

FINAL - APPROVED BY BOARD 4/11/03

**OLD DOMINION UNIVERSITY
BOARD OF VISITORS
December 13, 2002**

MINUTES

The Board of Visitors of Old Dominion University met in regular session on Friday, December 13, 2002, at 1:45 p.m. in the Board Room of Webb University Center on the Norfolk campus. Present from the Board were:

Frank Batten, Jr., Rector
Nancy P. Cheng
Kendra M. Croshaw
Beverly B. Graeber
Mary C. Haddad
James A. Hixon
William M. Lechler
Walter D. Kelley, Jr.
Prabhav Maniyar
Ross A. Mugler
Moody E. Stallings, Jr.
Joel R. Wagner
Patricia M. Woolsey

Absent were:

Henry P. Bouffard
Anthony C. Paige
Scott D. Pattison
William E. Russell

Also present were:

Roseann Runte, President
Robert L. Ash
John R. Broderick
Dana D. Burnett
Ellie Costulis
Betty Diamond
William R. Fisher
David R. Hager

Lauren Marsh (*Student Representative*)
Donna W. Meeks
Jennifer Mullen
Mary Swartz
Ronald Tola
Cecelia Tucker
Philip R. Walzer (*The Virginian-Pilot*)
Rita Woltz

CALL TO ORDER AND APPROVAL OF MINUTES

Rector Batten called the meeting to order at 1:45 p.m. and indicated that unless there was any objection, the order of the agenda would be changed to reverse items 9.a. and 9.b.

The Rector asked for approval of the minutes of the regular meeting held on September 13, 2002. Upon a motion made by Mr. Mugler and seconded by Mr. Hixon, the minutes were approved unanimously as distributed by all members present and voting. *(Cheng, Croshaw, Graeber, Haddad, Hixon, Lechler, Kelley, Maniyar, Mugler, Stallings, Wagner, Woolsey)*

The Rector then asked for approval of the minutes of the special meeting held on November 8, 2002. Mr. Lechler requested that the first sentence in the eight paragraph on page 4 be changed to read as follows, “..... cut down *to* its core competencies,” changing *on* to *to*. Upon a motion made by Mr. Mugler and seconded by Ms. Croshaw, the minutes were unanimously approved as amended by all members present and voting. *(Cheng, Croshaw, Graeber, Haddad, Hixon, Lechler, Kelley, Maniyar, Mugler, Stallings, Wagner, Woolsey)*

MOTION FOR CLOSED SESSION

The Rector called on Mr. Mugler, who made the following motion, “Mr. Rector, I move that this meeting be recessed, and that we reconvene in Closed Session for the purpose of discussing a personnel matter, specifically, candidates for the Provost’s Search, as permitted by Subsection (A), Paragraph (1) of Section 2.2-3711 of the Code of Virginia.” The motion was seconded and unanimously approved by all present and voting. *(Cheng, Croshaw, Graeber, Haddad, Hixon, Lechler, Kelley, Maniyar, Mugler, Stallings, Wagner, Woolsey)*

RECONVENE IN OPEN SESSION AND FOIA CERTIFICATION

At the conclusion of the closed session, the meeting reconvened in open session, at which time the Rector called for the Freedom of Information Act certification of compliance that (1) only public business matters lawfully exempted from the open meeting requirements under the Freedom of Information Act were discussed and (2) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered. The certification of compliance vote was twelve in favor and none opposed. *(Cheng, Croshaw, Graeber, Haddad, Hixon, Lechler, Kelley, Maniyar, Mugler, Stallings, Wagner, Woolsey)*

RESOLUTION TO APPOINT PROVOST

The President made a recommendation to the Board of Visitors that Thomas Isenhour be appointed Provost, effective January 1, 2003, for a period of five years, and that David Hager be appointed Vice Provost. And, at the same time as this motion is approved, she asked that the Board express its deep appreciation to Dr. Hager for having served as Acting Provost for the last year and half, recognizing that this has been an extraordinarily difficult time with reaccreditation, budget cuts,

moving up a notch in the ranks in the *U.S. News and World Report*, and starting a new Ph.D program in Community College Leadership. He has done a wonderful job for this University and it is appreciated, as well as the fact that the University will enjoy his continued service.

Whereupon, Ms. Woolsey made a motion that the Board of Visitors approve the appointment of Dr. Thomas Isenhour as Academic Vice President and Provost for Old Dominion University effective January 1, 2003, and the appointment of Dr. David Hager as Vice Provost of Old Dominion University effective January 1, 2003. The motion was seconded by Ms. Croshaw and was unanimously approved by all members present and voting. (*Batten, Cheng, Croshaw, Graeber, Haddad, Hixon, Lechler, Kelley, Maniyar, Mugler, Stallings, Wagner, Woolsey*)

RECTOR'S REPORT

The Rector had no report other than to announce that the University received an award from the Endependence Center for the Constant Convocation Center, naming it the most outstanding new building in the area in terms of handicapped accessibility.

PRESIDENT'S REPORT

The Rector called on President Runte for her report. President Runte stated that, even though it is highly unlikely that funding for new initiatives would be appropriated during the technical session of the General Assembly, Old Dominion University will put forward three initiatives for consideration. The first is for TELETECHNET and the second is for the local computer grid that was discussed at the Administration and Finance Committee. The third, co-sponsored with George Mason University, is a request that both institutions receive equal funding with the other doctoral institutions in Virginia as soon as the state's finances permit. The goal is to get every member of the House and the Senate to sign it in order to ensure that this will happen once the State's budget situation improves. She asked if the Board had any other initiatives it would like to see put forward. She also commented that, should opportunities arise for additional requests in the weeks prior to and during the technical session, she will continue to keep the Board apprised through Executive Committee meetings and the Board's retreat. She added that all university presidents signed a letter to the Governor and members of the General Assembly expressing their hope that higher education will not receive additional budget cuts. Faculty from all of the universities are sponsoring a legislative day when they will visit Richmond to discuss faculty salaries.

President Runte discussed the computing light rail initiative which is a computing grid that runs across the United States from California to Chicago to Ann Arbor, Michigan to MIT, to Virginia Tech, Georgia Tech, Duke, Texas and back to California. The University has requested that it be included in this grid. This would put Old Dominion University in the top ranks of research universities with that computing capability. If approved, the University will be able to continue attracting top researchers and attract companies to a research park in the University Village. She has visited with the presidents of Norfolk State, Hampton University, EVMS and William and Mary, and all have indicated their willingness to contribute financially to this initiative.

The University has embarked on a “Campaign for Research” with the goal of taking a leadership role in research as a means to spark economic development in the region. Research shows that economic development happens in areas where there is a high population. If the state of Virginia is in an economic downturn and it wants to spark development, then it has to make pointed investment, and that investment has to be in Old Dominion University and in Northern Virginia. The state has been investing its research dollars in Blacksburg and Charlottesville, but it would get more “bang for its bucks” if those investments occurred in Hampton Roads and Northern Virginia. The two universities - Old Dominion University and George Mason - who are now the “underdogs,” must persuade the State as well as the Federal government and granting agencies of the importance of investing in research in these areas. As part of this campaign, she, Vice President Ash and the Deans will visit research entities in Washington, DC on January 29th. She also proposed that the Board’s retreat on January 31st be focused on applied science research. Dr. Ash and the Deans of Sciences and Engineering are developing the agenda for the retreat and the Governor, Secretary of Education, Secretary of Technology, Senators Warner and Allen, Congressmen Shrock and Scott, and members of the General Assembly will be invited to participate as well. A few presidents of high tech companies will also be invited. Ms. Graeber suggested that the U.S. Secretary of Education Ron Parks be invited as well.

The President reported on the status of the Financial Campaign, which is now in its silent stage but has been very fruitful. Advisory committees have been established for each of the Colleges and \$8 million has been raised to date.

President Runte reported on the status of the Maglev Demonstration Project and distributed a timetable for the project. The goal for the project is two-fold: to receive the \$2 million in Federal funds earmarked for Maglev and not only to get the Maglev up and running, but to get the United States research center for Maglev located on the campus. The Rector asked if \$2 Million will be enough to finish the project, and the President indicated that more is needed, but the \$2 million will get the train working and the stations completed. Mr. Batten asked President Runte how confident she is about getting the \$2 million from the Federal government. She indicated that Governor Allen, has gotten this earmark through the Senate and is working to get it passed by the House. Efforts are focused now on raising that appropriation to \$3 Million. Vice President Ash commented that he feels that there is a 90-95% probability that the University will receive the earmarked funds and he is hopeful that federal budget cuts do not affect these earmarked funds. He asked for the Board’s support in this regard. He also recognized Ron Tola for his leadership on the project and stated that he would send any interested Board members a two-page document describing the National Maglev Deployment Research Center. President Runte added that the appointment of Dr. Venneri, former chief scientist at NASA, as the Director of Strategic Initiatives, will assist in this effort. Ms. Graeber asked if Lockheed Martin will contribute financially to the research center. The President responded that Lockheed Martin has been a financial contributor to the project and she is hopeful that their financial support would continue.

The President reported on the status of the new residence hall project in the University Village. The University hopes to receive the necessary permits from the City soon so that construction can begin and the project can be completed prior to the beginning of the fall semester.

The internal operating budget project has been postponed until after the announcement of the Governor's budget on December 20. Once that announcement has been made and the operating budget process gets underway, the President indicated her intent to reallocate funds in order to invest in undergraduate and graduate students. She commented that it is the one thing that can be done that will make an incredible difference to this University in terms of teaching and research.

President Runte thanked Vice President Broderick and Elizabeth Wallace for their efforts during the General Obligation Bond Referendum campaign. She also thanked Vice President Fenning and Director of Human Resources Glenda Humphreys for their efforts during the budget reduction process.

President Runte distributed a letter addressed to the Board in response to a letter each member received from Richmond regarding race-based programs. She believes that Old Dominion's programs are "race-blind," however, she has asked the internal auditor to review the University's policies and procedures to ensure that this is the case.

The President discussed her "Campaign for Reputation," which is an initiative to increase the number of first-year students at Old Dominion University and, in particular, increase the number of first-year students who were at the top third of the high school classes. Each year students complete a survey and are asked why they attended Old Dominion University. This past year there was a significant increase in the number of students who indicated their choice of Old Dominion University because of its academic reputation. President Runte expressed her pride in the students, many of whom lobbied in support of the University in Richmond. She also applauded the 900 "Monarch Maniacs" who cheer loudly in support of the Monarchs and Lady Monarchs, but always in the bounds of politeness. Efforts to include more ODU attire in area stores have been successful, with 15 retail outlets across the region selling ODU wares. Finally, she announced that Prince Hussein of Jordan has agreed to deliver the Presidential lecture in April and leaders of the World Academy of Arts and Science will attend to present him with an honorary membership. The date under discussion is April 25 and will be confirmed in the next two weeks.

At the conclusion of her remarks, President Runte asked Mr. Kelley to come forward for the unveiling of his portrait to be included in the gallery of portraits of former Rectors in the Board Room. She also recognized Ms. Ellie Costulis who will be retiring as her assistant at the end of the month.

PRESIDENT'S REPORT ON PROGRAMS AND STRATEGIC PLANNING AT ODU

The Rector prefaced President Runte's report by stating that one of the two most important responsibilities of the Board (the other being to pick good leaders), is to set the right priorities for the organization. He asked President Runte to make a presentation today as the first step in what he sees will be a continuing discussion that will include not only the Board of Visitors but also the faculty and administration of the University.

President Runte provided an overview of the University's strategic planning efforts which she defined as "uniting the broad vision of the University with specific objectives which can be

accomplished in a certain period of time.” She listed five programs that were identified in the University’s 1994-1999 Strategic Plan for national prominence: Nuclear Physics, Aerospace Engineering, Coastal Physical Oceanography, High Performance Computing and Communications, and Physical Electronics/Material Science. The 2000-2005 plan also included these programs and established criteria to identify other programs to be added for national prominence.

The Governor, in his 2002 State of the Commonwealth speech, stated that “by the end of the decade, our goal is to have at least 15 additional Virginia research programs ranked in the top five nationally.” The Governor’s Summit Research Committees’ initial report recommends that the Commonwealth invest in promising programs that will be chosen by a special committee; however, no Old Dominion program is included on that list at this point. The President is working to change that. Old Dominion University has many regional assets that make it a good investment. These include its proximity to the ocean and ports, the Jefferson Labs, NASA Langley and military installations, and partnerships with EVMS, Hampton University, Norfolk State, Christopher Newport and Tidewater Community College, and a large and growing population base. Regional needs that should be considered are improved education at all levels, improved transportation, improved communication among all players at all levels in every field, coordination between military and civilian forces, port security, and improved wages.

The Hampton Roads Research Partnership conducted a technology commercialization assessment in which it identified opportunities for the region. The first phase of its assessment recognized the need to increase the infusion of university-developed technology into the local economy and the second phase developed a gap analysis to determine thrust areas or specific technologies where the potential to build upon existing strengths is most promising. The report defined three near-term thrust areas as maritime transportation, aerospace and biomedical devices, and supporting clusters as sensors, modeling and simulation, and software development. It further identified areas with long-term potential as nanotechnology, photonics, laser processing, composite materials, marine research, and genetics and bioinformatics. President Runte commented that many of these initiatives are programs in which the University is already involved.

The University’s strengths include programs that are unique, have particularly strong faculty and students in quality and number, and programs that combine strengths in teaching and research and are particularly well-funded. Programs that are strong have good prospects for students upon graduation in terms of employment and future studies. President Runte conducted an exercise to identify those strengths, not only in teaching but in research. She distributed a list of research centers at the University which includes the National System of Systems Center and the Center for Magnetic Levitation for which funding is anticipated. Three proposed centers from the College of Sciences were also included on the list.

President Runte shared with the Board a listing of programs that are unique to Old Dominion University and are not offered at Norfolk State, Christopher Newport or Hampton University. These include 22 bachelor’s degree programs, 25 master’s degree programs, and eight doctoral programs. She also shared in a handout a listing of programs offered at the other universities but not offered at Old Dominion. A conclusion that one should draw from reviewing these lists is that there is very little program duplication among the four institutions. In fact, a listing of programs that are offered at all four universities includes only seven bachelor’s programs and no graduate level programs. A

list of programs offered at Old Dominion and two of the others institutions also yields a small list of duplicate programs, with only eight programs offered at the three institutions.

A comparison of programs between the research extensive doctoral institutions shows that there are several programs, at both the undergraduate and graduate levels, that are unique to Old Dominion University. Only two programs are offered at other institutions but not at Old Dominion University - the Ph.D. in Psychology and the Ph.D. in Education. Ms. Graeber questioned why Old Dominion would not offer the Ph.D. in Education when it is a leader in this area and there is such high demand in this field. President Runte commented that this question gets to the crux of the issue of the difficulty receiving approval for programs that are offered at the older, more established institutions. This difficulty can be both harmful and beneficial for Old Dominion University. ODU has established the Ph.D. in Urban Studies as an alternative, with specialties in the arts, health education and business. This has often led to problems for students in finding employment in the appropriate fields upon graduation. On the other hand, this difficulty has also been the impetus for Old Dominion to offer some unique programs that respond to specific needs (such as the Ph.D. in Community College Leadership or the Ph.D. in Industrial/Organizational Psychology). Ms. Graeber again expressed her concern that a program as important as the Ph.D. in Education is not offered at any institution in close proximity to the Hampton Roads area. President Runte thanked Ms Graeber for her observation and commented that this is exactly her point and her hope is to turn this around. Indeed, a comparison of bachelor's, master's and doctoral degrees among the research extensive institutions illustrates that Old Dominion has been blocked at the graduate level, expanded at the lower level and did not progress in program offerings at the same rate as the other institutions. Additionally, some graduate programs at Old Dominion are so specific that they will always have small enrollments. Old Dominion could therefore benefit from expansion at the graduate level in more general kinds of programs in order to increase graduate enrollment.

As part of this exercise, President Runte asked the Deans to review each of its programs and identify each program's current ranking, enrollment, capacity for growth, requirements to achieve growth, aspirations for growth, and the timeframe anticipated for realizing this growth. From this review, she shared a list of those programs in each of the Colleges that aspire to national ranking. She did not include those programs that aspire to be regionally ranked or best in the State.

The Rector asked how the University chooses those programs among these aspirations to determine which to carry forward. President Runte responded that the University looks at several factors, including: what do we already have that can be built on?; does it meet a regional or national need and does it have regional or national resources to support it?; does it allow students to move ahead in terms of employment or further study?; does it have a link between research and teaching to keep the program strong and viable?; are there sufficient number of students and faculty in the field? She gave examples of the type of programs that would be beneficial to pursue, and those that would not. She stated that the University will only add and support those programs that are declared strategic goals of the institution. Efforts must now be focused on getting one or two programs on the Governor's list for national recognition, because the State will invest in those programs.

President Runte made the following concluding remarks:

- Old Dominion has a unique role in this region. It is the major doctoral, research-extensive university in Hampton Roads. It therefore exerts a major force in economic development in the region. It is distinguished from the other institutions by the breadth and depth of its offerings.
- Old Dominion University should have a unique role in the Commonwealth. As the doctoral, research-extensive university closest to Jefferson Labs and NASA Langley, Old Dominion should be their major collaborator and should be seen as the leader in these areas of research (and in others) by the Commonwealth and by the other universities in the Commonwealth. This is beginning to happen. Our reputation needs to catch up with reality.
- Old Dominion, with the number of nationally-ranked programs and its aspirations, with its assets and its advantages, should be better known and better funded. These two points are interconnected and success in the one will bring success in the other. We must break out of the circle of poverty in which we subsist.
- There is very little overlap in the regional institutions and what there is, is essential. There are certain basic programs a university must offer.
- Old Dominion compares quite well with GMU and VCU but could expand on the graduate level.
- Graduate expansion comes with a cost but this cost could be met because in every college, except business, there was room for growth at the undergraduate level. That is, each program could take more enrollments and majors.
- There is a process in place for reviewing and weeding out programs, for approving new ones and for establishing priorities.
- The strategic priorities currently in place reflect regional needs and regional advantages remarkably well.
- It would be appropriate to select up to two programs for national ranking in each college.
- It would be appropriate to attempt to have our current strategic priorities among those supported by the state for national ranking.
- In order to expand research and national recognition, the graduate programs need to be developed and augmented. The current policy for approval in the state has been an impediment to our growth and we need to try to amend it.
- It would be appropriate to invest heavily in our students - both undergraduate and graduate. Scholarships and fellowships will be the means to attract the best students and to allow the students to work in research on campus rather than in commercial enterprises off campus.

- The development of a small research park in the University Village will enhance the efforts to seek national recognition. The businesses must be selected with care to ensure they support the research agenda of the programs seeking national recognition. Themes might be computation, transportation, and biotechnology.
- Our distance-learning network must always be considered an asset to the development and delivery of unique programs. (A doctorate in distance learning will make us recognized as more than a leading provider but also the leading expert in the field.)
- The University should strive to construct the facilities and attract the resources which will make it possible for faculty and students to excel. (The new Engineering and Computational Science building, the upcoming Science building and remodeled labs, the possible light rail project, and the Maglev as an experiment in design are all examples of things we are doing.)
- The University must make a concerted effort to make its agenda and successes known nationally. (The Board's research day and the Deans' visit to Washington, our research magazine, *Quest*, etc., are examples of these initiatives.)
- Cooperation with other institutions must be actively pursued.
- The goals of the fundraising campaign must second this effort. (They have already been coordinated.)
- What is Next? Last year, we began by a large-scale consultation of the community on the vision of the University. This year, we will undertake the consideration of additions to the programs listed for special attention in the strategic plan. At the same time, we will review the number of majors and minors with a view to strengthening the program overall. The Board will play an important role in this project. You are in tune with the community and can inform us of needs and potential resources. You can offer us advice as we plan. The President promised to keep the Board informed and work with the Board throughout the process.

Mr. Kelley asked about the status of the five programs identified for national prominence in the 1994-99 Strategic Plan. The Nuclear Physics program is outstanding. There are more ODU professors working at Jefferson Labs than any other university. The faculty are performing cutting-edge research and it's one of the best centers in the country. The Oceanography program is also one of the best programs in the country, but it can be better. The last review of the program stated that it is doing world-class work in certain areas, but a synergy must occur in order for it to flourish. The new Faye Slover vessel and the NSF grant to equip it will be driving forces for the program. President Runte indicated that she also hopes to consolidate all the faculty involved in the program into one building to spark that synergy. However, JLARC's proposal to eliminate funding for all centers (including the Oceanography Center) could negatively impact the program. High-Performance Computing is doing very well. A Federal grant was awarded, but the faculty member who headed that grant was recently hired by Columbia University. The vitality of the program, however, will continue with the completion of the new Engineering and Computational Sciences Building and the implementation of the light rail project. The Aerospace Program has not been as

successful but has made great progress during this past semester. The Wind Tunnel is one of its great successes, but not receiving the NIA Grant was disappointing. Old Dominion is currently being considered to become a full partner in the NIA Grant, and if that happens, the Aerospace program will flourish. Mr. Kelley asked if concentrating on certain areas has assisted those programs in achieving prominence. President Runte responded that those programs received special financial assistance from the University and, as a result, all have done quite well.

Acting Provost Hager added that Bioelectronics, under the leadership of Dr. Kurt Schoenbach, has received substantial NSF funding and has become a keystone in our collaboration with EVMS. He noted, however, that as time passes, things happen which sometimes require changes to the list of programs for national prominence. The review of the 1994-99 strategic plan showed that those programs identified are making progress, but since then programs such as Physical Therapy, Materials, and Modeling and Simulation have emerged and as a result in these programs have received added focus.

Ms. Woolsey asked if the light rail initiative will lead to the potential for growth in the commercial sector and will it be a good asset for the region. President Runte stated that access to the light rail will not only advance the University's research program, but will help to attract companies to the planned research park in the Village and to charge higher rents which can be used to invest in the University's programs. This will also allow ODU to link with the other area universities to create a "virtual laboratory," which ultimately will benefit the regional economy.

Mr. Kelley commented that so much of this is commercializing research advancement and asked if there is anything that can be done to enhance this process. President Runte indicated that the University is taking several steps in this regard. A brochure listing all of the University's patents has been published and those patents are being marketed. A letter was also sent to companies across the country inviting them to invest in our research enterprise for \$50,000 which would give them first dibs on purchasing Old Dominion's patents.

Ms. Haddad compared this exercise to the discussions and planning that took place in the mid-1980s that resulted in the nationally-known TELETECHNET program. The Rector added that this should be an ongoing discussion between the Board and the administration.

REPORTS OF STANDING COMMITTEES

ACADEMIC AND RESEARCH ADVANCEMENT COMMITTEE

The Rector called on Ms. Woolsey for the report of the Academic and Research Advancement Committee. Ms. Woolsey reported that the Committee met in closed session to consider the award of an honorary degree and a mid-year tenure recommendation. The following resolutions were brought forth as recommendations of the Academic and Research Advancement Committee and were unanimously approved by all members present and voting. (*Cheng, Croshaw, Haddad, Hixon, Lechler, Maniyar, Mugler, Stallings, Wagner, Woolsey*)

HONORARY DEGREE

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the awarding of the honorary degree of Doctor of Humane Letters (*honoris causa*) to Steve Coll, managing editor at *The Washington Post*. A summary of his career follows for information purposes.

Steve Coll

Steve Coll, managing editor of *The Washington Post*, has been a reporter, foreign correspondent and editor at the newspaper since 1985.

After working as a contributing editor at *California Magazine* and authoring a book about the lawsuit and politics that led to the breakup of the phone company, he joined *The Post* initially as a feature writer in the *Style* section in September 1985.

Early in 1987, after writing a second book, about the oil industry and the world of hostile corporate takeovers on Wall Street, he returned as *The Post's* financial correspondent in New York, where he covered the stock market crash, the Ivan Boesky-Michael Milken investigations, and the Securities and Exchange Commission. A series about the SEC that Coll wrote with David A. Vise won the 1990 Pulitzer Prize for explanatory journalism.

In 1989, Coll moved to New Delhi, India, to become *The Post's* South Asia correspondent. For three years he covered India, Pakistan, Afghanistan, Sri Lanka and Nepal during various revolutions, insurgencies and natural disasters, and he also reported occasionally from the Middle East. His dispatches from South Asia won the 1992 Livingston Award for outstanding international reporting.

That year, Coll became *The Post's* first international projects and investigative correspondent, based in London. For the next three years he traveled from Kazakhstan to Panama to report and write for the newspaper on subjects such as nuclear proliferation, money laundering, terrorism, the international economy, political changes in the post-Cold War world, and news events from Asia to the Balkans to Northern Ireland.

In the summer of 1995, Coll was appointed editor of *The Washington Post Magazine*, and he moved to Washington to take up that job. In 1996, he was appointed publisher of *The Magazine* as well, overseeing all of its editorial and business operations. In 1998, he was appointed managing editor of the newspaper.

Coll received the 2000 Overseas Press Club's Ed Cunningham Memorial Award and the 2001 Robert F. Kennedy International Print Award for reporting on the civil war in Sierra Leone. Earlier this year he was the keynote speaker at the South Asian Journalists Association convention, where he presented the first Daniel Pearl Award for outstanding reporting on South Asia.

He is the author of four books: "*The Deal of the Century: The Break Up of AT&T*" (1986); "*The Taking of Getty Oil: The Full Story of the Most Spectacular -- & Catastrophic -- Takeover of All Time*" (1987); "*Eagle on the Street: Based on the Pulitzer Prize-Winning Account of the Sec's Battle*

With Wall Street" (with David A. Vise, 1990); and "On the Grand Trunk Road: A Journey into South Asia" (1994).

Coll was born in Washington, D.C., on Oct. 8, 1958. He graduated from Thomas S. Wootton High School in Rockville, Md., in 1976. In 1980, he graduated Phi Beta Kappa, cum laude from Occidental College, Los Angeles, with a degree in English and history. He lives with his wife and three children in Bethesda, Md.

MID-YEAR TENURE RECOMMENDATION

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors the award of tenure to the following member of the faculty at Old Dominion University. The tenure is effective with the Spring 2003 semester.

College of Arts and Letters

Dr. Ingrid P. Whitaker, Department of Sociology and Criminal Justice

In the Provost's report, Acting Provost David Hager informed the Committee that the University received its formal accreditation from SACS and that we are accredited through 2012. He also provided an update on the status of the searches for dean of the College of Arts and Letters and dean of the College of Business and Public Administration. He reported that SCHEV is going through a system-wide strategic planning process and that institutional plans should be consistent with SCHEV's plan. He informed the Committee of the unique live and "virtual" commencement ceremony on December 15 for navy nuclear officers who are the first graduates of the Master of Engineering Management program offered entirely via CD-ROM. Finally, he noted that Old Dominion is responding positively to students at Christopher Newport University affected by their program closures and that 5,480 students, which is about 77% of the eligible student population, participated in an internship, co-op experience, or practicum through the Career Management Center in 2002.

Dr. Hager provided an explanation of tenure and a summary of the University's policies and procedures on tenure including the typical time line for an entering faculty member seeking tenure at Old Dominion.

In the report from the Vice President for Research, Bob Ash provided an overview on the University's overall research effort. He described three general areas in which Old Dominion has existing or rapidly emerging strengths: (1) computational and Internet-based research and education; (2) transportation system research; and (3) biotechnology applications. These three areas are a major component of the University's long-term research goals. Dr. Ash also noted three specific new areas of research for Old Dominion: system of

systems engineering, Maglev technology deployment, and the national light rail project for large-scale data transmissions.

In response to a question raised by one of the Committee members about remedial education, Dr. Hager distributed and discussed information on developmental instruction at Old Dominion University. Developmental courses are offered in the areas of writing and mathematics. These courses are noncredit, and students taking them do not receive academic credit toward a degree. Developmental instruction is a self-supporting operation and generates both tuition and fee revenue for the University. It also contributes to student retention.

The Committee approved, by unanimous vote, the resolutions on faculty appointments, administrative appointments, and an emeritus appointment. The second emeritus appointment, as was contained in the agenda, was deferred. The following resolutions were brought forth as recommendations of the Academic and Research Advancement Committee and were unanimously approved by all members present and voting. (*Cheng, Croshaw, Graeber, Haddad, Hixon, Kelley, Lechler, Maniyar, Mugler, Stallings, Wagner, Woolsey*)

FACULTY APPOINTMENTS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the following faculty appointments.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Mr. Roger Geyer Instructor of Information Systems/Decision Sciences	\$50,000	7/25/02	10 mos

Mr. Geyer received an M.S.Ed. with an emphasis in Instructional Technology in 1991 from Old Dominion University, a B.A. in Economics in 1971 from New York University and Teacher Certification with a Mathematics endorsement in 1989 from Norfolk State University. He was a co-founder of HyperLearning Technologies, Inc. in Virginia Beach in 1996 and has served as its Principal since that time. Mr. Geyer is also an Adjunct Faculty and Workforce Training and Development instructor for Tidewater Community College. He is a certified Information Systems Security Professional, Security Certified Network Professional and a Microsoft Certified Solutions Developer.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Alexander Godunov Visiting Assistant Professor of Physics	\$45,000	8/25/02	10 mos

Dr. Godunov received a Ph.D. and a Diploma (Master Degree) in Atomic and Plasma Physics from Moscow State University, Moscow, Russia. He comes to Old Dominion University from Tulane University where he was a Research Associate and an Adjunct Professor in the Department of Physics. Dr. Godunov has also been a visiting research scientist and scientific researcher at research centers in France and Russia.

Mr. Tom O'Reilly Instructor of English	\$30,000	7/25/02	10 mos
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Mr. O'Reilly received an M.A.T. in English from the University of Santa Clara and a B.A. in English from the University of Notre Dame. He has been an Adjunct English Professor at Tidewater Community College, Thomas Nelson Community College, Virginia Wesleyan College, and Christopher Newport University. He has also been an instructor for Central Texas College at naval installations in Norfolk.

Ms. Jennifer S. Sloggie Instructor of English	\$35,000	7/25/02	10 mos
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Ms. Sloggie received an M.A. in English in 2000 from Old Dominion University and a B.A. in English in 1999 from the University of Virginia. Since 2001, she has been an instructor at ECPI College of Technology. Prior to that, Ms. Sloggie was a Technical Writer for

APPOINTMENT OF PROFESSIONAL COUNSELOR

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Dr. Anthony J. Bradford as a Professional Counselor for Counseling Services, effective September 10, 2002.

Dr. Bradford received a Doctor of Psychology in 1999 from the United States International University, an M.P.A. in 1993 from National University, an M.S. in Gerontology in 1989 from Norfolk State University and a B.S. in Therapeutic Recreation in 1983 from Grambling State University. He has been an Adjunct Professor at Tidewater Community College, Norfolk State University, Hampton University, Saint Leo University and Old Dominion University. Prior to that, he was a Rehabilitation Therapist Treatment Coordinator with Telecare Cresta Loma in San Diego, CA.

Salary: \$32,000 for 12 months
Rank: Professional Counselor and Assistant Professor

APPOINTMENT OF ADMISSIONS COUNSELOR

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Keith A. Feigh as Admissions Counselor, Office of Admissions, effective October 10, 2002.

Mr. Feigh received an M.A. in Management in 1985 from Webster University, a B.S. in Economics and Management in 1976 from the U.S. Air Force Academy and is currently enrolled in an M.S. in Higher Education program at Troy State University. Since 2001, he has been a Freshman Admissions Processor in the Office of Admissions at Old Dominion University.

Salary: \$25,000 for 12 months
Rank: Admissions Counselor and Instructor

APPOINTMENT OF ADMISSIONS COUNSELOR

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Susan H. Groseclose as Admissions Counselor, Office of Admissions, effective October 10, 2002.

Ms. Groseclose received an M.S. in Higher Education in 2002 from Florida State University and a B.S. in Psychology in 2000 from East Tennessee State University. Since 2001, she has been a Graduate Assistant in the Office of Student Activities at Florida State University. Prior to that, Ms. Groseclose was an Intern in the Counseling Center at Tallahassee Community College.

Salary: \$25,000 for 12 months
Rank: Admissions Counselor and Instructor

APPOINTMENT OF WOMEN'S GOLF COACH

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Patrick A. Kotten as Women's Golf Coach, effective November 15, 2002.

Mr. Kotten received a B.A. in Theater in 1994 from Towson University. Since 1990, he has been the Head Golf Coach and Driving Range Manager at the University of Maryland Baltimore County. He has been a Division 1 golf coach for 12 years and in the golf business for 24 years.

Salary: \$35,000 for 12 months
Rank: Women's Golf Coach

APPOINTMENT OF ASSISTANT BUSINESS MANAGER FOR ATHLETIC REVENUE

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Scott M. Lowery as Assistant Business Manger for Athletic Revenue for Athletics, effective November 10, 2002.

Mr. Lowery received an M.S. Ed. in Physical Education - Sports Management and a B.S. in Physical Education, in 2001 and 1998 respectively, from Old Dominion University. He has held positions as Assistant Athletic Ticket Manager, Assistant Athletic Events Manager, Graduate Assistant in the Athletic Ticket Office and Baseball Equipment and Clubhouse Manager at Old Dominion University.

Salary: \$27,000 for 12 months
Rank: Assistant Business Manager for Athletic Revenue and Instructor

**APPOINTMENT OF ACCOUNTING MANAGER
OFFICE OF DEVELOPMENT**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Natalie J. MacCall as Accounting Manager for Development, effective November 25, 2002.

Ms. MacCall received a B.S. in Accounting from Old Dominion University. Since 2000, she has been a Supervising Senior Associate for KPMG, LLP. Prior to that, she was a Senior Accountant at Witt, Mares & Company.

Salary: \$56,000 for 12 months
Rank: Accounting Manager and Assistant Instructor

**APPOINTMENT OF ACTING DIRECTOR OF TROOPS TO TEACHERS AND
ACTING ASSOCIATE DIRECTOR FOR THE VIRGINIA CENTER FOR CAREER
TRANSITION**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Michael E. Melo as Acting Director of Troops to Teachers and Acting Associate Director for the Virginia Center for Career Transition for the College of Education, effective August 15, 2002.

Mr. Melo received an M.S.Ed. in 1993 from Old Dominion University and a B.S. in Forestry in 1979 from Virginia Polytechnic Institute and State University. Since 2000, he has been the Assistant Director for Training Assessments, U.S. Atlantic Fleet. Prior to that, he was Chief of Staff for Special Operations Command, Joint Forces Command Norfolk, VA.

Salary: \$70,000 for 12 months
Rank: Acting Director of Troops to Teachers and Acting Associate Director for the Virginia Center for Career Transition and Instructor

APPOINTMENT OF DIRECTOR OF STRATEGIC INITIATIVES

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Samuel Venneri as Director of Strategic Initiatives in the Office of Research, effective December 2002.

Samuel Venneri received a B.S. in aerospace engineering from Pennsylvania State University in 1969 and an M.S. in engineering science from George Washington University in 1975. He is presently completing a doctoral program in engineering at George Washington University. Mr. Venneri recently retired from NASA Headquarters in Washington, DC where he served as chief technologist from 1996-2002. Before being named chief technologist at NASA, he served as Director of the Spacecraft Systems Division in the former Office of Space Access and Technology. Mr. Venneri started his career at NASA in 1981 as a Program Manager in the Materials and Structures Division, Office of Aeronautics and Space Technology, and was named director of that office in 1984.

Salary: Self supporting for 12 months
Rank: Director of Strategic Initiatives, Office of Research, and Instructor

APPOINTMENT OF ASSISTANT DIRECTOR OF ADMISSIONS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Angela D. Waddy as Assistant Director of Admissions, effective September 25, 2002.

Ms. Waddy received an M.A. in Applied Linguistics in 2001 from Old Dominion University and a B.A. in Asian Studies/Japanese in 1994 from Mary Baldwin College. Since 2000, she has been Acting Assistant Director of Admissions and prior to that she was the Transfer Coordinator in the Office of Admissions at Old Dominion University.

Salary: \$39,000 for 12 months
Rank: Assistant Director of Admissions and Instructor

APPOINTMENT OF ASSISTANT MEN’S BASKETBALL COACH

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Robert G. Wilkes as Assistant Men’s Basketball Coach, effective September 25, 2002.

Mr. Wilkes received an M.S. in International Business Administration in 1995 from Lynn University and a B.A. in Sports Administration in 1993 from Stetson University. He has been an Assistant Men’s Basketball Coach for Florida State University, Georgia Southern University and Lynn University.

Salary: \$46,000 for 12 months
Rank: Assistant Men’s Basketball Coach

**APPOINTMENT OF CORPORATE PROGRAMS MANAGER
CENTER FOR GLOBAL BUSINESS AND EXECUTIVE EDUCATION**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Shanna Wood as Corporate Programs Manager for the Center for Global Business and Executive Education, effective October 25, 2002.

Ms. Wood received an M.B.A. with a concentration in Human Resources Management in 2000 from Georgia State University and a B.A. in International Management in 1994 from Gettysburg College. Since 2002, she has been a consultant for Lee, Hecht, Harrison presenting career transition seminars and an independent consultant in human resources services. Prior to that, Ms. Wood worked in the Human Resources Leadership Program for General Electric, Power Systems in Atlanta.

Salary: \$40,000 for 12 months
Rank: Corporate Programs Manager, Center for Global Business and Executive Education, and Instructor

EMERITUS APPOINTMENT

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the granting of the title of emeritus to the following faculty member. A summary of the faculty member's accomplishments is included.

Name and Rank

Effective Date

Ali Nowroozi
Professor of Ocean, Earth, and Atmospheric Sciences

May 2002

Ali Nowroozi

Ali Nowroozi received his Ph.D. degree from the University of California, Berkley in 1965 and served eight years at Lamont-Doherty Earth Observatory, Columbia University. He returned to Iran and taught one year at Shiraz University, served nine years at the Atomic Energy Organization of Iran as Chief Geophysicist and Director of the Site and Environmental Protection Division of Iran, and served as Head of the Nuclear Regulatory Directorate of Iran where he was in charge of the site selection for nuclear power plants. He was awarded numerous honors by the Iranian government and oil industry for his service there. He returned to the United States in 1982 and began his career as a Professor at Old Dominion University.

Nowroozi's courses in geophysics and geology contributed greatly to the Geology program at Old Dominion University. While at Old Dominion, he authored 28 of his 64 papers on geophysical studies and environmental issues. Many of these papers are in prestigious international journals. In addition, he has numerous technical reports and other publications including papers in Farsi and several volumes on the geology of Iran.

Nowroozi was awarded several research grants from both government and corporate sources including NSF, Department of Energy, and Virginia Water Resources Research Center. During the last decade, his research has focused on the problems of salt-water intrusion into the Eastern Shore aquifers. He made considerable headway in defining this serious problem, and he continues to apply geophysical techniques to resource and environmental problems across the Commonwealth of Virginia.

He served on several national and international advisory committees including the Science Advisory Board for the Maryland Power Plant Research Program. He shepherded 10 graduate students in geophysics through the master's program and served on three Ph.D. thesis committees, including two from the Department of Physics. Nowroozi also served as department chair in geology.

The Committee approved by unanimous vote the Policy for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity and the Procedures for Responding to Allegations of Misconduct in Scientific Research or Other Scholarly Activity. Policies and procedures regarding misconduct in research are required to be in place for institutions receiving research grant funding from the U.S. Public Health Service and the National Science Foundation. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was unanimously approved by all members present and voting. (*Cheng, Croshaw, Graeber, Haddad, Hixon, Kelley, Lechler, Maniyar, Mugler, Stallings, Wagner, Woolsey*)

APPROVAL OF THE POLICY FOR RESPONDING TO ALLEGATIONS OF MISCONDUCT IN SCIENTIFIC RESEARCH AND SCHOLARLY ACTIVITY AND THE PROCEDURES FOR RESPONDING TO ALLEGATIONS OF MISCONDUCT IN SCIENTIFIC RESEARCH OR OTHER SCHOLARLY ACTIVITY

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the Policy for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity and the Procedures for Responding to Allegations of Misconduct in Scientific Research or other Scholarly Activity, effective December 13, 2002.

Rationale: The U.S. Public Health Service (PHS) and the National Science Foundation (NSF) both require institutions of higher education that receive grant funding to have policies and procedures in place regarding misconduct in research. Since 1998, Old Dominion University has had interim policies and procedures that detail the steps to be followed when an institutional official receives an allegation of research misconduct. These interim policies and procedures have been under review in the Faculty Senate since that time.

In May 2002, the Old Dominion University Faculty Senate completed its review of the interim policy and procedures, suggested revisions, and forwarded these revisions to the University's General Counsel and the Director of Intellectual Property and Research Compliance for review. Additional revisions were made by the General Counsel and the Director of Intellectual Property and Research Compliance. The University's administration and the Faculty Senate have endorsed the final version of the policy and procedures and recommend the adoption of two formal policies by the Board of Visitors: (1) Policy for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity and (2) Procedures for Responding to Allegations of Misconduct in Scientific Research or other Scholarly Activity.

Policy for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity

I. Introduction

A. General Policy

It is the responsibility of every member of the Old Dominion University community to ensure integrity in scientific research and scholarly activity. Inaccurate or falsified research is not only irresponsible, but it can endanger others, while undermining the academic process. Research misconduct injures the reputation of the university and restricts its ability to compete for external research support. Conversely, a demonstrable commitment to intellectual integrity—shown by the honest collection, evaluation, and dissemination of data, along with respect for the creativity and intellectual property of others—is the basis upon which a strong and vibrant university can develop and grow. Old Dominion University is dedicated to intellectual integrity and requires the same commitment from all of its faculty, staff, students, and research contributors. Hereafter, “research” connotes any type of scientific research or other

scholarly activity and “misconduct” connotes misconduct in scientific research or in other scholarly activity.

The U.S. Public Health Service (PHS) and the National Science Foundation (NSF) regulate the management of research misconduct in programs they fund. These agencies require notification upon the discovery of misconduct. The regulations also provide guidelines for protecting the reputations and privacy of both the accuser and the accused. The Old Dominion University policy seeks compliance with these regulations. With the exception of reporting requirements, this policy applies also to research funded by sources other than the PHS and the NSF and to unfunded research.

B. Scope

This policy and the associated procedures apply to all individuals engaged in scientific research or other scholarly activity at Old Dominion University. Special notes identify procedures that are peculiar to PHS- and NSF-funded research. This policy applies to any person paid by, under the control of, or affiliated with Old Dominion University, such as faculty, trainees, technicians and other staff members, students, fellows, guest researchers, or collaborators.

The policy and associated procedures will normally be followed when an allegation of possible misconduct is received by an institutional official.

II. Definitions

- A. *Allegation* means any written statement of possible misconduct made to an institutional official, either to the dean of the affected college or to the research integrity officer.
- B. *Complainant* means a person who makes an allegation of misconduct in scientific research or other scholarly activity.
- C. *Confidentiality* means a state or quality of being confidential. It connotes the entrustment with secret affairs or purpose and a shared intent to operate secretly. In many cases of research misconduct, confidentiality is a legal requirement. Each member involved in the process bears the duty of protecting the privacy of both the complainant and the respondent; a member who breaches this duty may be subject to discipline.
- D. *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.
- E. *Deciding Official* means the university official who makes final determinations on allegations of misconduct and any responsive institutional actions. The deciding official will normally be the provost and vice president for academic affairs. For this reason, he or she cannot serve as the research integrity officer. If the provost has had

direct, prior involvement in the research, inquiry, investigation, or allegation assessment, he or she will be required to recuse him or herself and the president will appoint an alternate deciding official.

- F. *Good faith allegation* means an allegation made with the honest belief that misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.
- G. *Inquiry* means gathering information and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
- H. *Investigation* means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred, and, if so, to determine the responsible person and the seriousness of the misconduct.
- I. *Misconduct in scientific research and other scholarly activity* means:
 - 1. fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations of results or judgments in the collection of data.
 - 2. the retaliation against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith. (In such cases, agency notification is limited to the NSF.)
 - 3. any form of attribution of another's work as the respondent's own work.
- J. *NSF* means the National Science Foundation.
- K. *NSF regulation* means the National Science Foundation regulation establishing standards for institutional inquiries and investigations into allegations of scientific misconduct, which is set forth at 45 C.F.R. Part 689, entitled "Misconduct in Science and Engineering."
- L. *ORI* means the Office of Research Integrity, the office within the Department of Health and Human Services (DHHS) that is responsible for the scientific misconduct and research integrity activities of the U.S. Public Health Service.
- M. *PHS* means the U. S. Public Health Service, an operating component of the DHHS.
- N. *PHS regulation* means the Public Health Service regulation establishing standards for institutional inquiries and investigations into allegations of scientific misconduct, which is set forth at 42 C.F.R. Part 50, Subpart A, entitled "Responsibility of PHS Awardee and Applicant Institutions for Dealing With and Reporting Possible Misconduct in Science."

- O. *PHS or NSF support* means PHS or NSF grants, contracts, or cooperative agreements or applications therefore.
- P. *Research Integrity Officer* means the institutional official responsible for assessing allegations of misconduct, for determining when such allegations warrant inquiries, and for overseeing inquiries and investigations.
- Q. *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 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; exhibitions, productions, or displays; correspondence; videos; photographs; X-ray film; slides; biological materials; audio-tape recordings; 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.
- R. *Respondent* means the person against whom an allegation of 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.
- S. *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 misconduct or of inadequate institutional response thereto or has cooperated in good faith with an investigation of such allegation.
- T. *Sequester* means to separate or isolate documents or material from the individual concerned and into the custody of a disinterested institutional official designated by the research integrity officer, such as the general counsel, who can provide confidential and secure storage.

III. Rights and Responsibilities

A. Research Integrity Officer

The president will appoint the research integrity officer, who will have primary responsibility for implementation of the procedures set forth in this document. The research integrity officer will be an institutional 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. In general, the provost, general counsel, and vice president for research are unavailable for service as the research integrity officer.

The research integrity officer will appoint the inquiry and investigation committees and ensure that necessary and appropriate expertise is secured to carry out a thorough and authoritative evaluation of the relevant evidence in an inquiry or investigation. The research integrity officer will ensure that confidentiality is maintained.

The research integrity officer will assist the inquiry and investigation committees and all institutional 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, through the vice president for research, will report to ORI or NSF, as required by regulation, keep the appropriate agency apprised of any developments during the course of the inquiry or investigation that may affect current or potential funding for the individual(s) under investigation or that the agency needs to know to ensure appropriate use of Federal funds, and otherwise protect the public interest.

B. Complainant

The complainant will have an opportunity to testify before the inquiry and investigation committees, to review portions of the inquiry and investigation reports pertinent to his/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 will 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.

C. Respondent

The respondent will be informed 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 advice of counsel.

The respondent is responsible for maintaining confidentiality of all information received from the inquiry or investigation and for cooperating with the conduct of an inquiry or investigation. If the respondent is found to be not guilty of misconduct, he or she has the right to receive institutional assistance, reasonable and diligent under the circumstances, to restore his or her reputation.

D. Deciding Official

The deciding official will receive the inquiry and investigation reports 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 and will determine whether to conduct an investigation, whether misconduct occurred, whether to impose sanctions, or whether to take other appropriate administrative actions [see section X].

IV. General Policies and Principles

A. Responsibility to Report Misconduct

All employees or individuals associated with Old Dominion University should report observed, suspected, or apparent misconduct to the research integrity officer directly or through the dean of the affected college. If an individual is unsure whether a suspected incident falls within the definition of misconduct, he or she may informally and confidentially discuss the suspected misconduct with the research integrity officer. If the circumstances described by the individual do not meet the definition of 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 confidential discussions and consultations about concerns of possible misconduct with the research integrity officer, the vice president for research, or the dean of the affected college, and will be counseled about appropriate procedures for reporting allegations.

B. 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 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 should immediately report any alleged or apparent retaliation to the research integrity officer.

Also the institution 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 an 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. Old Dominion University will undertake reasonably diligent

efforts to protect the positions and reputations of those persons who, in good faith, make allegations.

C. Protecting the Respondent

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

Institutional employees accused of misconduct may consult with legal counsel or a non-lawyer personal adviser (who is not a principal or witness in the case) to seek advice and may bring the counsel or personal adviser to interviews or meetings on the case.

D. Cooperation with Inquiries and Investigations

Each member will cooperate with the research integrity officer and other institutional officials in the review of allegations and the conduct of inquiries and investigations. This affirmative duty includes the obligation to provide relevant evidence to the research integrity officer or other officials on misconduct allegations.

E. Preliminary Assessment of Allegations

Upon receiving an allegation of misconduct, the research integrity officer will immediately assess the allegation to determine whether there is sufficient evidence to warrant an inquiry, whether PHS or NSF support or applications for funding are involved, and whether the allegation falls under the PHS or NSF definitions of scientific misconduct.

V. Conducting the Inquiry

A. 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 definition of misconduct, he or she will immediately initiate the inquiry process. In initiating the inquiry, the research integrity officer should identify clearly the original allegation and any related issues that should be evaluated. The purpose is to determine whether there is sufficient evidence of possible misconduct to warrant an investigation. The inquiry should not reach a final conclusion about whether misconduct definitely occurred or who was responsible. The findings of the inquiry must be set forth in an inquiry report.

B. Sequestration of the Research Records

After determining that an allegation falls within the definition of misconduct, the research integrity officer must ensure that all original research records and materials relevant to the allegation are immediately secured. The research integrity officer may consult with federal agencies through the Office of Research for advice and assistance in this regard.

C. 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 within 10 days of the initiation of the inquiry. The inquiry committee should consist of individuals who do not have real or apparent conflicts of interest in the case, are believed to be fair and 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, colleagues, administrators, lawyers, or other qualified persons, and they may be from inside or outside the institution. The inquiry committee may identify additional experts for consultation during the inquiry.

The research integrity officer will notify the respondent of the proposed committee membership within 10 days. If the respondent submits a written objection to any appointed member of the inquiry committee or expert (consultant) based on bias or conflict of interest within five days of the receipt of the request, the research integrity officer will immediately replace the first challenged member or expert with a qualified substitute and determine whether to replace other members or experts the respondent challenges.

D. 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 misconduct to warrant an investigation. The purpose is not to determine whether 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 general counsel will be present or available throughout the inquiry to advise the committee as needed.

E. Inquiry Process

The inquiry committee will normally interview the complainant, the respondent, and key witnesses as well as examine 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 general counsel, the committee members will decide whether there is sufficient evidence of possible misconduct to recommend further investigation. The scope of the inquiry does not include deciding whether misconduct has occurred or conducting exhaustive interviews and analyses. The scope of the inquiry involves the informal collection of information relevant to commonly accepted practices in the community, the questioned practices at hand, and a determination of whether any credible information supports characterizing the questioned practices as misconduct. An inquiry is a limited undertaking. The inquiry should not weigh a conflict in credible information, but refer it to investigation.

VI. The Inquiry Report

A. Elements of the Inquiry Report

A written inquiry report must be prepared that states the name and title of the committee members and experts, if any; the allegations; the specific funding code and source of support (PHS, NSF or other); a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; a description of the evidence in sufficient detail to demonstrate whether an investigation is warranted; and the committee's recommendation as to whether an investigation is warranted and any other actions that should be taken if an investigation is not recommended. The draft report should be prepared within 36 calendar days in order to leave time for the inclusion of any comments into the final report and the deciding official's review within 60 calendar days of the first meeting of the inquiry committee. The general counsel will review the report for legal sufficiency.

B. Comments on the Draft Report by the Respondent and the Complainant

The research integrity officer will provide the respondent with a copy of the draft inquiry report for comment and rebuttal and will provide the complainant, if he or she is identifiable, with portions of the draft inquiry report that address the complainant's role and opinions in the investigation.

1. Confidentiality - The research integrity officer will establish reasonable conditions for review to protect the confidentiality of the draft report.
2. Receipt of Comments - Within 14 calendar days of their receipt of the draft report, the complainant and respondent will provide their comments, if any, to the inquiry committee. Any comments that the complainant or respondent submits

on the draft report will become part of the final inquiry report and record. Based on the comments, the inquiry committee may revise the report as appropriate.

C. Inquiry Decision and Notification

1. Decision by Deciding Official - The research integrity officer will transmit the final report and any comments to the deciding official. The deciding official will have 10 days in which to make the determination of whether findings from the inquiry provide sufficient evidence of possible misconduct to justify conducting an investigation. The inquiry is completed when the deciding official makes this determination, which will be made within 60 calendar days of the first meeting of the inquiry committee. Any extension of this period will be based on good cause and recorded in the inquiry file. The time from completion of the inquiry to the first meeting of the investigation committee will in no case exceed 30 calendar days.
2. Notification - The research integrity officer will 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 the president, the general counsel, the vice president for research, and the dean of the affected college.

D. 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 50 calendar days following its first meeting, unless the research integrity officer approves an extension for good cause. If an extension is approved, the reason for the extension will be entered into the records of the case and the report. The respondent also will be notified of the extension.

VII. Conducting the Investigation

A. 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. The findings of the investigation will be set forth in an investigation report.

B. 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 institution'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.

C. Appointment of the Investigation Committee

Normally the Faculty Senate Committee D (Research and Scholarly Activity) will comprise the investigation committee. In general, the investigation committee should consist of at least three individuals who do not have real or apparent conflicts of interest in the case, are believed to be fair and 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. If the Faculty Senate Committee does not satisfy this standard, or is inappropriate for the purposes of maintaining confidentiality, then the research integrity officer, in consultation with the president and general counsel, will appoint an investigation committee and the committee chair within 10 days of the notification to the respondent that an investigation is planned or as soon thereafter as practicable. These individuals may be scientists, colleagues, administrators, subject matter experts, lawyers, or other qualified persons, and they may be from inside or outside the institution. 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 within five days. If the respondent submits a written objection to any appointed member of the investigation committee or expert, the research integrity officer will immediately replace the first challenged member and determine whether to replace the other challenged members or experts with qualified substitutes, observing the 30-day time limit.

D. Charge to the Committee and the First Meeting

1. 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 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, misconduct occurred and, if so, to what extent, who was responsible, and its seriousness. In addition, the research integrity officer, with the assistance of the general counsel, will advise the committee on how this procedure differs from the faculty grievance procedure.

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.

The inquiry report will be available to the investigation committee. However, the report in no way limits the evidence available to the investigation committee for consideration. Inasmuch as any decision of an investigation might conflict with any conclusion of the inquiry, the investigation will be considered a de novo process.

2. The First Meeting - The research integrity officer, with the assistance of the 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 federal funding is involved, the PHS or NSF regulations.

E. Investigation Process

The investigation committee will be appointed and the process initiated within 30 days of the completion of the inquiry, if findings from that inquiry provide a sufficient basis for conducting an investigation.

The investigation will normally involve examination of all documentation including, but not necessarily limited to, relevant research records, computer files, proposals, manuscripts, publications, correspondence, memoranda, and notes of telephone calls. Whenever possible, the committee should interview the complainant(s), the respondent(s), and other individuals who might have information regarding aspects of the allegations. Interviews of the respondent should be tape recorded or transcribed. All other interviews should be transcribed, tape recorded, or summarized. Summaries or transcripts of the interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.

VIII. The Investigation Report

A. Elements of the Investigation Report

The final report, which, if applicable, will be submitted to ORI or NSF, must describe the policies and procedures under which the investigation was conducted, describe how and from whom information relevant to the investigation was obtained, state the findings, and explain the basis for the findings. The report will include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct as well as a description of any sanctions imposed and administrative actions taken by the institution.

B. Comments on the Draft Report

1. Respondent - The research integrity officer will provide the respondent with a copy of the draft investigation report for comment and rebuttal. The respondent will be allowed 10 days to review and comment on the draft report. The respondent's comments will be attached to the final report. The findings of the final report should take into account the respondent's comments in addition to all the other evidence.
2. 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 should be modified, as appropriate, based on the complainant's comments.
3. General Counsel - The draft investigation report will be transmitted to the general counsel for a review of its legal sufficiency. The general counsel's comments should be incorporated into the report as appropriate.
4. 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 will 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.

C. Institutional 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 institutional actions. 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 PHS (ORI), NSF, or other funding agency. The deciding official's explanation should be consistent with the particular agency's

definition of misconduct, the institution'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, constitute the final investigation report for purposes of agency 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. 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.

D. 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.

E. Time Limit for Completing the Investigation Report

An investigation should ordinarily be completed within 120 calendar days of its initiation, with the initiation being defined as 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 appropriate agency, if relevant.

IX. Requirements for Reporting to ORI or NSF Inspector General

- A. The decision to initiate an investigation of PHS- or NSF-funded research must be reported in writing to the director of ORI (at DHHS) or the Inspector General of NSF before the date the investigation begins. At a minimum, the notification should include the name of the person(s) against whom the allegations have been made, the general nature of the allegation as it relates to the definition of misconduct, and the agency applications or grant number(s) involved. ORI or NSF must also be notified of the final outcome of the investigation and must be provided with a copy of the investigation report. Any significant variations from the provisions of these policies and procedures should be explained in any reports.
- B. Prior to any decision to terminate an inquiry or investigation without completing all relevant requirements of the PHS or NSF regulations, the research integrity officer will

submit a report of the planned termination to ORI or the NSF Inspector General, including a description of the reasons for the proposed termination.

- C. If the university determines that it will not be able to complete an investigation of federally funded research in 120 days, the research integrity officer will submit to the respective agency 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. The request will be submitted through the Office of Research. If the NSF is the funding agency, the Office of Research may authorize an extension of the investigation such that the investigation and all administrative actions will be completed within an additional 60 days. If the request is granted, the research integrity officer will file periodic progress reports as requested.
- D. When PHS or NSF funding or applications for funding are involved and an admission of misconduct is made, the research integrity officer will contact the agency for consultation and advice. Normally, the individual making the admission will be asked to sign a statement attesting to the occurrence and extent of misconduct. An admission of misconduct does not constitute sufficient basis for closing a case involving PHS or NSF funds without prior approval from the agency.
- E. When PHS or NSF funding is involved, the research integrity officer will notify the agency at any stage of the inquiry or investigation if:
 - 1. there is an immediate health hazard involved;
 - 2. there is an immediate need to protect federal funds or equipment;
 - 3. there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
 - 4. it is probable that the alleged incident is going to be reported publicly;
 - 5. the allegation involves a sensitive public health issue, e.g., a clinical trial;
 - 6. there is a reasonable indication of possible criminal violation. In this instance, the institution must inform the agency within 24 hours of obtaining that information;
 - 7. for any other reason, the scientific community or the public should be informed.

X. Administrative Actions

Old Dominion University will 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 misconduct was found.
- * removal of the responsible person from the particular project, letter of reprimand, and/or special monitoring of future work.
- * sanctions such as probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment.
- * restitution of funds as appropriate.

XI. Other Considerations

A. Termination of Institutional Employment or Resignation Prior to Completing Inquiry or Investigation

The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible misconduct has been reported, 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 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.

B. Restoration of the Respondent's Reputation

If the institution finds no misconduct and the respective agency 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 misconduct was previously publicized, or expunging all reference to the misconduct allegation from the respondent's personnel file. Any institutional actions to restore the respondent's reputation must first be approved by the deciding official.

C. Protection of the Complainant and Others

Regardless of whether the institution, ORI or NSF determines that misconduct occurred, the research integrity officer will undertake reasonable efforts to protect complainants who made allegations of misconduct in good faith and others who cooperate in good faith with inquiries and investigations of such allegations. Upon completion of an investigation, the deciding official will determine, after consulting with the complainant, what steps, if any, are needed to restore the position or reputation of the complainant. The research integrity officer is responsible for implementing any steps the deciding official approves. The research integrity officer will also take appropriate steps during the inquiry and investigation to prevent any retaliation against the complainant.

D. Allegations Not Made in Good Faith

The deciding official will determine whether the complainant's allegations of misconduct were made in good faith. If an allegation was not made in good faith, the deciding official will determine whether any administrative action should be taken against the complainant.

E. Interim Administrative Actions

The vice president for research will take interim administrative actions, as appropriate, to protect federal funds and ensure that the purposes of the federal financial assistance are carried out.

XII. 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 research integrity officer will keep the file for three years after completion of the case to permit later assessment of the case. ORI, NSF, or other authorized personnel will be given access to the records upon request.

Procedures for Responding to Allegations of Misconduct in Scientific Research or other Scholarly Activity

I. Introduction

These procedures provide the methods and principles for assessing allegations and conducting inquiries and investigations related to possible misconduct in scientific research or other scholarly activity; in particular, these procedures seek compliance with misconduct procedures for scientific research that is proposed to or supported by the U.S. Public Health

Service or the National Science Foundation. Included are procedures for reporting scientific misconduct investigations to these agencies, adopting institutional actions in response to findings of scientific misconduct, and cooperating with the PHS Office of Research Integrity (ORI) or the NSF Inspector General in their review of institutional actions and reports. Hereafter, “research” connotes any type of scientific research or other scholarly activity and “misconduct” connotes misconduct in scientific research or in other scholarly activity.

These procedures are intended to govern the assessment of allegations, the conduct of inquiries and investigations, and the reporting of results to the appropriate agency. The procedures do not create any right or benefit, substantive or procedural, enforceable at law by a party against the institution, its agencies, officers, or employees.

These procedures should be read in conjunction with the Old Dominion University Policy for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity.

II. Definitions

- A. *Allegation* means any written statement of possible misconduct in scientific research or other scholarly activity made to an institutional official, either the dean of the affected college or to the research integrity officer.
- B. *Complainant* means a person who makes an allegation of misconduct in scientific research or other scholarly activity.
- C. *Confidentiality* means a state or quality of being confidential. It connotes the entrustment with secret affairs or purpose and a shared intent to operate secretly. In many cases of research misconduct, confidentiality is a legal requirement. Each member involved in the process bears the duty of protecting the privacy of both the complainant and the respondent; a member who breaches this duty may be subject to discipline.
- D. *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.
- E. *Deciding Official* means the university official who makes final determinations on allegations of misconduct and any responsive institutional actions. The deciding official will normally be the provost and vice president for academic affairs. For this reason, he or she cannot serve as the research integrity officer. If the provost had direct, prior involvement in the research, inquiry, or allegation assessment, he or she must recuse him or herself and the president will appoint an alternate deciding official.
- F. *Employee or member* means, for the purpose of these instructions only, any person paid by, under the control of, or affiliated with Old Dominion University, including but not limited to scientists, physicians, trainees, students, fellows, technicians, nurses, support staff, and guest researchers.

- G. *General Counsel* means legal counsel who represents Old Dominion University during the misconduct inquiry and investigation and who is responsible for advising the research integrity officer, the inquiry and investigation committees, and the deciding official on relevant legal issues. The general counsel does not represent the respondent, the complainant, or any other person participating during the inquiry, investigation, or any follow-up action, except the university officials responsible for managing or conducting the misconduct process as part of their official duties.
- H. *Good faith allegation* means an allegation made with the honest belief that misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.
- I. *Inquiry* means information-gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
- J. *Investigation* means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred and, if so, to determine the responsible person and the seriousness of the misconduct.
- K. *Misconduct in scientific research and other scholarly activity* means:
1. fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.
 2. the retaliation against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith. (In such cases, agency notification is limited to the NSF.)
 3. any form Misconduct in scholarly activity connotes any form of attribution of another's work as the respondent's own work.
- L. *NSF* means the National Science Foundation.
- M. *NSF regulation* means the National Science Foundation regulation establishing standards for institutional inquiries and investigations into allegations of misconduct, which is set forth at 45 C.F.R. Part 689, entitled "Misconduct in Science and Engineering."
- N. *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 scientific misconduct and research integrity activities of the U.S. Public Health Service.
- O. *PHS* means the U.S. Public Health Service, an operating component of the U.S. Department of Health and Human Services.

- P. *PHS regulation* means the Public Health Service regulation establishing standards for institutional inquiries and investigations into allegations of scientific misconduct, which is set forth at 42 C.F.R. Part 50, Subpart A, entitled "Responsibility of PHS Awardee and Applicant Institutions for Dealing with Possible Misconduct in Science."
- Q. *PHS or NSF support* means PHS or NSF grants, contracts, or cooperative agreements, or applications therefore.
- R. *Research Integrity Officer* means the institutional official responsible for assessing allegations of misconduct, for determining when such allegations warrant inquiries, and for overseeing any inquiries and investigations.
- S. *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 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; exhibitions, productions, or displays; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; audio-tape recordings; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.
- T. *Respondent* means the person against whom an allegation of misconduct is directed or the person who is the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.
- U. *Retaliation* means any action that adversely affects the employment or other status of an individual that is taken by an institution or an employee because the individual has, in good faith, made an allegation of misconduct or of inadequate institutional response thereto, or has cooperated in good faith with an investigation of such allegation.
- V. *Sequester* means to separate or isolate documents or material from the individual concerned and into the custody of a disinterested institutional official designated by the research integrity officer, such as the general counsel, who can provide confidential and secure storage.

III. General Procedures and Principles

A. Responsibility to Report Misconduct

All employees or individuals associated with Old Dominion University should report observed, suspected, or apparent misconduct to the research integrity officer directly or through the dean of the affected college. The research integrity officer will promptly engage in an assessment of the allegation to determine whether it falls within the

definition of misconduct, involves PHS or NSF support, and provides sufficient information to proceed with an inquiry.

B. Protecting the Complainant B.Protecting the Complainant

Employees who receive or learn of an allegation of misconduct will treat the complainant with fairness and respect and, when the allegation has been made in good faith, will take reasonable steps to protect against retaliation the position and reputation of the complainant and other individuals who cooperate with Old Dominion University. Employees will immediately report any alleged or apparent retaliation to the research integrity officer.

C. Protecting the Respondent

Employees who receive or learn of an allegation of misconduct will treat the respondent with fairness and respect. The research integrity officer will take reasonable steps to ensure that the process observes these procedural safeguards, the PHS regulation, 42 C.F.R. Part 50, Subpart A, and the NSF regulation, 45 C.F.R. Part 689. Employees will report significant deviations from these instructions to the research integrity officer. The research integrity officer will report any allegation not made in good faith to the deciding official for appropriate action.

D. Confidentiality

Institutional employees who make, receive, or learn of an allegation of misconduct will protect, to the maximum extent possible, the confidentiality of information regarding the complainant, the respondent, and other affected individuals. The research integrity officer may establish reasonable conditions, such as confidentiality agreements, to ensure the confidentiality of such information.

E. Responding to Allegations

In responding to allegations of misconduct, the research integrity officer and any other institutional official with an assigned responsibility for handling such allegations will make diligent efforts to ensure that the following functions are performed.

1. Any allegation assessment, inquiry, or investigation is conducted in a timely, objective, thorough, and competent manner.
2. Reasonable precautions are taken to maintain confidentiality and avoid bias and real or apparent conflicts of interest on the part of those involved in conducting the inquiry or investigation.
3. “Immediate notification” is provided to the PHS (ORI) or NSF (Inspector General) if:

- a. there is an immediate health hazard involved;
 - b. there is an immediate need to protect federal funds or equipment;
 - c. there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
 - d. it is probable that the alleged incident is going to be reported publicly;
 - e. the allegation involves a sensitive public health issue, e.g., a clinical trial;
 - f. there is a reasonable indication of a possible Federal criminal violation. In this instance, the institution must report within 24 hours of obtaining that information;
 - g. for any other reason, the scientific community or the public should be informed.
3. Interim administrative actions are taken, as appropriate, to protect federal funds and the public health, and to ensure that the purposes of the federal financial assistance are carried out.

F. Employee Cooperation

Employees 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 institutional officials on misconduct allegations. Further, employees will cooperate with ORI or NSF in its conduct of inquiries and investigations, its oversight of institutional inquiries and investigations, and any follow-up actions.

G. Evidentiary Standards

The following evidentiary standards apply to findings of misconduct in research and scholarly activity.

1. Burden of Proof - The burden of proof for making a finding of misconduct is on the university.
2. Standard of Proof - Any finding of misconduct will be established by a preponderance of the evidence. This means that the evidence shows that it is more likely than not that the respondent committed misconduct in scientific research or scholarly activity.

H. Completion of Process

The research integrity officer is responsible for ensuring that the inquiry investigation process and all other steps required by this investigation and the PHS or NSF regulations are completed even in those cases where the respondent leaves after allegations are made.

I. Early Termination

If circumstances suggest the termination of an inquiry or investigation into PHS- or NSF-funded research prior to completion of all the steps required by the PHS or NSF regulations, the research integrity officer, through the Office of Research, will notify the respective agency of the planned termination and the reasons therefore. The agency will then review the information provided and advise the institution whether further investigation should be undertaken.

J. Referral of Non-Scientific Misconduct Issues

When the institution's review of the allegation identifies non-scientific misconduct issues, the research integrity officer should refer these matters to the proper institutional, state, or federal office for action. Some of the issues meriting referral are described below.

1. **Criminal Violations - Potential violation of criminal law under DHHS grants and contracts** should be referred to the Office of Inspector General, DHHS-OIG Hot line, 330 Independence Avenue, SW, Washington, D. C. 20201, telephone (800) 447-8477. If the possible criminal violation is identical to the alleged scientific misconduct (e.g., alleged false statements in a PHS grant application), the criminal charge should be reported to ORI. ORI will then refer it to OIG. Potential violation of criminal law under NSF grants and contracts should likewise be referred to the Office of the Inspector General, NSF, 4201 Wilson Boulevard, Arlington, VA 22230, telephone (703) 292-7100.
2. **Violation of Human and Animal Subject Regulations - Potential violation of human or animal subject regulations** should be referred to the Office for Human Research Protection, 1101 Wootton Parkway, Rockville, MD 20852, telephone (301) 496-7005. Potential violations of the Animal Welfare Act should be referred to the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture, Eastern Region, Animal Care, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606, telephone (919) 716-5532.
3. **Violation of FDA Regulations - Potential violations of Food and Drug Administration regulated research requirements** should be referred to the FDA Office of Regulatory Affairs, Division of Compliance Policy, Bioresearch Program Coordination, 5600 Fishers Lane, Room 12A41, Rockville, MD 20857, telephone (301) 827-3101.

4. Fiscal Irregularities - Potential violations of cost principles or other fiscal irregularities should be referred as follows:
 - a. For all NIH Agencies-Office of Management Assessment, NIH, 6011 Executive Blvd., Suite 601, Rockville, MD 20852, MSC 7669. Telephone (301) 496-1873, FAX: (301) 435-1901, email:manuals@od.nih.gov: URL:OMA.OD.NIH.GOV.
 - b. For all other PHS Agencies-PHS Office of Grants and Contracts, 5600 Fishers Lane, Room 5C18, Rockville, MD 20857, telephone (301) 443-6557.
 - c. For NSF-Office of the Inspector General, NSF, 4201 Wilson Boulevard, Arlington, VA 22230, telephone (703) 292-7100. Email Chris Boesz at cboesz@nsf.com.

If there are any questions regarding the proper referral of non-scientific misconduct issues, the research integrity officer may call the ORI Division of Research Investigations at (800) 447-8477, or the NSF Inspector General at (703) 292-7100, to obtain advice.

K. Requirements for Reporting to Federal Agencies

1. The decision to initiate an investigation into PHS- or NSF-funded research must be reported in writing to the Director of ORI or the Inspector General of NSF on or before the date the investigation begins. At a minimum, the notification should include the name of the person(s) against whom the allegations have been made, the general nature of the allegation as it relates to the definition of misconduct, and the agency's applications or grant number(s) involved. Notification to the NSF should further include a request for deferral of the NSF inquiry and investigation. The agency must be notified of the final outcome of the investigation and must be provided with a copy of the investigation report. Any significant variations from the provisions of the institutional policies and procedures should be explained in any reports.
2. Prior to the decision, for any reason, to terminate an inquiry or investigation of PHS- or NSF-funded research without completing all relevant requirements of the PHS or NSF regulation, the research integrity officer will submit a report of the planned termination to the respective agency, including a description of the reasons for the proposed termination.
3. If at any time it appears that the university will not be able to complete the investigation in 120 calendar days, the research integrity officer will submit to ORI or NSF 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. The request will be submitted through the

Office of Research. If the NSF is the funding agency, the Office of Research may authorize an extension of the investigation such that the investigation and all administrative actions will be complete within an additional 60 days. If the request is granted, the research integrity officer will file periodic progress reports as requested by the agency.

4. When PHS or NSF funding or applications for funding are involved and an admission of misconduct is made, the research integrity officer will contact the agency for consultation and advice. Normally, the individual making the admission of misconduct will be asked to sign a statement attesting to the occurrence and the extent of misconduct. When the case involves agency funds, the university will not accept an admission of misconduct as a basis for closing a case or not undertaking an investigation without prior approval from the agency.
5. When PHS or NSF funding is involved, the research integrity officer will notify ORI or NSF at any stage of the inquiry or investigation if:
 - a. there is an immediate health hazard involved;
 - b. there is an immediate need to protect federal funds or equipment;
 - c. there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
 - d. it is probable that the alleged incident is going to be reported publicly;
 - e. the allegation involves a sensitive public health issue, e.g., a clinical trial;
 - f. there is a reasonable indication of possible criminal violation. In this instance, the institution must inform ORI within 24 hours of obtaining that information.
 - g. for any other reason, the scientific community or the public should be informed.

IV. Preliminary Assessment of Allegations

A. Allegation Assessment

Upon receiving an allegation of misconduct, the research integrity officer will immediately assess the allegation to determine whether there is sufficient evidence to warrant an inquiry, whether PHS, NSF, or other support or applications for funding are involved, and whether the allegation falls under the definition of misconduct.

1. PHS or NSF Support - Allegations involving research supported by PHS- or NSF-funded grants, contracts, or cooperative agreements, or applications for funding connote that agency's support. If the allegation does not involve agency support, it should be handled under the NSF definition of misconduct (II. K.1-3) and procedures except that the reporting and compliance aspects of 42 C.F.R. Part 50, Subpart A or 45 C.F.R. Part 689 do not apply.
2. PHS Definition - The PHS definition of scientific misconduct is found in II. K.1 and 2, and II.P. The allegation should be carefully reviewed to determine whether it potentially constitutes fabrication, falsification, plagiarism, or other serious deviation from commonly accepted practices for proposing, conducting, or reporting research. In case of doubt, the research integrity officer should consult with the general counsel or ORI on whether the allegation falls within the PHS definition of scientific misconduct.
3. NSF Definition - The NSF definition (II.K.1 and II.M) adds to the PHS definition any retaliation against the reporting person or any person providing information.
4. Old Dominion University Definition - The Old Dominion University definition of scientific misconduct is the same as the NSF definition and is found in II.K.1. and 2. The definition of misconduct in scholarly activity is found in II.K.3.
5. Sufficient evidence to proceed - There is not always sufficient evidence or information to permit further inquiry into the allegation. For example, an allegation that a scientist's (or scholar's) work should be subjected to general examination for possible misconduct is not sufficiently substantial or specific to initiate an inquiry. In case of such a vague allegation, an effort should be made to obtain more information before initiating an inquiry. This information may be sought from any reasonable source, including the complainant, if known.

B. Referral of Other Issues

Regardless of whether it is determined that a misconduct inquiry is warranted, if the allegation involves PHS or NSF support and concerns possible failure to protect human or animal subjects, financial irregularities, or criminal activity, the allegation should be referred to the appropriate office. See section III.J.

V. Conducting the Inquiry

A. 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 definition of misconduct, he or she will immediately initiate the inquiry process. 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 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 must be set forth in an inquiry report.

B. First Steps if an Inquiry is Necessary

As soon as practicable after the research integrity officer determines that an inquiry is required, he or she will:

1. secure the relevant research records;
2. notify the Office of Research, the general counsel, the respondent, and if PHS or NSF funding is involved, the ORI or the Inspector General of NSF through the Office of Research. In the case of NSF funding, the notification should specifically include a request that NSF defer independent inquiry;
3. appoint and charge the inquiry committee; and
4. notify ORI or NSF if any of the conditions listed in section III.E.3 of these procedures are present.

The research integrity officer or general counsel may consult with an affected federal agency at any time regarding appropriate procedures to be followed.

C. Sequestration of the Research Records

1. Immediate Sequestration - If the relevant research records have not been obtained at the assessment stage, the research integrity officer will immediately locate, collect, inventory, and secure them to prevent the loss, alteration, or fraudulent creation of records.
2. Institutional Access - Research records produced under PHS or NSF grants and cooperative agreements are the property of Old Dominion University, and employees cannot interfere with the university's right of access to them. Under some federal contracts, certain research records may belong to the federal agency, which will normally allow access to contract records in the custody of the university for purposes of reviewing misconduct allegations.
3. Original Records - The documents and materials to be sequestered will include all the original items (or copies if originals cannot be located) that may be relevant to the allegations. These include, but are not limited to, research records as defined in section II.S. of this document.

4. Sequestration of the Records from the Respondent - The research integrity officer should notify the respondent that an inquiry is being initiated simultaneously with the sequestration so that the respondent can assist with location and identification of the research records. The research integrity officer should obtain the assistance of the respondent's supervisor and the general counsel in this process, as necessary. If the respondent is not available, sequestration may begin in the respondent's absence. The respondent should not be notified in advance of the sequestration of research records to prevent questions being raised later regarding missing documents or materials and to prevent accusations against the respondent of tampering with or fabricating data or materials after the notification. In addition to securing records under the control of the respondent, the research integrity officer may need to sequester records from other individuals, such as coauthors, collaborators, or complainants. As soon as practicable, and if requested, a copy of each sequestered record will be provided to the individual from whom the record is taken. These measures will be undertaken with care to preserve the confidentiality, privacy, and reputation of the respondent inasmuch as is reasonable during the sequestration.
5. Inventory of the Records - A dated receipt should be signed by the sequestering official and the person from whom an item is collected, and a copy of the receipt should be given to the person from whom the record is taken. If it is not possible to prepare a complete inventory list at the time of collection, one should be prepared as soon as possible, and then a copy should be given to the person from whom the items were collected.
6. Security and Chain of Custody - The research integrity officer will lock records and materials in a secure place. The persons from whom items are collected may be provided with a copy of any item. Where feasible, that person will have access to his or her own original items under the direct and continuous supervision of a university official. This will ensure that a proper chain of custody is maintained and that the originals are kept intact and unmodified. Questions about maintaining the chain of custody of records should be referred to the general counsel.

D. Notification of the Respondent

1. Contents of Notification - The research integrity officer will notify the respondent in writing of the opening of the inquiry. The notification should identify the research project in question and the specific allegations; define misconduct; identify the presence, source, and implications of PHS or NSF funding; list the names of the members of the inquiry committee (if appointed) and experts (if any); explain the respondent's opportunity to challenge the appointment of a member of the committee or expert for bias or conflict of interest, to be assisted by counsel, to be interviewed, to present evidence to the committee, and to comment on the inquiry report; address the respondent's obligation as an employee of the institution to cooperate; describe the institution's policy on

protecting the complainant against retaliation and the need to maintain the complainant's confidentiality during the inquiry and any subsequent proceedings.

2. Potential Respondents - If no specific respondent has been identified at this stage of the process, the research integrity officer will notify each potential respondent that an inquiry will be undertaken, e.g., each coauthor on a questioned article, each investigator on a questioned grant application, or each co-participant in other scholarly activity. The research integrity officer will consult with the general counsel on the proper method of notification under the circumstances.

E. Designation of an Official or a Committee to Conduct the Inquiry

The research integrity officer is responsible for conducting or designating others to conduct the inquiry.

1. Use of an Inquiry Committee - In complex cases, the research integrity officer will normally appoint a committee of three or more persons to conduct the inquiry, following the procedures set forth in section V.F. (see below).
2. Use of an Inquiry Official - In cases in which the allegations and apparent evidence are straightforward, such as an allegation of plagiarism or simple falsification or an admission of misconduct by the respondent, the research integrity officer may choose to conduct the inquiry directly or designate another qualified individual to do so. In such cases, the inquiry official will nevertheless obtain the necessary expert and technical advice to consider properly all research issues.
3. Inquiry Process - The inquiry, whether conducted by a committee or an individual, will follow each procedural step set forth below.

F. Appointment of the Inquiry Committee

If an inquiry committee is to be appointed, the research integrity officer will use the following procedures.

1. Committee Membership - The research integrity officer, in consultation with other university officials as appropriate, will appoint the committee and committee chair within 10 calendar days of the initiation of the inquiry. The inquiry committee should consist of at least three individuals who do not have real or apparent conflicts of interest in the case, are believed to be fair and 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 of the institution.

2. Experts - The research integrity officer, in consultation with the committee, will determine whether additional experts other than those appointed to the committee need to be consulted during the inquiry to provide special expertise to the committee regarding the analysis of specific evidence. In this case, the experts provide a strictly advisory function to the committee; they do not vote and generally do not interview witnesses. The experts chosen may be from inside or outside of Old Dominion University.
3. Bias or Conflict of Interest - The research integrity officer will take reasonable steps to ensure that the members of the committee and experts have no bias or personal or professional conflict of interest with the respondent, complainant, or the case in question. In making this determination, the research integrity officer will consider whether the individual (or any members of his or her immediate family):
 - a. has any financial involvement with the respondent or complainant;
 - b. has been a coauthor on a publication with the respondent or complainant;
 - c. has been a collaborator or coinvestigator with the respondent or complainant;
 - d. has been a party to a research controversy with the respondent or complainant;
 - e. has a supervisory or mentor relationship with the respondent or complainant;
 - f. has a special relationship, such as a close personal friendship, kinship, or a professional/client relationship with the respondent or complainant; or
 - g. falls within any other circumstance that might appear to compromise the individual's objectivity in reviewing the allegations.
4. Objection by Respondent - The research integrity officer will notify the respondent of the proposed committee membership within 10 calendar days. 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 five days, the research integrity officer will immediately replace the first challenged member or expert with a qualified substitute and determine whether to replace other members or experts the respondent challenges.
5. Confidentiality - Members of the committee and experts will agree in writing to maintain the confidentiality of the proceedings and any information or documents reviewed as part of the inquiry. Outside of the official proceedings of the committee, they may not discuss the proceedings with the respondent,

complainant, witnesses, or anyone not authorized by the research integrity officer to have knowledge of the inquiry.

6. Provision of Assistance - The research integrity officer, in consultation with the general counsel, will provide staff assistance and guidance to the committee and the experts on the procedures for conducting and completing the inquiry, including procedures for maintaining confidentiality, conducting interviews, analyzing data, and preparing the inquiry report.

G. 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 misconduct to warrant an investigation pursuant to university, and PHS or NSF requirements if applicable. The purpose is not to determine whether 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 general counsel will be present or available throughout the inquiry to advise the committee as needed.

H. General Approaches to Conducting the Inquiry

During the inquiry, the committee will take the following steps.

1. The committee will collect information relevant to commonly accepted research practices of the community involved, the questioned practices at hand, and determine whether any credible information supports characterizing the questioned practices as misconduct. The scope of the inquiry is limited; the inquiry should not weigh a conflict in credible information, but refer it to investigation.
2. The committee will take all necessary steps to avoid bias or conflict of interest between the committee and experts and the respondent, complainant, and witnesses.
3. The committee will refer other issues that arise; it will advise the research integrity officer of any necessary interim actions to protect the research funds, human or animal subjects, or other steps required by regulation or policy. See section III.E.3 and III.J.

I. General Approaches to Conducting an Interview

1. Purpose of the Interview - The purpose of an interview at the inquiry stage is to allow each respondent, complainant, or witness to tell his or her side of the story. The committee should not attempt to speculate about what happened or might have happened or put words in the witnesses' mouths. Also, the committee should not disclose information obtained from others interviewed unless this is necessary and can be done without identifying the source of the information.
2. Issues to Cover - Before an interview, the committee should provide each witness with a summary of the matters or issues intended to be covered at the interview. If the committee raises additional matters, the witness should be given an opportunity to supplement the record in writing or in another interview. The witness should be informed that his or her cooperation and truthful answers are expected.
3. Confrontation - Witnesses should not be told at this stage whether other testimony conflicts with theirs, although questions may be asked for purposes of clarifying the testimony. Avoid leading questions such as, "You must have made a mistake and thought it was actually this way, right?"
4. Using Experts - The committee may request that experts attend or participate in interviews to assist in its evaluation of the allegations and related issues. If the committee determines that such participation is not appropriate, it may ask an expert to prepare questions for the committee to use at the interview. Any expert retained to assist the committee may read the transcripts or summaries of the interviews.
5. Transcribing Interviews - Interviews with the respondent will be transcribed or recorded. Interviews with anyone else will be summarized, tape-recorded, or transcribed. A transcript or summary of the interview will be provided to each witness for review and correction of errors. Witnesses may add comments or information. Changes to the transcript or summary will be made only to correct factual errors.
6. Confidentiality of Interviews - Witnesses should be advised that the proceedings are confidential and that they should not discuss the inquiry or their interview with anyone else other than their counsel or adviser.
7. Access to Counsel - Witnesses may be accompanied and advised by legal counsel or by a non-legal adviser who is not a principal or witness in the case. However, the counsel or adviser may only advise the witness and may not participate directly in the interview. Witnesses will respond directly to the interview questions.

8. Order of Interviews - The inquiry committee should interview, if possible, the complainant, key witnesses, and the respondent, in that order. Witnesses should be asked to provide, in advance if possible, any relevant evidence, including their own notes, manuscripts, research records, or other documents that were not sequestered previously but are relevant to the allegation.
9. Interviewing the Complainant - In interviewing the complainant, the inquiry committee should attempt to obtain as much additional evidence regarding the substance of the allegation as possible and to determine the complainant's view of the significance and impact of the alleged misconduct. However, it is not the complainant's responsibility to prove his or her allegations.
10. Interviewing the Respondent - The respondent should be asked to provide his or her own response to the allegations, including any analysis of the primary data. If the respondent claims that an honest error or difference of scientific or professional judgment occurred, he or she should provide any evidence to support that claim. If he or she requests, the respondent may make a closing statement at the end of the interview.
11. Recording Admissions - If the respondent admits to the misconduct, the respondent should be asked immediately to sign a statement attesting to the occurrence and extent of the misconduct. Normally, an admission is a sufficient basis to proceed directly to an investigation. However, the admission may not be a sufficient basis for closing a case. Further investigation may be needed to determine the extent of the misconduct or to explore additional issues. If an admission is made when PHS or NSF funding is involved, the research integrity officer through the Office of Research, or the general counsel may seek advice from ORI or NSF in determining whether there is a sufficient basis to close a case, after the admission is fully documented and all appropriate procedural steps are taken. If the case is closed, the report should be forwarded to the deciding official with recommendations for appropriate institutional sanctions and then submitted to agency review, if relevant. If the respondent admits to the misconduct, the committee may consult with the general counsel immediately, with the option of seeking advice from ORI or NSF as needed.
12. Committee Deliberations - The inquiry committee will evaluate the evidence and testimony obtained during the inquiry. After consultation with the research integrity officer and general counsel, the committee members will decide whether there is sufficient evidence of possible misconduct to recommend further investigation. The scope of the inquiry does not include deciding whether misconduct occurred or conducting exhaustive interviews and analyses.

Committee deliberations should never be held in the presence of the interviewee. During the interview, the committee members should not debate among themselves or with witnesses over possible interpretations of scientific research

or other scholarly activity. These questions should be reserved for private discussions among the inquiry committee members and expert consultants.

VI. The Inquiry Report

A. Elements of the Inquiry Report

A written inquiry report must be prepared that states the name and title of the committee members and experts, if any; the allegations; the presence and source of PHS or NSF or other support; a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; a description of the evidence in sufficient detail to demonstrate whether an investigation is warranted; and the committee's determination as to whether an investigation is recommended and whether any other actions should be taken if an investigation is not recommended. General counsel will review the report for legal sufficiency. All relevant dates should be included in the report.

B. Comments on the Draft Report by the Respondent and the Complainant

The research integrity officer will provide the respondent with a copy of the draft inquiry report for comment and rebuttal and will provide the complainant, if he or she is identifiable, with those portions of the draft report that address the complainant's role and opinions in the investigation.

1. Confidentiality - The research integrity officer will establish reasonable conditions for review to protect the confidentiality of the draft report.
2. Receipt of Comments - Within 14 calendar days of their receipt of the draft report, the complainant and respondent will provide their comments, if any, to the inquiry committee. Any comments that the complainant or respondent submits on the draft report will become part of the final report and record. Based on the comments, the inquiry committee may revise the report as appropriate.

C. Inquiry Decision and Notification

1. 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 misconduct to justify conducting an investigation. The inquiry is completed when the deciding official makes this determination, which will be made within 60 calendar days of the first meeting of the inquiry committee. Any extension of this period will be based on good cause and recorded in the inquiry file.
2. Notification - The research integrity officer will 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 institutional officials of the deciding official's decision.

D. Time Limit for Completing the Inquiry Report

The draft report should be prepared within 36 calendar days in order to leave time for the inclusion of any comments into the final report and the deciding official's review within 60 calendar days of the first meeting of the inquiry committee, unless the research integrity officer approves an extension for good cause. If the research integrity officer approves an extension, the reason for the extension will be entered into the records of the case and the report. The respondent will also be notified of the extension. The general counsel will review the report for legal sufficiency.

VII. Federal Oversight

A. Decision to Investigate

If the deciding official decides that an investigation of possible scientific misconduct in PHS- or NSF-funded research will be conducted, the research integrity officer, through the Office of Research, will notify ORI or NSF and will forward a copy of the final inquiry report and these policies and procedures to the respective agency.

B. Decision Not to Investigate

If the deciding official decides not to proceed to an investigation and the inquiry was begun at the request of ORI, NSF, or other funding agency, or if any agency requests a copy, the research integrity officer, through the Office of Research, will send a copy of the final inquiry report and the institutional decision to the appropriate agency. Otherwise, the PHS- or NSF-funded case may be closed without notice to ORI or NSF.

C. Access to Evidence

If either ORI or NSF is performing an oversight review of the university's determination not to proceed to an investigation, the research integrity officer, if so requested, will provide the respective agency with the report and the inquiry file, including, but not limited to, sequestered evidence, analyses, and transcripts of interviews. The research integrity officer will keep all records secure until the agency makes its final decision on its oversight of the university's inquiry or investigation.

VIII. Referral to Other Agencies

Information obtained during the inquiry regarding allegations other than scientific misconduct involving PHS or NSF funds should be referred to the responsible officials or government agencies. See section III.J.

IX. Conducting the Investigation

A. 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. The findings of the investigation will be set forth in an investigation report.

B. Sequestration of the Research Records B.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 a number of reasons, including the institution'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. See section V.B.

C. Notification of the Respondent

The research integrity officer will notify the respondent as soon as reasonably possible after the determination is made to open an investigation. The notification should include: a copy of the inquiry report; the specific allegations; the presence, source, and implication of PHS or NSF funding; the definition of misconduct; the procedures to be followed in the investigation, including the appointment of the investigation committee and experts; the opportunity of the respondent to be interviewed, to provide information, to be assisted by counsel, to challenge the membership of the committee and experts based on bias or conflict of interest, and to comment on the draft report; the fact that either ORI or NSF may perform an oversight review of the report if that agency funded the research; and an explanation of the respondent's right to request a hearing before the agency's appellate process if there is a finding of misconduct under that agency's definition.

D. Designation of an Official or a Committee to Conduct the Investigation

The research integrity officer is responsible for conducting or designating others to conduct the investigation.

1. Use of an Investigation Committee - In complex cases, the research integrity officer will normally appoint a committee to conduct the investigation, following the procedures set forth in section IX.E. (see below).
2. Use of an Investigation Official - In cases in which the allegations and apparent evidence are straightforward, such as an allegation of plagiarism or simple falsification or an admission of misconduct by the respondent, the research integrity officer may choose to conduct the investigation directly or designate another qualified individual to do so. In such cases, the investigation official will nevertheless obtain the necessary expert and technical advice to consider properly all scientific or ethical issues. In such a case, the research integrity officer will offer the respondent a chance to comment on this decision; any comments will be recorded as an attachment to the investigation report.
3. Investigation Process - The investigation, whether conducted by a committee or an individual, will follow each procedural step set forth below.

E. Appointment of the Investigation Committee

If an investigation committee is to be appointed, the research integrity officer will use the following procedures

1. Committee Membership - Normally the Faculty Senate Committee D, Research and Scholarly Activity will comprise the investigation committee. In general, the investigation committee should consist of at least three individuals who do not have real or apparent conflicts of interest in the case, are believed to be fair and 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. If the Faculty Senate Committee D does not satisfy this standard, or is inappropriate for the purposes of maintaining confidentiality, then the research integrity officer, in consultation with the president and general counsel, will appoint an investigation committee and the committee chair within 10 calendar days of the notification to the respondent that an investigation is planned or as soon thereafter as practicable. These individuals may be scientists, administrators, subject matter experts, lawyers, or other qualified persons, and they may be from inside or outside Old Dominion 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 within five days. If the respondent submits a written objection to any appointed member of the investigation committee or expert, the research integrity officer will immediately replace the first challenged member or expert with a qualified substitute, observing the 30-day time limit. In additional written objections, the research integrity officer will determine whether to replace challenged members or experts with qualified substitutes.

2. Experts - Experts may be appointed as noted in section V.F.2 (or carried over from the inquiry) to advise the committee on scientific or other issues.
3. Bias or Conflict of Interest - The research integrity officer will take reasonable steps to ensure that the members of the committee and the experts have no bias or personal or professional conflict of interest with the respondent, complainant, or the case in question. See section V.F.3.
4. Objection to Committee or Experts by Respondent - The research integrity officer will notify the respondent of the proposed committee membership within five days. If the respondent submits a written objection to any appointed member of the investigation committee or expert based on bias or conflict of interest, the research integrity officer will immediately replace the first challenged member or expert with a qualified substitute and determine whether to replace other members or experts the respondent challenges.
5. Confidentiality - Members of the committee and experts will agree in writing to maintain the confidentiality of the proceedings and any information or documents reviewed as part of the investigation. Outside of the official proceedings of the committee, they may not discuss the proceedings with the respondent, complainant, witnesses, or anyone not authorized by the research integrity officer to have knowledge of the investigation.

F. Charge to the Investigation Committee and the First Meeting

1. 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 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, 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.

The inquiry report will be made available to the investigation committee. However, the report in no way limits the evidence available to the committee for consideration. Inasmuch as any decision of an investigation may conflict with any conclusion of the inquiry, the investigation will be considered a de novo process.

2. The First Meeting - The research integrity officer, with the assistance of the 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 federal agency funding is involved, the PHS or NSF regulation.

G. Developing an Investigation Plan

At the initial meeting, the committee should begin development of its investigative plan and complete it as soon as reasonably possible. The investigation plan will include an inventory of all previously secured evidence and testimony; a determination of whether additional evidence needs to be secured; what witnesses need to be interviewed, including the complainant, respondent, and other witnesses with knowledge of the research or events in question; a proposed schedule of meetings, briefing of experts, and interviews; anticipated analyses of evidence (scientific, forensic, or other); and a plan for the investigative report.

H. General Approaches to Conducting the Investigation

During the investigation, the committee will take the following steps.

1. Avoid Bias or Conflict of Interest - All necessary steps must be taken to avoid bias or conflict of interest between the committee and experts and the respondent, complainant, and witnesses.
2. Refer Other Issues - The research integrity officer must be advised of any necessary interim actions to protect the research funds, human or animal subjects, or other steps required by regulation or policy. See section III.E.3 and III.J.
3. Consult with the Research Integrity Officer and General Counsel - The investigation committee should consult the research integrity officer and general counsel throughout the investigation on compliance with these procedures, PHS or NSF regulations if applicable, appropriate investigatory and interviewing methods and strategies, legal issues, and the standard of proof. The research integrity officer and general counsel will be present or available throughout the investigation to advise the committee.

I. Reviewing the Evidence

The investigation committee will obtain and review all relevant documentation and perform or cause to be performed necessary analyses of the evidence, including scientific, forensic, statistical, or other analyses as needed.

J. Conducting Interviews

The investigation committee will conform to the following guidelines.

1. **Conducting the Interviews** - The investigation committee will conduct the interviews as described in section V.I., except that at the investigative stage interviews should be in-depth and all significant witnesses should be interviewed. Each witness should have the opportunity to respond to inconsistencies between his or her testimony and the evidence or other testimony, subject to the need to take reasonable steps to maintain the confidentiality of the testimony of the respondent and other witnesses.
2. **Preparing for Interviews** - The investigation committee will prepare carefully for each interview. All relevant documents and research data should be reviewed in advance and specific questions or issues that the committee wants to cover during the interview should be identified. The committee should appoint one individual to take the lead on each interview. If significant questions or issues arise during an interview that require committee deliberation, the committee should take a short recess to discuss the issues. Committee deliberations should never be held in the presence of the interviewee.
3. **Objectivity** - The investigation committee will conduct all interviews in a professional and objective manner, without implying guilt or innocence on the part of any individual.
4. **Transcribing Interviews** - Any interview with the respondent will be transcribed or recorded. Interviews with anyone else will be summarized, tape-recorded, or transcribed. A transcript or summary of the interview will be provided to each witness for review and correction of errors. Witnesses may add comments or additional information, but changes to the transcript or summary will only be made to correct factual errors.
5. **Recording Admissions of Misconduct** - If the respondent admits to the misconduct, he or she should be asked immediately to sign a statement attesting to the occurrence and extent of the misconduct, acknowledging that the statement was voluntary and stating that the respondent was advised of his or her right to seek the advice of counsel. The committee should consult with the general counsel on the specific form and procedure for obtaining this statement. The admission may not be used as a basis for closing the investigation unless the committee has adequately determined the extent and significance of the misconduct and all procedural steps for completion of the investigation have been met. If applicable, the committee may ask the research integrity officer or general counsel to consult with ORI or NSF when deciding whether an admission has adequately addressed all the relevant issues such that the investigation can be considered completed. The investigation should not be closed unless the respondent has been appropriately notified and given an opportunity to comment

on the investigative report. If the case is considered complete, it should be forwarded to the deciding official with recommendations for appropriate institutional actions and, if applicable, to ORI or NSF for review.

K. Committee Deliberations

1. Burden and Standard of Proof - In reaching a conclusion on whether there was misconduct and who committed it, the burden of proof is on the university to support its conclusions and findings by a preponderance of the evidence. See section III.G.
2. Definition of Misconduct
 - a. In the case of PHS-funded research, to comply with PHS regulations, the committee will consider whether falsification, fabrication, or plagiarism occurred in proposing, conducting, or reporting research or whether and why there was a serious deviation from accepted practices in the scientific or professional community at the time the actions were committed.
 - b. In the case of NSF-funded research, to comply with NSF regulations, the committee will consider whether falsification, fabrication, or plagiarism occurred in proposing, conducting, or reporting research or whether and why there was a serious deviation from accepted practices in the scientific or professional community at the time the actions were committed. In addition, the committee will consider whether there was retaliation against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith.
 - c. Notwithstanding subparagraphs a. and b., the committee will always consider the Old Dominion University definition of misconduct (as defined in Section IV.A.4) for appropriate university response in the absence of federal agency funding. Included in this category are cases of possible retaliation for the reporting of misconduct in PHS-funded research. Accordingly, the investigation committee will consider whether falsification, fabrication, or plagiarism occurred in proposing, conducting, or reporting research or whether and why there was a serious deviation from accepted practices in the scientific or professional community at the time the actions were committed. In addition, the committee will consider whether there was retaliation against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith.
3. Sufficient Evidence - The committee will consider whether there is sufficient evidence of intent such that the university can meet its burden of proving misconduct by a preponderance of the evidence. The committee will also consider whether the respondent has presented substantial evidence of honest

error or honest differences in interpretations or judgments of data, such that misconduct cannot be proven by a preponderance of the evidence.

X. The Investigation Report

A. Elements of the Investigation Report

1. **Background** - The report will include sufficient background information to ensure a full understanding of the issues. This section should describe the facts leading to the investigation, including a chronology of the research at issue, the persons involved in the alleged misconduct, and the role of the complainant. If PHS or NSF funding is involved, the report should include any associated grant applications or publications and any public health issues. This section should summarize the university's inquiry and investigation processes, including the composition of the committees, the persons interviewed, the evidence secured and reviewed, the policies and procedures used, and any other factors that may have influenced the proceedings. All relevant dates should be included.

Because the PHS definition of scientific misconduct does not include retaliation, information and findings about retaliation may be omitted from the main body of the report submitted to ORI. Information about the allegation of retaliation will be referenced in an appendix to the main report as described in X.A.5.e. and X.A.6.b. Notwithstanding this variation in the definition of misconduct and the attendant variation in reporting requirements, Old Dominion University will always treat retaliation as misconduct for the purposes of internal administrative response.

This requirement does not arise in research not funded by PHS because the Old Dominion University definition of misconduct in scientific research or in other scholarly activity includes retaliation, thereby conforming to the NSF definition.

2. **Allegations** - The report will list all the allegations raised by the complainant and any additional misconduct issues that arose during the inquiry and investigation stages. The source and basis for each allegation or issue should be cited except to the extent that the confidentiality of a complainant requesting anonymity is compromised or the identity of the source is irrelevant or unnecessary. In the case of possible retaliation in NSF-funded research, this section would describe both the core misconduct reported and the retaliation that has been alleged.
3. **PHS or NSF Support** - In the absence of PHS or NSF support, the report will include a brief statement of the sources of research funding, if any. For each allegation of misconduct under the PHS or NSF definition, the report will identify the PHS or NSF support for the research or report at issue.
4. **Respondent's Claims** - The report should summarize each claim that the respondent raises in his or her defense against the misconduct allegations and cite

the source of each claim. Any inconsistencies among the respondent's various claims should be noted. The report should not consider claims that do not address the allegations at issue; allegations of personal bias by the complainant, for example, should not be addressed in the report unless they are relevant to the report's conclusions.

5. Analysis

- a. The report will provide a detailed analysis of the evidence that either supports or does not support a finding of misconduct. This analysis should take into account all the relevant statements, claims, rebuttals, documents, and other evidence related to the case. Any use of expert analysis should be noted.
- b. The analysis should be consistent with the appropriate definition of misconduct as noted in section II. It should describe the relative weight given to the various witnesses and pieces of evidence, noting inconsistencies, credibility, and persuasiveness. It should demonstrate how a consideration of the evidence as a whole led to the report's findings. A finding of misconduct should be supported by a preponderance of the evidence.
- c. The report should summarize or quote relevant statements, including rebuttals, made by the complainant, respondent, and other witnesses pertinent to the report's analysis and findings. The report should provide references to the appropriate sources.
- d. If the investigation committee determines that the respondent committed fabrication, falsification, or plagiarism, the report should indicate the extent and seriousness of the fabrication, falsification, or plagiarism, including its effect on prior research findings, research subjects, and the laboratory or project in which the misconduct occurred. If the investigation committee determines that the respondent committed misconduct by seriously deviating from "other commonly accepted practices," the report should thoroughly document the commonly accepted practice of the relevant scientific or professional community at the time the misconduct occurred and indicate the extent of the respondent's deviation from that standard. Publications, university standards, or relevant professional societies, state and federal regulations, expert opinion, and other sources should be described and cited as the basis for the commonly accepted practice. The serious deviation therefrom should be described in detail, including an analysis of why it is a serious ethical deviation.
- e. If the investigation committee determines that the respondent retaliated against a person reporting misconduct or relevant information, that information will be treated differently based on the source of funding. If

the research was PHS supported, these findings will be included as an appendix to the report submitted to ORI. The appendix will include the Old Dominion University definition of misconduct and explain why the PHS definition does not apply. If the research was not funded by PHS, but by NSF or other, then the report need not have this appendix, but merely should indicate the extent and seriousness of the retaliation and the surrounding circumstances in the body of the main report.

- f. Misconduct does not include honest error or honest differences in interpretations or judgments of data. If the investigation committee concludes that misconduct occurred, the report should describe the evidence that shows that the respondent acted with intent to commit the misconduct. Specifically, the report should describe any evidence that the respondent knowingly committed the falsification, fabrication, plagiarism, or other conduct that constitutes serious ethical deviation from commonly accepted practices. If the investigation committee concludes that honest error or difference of scientific opinion occurred with respect to any issue, the report should describe the evidence supporting that finding.
- g. All significant pieces of evidence should be referenced in the analysis, and copies of the significant evidence should be appended to the report.

6. Findings

- a. Issues - The report will concisely state the investigation committee's finding for each identified issue. The final investigation report should make separate findings regarding whether each issue constitutes misconduct, using the appropriate definition of "misconduct." See sections II. and IV.A.2. If the investigation committee finds misconduct on one or more issues, the report should identify the type of misconduct for each issue; i.e., "fabrication," "falsification," "plagiarism," or "other practices that seriously deviate from those that are commonly accepted within the scientific or professional community."
- b. Misconduct found under the University's definition but not the PHS definition - The investigation committee may determine that an issue, such as retaliation, that does not constitute misconduct under the PHS definition is, nevertheless, misconduct under the Old Dominion University definition (Section II.K). Any issue that the investigation committee determines to be misconduct under the Old Dominion University definition should be identified as such in an appendix to the report. These findings are not subject to ORI's jurisdiction, if ORI agrees that they do not meet the PHS definition.

- 7. Old Dominion University Response - Based on its findings, the investigation committee will recommend the administrative actions that it believes the

university should take consistent with its policies and procedures, including appropriate actions against the respondent, such as a letter of reprimand, special supervision, probation, or other action. These actions will include, where appropriate, a plan to restore the reputation of any innocent respondent or complainant and to protect good faith complainants against retaliation. The committee may identify any published research reports or professional contributions that should be retracted or corrected based on the finding of misconduct and take steps to assure that journal editors are notified.

8. Summary - The final investigation report should conclude with a detailed and specific summary of the institution's finding for each issue, an overall finding of whether misconduct occurred, and if applicable, the PHS or NSF support for each finding of misconduct under that agency's definition.

B. Standard Format of the Investigation Report

The following outline should be used in preparing the Investigation Report, except when special factors suggest a different approach. The outline should incorporate all of the elements described in section X.A.

1. Overview and Summary of Findings
 - * Separate findings for each issue
2. Funding (Jurisdictional Requirement for PHS or NSF Funding)
3. Background
 - * Chronology of events
 - * Include public health sensitivities
4. List of allegations and other issues identified by the investigation committee
5. Institutional Inquiry: Process and Recommendations
6. Institutional Investigation: Process
 - * Committee members
 - * Individuals interviewed
 - * Evidence sequestered and reviewed
7. Institutional Investigation: Analysis
 - For each issue:
 - * Finding
 - * Background
 - * Analysis of all the relevant evidence and specific identification of evidence supporting the finding

- * Effect of Misconduct (e.g., potential harm to research subjects, reliability of data)
 - * Summary
8. Conclusions and Recommended Institutional Actions
 9. Optional Appendix of X.A.6.b.
 10. Attachments

C. Documenting the Investigative File

1. Index of Evidence - The investigation committee should maintain an index of all the relevant evidence it secured or examined in conducting the investigation, including any evidence that may support or contradict the report's conclusions. Evidence includes, but is not limited to: research records, transcripts or recordings of interviews, committee correspondence, administrative records, grant applications and awards, manuscripts, publications, and expert analyses.
2. Purpose of Documentation - The purpose of the documentation is to substantiate the investigation's findings.
3. 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 research integrity officer will keep the file for three years after completion of the case to permit later assessment of the case. NSF, ORI or other authorized DHHS personnel will be given access to the records upon request.

D. Comments on the Draft Report

1. Respondent - The research integrity officer will provide the respondent with a copy of the draft investigation report for comment and rebuttal. The respondent will be allowed ten days to review and comment on the draft report. The respondent's comments will be attached to the final report. The findings of the final report should take into account the respondent's comments in addition to all the other evidence.
2. 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 should be modified, as appropriate, based on the complainant's comments.

3. General Counsel - The draft investigation report will be transmitted to the general counsel for a review of its legal sufficiency. Comments should be incorporated into the report as appropriate.
4. 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 will establish 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.

E. Institutional 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 actions. 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 case of PHS or NSF funding, this letter will be included in the letter transmitting the report to ORI or the NSF inspector general. The deciding official's explanation should be consistent with the appropriate definition of 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. In the case of PHS-funded research, 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. 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.

F. 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.

G. Time Limit for Completing the Investigation Report

The final investigation report will be completed within 120 calendar days of the first meeting of the investigation committee. In the case of PHS or NSF funding, the report will be submitted to ORI or NSF within these 120 calendar days unless the university submits a written request for extension and the agency grants the extension. All attachments to the final report should be submitted with the report. The research integrity officer should maintain all other evidence and materials for possible agency review.

XI. Institutional Administrative Actions

Old Dominion University will 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, papers emanating from the research, and exhibits or displays where misconduct was found.
- * removal of the responsible person from the particular project, letter of reprimand, or special monitoring of future work.
- * sanctions such as probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment.
- * restitution of funds as appropriate.

XII. Other Considerations

A. Termination of Employment or Resignation Prior to Completing Inquiry or Investigation

The termination of the respondent's employment, by resignation or otherwise, before or after an allegation of possible misconduct has been reported, 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 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.

B. Restoration of the Respondent's Reputation

If the institution finds no misconduct and, if applicable, the ORI or NSF 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 misconduct was previously publicized, or expunging all reference to the misconduct allegation from the respondent's personnel file. Any actions to restore the respondent's reputation must first be approved by the deciding official.

C. Protection of the Complainant and Others

Regardless of whether a determination of misconduct is made or if an agency concurs, the research integrity officer will undertake reasonable efforts to protect complainants who made allegations of misconduct in good faith and others who cooperate in good faith with inquiries and investigations of such allegations. Upon completion of an investigation, the deciding official will determine, after consulting with the complainant, what steps, if any, are needed to restore the position or reputation of the complainant. The research integrity officer is responsible for implementing any steps the deciding official approves. The research integrity officer will also take appropriate steps during the inquiry and investigation to prevent any retaliation against the complainant.

D. Allegations Not Made in Good Faith

If relevant, the deciding official will determine whether the complainant's allegations of misconduct were made in good faith. If an allegation was not made in good faith, the deciding official will determine whether any administrative action should be taken against the complainant.

E. Interim Administrative Actions

The dean of the affected college and the Office of Research will take appropriate interim administrative actions to protect any federal funds involved and ensure that the purposes of the federal financial assistance are carried out.

XIII. Agency Review of the Investigation Report and Follow-up

A. Purpose of ORI or NSF Review

Funding agencies review the final investigation report, the supporting materials, and the deciding official's determinations to decide whether the investigation has been performed in a timely manner and with sufficient objectivity, thoroughness, and competence. Based on its review, the agency may:

1. request additional information;
2. accept all the findings and conclusions of the report;
3. accept all or part of the factual findings of the report and make its own conclusions;
4. request additional investigation;
5. reject the report and conduct its own investigation;
6. impose administrative actions on the respondent beyond those recommended by the institution;
7. refer the case for review of the university's regulatory compliance; or
8. take any other action deemed to be in the public interest and within the agency's authority.

ORI will attempt to complete its review of the institution's report within 180 days of its receipt, except where additional follow-up activities are required, such as an ORI request for additional information or analysis or where further investigation is necessary. NSF will normally assess the accuracy and completeness of an investigation report within 30 days; similarly, NSF will evaluate the procedure, recommend adoption of the findings in whole or in part, or initiate a new investigation.

B. Cooperation with Agency Review

For research they fund, ORI (PHS) and the NSF are authorized to review institutional reports on allegations of misconduct. In reviewing the report, an agency may request additional information or other assistance from the research integrity officer or other university officials. If the university official receiving the ORI or NSF request is unsure how to respond, he or she should consult with the research integrity officer or general counsel. The general counsel may consult with agency counsel prior to advising the university official on how to respond.

C. Request for Additional Documents and Information

The research integrity officer will cooperate with any agency request for additional relevant documents and information by responding to all requests in a timely and responsive fashion. The research integrity officer may consult with the general counsel for advice as needed.

D. Notification of Agency Determination

1. ORI Concurrence - If ORI concurs with the university's findings, ORI will notify the respondent and appropriate university officials in writing and will send the respondent and appropriate university officials a summary or copy of the concurrence and notice of any additional PHS actions. If there is an ORI finding of misconduct, the respondent will be notified of his or her opportunity to appeal to the DHHS Departmental Appeals Board (DAB). See *59 Fed. Reg.* 29809 (1994).
2. ORI Nonconcurrence- If ORI does not concur with the university's findings, ORI will notify the appropriate university official of the basis for that decision. If ORI does not concur with a finding of no misconduct, the university may be requested to conduct a further investigation, either with the same or a different investigation committee, or ORI may conduct its own investigation. In the latter instance, ORI will notify the appropriate individuals of its investigation.
3. NSF Concurrence - If NSF concurs with a university finding of no misconduct, the NSF inspector general will notify the subject of the investigation and the appropriate university personnel. If NSF concurs with a finding of misconduct, in a case in which NSF considers debarment an appropriate disposition, that case will be referred to the debarring official. If NSF concurs in a case in which debarment is not an appropriate disposition, then that case will be referred to the deputy director for a decision on the recommended disposition within 45 days after completion of the investigation; the deputy director may concur, initiate further hearings or investigation, or specify additional actions. An affected individual may appeal the deputy director's decision in writing within 30 days after receiving notification. Otherwise the decision becomes a final administrative action.
4. NSF Nonconcurrence - If NSF does not concur with the university's findings, NSF will notify the appropriate university official of the basis for that decision. If NSF does not concur with a finding of no misconduct, the university may be requested to conduct a further investigation, either with the same or a different investigation committee, or NSF may conduct its own investigation.

E. Cooperation in Appealed Cases

For cases in which ORI concurs with the institution's findings of misconduct under the PHS definition or makes its own finding of misconduct, ORI will request institutional employees to cooperate in presenting ORI findings of misconduct before the DAB if the respondent appeals the findings. Cooperation includes providing evidence, testimony, or any other information needed to assist in the preparation and presentation of ORI's case before the DAB. Institutional employees may consult with the research integrity officer or institutional counsel in responding to ORI's request for cooperation.

XIV. 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 research integrity officer will keep the file for at least three years after completion of the case to permit later assessment of the case. Authorized agency personnel will be given access to the records upon request.

APPENDIX

This appendix summarizes the responsibilities assigned to the deciding official and the research integrity officer. The appendix is a review of the duties assigned to these two officials.

Responsibilities of the Deciding Official

- Determines whether an investigation is warranted
- Determines whether to accept the investigation report
- Determines institutional administrative actions if misconduct is found
- Explains why the institution does not agree with the investigation report in a transmittal letter to ORI or NSF
- Determines institutional administrative actions against "bad faith" complainants
- Informs ORI or NSF that an investigation is not warranted if the agency requested the inquiry

Responsibilities of the Research Integrity Officer

Receipt of Allegations

- Receives allegations of misconduct
- Receives allegations of retaliation
- Receives reports of "bad faith" allegations
- Receives reports of violations of PHS or NSF regulations

Assessment of Allegations

- Conducts preliminary assessment of allegations
- Determines whether an inquiry is warranted
- Refers non-scientific misconduct issues to appropriate institutional or Federal office

Conduct of Inquiry

- Initiates inquiry process
- Notifies appropriate institutional officials, the respondent, and, if necessary, the appropriate agency that an inquiry is underway
- Sequesters research or other relevant records
- May conduct the inquiry in appropriate cases
- Appoints the inquiry official or committee, as required
- Replaces the first challenged person with a qualified substitute and determines whether to replace other challenged persons

- Determines whether additional expertise is needed
- Establishes conditions of confidentiality
- Protects against bias or conflicts-of-interest
- Develops the charge
- Provides the inquiry official or committee with advice on appropriate procedures
- Meets ORI or NSF notification requirements
- Takes appropriate interim administrative actions
- Seeks advice from federal agencies when an admission of misconduct is made
- Determines whether a time extension will be allowed
- Provides a draft report to the respondent
- Provides appropriate portions of the draft report to complainant
- Transmits the final report and comments to the deciding official
- Communicates the decision of the deciding official to the inquiry committee, complainant, and respondent.
- Notifies ORI or NSF if an investigation will be conducted
- Provides the final report and inquiry file to ORI or NSF upon request, if relevant
- Retains all inquiry records
- Reports "bad faith" allegations to the deciding official
- Undertakes reasonable efforts to restore the reputation of cleared respondents
- Undertakes reasonable efforts to protect "good faith" complainants and others who cooperated with the inquiry

Conduct of Investigation

- Notifies the respondent that an investigation will be conducted
- Sequesters additional research records when necessary
- May conduct the investigation in appropriate cases
- Appoints the investigation official or committee
- Replaces the first challenged person and determines whether to replace persons challenged later
- Determines whether additional expertise is needed
- Establishes conditions of confidentiality
- Protects against bias or conflicts-of-interest
- Develops the charge
- Convenes the first meeting of the investigation committee
- Provides the investigation official or committee with advice on appropriate procedures
- Meets ORI or NSF notification requirements, if relevant
- Takes appropriate interim administrative actions
- Seeks advice from federal agencies when an admission of misconduct is made
- Requests an extension if necessary from ORI or NSF and submits progress reports
- Submits plan to terminate an investigation to ORI or NSF
- Provides a draft report to the respondent
- Provides appropriate portions of the draft report to the complainant
- Transmits the final report and comments to the deciding official
- Notifies the respondent and complainant of the institution's findings and actions
- Retains all records of investigation
- Reports "bad faith" allegations to the deciding official

- Undertakes reasonable efforts to restore the reputation of cleared respondents
- Undertakes reasonable efforts to protect "good faith" complainants and others who cooperated with the inquiry

Post-Investigation

- Responds to requests from federal agencies for additional information or assistance during the review process
- Responds to requests from ORI for additional information or assistance during a DAB appeal

Dr. Marty Smith Sharpe, Assistant Vice President for Institutional Research and Assessment, and Dr. Worth Pickering, Senior Research Associate, presented retention and graduation data to the Committee. The number of first-time freshmen retained into the second year has improved to 77%. The number of students graduating in six years is also increasing and is expected to continue to improve. When using a new measure of degrees awarded divided by FTE students rather than the traditional six years after initial entry, Old Dominion's graduation rate looks very good and compares favorably with other institutions in the Commonwealth. The Committee asked for additional information on retention, graduation and student success programs to be presented at the next meeting as well as a written explanation of the measure using degrees awarded and FTE students.

ADMINISTRATION AND FINANCE COMMITTEE

The Rector called on Mr. Hixon for the report of the Administration and Finance Committee. Mr. Hixon reported that the Committee met yesterday afternoon and received briefings on several University initiatives and reviewed the University's unaudited financial statements for the year ended June 30, 2002.

In his report, Vice President Fenning provided a brief update on the opening activities in the Ted Constant Convocation Center between the October 25th ribbon-cutting and Founders' Day Ceremony through the end of December. Men's and women's basketball games will comprise 41% of the events through the end of the year, with 17% in concerts, 14% each in other ODU and miscellaneous events, 11% in family shows and 3% in banquets. He reviewed opening issues that have been or are being addressed, including traffic management, new event procedures, premium seating and scholarships, and establishment of a market niche.

Mr. Fenning also provided an update of University Village initiatives, including the student residences, the shopping center, and office and annex parcel projects. Construction of Phase I of the student residence project comprised of 378 beds and 20,000 S.F. of retail will begin this month with expected completion and occupancy next August. Phase II construction will begin next summer for completion and occupancy in Summer, 2004. The Committee asked about the choice of materials. Vice President Fenning noted that they would be brick and stucco with significant architectural details. Land assembly for the shopping center project

was initiated in November. The University is working with the City on design and site issues and is meeting with possible anchor and other tenants. S.L. Nusbaum has been chosen as the developer for the project and construction is anticipated in Late 2003. Land conveyance for the office and annex parcel projects, which was previously authorized by the Board of Visitors by an earlier resolution, will be facilitated by the inclusion of technical language in the Governor's budget. RFP's to identify potential developers are expected to be issued after the first quarter of 2003. The City is also working with the University on "edge management" issues in the Highland Park neighborhood east of the Village and Hampton Boulevard frontage from the University south to the 21st Street underpass. Reverend Paige noted the importance of these efforts and suggested that the University play a major role in promoting the application of sound land use controls and other development measures.

Vice President Fenning also reviewed the current capital planning and master plan update process, the methodology used to determine current and projected space needs in support of the University's mission and the timetable established. The process began earlier this fall and will continue through the winter and early spring, with a presentation to the Administration and Finance Committee at its meeting next April. Mr. Fenning then reviewed the capital projects included for ODU in the General Obligation Bond referendum. He discussed the phasing plan for the projects submitted by the University in September. The actual implementation schedule for the projects will be announced on January 15th when Governor Warner submits his plan to the money committees of the General Assembly. Prior projects, including a group of "jump start" projects (none of which are ODU projects), will take precedence over the General Obligation Bond projects. However, the University anticipates funding for the planning/design of its top priority projects, as well as construction funding for the Chemistry Lab Renovation project, in the upcoming fiscal year. Advance planning for the Technology Building, the Physical Science Building, and the Batten Arts & Letters Building projects is either underway or will be shortly.

Vice President Fenning concluded his report with an update on the budget reduction process. He noted that employee layoffs under the reduction plan were implemented and budget reductions were completed by November 30th. Financial aid is being provided to the neediest students to help offset the tuition surcharge implemented for spring semester courses. The administration is initiating longer term reduction projects and has delayed the internal operating budget process until early 2003 in anticipation of the Governor's budget announcement on December 20th.

Rusty Waterfield, Assistant Vice President for Computing and Communications, provided a brief overview of the institution's IT environment and reviewed a number of internal and external IT-related projects and policies that will substantially impact upon the current environment, including statewide initiatives such as eVA - an electronic procurement system - and more centralized IT procurement and management. The Committee strongly suggested that the University's efforts to develop code for the eVA interface with the University's ERP system be recognized and the University receive appropriate compensation. Assistant Vice President Waterfield also discussed the University's potential role in Internet 3 and the development of a Hampton Roads regional high speed computing grid.

Within the University, the University Advisory Committee on Technology has been focusing upon several strategic enhancements to the IT environment, including the administrative support areas of the campus. The Committee's subcommittee for E-Business, chaired by Ms. Ann Tatman, Acting Director of Administrative Services, is defining a preferred e-business environment to better support the needs of students, faculty and staff. Ms. Tatman briefed Committee on the new Campus Portal initiative and several other initiatives scheduled for implementation. The Committee requested that it be kept informed of the progress of the Portal and measures of its cost effectiveness.

Mr. William R. Fisher, University Controller, reviewed the Unaudited Financial Statements for the fiscal year ending June 30, 2002. Mr. Fisher described the new mandated governmental financial reporting requirements (GASB 34 & 35) enacted by the Governmental Accounting and Standards Board which impact upon the preparation of financial statements. Under the new requirements, all financial statements are now presented on an entity-wide basis and not by major fund groups as was done previously, and depreciation expense is now recognized. The financial statements include a statement of net assets, a statement of revenues, expenses and changes in net assets, and a statement of cash flows.

The University's net assets decreased by \$153.9 million due principally to the GASB requirement to reflect "catch up" depreciation of capital assets of \$157.7 million. There was an actual increase of net assets by \$3.8 million prior to recording depreciation. The Statement of Cash Flows illustrate the in-flow and out-flow of operating, non-operating and capital funds. Since the new GASB standards have impacted upon the comparability of previous financial statements, Mr. Fisher also presented a Balance Sheet which compared the 2000-2001 fiscal year with the 2001-2002 fiscal year with the impact of depreciation shown in both.

Mr. Fisher reviewed selected performance ratios established by the National Association of College and University Business Officers. The net investment in plant to plant debt represents the equity to debt ratio. The standard for higher education is 3 to 1; Old Dominion's ratio was 3.46 to 1. The credit worthiness ratio represents available assets to general liabilities. The higher education standard is 2 to 1; Old Dominion's ratio was 2.3 to 1 for fiscal year 2002.

Mr. Ron Tola, Assistant Vice President for Facilities, reported on the Convocation Center and parking deck construction in the University Village, construction of the Engineering and Computational Sciences Building and Maglev, and reviewed the projects supported by the General Obligation Bond Referendum.

The Committee received an investment report from Richard Massey, Foundations Manager, and then reconvened in closed session for the purpose of reviewing certain departments of the university with the internal auditor. Following closed session, the committee reconvened in open session and no action was taken.

Mr. Hixon moved the acceptance of his report. The motion was unanimously approved by all members present and voting. *(Cheng, Croshaw, Graeber, Haddad, Hixon, Kelley, Lechler, Maniyar, Mugler, Stallings, Wagner, Woolsey)*

INSTITUTIONAL ADVANCEMENT COMMITTEE

The Rector called on Mr. Maniyar for the report of the Institutional Advancement Committee. Mr. Maniyar reported that Ms. Lisa Murray, Director of Corporate and Foundation Relations, reported on the Kresge Foundation proposal and strategy. Vice President Broderick led the committee from Webb Center to the new Connie and Marc Jacobson Welcome Center at the Ted Constant Convocation Center. The new Welcome Center now serves as the starting point for all admissions-related tours and offers visitors ample and accessible parking, something that was not available in the previous location.

Vice President Broderick also informed the committee that, three times in the last 30 days, Old Dominion University faculty members have been prominently quoted in lead stories in *USA Today*.

Vice President Broderick presented to the Committee, in accordance with University Bylaws, a full listing of all University Boards and their membership rosters.

Mr. Broderick introduced Mr. Rob Lockridge, an Old Dominion University alumnus and chair of the statewide campaign/colleges and universities for the 2002 higher education general obligation bond referendum. Mr. Lockridge provided a summary of the campaign, including lessons learned that are important to the future of higher education. Mr. Lockridge also praised the extraordinary efforts of Vice President Broderick and Ms. Elizabeth Wallace, Governmental Relations Coordinator, on behalf of the bond referendum for the Hampton Roads Region.

Ms. Alice McAdory, Director of Admissions, talked about the Welcome Center and how it benefits the Office of Admissions regarding presentations, parking, and as a place for greeting prospective students and their parents. Ms. McAdory introduced Lakeisha Phelps and Erin Wendell, Senior Admissions Counselors, who showcased the typical presentation given to prospective students and parents.

Vice President Broderick announced that quarterly licensing royalties are up 20%. He also noted that in April 2002 there were three retail outlets carrying Old Dominion University merchandise. As of today, there are 17 retail outlets in 26 different locations carrying ODU products.

Mr. Maniyar moved the acceptance of his report. The motion was unanimously approved by all members present and voting. *(Cheng, Croshaw, Graeber, Haddad, Hixon, Kelley, Lechler, Maniyar, Mugler, Stallings, Wagner, Woolsey)*

Mr. Stallings indicated that he had received a letter from a former law school classmate who commented on the wonderful treatment his son received when he visited Old Dominion University.

STUDENT ADVANCEMENT COMMITTEE

The Rector called on Mr. Wagner for the report of the Student Advancement Committee. Mr. Wagner reported that the Committee reviewed the University's athletic programs. The Intercollegiate Athletics Program is based on the principal of "selective excellence." Old Dominion participates in only a small percentage of the total number of Division One programs found on the campuses in the country. The vision of the University is to provide sufficient resources for each intercollegiate team to be competitive - some at the national level and some at the regional level.

The greatest number of "student athletes" participate at the club sport and intramural level. Club sports provide students with the opportunity for competitive opportunities in approximately 20 sports each year, some at the inter-institutional level. Intramural athletics provide athletics activities for thousands of students annually in sports ranging from basketball, flag football, volleyball and softball to ultimate Frisbee. These opportunities are available for students of all ages, genders and for co-rec participants.

There are also opportunities for those who want to improve physical fitness or participate in informal programs for runners, swimmers, weight lifters those of us who want to run the treadmill, or in other activities like horseshoes, billiards, or bowling. There are also similar opportunities for the disabled.

Representatives of the 900 Monarch Maniacs visited with the Committee and gave T-shirts to committee members.

Mr. Wagner moved the acceptance of his report. The motion was unanimously approved by all members present and voting. *(Cheng, Croshaw, Graeber, Haddad, Hixon, Kelley, Lechler, Maniyar, Mugler, Stallings, Wagner, Woolsey)*

OLD/UNFINISHED BUSINESS

The Rector asked the Board's apology for failing to call a meeting of the Bylaws Review Committee to consider revisions to the Bylaws and Policies, and stated that he will do so between now and the next regular meeting. Ms. Haddad made a motion that the issue will continue to be tabled. The motion was seconded by Mr. Kelley and unanimously approved by all members present and voting. *(Cheng, Croshaw, Graeber, Haddad, Hixon, Kelley, Lechler, Maniyar, Mugler, Stallings, Wagner, Woolsey)*

Ms. Marsh congratulated the Offices of Student Services and Athletics for their efforts in assembling the 900-strong Monarch Maniacs. She also commented on the service projects being conducted by various student groups on campus.

NEW BUSINESS

The Rector asked if there was any new business to come before the Board. Mr. Stallings commented on his continued interest in discussing the issue of football. He received an informative report from Drs. Hager and Jarrett . He asked anyone who is interested in helping him generate interest and financial support to let him know.

The Rector reminded the Board members of the retreat scheduled for January 31 from 9 AM to 5 PM. President Runte said that there is also a basketball game that evening.

With no further business to be discussed, the meeting adjourned at 4:25 p.m.