the division](#), is certifying that sufficient funding is available.

Par. 2. Departments must prepare and submit the appropriate affirmative action paperwork, prior to recommending a new appointment.

Par. 3. Annual performance reviews shall be completed for all incumbents using the school Faculty Activity Report, prior to processing the annual faculty reappointment form.

Par. 4. Research faculty members shall receive an appointment letter, including the term of the appointment, upon their initial appointment. The letter of appointment shall state that the appointment is subject to the policies and procedures set forth in this document. Subsequent reappointments may be made using the faculty appointment form.

## ARTICLE IV — SECONDARY APPOINTMENTS

### Section A. Policies

Par. 1. ELIGIBILITY. Faculty with secondary appointments must have a primary faculty appointment in another department in the University and thus are members of the faculty of the University and also the school, depending on the location of their primary appointment. As such, faculty with secondary appointments are governed by the *Faculty Handbook*.

Par. 2. PURPOSE. Faculty with secondary appointments are intended to add expertise to the school in all of its academic endeavors of teaching and scholarly work.

#### Par. 3. APPOINTMENTS

- a. Secondary appointments may be made at the ranks of Instructor, Senior Instructor, Assistant Professor, Associate Professor, and Professor, based on criteria described in Article I, "Policies and Standards for Appointment, Reappointment, Promotion & Tenure." Secondary appointments are

- designated for persons who hold primary faculty appointments within the University. No faculty member may hold a secondary appointment at a rank higher than the rank of the primary appointment. Secondary appointments are considered to be part-time. Compensation may or may not be involved. If compensation is to be made, a transfer of funds between departments or schools may be arranged. There is no additional compensation paid directly to the individual.
- b. Secondary appointments must be initiated by and based in a department of the School, or in the Division of Education and Student Programs. Secondary appointments require approval by a majority of the tenured/tenure track faculty of equal or higher rank within a department, or, if the appointment is in the Division of Education and Student Programs, by the advisory board and the director of the division. Secondary appointments also require the approval of the chair and dean (if another school) of the primary department or school.
  - c. The dean of engineering shall review and make final decisions regarding all secondary appointments of faculty within the school.
  - d. The dean of engineering shall review and recommend to the Provost all secondary appointments for faculty whose primary appointments are in another school.
  - e. All offers of appointment shall come from the office of the dean of engineering.
  - f. Secondary appointments shall be made for a specific period of time, not greater than one fiscal year. Re-appointments may be issued on an annual basis, subject to the approval of the secondary department, or, if the appointment is in the Division of Education and Student Programs, by the advisory board and director of the division, and the dean of engineering, and the Provost if required under Par. 3.d.

#### Par. 4. TERMINATION

- a. If reappointment of a secondary appointment is not made, the secondary appointment shall terminate at the end of the current appointment term.
- b. When a faculty member vacates a primary appointment, the secondary appointment shall terminate at the same time.

#### Par. 7. RIGHTS AND RESPONSIBILITIES

- a. Faculty with secondary appointments may teach, contingent on the approval of the secondary department chair, and, if the appointment is in the Division of Education and Student Programs, by the director of the division, the dean of engineering, and the primary department chair.

- b. Faculty with secondary appointments may engage in academic advising or any other functions of the school.
- c. Faculty with secondary appointments may serve as thesis advisors of graduate students and may be voting members of thesis committees.
- d. Faculty with secondary appointments may submit external research proposals serving as principal or co-principal investigators, subject to University policies. It is expected that faculty with secondary appointments will submit proposals through the department or school where they hold their primary appointment.
- e. Faculty members holding only secondary appointments in the school may be invited to meetings of the regular faculty, but shall not have the privilege of voting.

## **Section B. Procedures**

Par. 1. Departments must submit a completed Case School of Engineering Appointment Form and a current CV for each new appointment or for each occasion when approval is sought for a faculty member with a secondary appointment to teach, together with other supporting documentation as detailed in the School's appointment procedures.

Par. 2. Faculty with secondary appointments shall receive an appointment letter with their initial appointment. The letter of appointment shall state that the appointment is subject to the policies and procedures set forth in this document. Subsequent re-appointments may be made using the faculty appointment form.

# **ARTICLE V — ADJUNCT FACULTY APPOINTMENTS**

## **Section A. Policies**

Par. 1. CATEGORY. Adjunct faculty are members of the University faculty of the School under the category of special faculty members. Special faculty members are covered by the provisions of the *Faculty Handbook* except where provisions of the *Faculty Handbook* exclude application of a provision to special faculty.

Par. 2. PURPOSE. The appointment of Adjunct faculty is intended to add expertise to the school in all of its academic endeavors of teaching and scholarly work.

### **Par. 3. APPOINTMENTS**

- a. Adjunct faculty may be appointed at the ranks of Adjunct Instructor, Adjunct Senior Instructor, Adjunct Assistant Professor, Adjunct Associate Professor, or Adjunct Professor. The appropriate rank is based on the individual's qualifications and experience relative to tenured/tenure track faculty at similar ranks, as described in Article I, "Policies and Standards for Appointment,

- Reappointment, Promotion & Tenure.” The title is used for individuals who hold primary staff or administrative positions within the University or for individuals whose primary appointments are held outside the University. Adjunct faculty appointments are considered part-time (less than 50% time) and do not normally provide compensation to the appointee unless the appointee serves as a guest lecturer or teaches undergraduate or graduate courses with approval of the dean of engineering. Compensation for such activities shall be determined by the department chair and the dean of engineering, and shall be commensurate with the responsibilities.
- b. The appointment of an adjunct faculty member must be initiated by and based in a department of the School, or in the Division of Education and Student Programs. The appointment of an adjunct faculty member requires approval by a majority of the tenured/tenure track faculty of equal or higher rank within the department requesting the appointment, or if the appointment is in the Division of Education and Student Programs, by the advisory board and the director of the division.
  - c. The dean of engineering shall review and make final decisions regarding all adjunct appointments.
  - d. All offers of appointment shall come from the office of the dean of engineering.
  - e. Adjunct appointments shall be made for a specific period of time, not greater than one fiscal year. If recommended by the department, or, if the appointment is in the Division of Education and Student Programs, by the advisory board and the director of the division, and the dean of engineering, reappointments may be issued on an annual basis.

#### Par. 4. TERMINATION

- a. If reappointment is not made, the appointment shall terminate at the end of the current appointment term.
- b. Adjunct faculty appointments may be terminated prior to the end of the current appointment term for (1) just cause using the same definition which applies to University faculty in the *Faculty Handbook*, Chapter 3, Part One, §I.E.3; (2) for failure to meet the standards applicable to the appointment; or (3) for lack of funding to support the appointment.
- c. Adjunct faculty are not entitled to severance pay.

#### Par. 5. RIGHTS AND RESPONSIBILITIES

- a. Adjunct faculty may teach, contingent on the approval of the department chair, and, if the appointment is in the Division of Education and Student Programs, by the director of the division, and the dean of engineering.

- b. Adjunct faculty cannot engage in academic advising of students or any other University service functions on a regular basis.
- c. Adjunct faculty may serve as thesis advisors of graduate students and may be voting members of thesis committees.
- d. An adjunct faculty member may not serve as principal or co-principal investigator on externally funded research proposals, but may serve as a consultant when the principal investigator is a faculty member of the department.
- e. Adjunct faculty members may be invited to meetings of the tenured/tenure track faculty, but shall not have the privilege of voting.

### **Section B. Procedures**

Par. 1. Departments must submit a completed Case School of Engineering Appointment Form and a current CV, together with other supporting documentation as detailed in the School's appointment procedures, for each new appointment or for each occasion when approval is sought for an adjunct faculty member to teach.

Par. 2. Adjunct faculty members shall receive an appointment letter with their initial appointment. The letter of appointment shall state that the appointment is subject to the policies and procedures set forth in this document. Subsequent re-appointments may be made using the faculty appointment form.



**CWRU Action Form for Majors/Minors/Programs/Sequences/Degrees**  
(instructions on back)

Docket # \_\_\_\_\_

College/School: WSOM  
Department: \_\_\_\_\_

PROPOSED:  major  
 minor  
 program  
 sequence  
 degree

TITLE: Minor in Business Management

EFFECTIVE: Fall (semester) 2011 (year)

**DESCRIPTION:**

15 credit hour minor limited to students not majoring in ACCT or MGMT that provides fundamental knowledge and broad exposure. Requirements are as follows:

**REQUIRED (2 courses):**

- 1.) ECON 102 or ECON 103
- 2.) ACCT 303 or ACCT 101

**ELECTIVES (3 courses):**

Choose any 3: BAFI 355, ENTP 301, MGMT 250, MIDS 301, MKMR 301, OPRE 301, BLAW 331

Is this major/minor/program/sequence/degree:  new  
 modification  
 replacement

If modification or replacement please elaborate: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does this change in major/minor/program/sequence/degree involve other departments?  Yes  No

If yes, which departments? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact person/committee: Jim Hurley, Assistant Dean or Tiffany Welch, Assistant Dean

**SIGNATURES:** \_\_\_\_\_ **DATE** \_\_\_\_\_  
Department Curriculum Chair(s)/Program Directors: Julia Grant  
Department Chair: Julia Grant  
College/School Curriculum Committee Chair: Julia Grant  
College/School Dean(s): Raven Dalen  
UUF Curriculum Committee Chair: \_\_\_\_\_

File copy sent to:  Registrar  Office of Undergraduate Studies/Graduate Studies  
 Other: \_\_\_\_\_



CASE WESTERN RESERVE  
UNIVERSITY

WEATHERHEAD SCHOOL OF MANAGEMENT

~ **RATIONALE for MINOR in BUSINESS MANAGEMENT** ~

**Potential broad appeal**

Currently, most minors in Weatherhead are completed by students who have a MAJOR in Weatherhead (e.g., Accounting major takes a minor in Finance). A broad, general minor will complement our current slate of discipline-specific minors and may appeal to a broader audience of students.

**Provides additional skills & knowledge**

A minor in business can provide undergraduates in Engineering, Arts & Sciences, and Nursing with additional skills and knowledge. For students seeking to enter the job market at the bachelor's level, a minor in business can be a distinguishing achievement.

**Enhanced recruitment of prospective freshman**

General business minors have become popular at many institutions and have great potential at CWRU as well. The possibility of obtaining a credential in business (along with additional skills & knowledge) may add to the University's appeal to prospective students and their parents.

**Utilizes existing courses**

The proposed minor draws from Weatherhead's current array of undergraduate courses in business management and economics, which currently have capacity for non-majors. No additional costs are associated with the introduction of an additional, general minor in business management.

2/22/2011

College/School: Case School of Engineering  
Department: Mechanical and Aerospace Engineering

PROPOSED:  major  
 minor  
 program  
 sequence  
 degree

TITLE: Mechanical Design and Manufacturing

EFFECTIVE: Spring (semester) 2011 (year)

DESCRIPTION: This minor will concentrate on design and manufacturing of mechanical elements. Initial impetus for this program came from the Biomedical Engineering Department, where it was believed that such a minor would enhance the opportunities for certain undergraduate students who are looking to enter the job market after graduation. However, the topics covered in this minor encompass a wide area, and may appeal to students in other disciplines such as Materials Science or Macromolecular Science and Engineering. EECS students interested in robotics may also be attracted to this minor.

The minor requires 5 courses

Required Courses

- EMAE172 Mechanical Manufacturing
- EMAE370 Design of Mechanical Elements

Students will then choose, in consultation with their advisors, three courses from:

- EMAE372 Relation of Materials to Design
- EMAE290 Computer Aided Manufacturing
- EMAE390 Advanced Manufacturing
- EMAE397 Independent Laboratory Research - can be used as an elective in this minor sequence under the following conditions:

- (1) The student writes a one-page proposal about the project explaining how it involves mechanical design and/or manufacturing at an advanced undergraduate level
- (2) The proposal is approved by the student's major advisor, and the advisor for the minor in Mechanical and Aerospace Engineering

Is this major/minor/program/sequence/degree:  new  
 modification  
 replacement

If modification or replacement please elaborate: \_\_\_\_\_

Does this change in major/minor/program/sequence/degree involve other departments?  Yes  No

If yes, which departments? NA  
\_\_\_\_\_

Contact person/committee: Malcolm Cooke, interim advisor for the minor

SIGNATURES:

Department Curriculum Chair(s)/Program Directors: [Signature] DATE 12/15/2010  
Department Chair: [Signature] DATE 12/15/2010  
College/School Curriculum Committee Chair: [Signature] DATE 2/24/11  
College/School Dean(s): [Signature] DATE 3/1/11  
UUF Curriculum Committee Chair: \_\_\_\_\_

File copy sent to:  Registrar  Office of Undergraduate Studies/Graduate Studies  
 Other: \_\_\_\_\_

**CWRU Action Form for Majors/Minors/Programs/Sequences/Degrees**  
(instructions on back)

Docket # \_\_\_\_\_

College/School: College of Arts and Sciences  
Department: History

PROPOSED:  major  
 minor  
 program  
 sequence  
 degree

TITLE: History of Technology and Science (HST)

EFFECTIVE: fall (semester)                      2011-12 (year)

**DESCRIPTION:**

The HST minor has long since fallen into desuetude, and there does not seem to be a real niche for it. No student has elected it in at least 14 years, and very few relevant administrators even know it exists. We propose to cancel it permanently.

It should be noted that we already have an interdisciplinary major and minor program in History and Philosophy of Science.

**APPROVED**

Is this major/minor/program/sequence/degree:  new  
 modification -- cancellation  
 replacement

If modification or replacement please elaborate: See Description section above

Does this change in major/minor/program/sequence/degree involve other departments?  Yes  No

If yes, which departments? \_\_\_\_\_

Contact person/committee: Alan Rocke

**SIGNATURES:**

Department Curriculum Chair(s)/Program Directors:	<u>x P. M. [Signature]</u>	DATE	<u>10/20/10</u>
Department Chair:	<u>x [Signature]</u>		<u>10-20-10</u>
College/School Curriculum Committee Chair:	<u>M. [Signature]</u>		<u>11-18-10</u>
College/School Dean(s):	<u>J. [Signature]</u>		<u>11-18-10</u>
UUF Curriculum Committee Chair:	_____		

File copy sent to:  Registrar  Office of Undergraduate Studies/~~Graduate Studies~~  
 Other: HST

**FSCUE SUBCOMMITTEE ON ACADEMIC STANDING  
PROPOSAL FOR CHANGES TO THE PASS/NO PASS OPTION**

**March 31, 2011**

Some reasons for raising the question of P/NP:

- Philosophy
  - Is the purpose of the P/NP option to hide the grades of a poor performance or to encourage students to take academic risks?
- Clarity
  - For most of our rules, we treat students who were enrolled in 12 credit-hours at the start of the semester as full-time students, but for this policy we delete course withdrawals.
  - Students may not use P/NP for courses specifically required of them, but may use it for other courses in the major for which there are options. (If students may take MATH 223 or 227, is 227 really an option for a student doing poorly in 223?)
  - Students are often unaware that they cannot use P/NP for summer courses, or if they are part-time or on probation.
- Equity
  - By the time P/NP must be chosen, some students already know their final grades in some courses.
  - There is the possibility of manipulating major selection in order to use the P/NP option and students who have not declared a major have no specific courses required.
  - Students are told that the decision to use P/NP is irrevocable, yet we regularly reveal the letter-grade when that facilitates graduation.
- Logistics
  - The late date of opting for P/NP provides little time for review if we want students to know whether their requests were not approved before the start of exams.

Proposal:

Undergraduate students (degree candidates and transient students enrolled at the undergraduate level) may elect to take one course each fall and spring semester on a P/NP grading basis, provided they remain enrolled in at least 3 credit-hours of courses for regular evaluative grades. Courses that are graded on a P/NP basis do not preclude a student's use of the P/NP option for another course that semester. The P/NP option may not be used for courses being repeated, and is not available during the summer session or to undergraduate degree candidates enrolled at the graduate or professions levels through the IGS program or Senior-Year in Professional Studies. All courses to be counted toward major, minor, and SAGES/general education/core requirements must be taken for a letter-grade.

Students must opt for the P/NP option by the relevant course withdrawal deadline for that semester (currently the 11<sup>th</sup> Friday of the semester for upperclass students, including new transfer students; and the last day of classes for first-year students). A decision to use the P/NP option is irrevocable unless the student needs that course to complete requirements for a major or minor declared in a subsequent semester; in that case, at the student's request, the Office of Undergraduate Studies will reveal the grade on the transcript at the start of the student's final semester or summer session at CWRU.

**PASS/NO PASS*****Current Policy***

Courses elected on a Pass/No Pass basis and completed with a grade of D or higher will be entered with the grade P on the student's transcript. Courses taken Pass/No Pass for which a grade of F is earned will have NP entered on the transcript. Courses completed with a letter grade P under this option will be counted for credit toward the baccalaureate. Courses completed with the grades P and NP are not included in computing the grade point average. The Pass/No Pass option is subject to the following regulations:

1. The Pass/No Pass Option is available only during regular fall and spring semesters and only to students who are in good academic standing and who are currently enrolled in 12 or more hours after course withdrawals for that semester.
2. Students may submit an on-line Pass/No Pass Option form at any time in the fall or spring semester after the end of the drop/add period and before 5:00 p.m. on the last day of classes. Once the Pass/No Pass Option form is submitted, it may not be retracted or changed.
3. The Pass/No Pass Option can be exercised for only one course during any semester. Courses which are graded on a Pass/No Pass basis (e.g. PHED 055A) do not preclude the student's use of the Pass/No Pass Option in another course taken that same term.
4. The Pass/No Pass Option cannot be used for courses being taken to satisfy Engineering Core or General Education requirements or for courses taken to satisfy major or minor requirements.
5. The Pass/No Pass Option cannot be used for courses that are being repeated.
6. Instructors are not notified of a student's use of this option. They are required to submit evaluative grades for all students and these are converted to Pass/No Pass in the Registrar's Office. The meaning of the P and NP will be noted on the transcript.
7. Once a course is completed under the Pass/No Pass Option, the student CANNOT reverse the Pass/No Pass grade in order to reveal and have posted the actual letter grade earned, or use the course for a purpose for which the use of a Pass/No Pass is prohibited.

Students majoring in any Weatherhead School of Management major may not use the P/NP option for any Weatherhead School of Management courses, either required or elective. (ACCT, BAFI, BLAW, ENTP, LHRP, MGMT, MIDS, MKMR, OPMT, ORBH, OPRE, PLCY).

# Case Western Reserve University

## Faculty Conciliation and Mediation Pilot Program

Report of the Ad Hoc Committee on Grievance Process Reform

March 15, 2011

### Background

The Faculty Conciliation and Mediation Program was established by the Office of the Provost, upon the recommendation of the Ad Hoc Committee on Grievance Process Reform and the Faculty Senate, in January 2010 for an 18-month pilot period. The Conciliation and Mediation Program is intended to provide (1) an appropriate mechanism for faculty to resolve academic disputes, and (2) a faster, less formal and more effective process for resolving personnel practice disputes before a grievance hearing is scheduled (Final Report of the Faculty Senate ad hoc Committee on Grievance Process Reform, July 1, 2009). The Program is staffed by a part-time Conciliation Counselor who provides individual consultation, conflict coaching, facilitated dialogue and mediation to parties in a dispute. The program also has access to the services of professional mediators when needed.

### Summary of activities to date

- A primary activity during the first year of operation was publicizing the program through meetings with deans, chairs, and various faculty groups; distributing a brochure; and constructing a web site.
- Six outside professional mediators were recruited to be available as needed.
- Conciliation and mediation services were provided to 16 cases.

### Issues brought

#### Type of conflict

- 10 personnel practice (tenure, workload, supervisory relationship)  
(5 of these cases prompted by a decline research support)
- 5 inter-collegial/interpersonal conflict (day to day interactions)
- 1 case of departmental conflict

#### Schools represented

- 9 School of Medicine
- 4 Arts and Sciences
- 1 Law
- 1 Nursing
- 1 Management

#### Initiators of the cases

- 15 initiated by the faculty person
- 1 initiated by the supervisor

## Services provided

### Type of service

- 12 consultation and/or conflict coaching
- 3 facilitated conversation including both parties to the conflict
- 1 mediation resulting in formal agreement

### Number of face-to-face meetings (most were supplemented by phone and email contacts)

- 9 one meeting
- 4 two meetings
- 3 three or more meetings

## Outcomes

### Disposition

- 5 no change
- 3 issue resolved
- 3 consultation only
- 5 in process

### Impact on filing grievances

- none of the 16 cases have filed a formal grievance to date
- university wide, no grievances have been filed to date this academic year (none were filed in '09-'10; two in '08-'09; one in '07-'08, one in '06-'07)

## Responses from confidential user survey

A confidential user survey was sent in February 2011 to 16 faculty members who had participated in the Faculty Conciliation and Mediation pilot program. There were 10 responses, for a response rate of 62.5%. The survey was administered by the Office of Institutional Research, which also collected and summarized the responses. No individual or office other than Institutional Research had access to response-level data. The results are summarized below:

### What led you to seek conciliation/mediation services?

- 6 I did it on my own initiative
- 3 A colleague or administrator in my own department suggested it to me
- 1 A university representative (e.g., provost's office; faculty senator) suggested it

### What type of issue were you concerned about?

- 6 Primarily an inter-collegial or academic conflict
- 4 Primarily a violation of university policies and procedures

### What kinds of assistance did you receive? (Check all that apply)

- 9 I was able to talk to someone who would listen
- 9 It helped me think through my options and decide how to proceed
- 3 I received information that helped me understand my situation better



- 1 The conciliation counselor advocated for me with others involved in my issue
- 0 It got the other party involved in resolving my issue (through facilitated conversation or mediation)
- 1 Other (describe): *His role was to try to open a communication channel with [a university office] to address the problem.*

Overall, what happened as a result of using conciliation/mediation services?

- 0 Things have gotten worse
- 6 Nothing has changed
- 2 The conflict is still there, but I am managing it more effectively
- 0 The conflict has gotten better
- 2 The conflict has been completely resolved

Did you consider filing a formal grievance at any point in the process?

- 1 No
  - 9 Yes
- If yes, what did you decide?
- 0 I am going ahead with a grievance
  - 5 I'm still thinking about it
  - 4 I decided not file a grievance

Did the conciliation/mediation program help you develop conflict resolution skills that you can use in other situations?

- 2 Yes
- 8 No

Would you use the program again if the need arose?

- 7 Yes
- 2 No
- 1 Not sure

Would you recommend the program to a colleague?

- 8 Yes
- 1 No
- 1 Not sure

Please add any comments that you think would help improve the program or explain your answers above.

*It was a great help to have a neutral third party help me talk through what happened, what I did and whether that was enough.*

*The issue is not resolved because I am still trying to decide if mediation fails whether I would file grievance.*

*While contacting the mediator did not lead to an immediate resolution of the problem, it was psychologically very helpful. It helped me decide to file grievance against [. . .] forcing them to respond. There is a need to profoundly revisit how conflicts are being handled on campus. First, faculty (perhaps students too) born and raised outside the US education system are more likely to say things that are going to be misinterpreted. Second, all conflicts should be handled by a Conflict Resolution Office, not by other entities [offices of diversity, harassment, etc.]. Third, the university should highly encourage people to first attempt to resolve problems at the Departmental level rather than via a so-called informal process that, by its very existence, is all but formal. Of course the above addresses only the very particular situation I had to face.*

*Admittedly, I was hoping to engage in more of a mediation process. Nonetheless, the person with whom I met offered some useful perspectives and suggestions.*

*I feel fortunate to have a place to turn to at work where I can share my concerns and ask for assistance in a safe professional manner.*

*The role and function of the mediator should be more clear. After several meetings I came to the unfortunate conclusion that the mediator, while very approachable and personable, represented a roadblock to making any real progress on issues that were of great concern to me as a faculty member. To put it more plainly (and I apologize for this because I respect and admire the mediator), I viewed this as mostly a waste of time. To be useful there must be mandated mediation between the parties, i.e. the process must have some teeth to it and support from university administration.*

*The situation that brought me to seek counsel from the conciliation/mediation program is so entrenched in my department that it has frustrated me for the past 16 years. I have sought advice on how to deal with my problem from the Associate Dean for Academic Affairs in the [. . .] with no resolution. I have sought input from the Provost with no appropriate resolution. Apparently there is no one in the CWRU administration willing to tackle the serious issues in the [. . .] that reduce my effectiveness as a faculty member and researcher. When one is pushed up against the wall, one can stay at the wall or 'push back.' What are my choices now?*

### Observations and impressions

- Judging from the number of users of the pilot program and the types of service provided, it appears the program provides a useful service. This level of usage is probably about what would be expected for a university our size.
- Some users felt they had no one else at the university in whom they could confide about their conflict, and they valued the opportunity to speak confidentially to an impartial third person.
- Most users preferred to manage the conflict on their own and therefore were most interested in consultation and/or coaching on how to approach the other party.

- In most of the cases the conflict had not progressed to the point where the person was actively considering filing a grievance, thus it is difficult to determine whether the program has actually prevented the filing of formal grievances.
- Users were averse to filing a formal grievance because they feared repercussions and they did not think it would make things better in the long run. Grievances were viewed as a last resort.
- Most conflicts arose in response a supervisor took an action which the faculty member perceived as unfair, discriminatory, or demeaning. How the parties had gone about addressing the conflictual issue sometimes seemed more problematic than the issue itself.

### Recommendations

1. The Faculty Conciliation and Mediation Program should be continued, based on the demonstrated need for and use of the service. It is expected that the level of usage of direct services may increase somewhat, although not drastically.
2. The Program should expand its services to include education and training for faculty and supervisors to enhance their capacity for dealing with the conflicts that inevitably arise in an academic workplace.
3. The Program should expand its staffing to include several additional faculty members with skills in conflict resolution to provide a diversity of approaches and insure long-range continuity of the program.
4. The Program should report on its activities annually to the Faculty Senate Personnel Committee.
5. The Program should continue to be operated out of the Provost's Office.

### Ad Hoc Committee on Grievance Process Reform

Wilbur Leatherberry, Chair  
 Robin Dubin  
 Fady Faddoul  
 Wallace Gingerich, Faculty Conciliation Counselor  
 Marion Good  
 Robert Greene  
 Judith Lipton  
 William Merrick  
 Robert Mullen  
 John Orlock  
 Sandra Russ  
 Liz Woyczynski, Secretary of the University Faculty

## **RESOLUTION TO MAKE PERMANENT THE FACULTY CONCILIATION AND MEDIATION PROGRAM**

**Whereas**, Faculty Conciliation and Mediation Pilot Program has operated effectively since January 2010; and

**Whereas**, the Program provides an appropriate mechanism for resolution of inter-collegial disputes among faculty members; and

**Whereas**, the Program provides a faster, less formal, and more effective process for resolution of personnel practice disputes before a grievance is filed and a hearing scheduled and held.

**Resolved**, the Faculty Senate instructs the Chair to arrange for the drafting of amendments to Chapter 3, Article V. of the Faculty Handbook to accomplish the following objectives:

(1) To make permanent the office of Conciliation Counselor and to provide for appointment of that person by the Provost with the advice and consent of the Faculty Senate;

(2) To provide for the selection and training of such additional persons to serve as assistants to the Conciliation Counselor or to succeed to that post;

(3) To provide that the Conciliation Counselor shall provide informal advice, investigation, and conciliation with respect to inter-collegial or personnel practice conflicts upon the request of any faculty member;

(4) To provide that, upon the recommendation of the Conciliation Counselor, the Provost shall employ and the University shall compensate a private mediator to work with parties in the resolution of an inter-collegial or personnel practice dispute;

(5) To provide for confidentiality of the conciliation and mediation processes;

(6) To state that neither the Conciliation Counselor nor any mediator employed in the resolution of any dispute has power to make a decision with respect to the dispute but is a facilitator of resolution by agreement of the parties;

(7) To provide that the Conciliation Counselor, without disclosing confidential information about particular cases, shall report to the Provost and to the Faculty Senate each year with respect to the operation of the office and to make recommendations for the improvement of the service provided.

The Chair shall arrange for review of the draft amendments by the Faculty Senate By-Laws Committee and the University Attorney and shall present the amendments to the Faculty Senate when they are ready for submission to the Board of Trustees.

# Kelvin Smith Library (KSL) Strategic Plan (7 April 2011)

## Context

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A major underlying principle of this strategic plan is to highlight objectives that represent either entirely new activities for the Kelvin Smith Library (KSL), or ones in which a substantial redirection of effort is required. Although continuing activities do not appear in the objectives, there are some broad commitments that are bedrock principles upon which we base all KSL services. In particular, KSL will continually: (1) build and maintain strong scholarly information resources; (2) foster faculty and student engagement and productivity in their intellectual pursuits; (3) provide high quality services for our faculty, students and staff; (4) work collaboratively with on-campus and external partners to maximize the availability of information, and (5) grow our vibrant commitment to inclusion and diversity in our programs, services, and staffing.

## Mission

---

KSL is the knowledge and creativity commons of CWRU.

### **CWRU Mission:**

Case Western Reserve University improves and enriches people's lives through research that capitalizes on the power of collaboration, and education that dramatically engages our students.

## Vision

---

KSL will be the information laboratory for knowledge collection, connection, creation, and curation.

### **CWRU Vision:**

We aim to be recognized nationally as an institution that imagines and influences the future.

## Values

---

In addition to the values of the University, KSL values:

- openness
- collaboration
- personalized service
- agility and innovation through experimentation

### **CWRU Values:**

1. Academic excellence & impact
2. Inclusiveness & diversity
3. Integrity & transparency
4. Effective stewardship

## Goals and Objectives

---

### **KSL Objectives: Impact**

- **I.1 - Understand CWRU Community Interests and Needs.** Transform the design and delivery of KSL services by systematically engaging in research to understand the changing needs and scholarly behaviors of faculty, undergraduate and graduate students, and by customizing services to accommodate differences among these groups.

**CWRU Goal 1: Impact.** Seeking to strengthen our reach in education, research, scholarship and other forms of discovery, CWRU will advance our academic programs to increase impact.

1. Enhance Research and Discovery.
2. Align Educational Programs to Prepare Students for the 21st Century.
3. Enhance international character of university.

- **I.2 - Expand the Availability of Scholarly Content.** Ensure that KSL is the trusted campus source for procuring, preserving, and delivering scholarly information by:
  - identifying future research needs and developing a multi-year plan to provide the books, journals and other information resources to ensure that KSL's support of research is commensurate with that of the best practices of academic research libraries (including in support of University international and interdisciplinary initiatives);
  - expanding the core of information housed or fully accessible on campus as CWRU is particularly vulnerable to the likely reduced ability of OhioLINK to provide CWRU with the level of research collections required for excellence;
  - developing, in consultation with faculty, comprehensive principles to govern the preferred formats for the acquisition, retention and storage of library materials, with particular attention paid to publication periodicity and the diverse needs of different academic disciplines;
  - creating a new library materials allocation formula for KSL library materials that is fair and transparent, and that recognizes changes in scholarly publishing and the use of these materials at CWRU;
- examining and recommending actions to further the adoption of Open Access by the CWRU community;
  - expanding the scope of special collections with a focus upon University areas of strength that support the curriculum and research of CWRU faculty and students; and,
  - exploring opportunities to grow the use of the archival materials by faculty, students and staff through increased marketing of available collections, and by expanding access and preservation through digitization of both born-digital and printed materials (e.g., in science, technology, and medicine, as well as industrial, urban, ethnic, cultural and immigration history).
- **I.3 - Define and Deploy a Digital Learning and Research Strategy.** Engage in campus and external partnerships to define and deploy a strategy that integrates KSL services for digital learning and scholarship that: (a) is built upon a strong technological infrastructure and embedded personal support for faculty and students; (b) provides a data management plan – including a data repository and curation services – that will fully accommodate the data management requirements for federally-funded research; and (c) provides a unified information chain for faculty and students beginning with topic identification, and advancing through digital investigation methodology, content creation, and communication.
- **I.4 - Increase Student Fluency in Knowledge Discovery and Processing.** Engage in a strong partnership with faculty to develop an innovative new information literacy program that: (a) provides students with instruction at the point of need; (b) effectively employs a combination of pedagogic techniques (e.g., live presentation, self-paced learning units, recorded instruction); (c) enhances the ability of undergraduate and graduate students to comprehend and integrate diverse information resources, and thereby contribute to their ability to create new knowledge and engage in lifelong habits of the mind; and, (d) demonstrates value through a strong outcomes-assessment component.
- **I.5 - Become the Campus Destination for Intellectual Pursuits.** Advance student, faculty and staff recruitment and retention by:
  - creating a comprehensive and flexible strategic program to meet the specialized needs of each key client constituency;
  - engaging with faculty to create programs and platforms to foster scholarly exchange among diverse members of the university community, and with colleagues nationally and internationally;
  - reinvigorating KSL as a physical and virtual destination for faculty, students and staff through the creation of inviting collaborative and individual learning and research spaces; and,
  - creating new service delivery models.

### KSL Objectives: Diversity

- **D.1. – Define Services and Information Resources to Support Global Diversity.** Advance the international initiatives of the University by providing robust information resources and support for globalization activities, both for CWRU faculty, students and staff who are working abroad, and for international students who are studying at CWRU.
- **D.2. - Promote Collaborative International Content Development.** Position CWRU to influence the economic models affecting trade publications and scholarly content by participating in collaborative global information developments that cultivate contributions from global partners (from both developed and developing countries) to expand the global availability of information.

**CWRU Goal 2: Diversity.** Through the promotion of cultural understanding, recognition of excellence and attraction of an outstanding student, faculty and staff base, CWRU will develop a strong, vibrant, diverse university community

1. Recruit, retain, and develop outstanding students.
2. Promote diversity.
3. Recognize & reward excellence among faculty & staff.
4. Make the campus more vibrant.

### KSL Objectives: Community

- **C.1 – Strengthen Content Partnerships.** Strengthen OhioLINK, UCI and other library partners to ensure the continued availability of digital and print information resources of value to the CWRU community.
- **C.2 – Alumni and Community Engagement.** Undertake a comprehensive strategic review and articulate a plan as to how KSL will support alumni, and the extent to which KSL can and should support the larger Cleveland community.

**CWRU Goal 3: Community.** Expand and deepen relationships with the larger community

1. Better engage alumni.
2. Partnerships with and for the University Circle, Cleveland, and Northeast Ohio.
3. Strengthen relationships with state and federal stakeholders.

### KSL Objectives: Integrity and Transparency

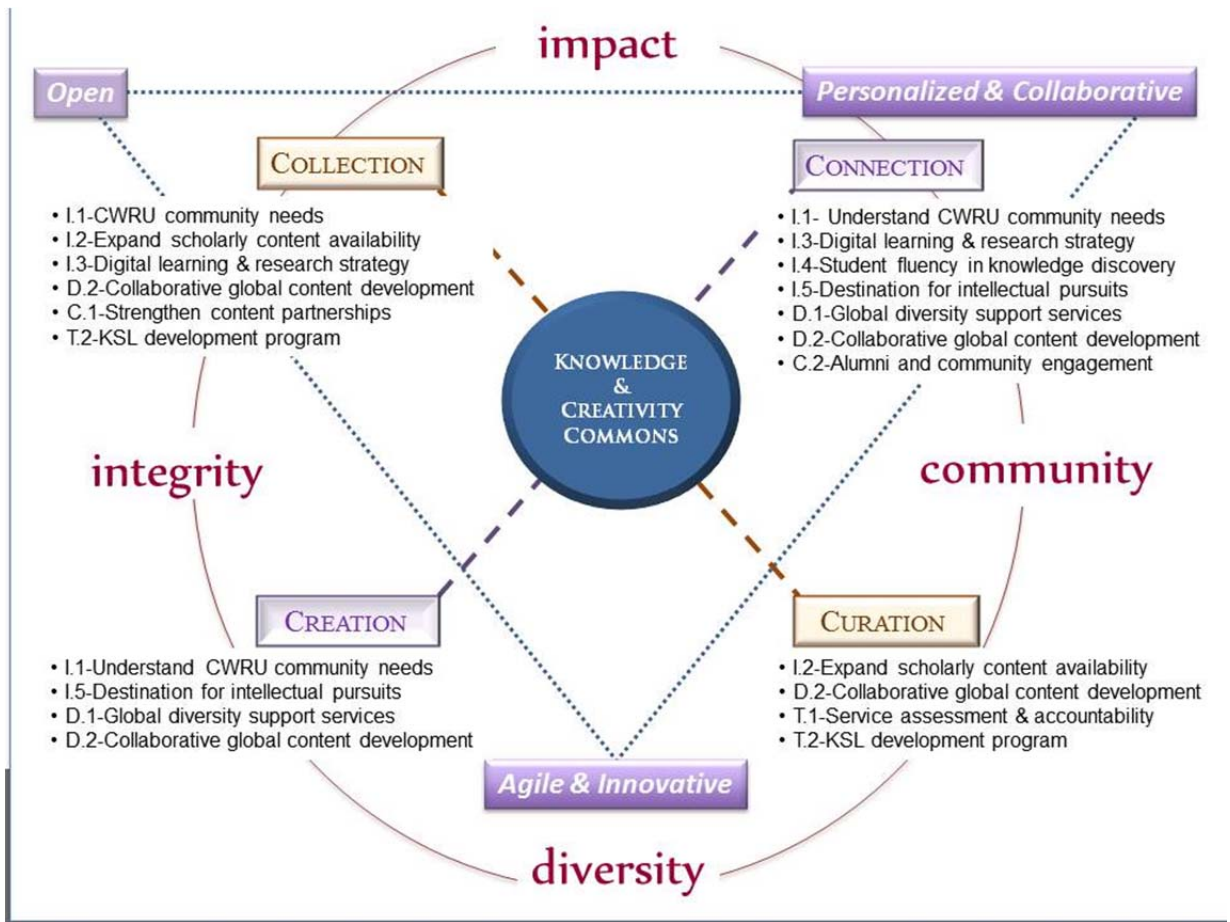
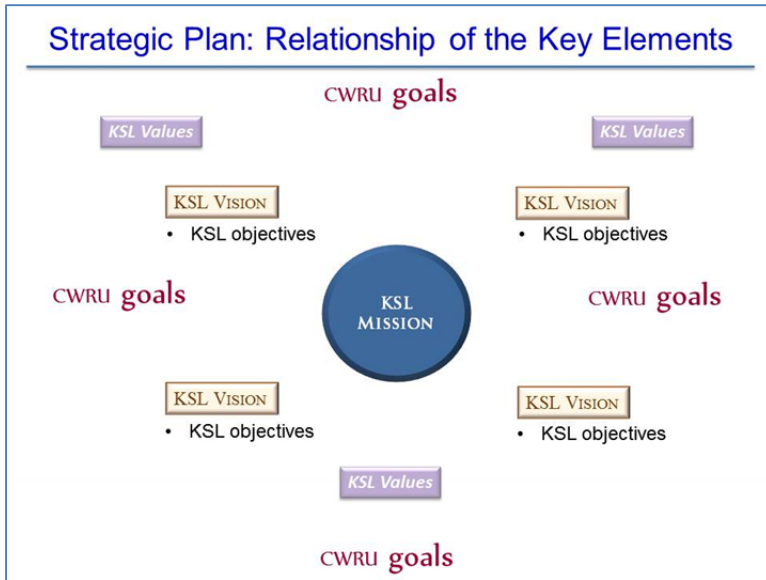
- **T.1 – Service Assessment and Accountability to the CWRU community.** Continually assess and report upon KSL's progress to implement best management practices, including identifying and reporting measures of success that are important to the university community.
- **T.2. – Build a KSL Development Program.** Ensure the financial sustainability of KSL by establishing a development program, including articulation of major gift priorities and goals, the development of persuasive case statements worthy of prominent participation within the University Capital Campaign, and the initiation of a systematic program to cultivate potential donors.

**CWRU Goal 4: Integrity and Transparency.** Realizing our goals requires significant improvements in our ability to assess our academic programs, track our finances and provide high-quality service to students, staff, faculty and alumni.

1. Define performance indicators, and strengthen systems for monitoring and evaluating learning outcomes.
2. Improve internal customer satisfaction with administrative services.
3. Improve resource allocation and ensure accountability.
4. Identify innovative sources of revenue.
5. Implement best operational practices.
6. Initiate a major capital campaign

## Appendix: Visualization of KSL Strategic Plan

This visualization is provided to show the relationship of the mission, vision, values and objectives contained in the plan. It is neither a summary nor a replacement for the full plan.







# Faculty Senate Committee Nominations, 2011-2012

April 21, 2011

Susan Tullai-McGuinness, Chair,  
Faculty Senate Nominating  
Committee

# Thanks to the members of the 2010-2011 Nominating Committee:

David Crampton, MSASS

Fady Faddoul, SODM

Jill Korbin, CAS

Erin Lake, PHED

Roger Marchant, CSE

Kathryn Mercer, LAW

Susan Tullai-McGuinness, SON, chair of committee

Daniel Wolpaw, SOM

# Recruiting New Membership for Faculty Senate Standing Committees

- Faculty Interest Survey is emailed to all faculty in January. About 85 faculty volunteered or nominated other faculty.
- Each member of the Nominating Committee takes responsibility for recruiting members for a standing committee or two. And each member recommends faculty from his or her constituent faculty for membership on any of the standing committees.
- The Nominating Committee contacts faculty who volunteered for a committee and gets input from current chairs.
- The Faculty Senate approves new members to the standing committees; the Executive Committee approves the appointment of all chairs each year.
- New members that need Senate approval are highlighted in yellow.

2011-2012 Budget Committee				
Term	Membership	Last Name	First Name	School
2008-2011 2011-2014	at-large member, chair 2010-2012	Silvers	JB	WSOM
2010-2013	at-large member, senator	Loparo	Kenneth	CSE
2009-2012	at-large member	Case	Susan	WSOM
	<i>ex officio</i> , chair of Faculty Compensation	Ziats	Nicholas	SOM
	regular guest and participant	Sideras	John	UGEN
2010-	school representative (SON)	Click	Elizabeth	SON
2010-	school representative (CAS)	Cullis	Chris	CAS
2010-	school representative (CSE)	Jennings	Aaron	CSE
2010-	school representative (LAW)	Strassfeld	Robert	LAW
2010-	school representative (MSASS)	Miller	David	MSASS
2008-	school representative (SODM)	Lalumandier	Jim	SODM
2009-	school representative (SOM)	Lerner	Edith	SOM
2010-	school representative (WSOM)	Fine	Scott	WSOM

2011-2012 Committee on Bylaws				
Term	Membership	Last Name	First Name	School
2010-2013 (starts fall 2011)	chair 2011-2012	Singer	David	CAS
2009-2012		Palomo	J. Martin	SODM
2011-2014		Webel	Allison	SON
2009-2012		Zheng	Qing Yin	SOM
2010-2013		Meckes	Mark	CAS
2010-2013		Robertson	Cassandra	LAW
	unofficial guest	Woyczynski	Liz	
	unofficial guest	Treml	Colleen	
	unofficial guest	Langell	Lois	

**2011-2012 Committee on Faculty Compensation**

Term	Membership	Last Name	First Name	School
2009-2012 (started spring 2011)	chair, spring 2011-2012	Ziats	Nicholas	SOM
	CFO or designee	Gregory	Carolyn	
	provost or designee	Singer	Lynn	
2011-2014		Albers	Catherine	CAS
2009-2012		Jamieson	Alex	CSE
2011-2014		Groza	Victor	MSASS
2009-2012		Liedtke	Carole	SOM
2010-2013		Lavelle	Kathryn	CAS
2009-2012		McDonnell	Sean	PHED
2010-2013 (starts fall 2011)		Prince-Paul	Maryjo	SON
2010-2013		Mercer	Katy	LAW

2011-2012 Committee on Faculty Personnel				
Term	Membership	Last Name	First Name	School
2009-2012 (started fall 2010)	Chair, 2011-2012	Higgins	Patricia	SON
	<i>ex officio</i>	Clochesy	John	
	<i>ex officio</i> , member of Faculty Compensation	TBD		
	<i>ex officio</i> , president's designee	Singer	Lynn	
2011-2014		McNally	Laura	LAW
2008-2011; 2011-2014		Farrell	Karen	PHED
2009-2012 (started fall 2010)		Deming	Nicole	SOM
2007-2010, 2010-2013		Leitman	Marshall	CAS
2007-2010, 2010-2013		Liberatore	Vincenzo	CSE
2011-2014		Savrin	Carol	SON
2011-2014		Ozsoyoglu	Meral	CSE
2009-2012		Yang	Peter	CAS

**2011-2012 Committee on Graduate Studies**

Term	Membership	Last Name	First Name	School
2008-2011, 2011-2014	chair, 2011-2012	Snider	Martin	SOM
	<i>ex-officio</i> , Dean Graduate Studies	Rozek	Charles	
	<i>ex-officio</i> , graduate student	TBA		
	<i>ex-officio</i> , graduate student	TBA		
	<i>ex-officio</i> , graduate student	TBA		
	<i>ex-officio</i> , professional student senator (SODM)	TBA		
	<i>ex-officio</i> , post-doc	TBA		
	<i>ex-officio</i> , VP Research	TBA		
2009-2012		Wnek	Gary	CSE
2009-2010, 2010-2013		Damato	Lisa	SON
2006-2009, 2009-2012		Dubin	Robin	WSOM
2010-2013 (starts fall 2011)		Tracy	Elizabeth	MSASS
2010-2013		Van Orman	James	CAS
2008-2011, 2011-2014		Lerner	Edith	SOM
2011-2014		Rosenblatt	Charles	CAS
2009-2012 (started 2010)		Marchant	Roger	CSE



## 2011-2012 Committee on Information & Communication Technology

Term	Membership	Last Name	First Name	School
2009-2012	chair, 2011-2012	Muzic	Ray	SOM
	<i>ex-officio</i> , FSCUL, chair or designee	Quinn-Griffin	Mary	
	<i>ex-officio</i> , provost or designee	Baeslack	Bud	
	<i>ex-officio</i> , University Librarian	Hirshon	Arnold	
	<i>ex-officio</i> , VP ITS	Gonick	Lev	
	student, graduate	TBA		
	student, post-doc	TBA		
	student, undergrad	TBA		
2010-2013		Mihos	Chris	CAS
2009-2012		Buchner	Marc	CSE
2010-2013		Burant	Chris	SON
2010-2013		Miller	David	MSASS
2008-2011, 2011-2014		Hudak	Christine	SON
2011-2014		Griswold	Mark	SOM
2011-2014		Alexander	Iwan	CSE
2006-2009, 2009-2012		Sun	Jiayang	CAS

2011-2012 Committee on Minority Affairs				
Term	Membership	Last Name	First Name	School
2009-2012 (started fall 2010)	chair, 2011-2012	Ku	Raymond	LAW
	<i>ex-officio</i> , provost designee, diversity	Mobley	Marilyn	
	<i>ex-officio</i> , provost designee, diversity	Clochesy	John	
	student, graduate	TBA		
	student, postdoc	TBA		
	student, undergraduate	TBA		
2006-2009, 2009-2012		Gary	Faye	SON
2008-2011, 2011-2014		Boseman	Linda	SON
2009-2012 (started fall 2010)		Singh	Neena	SOM
2008-2011 (started fall 2010); 2011-2014		Nanfito	Jacqueline	CAS
2011-2014		Richley	Bonnie	WSOM

2011-2012 Nominating Committee				
Term	Membership	Last Name	First Name	School
2009-2011, 2011-2013	chair, 2010-2012	Tullai-McGuinness	Susan	SON
	<i>regular guest</i>	Woyczynski	Liz	
	<i>ex-officio, FS chair-elect</i>	TBA		
2010-2012		Korbin	Jill	CAS
2010-2012 (started 2011)		Peck	Simon	WSOM
2008-2010, 2010-2012		Faddoul	Fady	SODM
2010-2012		Lake	Erin	PHED
2010-2012		Marchant	Roger	CSE
2011-2013		Wilson-Delfosse	Amy	SOM
2009-2011, 2011-2013		Crampton	David	MSASS
2011-2013		McNally	Laura	LAW

**2011-2012 Committee on Research**

Term	Membership	Last Name	First Name	School
2009-2012	chair, 2009-2012	Chance	Mark	SOM
	<i>ex-officio</i> , Dean Graduate Studies	Rozek	Chuck	
	<i>ex-officio</i> , VP Research	Coticchia (Domanovics)	Mark (Diane)	
	student, graduate	TBA		
	student, graduate	TBA		
	student, graduate	TBA		
	student, postdoc	TBA		
2009-2012		Bhakta	Shyam	SOM
2011-2014		Jurevic	Richard	SODM
2007-2010, 2010-2013		Jones	Katherine	SON
2008-2011, 2011-2014		Kash	Kathy	CAS
2010-2013		Sobel	Matt	WSOM
2008-2011 (started fall 2010) 2011-2014		Hoffer	Lee	CAS
2008-2011 (started fall 2009) 2011-2014		Kirsch	Robert	CSE
2010-2013		Santiago	Anna Maria	MSASS

**2011-2012 Committee on Undergraduate Education**

Term	Membership	Last Name	First Name	School
2009-2011, 2011-2014	at-large member, chair 2011-2012	Parker	Larry	WSOM
2010-2013	at-large member, vice-chair	Cano	Christine	CAS
2009-2012	at-large member	McGuffin-Cawley	Jim	CSE
2009-	school representative (BIOC/NUTR)	Swain	James	SOM
2009-	school representative (PHED)	Reimer	Jennifer	PHED
2011-	school representative (CAS)	Emmons	Kimberly	CAS
2010-	school representative (CSE)	Savinell	Robert	CSE
2009-	school representative (WSOM)	Johnson	Jennifer	WSOM
2009-	school representative (SON)	Lotas	Lynn	SON
	provost designee, ug administrator, non-voting	Bischoff	Richard	
	provost designee, ug administrator, non-voting	Feke	Don	
	provost designee, ug administrator, non-voting	Nicholls	Glenn	
	provost designee, ug administrator, non-voting	Wolcowitz	Jeff	
	student, undergraduate	TBA		
	student, undergraduate	TBA		
	<i>ex-officio</i> , provost	Baeslack	Bud	

2011-2012 Committee on University Libraries				
Term	Membership	Last Name	First Name	School
2008-2011, 2011-2014	chair, 2010-2012	Quinn Griffin	Mary	SON
	<i>ex-officio</i> , Health Sciences Library	Saha	Ginger	SOM
	<i>ex-officio</i> , FSCICT, chair or designee	Muzic	Ray	SOM
	<i>ex-officio</i> , Law Library	Carrick	Kathleen	LAW
	<i>ex-officio</i> , MSASS Library	Skutnik	Samantha	MSASS
	<i>ex-officio</i> , University Librarian	Hirshon	Arnold	
	<i>ex-officio</i> , VP ITS	Gonick	Lev	
	student, graduate	TBA		
	student, postdoc	TBA		
	student, undergraduate	TBA		
2009-2012		Hirsch	Stanley	SODM
2006-2009, 2009-2012		Jensen	Erik	LAW
2009-2012		Kaelber	David	SOM
2008-2011; 2011-2014		Merat	Frank	CSE
2010-2013 (starts fall 2011)		Wilson	Amy	MSASS
2006-2009, 2009-2012		Orlock	John	CAS
2008-2011, 2011-2014		Petschek	Rolfe	CAS
2010-2013		Buchanan	Richard	WSOM
2010-2013		Broich	John	CAS

**2011-2012 Committee on Women Faculty**

Term	Membership	Last Name	First Name	School
2006-2009, 2009-2012	chair, 2011-2012	Farrell	Karen	PHED
	<i>ex-officio</i> , provost or designee	Singer	Lynn	
	<i>ex-officio</i> , Women Faculty SOM, chair or designee	Khatri	Sumita	
	<i>ex-officio</i> , Women's Center, chair or designee	Miller	Dorothy	
	<i>ex-officio</i> , PACoW chair or designee	Miller	Dorothy	
2009-2012		Madigan	Liz	SON
2010-2013		Minnes	Sonia	MSASS
2011-2014		Lipton	Jacqueline	LAW
2007-2010, 2010-2013		Huckelbridge	Art	CSE
2008-2011, 2011-2014		Maloni	Judith	SON
2007-2010, 2010-2013		Ritzmann	Roy	CAS
2011-2014		Richley	Bonnie	WSOM
2011-2014		Stiefel	Usha	SOM