

FACULTY RELATED ACADEMIC POLICIES AND PROCEDURES

10.1 Academic Freedom and Responsibility (In-unit faculty refer to BOT-UFF *Agreement*, Article 10; Reference UNF Policy 4.0200P, Academic Freedom)

Statement of Policy

Academic freedom and responsibility apply to teaching, research, and creative activity, and assigned service.

- A. Non-unit Faculty shall be free to:
- 1) Cultivate a spirit of inquiry and scholarly criticism and present and discuss their own academic subjects, frankly and forthrightly, with freedom and confidence.
 - 2) Select instructional materials and determine grades in accordance with University procedure.
 - 3) Engage in scholarly and creative activity and publish the results in a manner consistent with their professional obligations.
- B. Non-unit Faculty shall have the responsibility to:
- 1) Objectively and skillfully present a variety of scholarly opinions on the subject matter.
 - 2) Be forthright and honest in the pursuit and communication of scientific and scholarly knowledge.
 - 3) Respect students, staff, and colleagues and not exploit students for private advantage.
 - 4) Respect the integrity of the evaluation process with regard to students, staff, and colleagues, so that it reflects their true merit.
 - 5) Contribute to the orderly and effective functioning of the academic unit and/or the University and act in a collegial manner in all interactions.
 - 6) Represent themselves as institutional representatives

10.2 Policy and Procedure for Dealing with Allegations of Misconduct in Scientific Research and/or Scholarly Activity

Statement of Policy

It is the expectation of the University community that individuals involved in scientific research and scholarly activity will maintain the highest ethical standard in the conduct and reporting of those activities. Recognizing that verified instances of scientific misconduct are rare, the purpose of the procedures outlined below is to provide a mechanism for expeditious investigation of allegations

that such misconduct has occurred. These procedures are intended to govern all scientific research and scholarly activity, whether externally funded or not, conducted at the University of North Florida. Nothing contained herein shall be construed to abridge the rights of faculty under applicable state and federal law and/or the BOT-UFF Collective Bargaining *Agreement*.

Definition of Scientific or Scholarly Misconduct

This policy is limited to addressing misconduct related to the conduct and reporting of research¹, as distinct from misconduct that occurs in the research setting but that does not affect the integrity of the research record, such as misallocation of funds, sexual harassment, and discrimination. This policy does not limit the University from addressing these other issues under appropriate policies, rules, regulations, or laws. In addition, should the behavior associated with research misconduct also trigger the applicability of other laws (including criminal law) this policy is not intended to limit the University from pursuing these matters under separate authorities.

For the purpose of the procedures outlined below, scientific or scholarly misconduct is defined as fabrication, falsification, or plagiarism, in proposing, performing, or reviewing research, or in reporting research results.

- a) Fabrication is making up data or results and recording or reporting them.
- b) Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record².
- c) Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- d) Research misconduct does not include honest error or differences of opinion.

A finding of misconduct requires that:

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

Committee with Jurisdiction

The Faculty Association's Faculty Affairs Committee will (1) receive allegations of scientific misconduct, (2) investigate each allegation, (3) notify the Assistant Vice President for Research who will notify the appropriate funding agencies, as required, of investigations, (4) advise the Provost and Vice President for Academic Affairs of the findings of each investigation, and (5) should allegations of misconduct be substantiated, notify appropriate members of the scientific/scholarly community.

¹Research, as used herein, includes all basic, applied, and demonstration research in all fields.

²The research record is the record of data or results that embody the facts and includes, but is not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, and journal articles.

Procedures for Reporting and Investigating Misconduct

To comply with regulations of government funding agencies, the procedure outlined below is modeled after the multi-phased process outlined in the "Federal Register, Vol. 65, No. 235, December 2000. In examining each allegation of scientific misconduct, an informal "inquiry" will be completed within sixty (60) days of its initiation. The inquiry shall be to determine whether or not a full-scale investigation is warranted. The distinction between the inquiry phase and the investigation phase is clarified below.

Confidentiality

It is recognized that accusations of scientific and/or scholarly misconduct may be extremely damaging to an individual's reputation and standing, even when those accusations are unsubstantiated. Thus, throughout the process described below, every effort is made to maintain strict confidentiality in all matters relating to the examination of accusations of misconduct.

The Initial Complaint

Any person who has reason to believe that a member of the University of North Florida community has engaged in scientific or scholarly misconduct shall report that act to the Chairperson of the Faculty Affairs Committee. The Committee will not accept anonymous allegations of misconduct. Allegations must be made in writing. The accused will be notified immediately that an accusation has been made and will be provided with a copy of the complaint.

Upon receipt of an allegation, the Chairperson of the Faculty Affairs Committee shall also notify the immediate supervisor of the person accused of the specific misconduct. The supervisor of the accused and the Chairperson of the Faculty Affairs Committee will immediately conduct an informal, fact-finding inquiry.

Should the inquiry uncover any reasonable indication of possible criminal violations, the Chairperson shall within 24 hours notify the Provost and Vice President for Academic Affairs who shall take appropriate action including notification, through the Assistant Vice President for Research, of external funding agencies as required by Federal Statute.

If evidence collected during the course of the inquiry appears to suggest the possibility of misconduct, the Chairperson of the Faculty Affairs Committee will initiate the next stage of the review process within 15 working days of receipt of the initial accusation, or as soon thereafter as is practical. If there does not appear to be sufficient evidence to substantiate the allegation, the Chairperson of the Faculty Affairs Committee will notify all involved parties in writing that the matter will not be pursued any further.

In cases where the conduct under inquiry is associated with applications or grants seeking Federal funding, the Chairperson shall, through the Office of Academic Affairs, maintain sufficiently detailed documentation of inquiries to permit a later assessment of the reasons for determining that an investigation was not warranted, if necessary. Such records shall be maintained in a secure manner for a period of at least three years after the termination of the inquiry, and shall, upon request, be provided to authorized personnel.

At the option of the accused, a record of both the accusation and the vindication shall be put in the personnel file of the accused. If the preliminary inquiry reveals that the person charged is a graduate student and that the effects of the misconduct are contained within the University, the matter will be referred to the dean of the student's college for disposal.

Formal Investigation

If evidence collected during the course of the informal inquiry appears to suggest that further investigation is warranted, the Chairperson of the Faculty Affairs Committee shall take the following steps within 30 days of the completion of the initial inquiry:

- a) inform the appropriate college dean and the Provost and Vice President for Academic Affairs of the University, in writing, of the nature of the allegation;
- b) inform the accused, in writing, of the allegation and advise the accused of the procedures to be followed by the University;
- c) convene the Faculty Affairs Committee, which shall select an ad hoc panel of three persons with some knowledge of the area of research/scholarship in question to conduct the formal investigation of the allegation. Members of the panel should be persons who are not closely associated with the accused; and
- d) where required, notify, through the Provost and Vice President for Academic Affairs and the Assistant Vice President for Research, the Office of Scientific Integrity, Director, National Institutes of Health appropriate Federal funding agencies that an investigation is underway. Such notification shall take place within sixty (60) days of the commencement of the initial inquiry.

Operation of the Panel

The panel will select its own chairperson and may meet in executive session to examine the allegation, decide what evidence needs to be collected, and prepare its report. If necessary and appropriate, the panel may request that the person accused of misconduct submit information relevant to the allegation. The accused has the right to appear before the panel and defend himself (with counsel). Evidence may include, but is not limited to the following: research papers and notebooks; published and unpublished manuscripts, books, and abstracts; computer print-outs; names and addresses of current and former co-workers; and reports and grant applications submitted to funding agencies. The panel may also solicit written evidence from other individuals both inside and outside the University. Information of a confidential nature shall not be required by the panel except in a form that preserves its confidential character, unless a waiver can be obtained from the parties protected by the promise of confidentiality. Copies of any material obtained by the panel shall be provided to the person charged.

If the panel deems it appropriate, they may obtain oral testimony concerning the alleged misconduct from witnesses. The person charged is entitled to be present when the panel is taking oral testimony from the witnesses. The person charged is also entitled to be accompanied by an attorney, or any person(s) he/she chooses at a proceeding of the panel. However, judicial rules that govern the admissibility of evidence, authentication of documents and the like shall not govern the investigation of the panel, except insofar as the person chooses to be accompanied by an attorney. In that case, the University may be asked to provide an attorney to assist the panel.

Within 45 working days of being appointed, the panel shall prepare its final report and transmit it to the Faculty Affairs Committee. The final report will summarize the evidence examined and state the panel's conclusion as to whether or not the allegation of misconduct has been substantiated, if the

panel is unable to reach a conclusion concerning the validity of the allegation, the report will indicate why not.

Review of the Panel Report

Upon receipt of the panel's report, the Faculty Affairs Committee shall make a copy available to the person charged and allow that person 15 working days to respond to the report in writing. After receiving the response, or at the end of the 15 working days, the Committee shall review the panel's report and the response of the person charged, if that response is available. The Committee is responsible for certifying that the panel acted in good faith and thoroughly reviewed the case with the degree of care and caution required. If the Committee is not satisfied that the panel discharged its duties responsibly, the Committee may, if it wishes, appoint a new panel to investigate the allegation.

Preparation and Distribution of the Final Report of the Faculty Affairs Committee

The Faculty Affairs Committee will issue its report within 30 working days after receiving the final panel report. The Committee's report will include:

- a) a summary of the Committee's review of the panel activity and
- b) any additional information pertaining to the Committee's report.

The Chairperson of the Faculty Affairs Committee will distribute the Committee's final report to the following:

- a). the person charged with scientific or scholarly misconduct;
- b) the immediate supervisor of the person charged;
- c) the person making the initial accusation;
- d) the appropriate dean;
- e) members of the investigating panel; and
- f) the Provost and Vice President for Academic Affairs.

If extramural funding is involved, the Committee will also furnish a copy of its report to the Assistant Vice President for Research.

Notification of Outside Parties

The Provost and Vice President for Academic Affairs shall prepare a notice to be sent to affected outside parties, if necessary. The notice will summarize the conclusions reached by investigating parties and the comments on that report made by the person charged.

Sanctions

The Provost and Vice President for Academic Affairs shall determine appropriate sanctions against anyone found to have engaged in scientific or scholarly misconduct.

10.3 Patents, Copyrights, Trademarks and Other Intellectual Property Policy, 2.0020P (In-unit faculty refer the BOT-UFF *Agreement*, Article 25.)

Objective & Purpose

This policy sets forth the requirements for all students, out-of-unit faculty and staff in the University of North Florida community regarding the development, disclosure, and ownership of intellectual property. This policy is intended to complement the statutory protections provided to the University pursuant to sections 1004.22 and 1004.23, Florida Statutes, and other state or federal statutes, regulations and laws governing intellectual property.

This policy does not apply to faculty who are subject to the collective bargaining agreement (CBA) between the University and the United Faculty of Florida (UFF), the union representing in-unit faculty as the CBA contains its own provisions regarding the development, disclosure, and ownership of intellectual property that govern the University and covered faculty.

Statement of Policy

The University strongly encourages the research and the development of intellectual property by all members of the University community and has developed this policy to provide all covered community members notice of the requirements for disclosure of covered research efforts. The authority and responsibility for administration and implementation of this policy is delegated to the Assistant Vice President for Research.

Definitions

The following definitions shall apply for purposes of interpreting and implementing this policy:

- a) A "work" includes any material that may be subject to copyright such as printed material, computer software or databases, audio and visual material, circuit diagrams, architectural and engineering drawings, lectures, musical or dramatic compositions, choreographic works, pictorial or graphic works, and sculptural works.
- b) An "invention" includes any discovery, apparatus, process, composition of matter, article of manufacture, design, model, technological development, strain, variety, culture of any organism, or portion, modification, translation, or extension of these items, and any trademark used in connection with these items.
- c) "Intellectual Property" is a collective term referring to intellectual works and inventions that may be subject to patent, copyright, trademark or other protections at law or equity.
- d) "University support" includes the use of University time, funds, personnel, facilities, equipment, materials, or technological information; as well as support provided by other public or private organizations when it is arranged, administered, and/or controlled by the University or is incidental to faculty or staff member's employment or a student's course of study at the University.
- e) "Independent Effort" means the following: (1) the idea(s) came from the student, faculty or staff member; (2) the invention or work was not made with the use of University support; and (3) The University is not held responsible for any opinions expressed in the work.
- f) "Faculty" includes all out-of-unit faculty including administrators and others having a faculty appointment and who are not subject to the provisions of the CBA between UFF and the

University. This definition does include part-time faculty except those specifically as defined in "Directed Works", paragraph I of this definition section.

- g) "Staff" includes all non-faculty employees regardless of classification, work schedule or source of funding of the position, e.g. Administrative and Professional (A&P), USPS, and OPS employees.
- h) "Student" includes any full or part-time degree or non-degree seeking individual who is enrolled at the University in an undergraduate or graduate course, including student research assistants, graduate assistants and student employees.
- i) "Directed Works" are those works created by faculty or staff with University support and as a specific requirement of employment or pursuant to an assignment that may be included in a written job description or employment agreement. Such works include those made for hire where the University owns the intellectual property rights by virtue of the manner in which the works were directed to be created. These works may include those that are created by a unit or department for the purpose of making such works available to individuals or entities other than, or in addition to, the creator(s) for use in teaching, research, public information, or other University activities.

Statement of Intellectual Property Rights

a) Rights of the University

1. The University has the legal authority to take any action necessary to secure letters of patents, copyrights, and trademarks, or to otherwise protect intellectual property that is produced by any student, faculty or staff member utilizing University support. This includes the right of the University to assert its interest to any intellectual property developed in approved outside employment or activity that is incidental to the faculty or staff member's employment or a student's course of study at the University.
2. The University has the right to contract with a patent management development agency, or other outside entity, for the purpose of patent application, patent development, and patent management. In such cases, the contract will specify distribution of the proceeds from the disposal of the patent to the University, which will in turn distribute the appropriate amount to the inventor and other areas of the University as provided for in the distribution agreement.
3. Ownership of any copyrights, patents, trademarks or other rights resulting from such action shall rest with the University and any resulting proceeds, except those derived from Directed Works, shall be shared with the student, faculty or staff person in accordance with the distribution procedure set forth in this policy.

b) Rights of Students, Faculty and Staff

1. Faculty who develop intellectual property for which the intended purpose is for course instruction, to disseminate the results of academic research or scholarly study, such as course notes and course preparation materials, books, articles, online course materials or other media for instructional purposes shall be the copyright owner of these materials and the University will not assert an ownership interest in such academic intellectual property. The only exclusion to this portion of the policy is where a faculty member has been assigned a Directed Work where the intention of the parties is reduced to a written

agreement that any work developed by the faculty member pursuant to the agreement shall be the exclusive property of the University.

2. Students, faculty or staff who utilize University support in producing intellectual property other than Directed Works, will have the right to share in any proceeds derived from the intellectual property in accordance with the distribution procedure set forth in this policy. However, it is not the intent of the University to assert rights to works for which the intended purpose is to disseminate the results of academic research or scholarly study
3. Students, faculty or staff who develop intellectual property utilizing entirely their own independent efforts, as defined by this policy, are not required to share with the University the intellectual property rights derived from their independent efforts.

Procedural Requirements

a) Preservation of the Intellectual Property

Faculty and staff may be afforded the opportunity to engage in research during approved outside employment; however, faculty and staff are prohibited from entering into agreements where they waive their rights or the University's rights to any intellectual property rights to inventions or works during the course of such outside employment. If the outside employer or approved entity requires that the faculty or staff member execute such a waiver, the faculty or staff member must first seek and be granted written permission from the President or his/her designee, the Assistant Vice President for Research, to waive the faculty or staff member's or the University's intellectual property rights.

b) Disclosure of the Intellectual Property

1. The student, faculty or staff member shall disclose to the Assistant Vice President for Research any invention or work made in the course of University-supported efforts on the designated Research Disclosure Forms outlining the individual's efforts and the conditions under which the individual has worked on the intellectual property. These disclosure forms, and any supporting documentation generated, ascertained, or discovered during the course of the University's assessment of whether to assert its rights to the intellectual property discussed in the disclosure will be kept confidential and will be treated as exempt from a public record request made pursuant to Section 119.07, Florida Statutes.
2. The University will review the disclosure forms and advise the individual submitting the disclosure whether further information is needed for the University to assess whether it will assert its interest in the intellectual property. Once the University receives all necessary information to make its assessment, the University will inform the disclosing individual in writing that it is beginning its assessment process.

c) The University's Assessment of Whether to Assert its Property Interest

1. After notifying the disclosing individual that it is beginning its assessment process, the University, within 120 days, will advise the individual in writing whether it will assert its interest in the intellectual property.
2. The University may seek the assistance of outside entities in assessing whether to assert an interest in the intellectual property. Should an outside entity require further information from the disclosing individual, the individual shall provide the

requested information to the University as quickly as possible. Should the disclosing individual delay in providing the requested information, the University's assessment period will be extended commensurate with the length of delay of the disclosing individual in providing the requested information.

3. In instances where the University does not choose to assert its interest, or decides to withdraw from the process, the University shall notify the disclosing individual in writing that it will not assert its rights in the disclosed intellectual property.
4. In instances where the University intends to assert its rights in the intellectual property, the University will notify the disclosing individual of its intent to assert its interest and reach a contractual agreement regarding the intellectual property with the disclosing individual.

d) **Contract Negotiation**

1. The University will work with the disclosing individual and/or his or her legal representative to reach a written contractual agreement that specifies the parties' rights and equities in the intellectual property.
2. All such contractual agreements shall conform with and satisfy any pre-existing University commitments to outside sponsoring contractors. Further, the disclosing individual and the University shall not commit any act which would tend to defeat the University's or disclosing individual's interest in the intellectual property and the parties shall take any necessary steps to protect such interests.

Distribution of Proceeds

The University seeks an equitable distribution of proceeds between the University and the student, faculty or staff person, or outside entity that the person may be working for (hereinafter "Inventor"), who creates or invents intellectual property. The University will first recover the costs of establishing and maintaining its rights by copyright or patent including the direct costs of patenting, licensing, legal, and other related expenses. The remaining net income resulting from works, inventions, and discoveries to which the University retains title, unless negotiated in a distribution format to the contrary, will be divided as follows:

For the first \$5,000 in net income: 75% to the Inventor and 25% to the University.
For net income in excess of \$5,000: 35% to the Inventor and 65% to the University.

(Inventor share defined above is divided where more than one employee participated, with each relative share assessed and established in the distribution agreement(s).)

The University's share in proceeds shall be deposited in the Office of Research and Sponsored Programs Accounts in compliance with Section 1004.23, Florida Statutes.

10.4 Conflict of Interest Reporting Requirement for Textbook Authors

In any course taught by the author of the text, or relative of any author, where the text may be required by the author or by any other person or group, or where the text may be assigned as "collateral reading," where students may reasonably infer that its use is required, the author shall notify the Provost and Vice President for Academic Affairs of the textbook selection, but only when the total sales of the text at the University of North Florida exceed \$500 a year.

10.5 Duplicating of Copyrighted Materials

Faculty members are expected to observe the relevant laws and regulations governing duplication of copyrighted materials. For information, contact the Library or refer to the Library's website on Copyright Information at www.unf.edu/library/info/lib-copr.html.

10.6 Contracts and Grants

10.6 (1) Grant Proposal Submission

The President has delegated his authority under Florida Statutes 1004.22 "to negotiate, enter into, and execute research contracts; to solicit and accept research grants and donations" to the Assistant Vice President for Research of the Office of Research and Sponsored Programs (ORSP). Proposals for support through contract and grants must conform to sponsoring agency and university policy and must have the approval of the Assistant Vice President for Research and other appropriate university officials prior to submission.

10.6 (2) Grant Awards

The university is the recipient of the award and the responsible party to the related agreement. In accepting a grant or contract, the University assumes legal responsibility for observing the terms and conditions of the agreement and for delivering to the sponsor such assurance of compliance as may be required.

10.6 (3) Gifts and Grants for Research Purposes

There is a distinction between gifts and grants for purposes of the University's sponsored research program. Generally, if a faculty member receives funding from a donor who does not impose contractual requirements and who provides the funds irrevocably, such funding is termed a gift and is managed through the UNF Foundation. If funding involves provisions for audits by the grantor, or directions to satisfy particular requirements or a detailed report of results or expenditures, or other such characteristics, such funding is generally termed a grant and is managed through the Office of Research and Sponsored Programs.

10.6 (4) Use of Animals in Research

The University policy sets forth common procedures to assure the continued maintenance of high standards of animal care and use within the University. The policy calls for University compliance with specific Federal standards and requirements. Implementation of the policy is the responsibility of the Institutional Animal Care and Use Committee (IACUC).

10.6 (5) Use of Radioactive Materials in Research

The University of North Florida is licensed by the State of Florida, Department of Health, Bureau of Radiation Control as an authorized user of radioactive materials. The use of radioactive material at UNF is governed by provisions set forth in the specific radioactive material license issued to UNF by the State of Florida, Department of Health, Bureau of Radiation Control. Enforcement of this policy is the responsibility of the Radiation Safety Officer in the Department of Environmental Health and Safety and the Radiation Safety Review Committee.

10.6 (6) Export Control Regulations

Export control laws which restrict the exports of goods and technology from the United States can impact research and other activities conducted by university faculty. These laws apply to the actual export of goods and technology and the disclosure of certain technical data or information to non-citizens while in the United States (deemed exports). All universities are required to comply with these regulations. Individuals and institutions that violate these regulations are subject to civil and criminal sanctions (including fines and/or prison sentences for individuals) as well as administrative sanctions (loss of research funding or export privileges). All faculty members traveling to covered countries or working with non-citizen students are advised to contact the Office of Research and Sponsored Programs for guidance.

10.6 (7) Use of Recombinant DNA

The Institutional Biosafety Committee (IBC) at the University of North Florida reviews and approves research protocols involving biological materials to ensure that investigators adequately address safety issues and regulatory compliance. The IBC also reviews proposals involving any aspect of recombinant DNA (rDNA) technology. The IBC works in conjunction with the Office of Environmental Health and Safety

10.7 Policy on Syllabi

Although uniformity in style is not required, syllabi must contain information about the goals and requirements of each course, the nature of the course content, and the methods of evaluation to be employed. Each College will monitor the process that ensures compliance, maintain files, and provide a copy of its syllabi policies to the Office of Academic Affairs.