

CHAPTER 6 – ACADEMIC INTEGRITY

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Chapter 6 – Academic Integrity

{FACULTY, STUDENT, AND INSTITUTIONAL RIGHTS AND RESPONSIBILITIES FOR ACADEMIC INTEGRITY ([BOR III-1.00](#))}

Integrity is a principle which permeates all the activities of the university and guides the behavior of faculty, students and staff. The principle of academic integrity is manifested in a spirit in which truth is pursued, in a process by which students learn about the concept of integrity, and in a procedure for determining individual accountability for the standard of integrity.

The *spirit* of academic integrity denotes adherence to the precept that "one's work is one's own." The *process* by which integrity is upheld assumes clear communication of university expectations, standards, and policies and clear communication of student's and faculty's rights and responsibilities. The *procedure* is grounded in commitment to the protection of individuals' rights.

Policies which are marked SU represent the university's unique perspective on the classroom and related responsibilities of the faculty that have been developed by the faculty independent of the University System of Maryland and as an expression of faculty commitment to the university as a teaching institution.

A. Faculty's Rights and Responsibilities

1. Faculty members share with students and administrators the responsibility of academic integrity. Faculty members enjoy freedom in the classroom to discuss all subject matter reasonably related to the course. In turn, they have responsibility to encourage students' free and honest inquiry and expression. Consistent with the principles of academic freedom, faculty are responsible for presenting courses that are consistent with their descriptions in the Salisbury University catalog.
2. Faculty members are obligated to evaluate students fairly, equitably and in a manner appropriate to the course and its objectives. Grades must be assigned without prejudice or bias. If there is a need to change a grade, a faculty member submits a Change of Grade form to the registrar. This form may be obtained from the Registrar's Office and must be signed first by the department chair and the dean before it is submitted.
3. Faculty members shall make all reasonable efforts to prevent the occurrence of academic dishonesty by appropriately designing and administering

assignments and examinations, carefully safe guarding course materials and examinations and regularly reassessing evaluation procedures. If faculty suspect instances of academic dishonesty, they have a responsibility to take appropriate action in accordance with Salisbury University's Academic Integrity Policy.

B. Students' Rights and Responsibilities

1. Students share with faculty members and administrators responsibility for academic integrity. They have right of free and honest inquiry and expressions in their courses, and the right to know course requirements, evaluation, and grading procedures. Students have the obligation to complete course requirements in the time and manner prescribed by their teachers and to submit their work for evaluation.
2. Students have the right to be evaluated fairly, equitably and in a timely manner appropriate to the course and its objectives. When students believe they have not been fairly evaluated, they may appeal such evaluations according to the procedures detailed in Salisbury University's Policy on Review of Alleged Arbitrary and Capricious Grading.
3. Students must not submit as their own work any which has been prepared by others. Students may have appropriate assistance in the preparation of their work from librarians, tutors, typists or others as specified or approved by the appropriate faculty member.

The following defines academic misconduct at Salisbury University.

Academic Misconduct, a breach of academic integrity, may include but is not limited to the following:

- a. Plagiarism: presenting as one's own work, whether literally or in paraphrase, the work of another.
- b. Cheating on exams, tests and quizzes: the wrongful giving or accepting of unauthorized assistance, the giving or taking of unauthorized exam material, and/or the use of illegitimate sources of information.
- c. Illicit collaboration with other individuals in the completion of course assignments.
- d. The use of fraudulent methods in laboratory, studio, field work or computer work.

- e. Other acts generally recognized as dishonorable or dishonest which bear upon academic endeavors.

4. Students shall make all reasonable efforts to prevent academic dishonesty. They shall encourage academic integrity by their own example and shall not engage in acts of academic misconduct. When students expect instances of academic dishonesty they have the right and responsibility to bring this to the attention of the faculty or other appropriate authority.

C. Institutional Responsibilities

1. Salisbury University is committed to fostering academic integrity by ensuring implementations of the procedures described in this policy.
2. Students who are expelled or suspended from Salisbury University for reasons of academic dishonesty are not admissible to any other University System of Maryland if expelled or during any period of suspension.

Revised December 1997

{STUDENT ACADEMIC MISCONDUCT (SU)}

Integrity is a principle that permeates all the activities of the University and guides the behavior of faculty, students and staff. The spirit of academic integrity denotes adherence to the precept that “one’s work is one’s own.” The process by which integrity is upheld assumes clear communication of University expectations, standards and policies and clear communication of students’ and faculty’s rights and responsibilities. This policy applies to both undergraduate and graduate students.

Definitions

This policy is intended to foster student academic integrity and to address cases of student academic misconduct which may include, but are not limited to, the following:

Lying

Communicating untruths or withholding information as part of an investigation, or in order to gain an academic advantage.

Cheating

The act of wrongfully using or attempting to use unauthorized materials, information, study aids or the ideas or work of another in order to gain an advantage. Acts of cheating include but are not limited to:

- giving unauthorized aid to another student or receiving unauthorized aid from another person on tests, quizzes, assignments or projects;
- using or consulting unauthorized materials or using unauthorized equipment or devices on tests, quizzes, assignments or projects;

- submitting as one’s own work material written by someone else, whether purchased or not;
- altering or falsifying any information on tests, quizzes, assignments or projects;
- working on any project, test, quiz or assignment outside of the time constraints imposed;
- submitting an assignment in a somewhat altered form or using any material portion of a paper or project to fulfill the requirements of more than one course unless the student has received prior faculty permission to do so;
- failing to adhere to an instructor’s specific directions with respect to the terms of academic integrity or academic honesty;
- using fraudulent methods in laboratory, studio, field, computer work or professional placement;
- other acts generally recognized as dishonorable or dishonest which bear upon academic endeavors.

Misappropriation of Course-Based Intellectual Property

Lectures delivered by faculty in class, as well as course materials faculty create and distribute, are protected by federal copyright law as their original work. Misappropriation of intellectual property is the act of intentionally taking the intellectual property of faculty or others, and/or the sale or distribution of class notes, tests, assignments or class projects for profit, either directly or through a third party, without the express consent or permission of the faculty member or lecturer, or without documentation to demonstrate the need for such accommodations. Such property includes, but is not limited to class notes, tests, assignments, class projects or other academically related work. All academic work undertaken by a student must be completed independently unless instructed otherwise by a faculty member or other responsible authority.

Plagiarism

Students are responsible for learning proper scholarly procedures which require that all quoted material be identified by quotation marks or indentation on the page, and the source of information and ideas, if from another, must be identified and be attributed to that source. Acts of plagiarism include but are not limited to:

- intentionally or unintentionally deceiving or disregarding proper scholarly procedures;
- participating in illicit collaboration with other individuals in the completion of course assignments;
- presenting information, thoughts or ideas from another source as if they are your own, or without giving appropriate attribution;
- other acts generally recognized as plagiarism.

Procedures

The following procedures are intended to provide direction to all parties (e.g., faculty and students) regarding the appropriate steps necessary to initiate and administratively adjudicate a reported act of academic misconduct. While the steps are designed with most case and/or situation types in mind, the Office of Academic Affairs and the Academic Policies Committee reserve the right to modify the process to best accommodate special situations or circumstances as necessary.

Course-based Faculty Action

Individual faculty members will, in most cases, have the right and responsibility to deal directly with any cases of academic misconduct that arise in their courses. If a faculty member believes a student has committed an act of academic misconduct, the following procedures should be followed:

1. Advise Student - The faculty member will advise the student in a timely fashion of the accusation and will allow the student an opportunity to question or respond to the charge before implementing a sanction.
2. Determine Sanction - The sanction issued should reflect the seriousness of the act. The faculty member may impose the following sanctions:
 - a. warning
 - b. reduction in grade recorded for a test, assignment, etc.
 - c. issuance of an F on test, assignment, etc.
 - d. issuance of an F and removal from a course

If the faculty member determines that the academic misconduct warrants a sanction greater than issuance of an F and removal from the course or if the professional program determines that the academic misconduct warrants action more severe than dismissal from a program (see Dismissal from Professionally Accredited Programs), the faculty member or professional program may recommend a greater sanction (e.g. suspension or expulsion from the University) for consideration by the Academic Policies Committee (APC). To recommend suspension or expulsion as a sanction, the faculty member or professional program must submit to the Office of Academic Affairs a letter of recommended sanction and letters of endorsement from the Chair of the department or program involved and the Dean of the School for review and consideration by the Academic Policies Committee. A copy of all such referrals must be sent to the student.

3. Complete Report - The faculty member must complete an Academic Misconduct Incident Report (Appendix S) form (available in the Faculty Handbook and online at (<http://www.salisbury.edu/provost/AcademicMisconductIncidentReportfrm.doc>) for any incident in which a sanction has been issued or recommended, including a warning sanction. This form and all materials or documents that may be pertinent to the Academic Misconduct Incident (e.g. correspondence, copy of assignment/test, etc.) must be sent in a timely manner to the Office of Academic Affairs.
4. Maintain Records – All materials or documents that may be pertinent to an act of Academic Misconduct (e.g. Academic Misconduct Incident Report, correspondence, etc.) will be retained in the Office of Academic Affairs for a period of five years. This provides a long-term central location of Academic Misconduct sanctions which is important for reviewing repeat offenders.

5. Repeat Offenders – The Office of Academic Affairs will forward the names of students who have been reported for more than one act of academic misconduct to the APC. Based on the severity of the offender history, the Academic Policies Committee may elect to impose additional sanctions which may include but are not limited to suspension or expulsion from the university.
6. Communication – The Office of Academic Affairs will send a copy of the Academic Misconduct Incident Report and an official letter outlining the sanction to the student, faculty member, faculty's Department Chair, student's major Department Chair, Registrar's Office, and Dean of Students.

Dismissal from Professionally Accredited Programs

The sanction of dismissal from a professional accredited program (i.e., M.B.A., Nursing, Social Work, Education, etc.) based on an academic misconduct incident may be issued at the departmental level but must follow a clearly stated program policy and procedure that has been made available to students. The program must submit an Academic Misconduct Incident Report and a copy of the program dismissal letter to the student and the Office of Academic Affairs within 10 working days from any dismissal action taken. A copy of all materials or documents associated with the professional program dismissal including, but not limited to, the Academic Misconduct Incident report form, correspondence, etc., should be forwarded to the Office of Academic Affairs, the Dean of the school within which the program resides, and must also be retained in the department central office for a period of five years.

Student Appeals of Faculty or Professional Program Sanctions

A student has the right to appeal an Academic Misconduct sanction issued by a faculty member or professional program, but must follow the following procedures:

1. *Submit An Appeal* - A student appeal, including a detailed statement of the grounds for the appeal and any supporting documentation, must be submitted in writing to the Office of Academic Affairs within five working days of receiving the Academic Misconduct Incident Report from the Office of Academic Affairs and/or faculty member.

The student's written appeal ordinarily will be forwarded to the Academic Policies Committee by the Office of Academic Affairs within a reasonable time of its filing, usually within ten working days. In the event the Academic Policies Committee is not available, the Office of Academic Affairs will forward the appeal to the Provost, who will attempt to create an ad hoc committee to handle the review as soon as practicable. (All further references in this policy to the Academic Policies Committee include the ad hoc committee where appropriate.)

The Office of Academic Affairs will send a copy of the student appeal to the faculty member or program director and the faculty member's department chair. The Office of Academic Affairs will request from the faculty and/or

professional program a copy of all documents used to determine the sanction and any additional correspondence or documents pertinent to the case.

2. *Continue Coursework* - In most cases, the student shall remain in the course pending the results of the appeal; charges related to incidents occurring in the field may result in immediate removal or reassignment in the field. The department chair, the program director and/or the Academic Dean have the discretion to remove the student from the course, from concurrent courses, and /or prevent enrollment in future courses pending the appeal decision where appropriate and where course continuation compromises the integrity of the classroom or instructional environment and will inform the Office of Academic Affairs at the time of this decision.

Academic Policies Committee Actions

Under this policy, the Academic Policies Committee serves to consider student appeals of faculty-imposed and professional program-imposed sanctions, adjudicates cases referred by faculty members where the recommended sanction may include suspension or expulsion from the University, and considers additional sanctions above and beyond faculty imposed sanctions in cases of repeat offenders. For appeals of faculty-imposed and professional program-imposed sanctions, the APC's scope of review will be limited and the student shall have the burden to prove that the faculty member or professional program exceeded their given authority and/or discretion and/or materially failed to follow proper procedures.

In all matters referred to the Academic Policies Committee, the committee will review all documentation and will have the following options:

- render a written decision based on the evidence submitted, or
- render a written decision based on further investigation, or
- initiate a formal hearing and render a written decision.

1. *Review of Evidence* – A written decision may be determined based on the documents and materials submitted with the appeal.
2. *Investigation* – A written decision may be determined based on a series of interviews, a review of documents, and any other action deemed appropriate for the purpose of collecting additional information and evidence necessary for an informed and reasoned judgment to be rendered.
3. *Hearing* - A hearing shall be held when a student appeals the dismissal from a program, a faculty member or professional program recommends suspension or expulsion from the University, or if the APC chooses to hold a hearing in any other case. If a hearing is to be held, written notice of the time, date and location shall be sent to all parties. The hearing shall be conducted as follows:

- The hearing shall be held at a reasonable time when all parties (to the extent possible) are available or have an opportunity to be present.
- The parties shall be entitled to make opening and closing statements.
- The parties shall be entitled to present evidence through witnesses and documents, and shall be entitled to question witnesses. At the discretion of the Chair, direct questioning by a party of a witness, including an opposing party, may not be permitted; rather, the parties may be required to convey their questions to the Chair, who will then convey them to the witness.
- The scope of any hearing conducted by the APC on any given matter shall be consistent with the role of the APC in reviewing such matter.
- Students are permitted to seek the support of a non-legal advocate for assistance in the preparation and presentation of a case before the Academic Policies Committee. The advocate shall otherwise not participate formally in the proceedings. In all cases, the advocate must be a member of the University faculty, staff, or student body.
- Neither party may be represented by an attorney at the hearing, unless they are facing or are likely to face criminal charges relating to the alleged academic misconduct. Under these circumstances, both parties may elect to have counsel assist them. Under such circumstances the university legal counsel must also be present. Legal counsel may not give opening or closing statements, present documents, or question witnesses.
- The hearing shall be closed with attendance limited to individuals directly connected with the case as determined by the Chair of the Academic Policies Committee.
- Formal rules of evidence need not be followed at the hearing. The hearing body may receive such evidence as a reasonable person would consider reliable in making important decisions. If a question arises about the authenticity of a document or the reasonableness, relevance or redundancy of evidence, the Chair of the Academic Policies Committee shall be the final decision maker on the admissibility of the evidence.
- The parties may request, in writing, that the committee contact specified persons to appear at the hearing to testify on behalf of the parties. The request should normally be made at least five working days before the scheduled hearing in order to allow ample time for the hearing body to make the requests.
- The Chair of the Academic Policies Committee shall be responsible for conducting the hearing in an efficient and decorous manner and shall rule on all

disputes related to the procedures used throughout the proceedings. The chair may set reasonable limits on the length and nature of the opening and closing statements, the evidence presented and on the duration of the hearing. At any time, the Chair may seek the advice of legal counsel. Since the University lacks full judicial authority, such as the power to subpoena or place witnesses under oath, a student's due process rights cannot be coextensive with or identical to the rights afforded the accused in a civil or criminal legal proceeding. The procedures outlined are designed, however, to assure fundamental fairness and to protect students from arbitrary or capricious disciplinary action. Deviations from these procedures shall not necessarily invalidate a hearing or the results of a hearing unless significant prejudice results.

4. *Findings* - After the Academic Policies Committee has completed its review, it shall issue a written decision based on findings of fact and conclusions, usually within three to five days, and shall provide a copy of the findings to the student, faculty member, program director, department chair, dean of the school, Registrar and Office of Academic Affairs. All parties must abide by these findings unless they are modified by the Provost as part of a limited appeal process in the circumstances outlined in the appeals section of this policy.

Appeals from Academic Policies Committee Findings

For student appeals of faculty imposed sanctions the decision of the Academic Policies Committee is final. For sanctions imposed by the APC (e.g. suspension or expulsion from the university or additional sanctions imposed by the Academic Policy Committee for repeat offenders) and committee findings of sanctions imposed by a professional program (e.g. dismissal from the program), the student or the professional program may appeal the Committee's findings to the Provost. Appeals must be filed within five working days of receiving notice of the committee's decision. The written appeal must be filed with the Provost and should set forth all of the reasons that support reversal of the committee's findings. The Provost will review the written appeal and the documentation associated with the case. The Provost has the discretion to take any action necessary to thoroughly complete a review, and then will issue a decision, which will be binding and final. The decision will be conveyed in writing to the student, the faculty member, department chair, dean of the school, Registrar, the Office of Academic Affairs and the Academic Policies Committee.

Impact of an Academic Misconduct F Grade

If the sanction imposed is an F in the course, the student shall not be permitted to withdraw from the course even if the sanction was imposed prior to the last day of the University schedule adjustment period. The imposition of an F grade shall stand for the course, unless the student successfully appeals the sanction.

Although students can repeat courses, a course repeated based on an imposed F grade for an act of academic misconduct will have both grades calculated in the student's GPA and not

replaced as it is under normal circumstances. The sanction of an F in a course will not be designated on the transcript as an academic integrity F unless it is an action determined by the Academic Policies Committee for an academic integrity violation repeat offender. A student who has received a course grade of F for an academic integrity violation will not be allowed to graduate from the University with honors.

University System of Maryland Policy

In accordance with Board of Regents policy, students expelled or suspended for reasons of academic dishonesty by any institution in the University System of Maryland shall not be admissible to any other System institution if expelled, or during any period of suspension.

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{MISCONDUCT IN SCHOLARLY WORK (BOR III-1.10)}

The inherent requirement for integrity in the quest for knowledge and in the creation of scholarly and artistic works is fundamental to the academic purpose. Deviations from the proper conduct of scholarly work erode the public's confidence in science, in scholarship and in institutions of higher education. Salisbury University expects that the highest ethical standards as well as compliance with public laws and regulations will prevail in the conduct of its activities. The University considers misconduct in scholarly work by any of its employees a breach of contract. Accordingly:

1. It is the policy of Salisbury University to maintain high ethical standards in science and other scholarly work, to prevent misconduct where possible, and promptly and fairly to evaluate and to resolve instances of alleged or apparent misconduct.
2. It is the policy of Salisbury University to terminate the employment and/or to take other disciplinary action against any individual found guilty of misconduct.
3. It is the policy of the Salisbury University to award no degree if misconduct in science or other scholarly work contributed to that degree, and when warranted, to revoke such a degree if misconduct is discovered after its award.

The policy applies primarily to faculty, staff, and student research, scholarly writing, and the creation of works of art. It is not intended to address issues, such as the conduct of students in examinations and in fulfilling course requirements, which are covered by other policies.

Procedures Handling Cases of Misconduct in Scholarly Misconduct

Allegations of student scholarly misconduct as described in the Salisbury University Policy on Misconduct in Scholarly Work will be lodged in writing with the Academic Policies Committee for investigation and hearing. The Academic Policies Committee shall follow the procedures described in the Policy on Student Academic Integrity.

Allegations of faculty scholarly misconduct as described in the **Salisbury University Policy on Misconduct in Scholarly Work** will be filed in writing with the Academic Policies Committee. The Academic Policies Committee shall investigate and hear such allegations, make findings of fact based upon the merits of the allegations and will provide a recommendation to the president as set forth in subparagraph **C.7** of the **Salisbury University Policy on Appointment, Rank and Tenure of Faculty**.

Allegations of administrative staff scholarly misconduct as described in the **Salisbury University Policy on Misconduct in Scholarly Work** will be filed with the provost. The provost will investigate and hear such allegations, make findings of fact based upon the merits of the allegations and forward the same to the president for disposition under the **Salisbury University Policy on Misconduct in Scholarly Work**.

{CONFLICTS OF INTEREST IN RESEARCH OR DEVELOPMENT ([BOR III-1.11](#))}

In the matter of conflicts of interest in research or development, Salisbury University operates under **BOR III-1.11 UNIVERSITY SYSTEM OF MARYLAND POLICY ON CONFLICTS OF INTEREST IN RESEARCH OR DEVELOPMENT** which appears below and following is Salisbury University's procedures on conflicts of interest in research or development per **section III.A**.

BOR III – 1.11 – Conflicts of Interest in Research and Development

I. Introduction

Maryland law encourages public senior higher education institutions to promote economic development in the State and to increase their financial resources through arrangements with the private sector, including collaborative research and development, commercial application of institution-owned intellectual property, and provision of technical assistance. To facilitate these purposes, the Maryland Public Ethics Law allows for the exemption of the University System of Maryland personnel from some of that law's conflict of interest provisions. This policy establishes the essential elements of the procedures, to be adopted by each System institution for obtaining such exemptions.

II. Policy

- A. A present or former official or employee of a constituent institution of the System, USMA, UMBI, or CEES may have a relationship (as defined herein) with an entity engaged in research or development, or an entity having a direct interest in the outcome of research or development, which relationship would be otherwise prohibited by the conflict of interest provisions of the Ethics Law, if such a relationship is disclosed and approved by the president of the educational institution in accordance with the institution's faculty conflict of interest procedures developed pursuant to this policy.
- B. The chancellor, a vice chancellor, a president, or a vice president or one holding a similar such position may have such a relationship only if the Board of Regents makes the following findings:
 1. that participation by, and the financial interest or employment of, the official is necessary to the success of the research or development activity; and
 2. that any conflict of interest can be managed consistent with the purposes of relevant provisions of the Public Ethics Law.

The Board shall promptly notify the State Ethics Commission in writing of any approval given under this paragraph. In the event that the Commission disagrees with any approval and provides notice to the Board within 30 days of the Commission's receipt of notice of the approval, the Board shall reexamine the matter. The Board shall adopt procedures for handling requests for approvals under this paragraph.

- C. If the above conditions are not met, this policy does not exempt a former or present official or employee from any of the provisions of the State Ethics law.
- D. Nothing in this policy allows an exemption on the part of any official or employee of the System from the provisions of the **Section 15-505** ("Solicitation or acceptance of gifts of honoraria") of the State Government Article. Further, an official or employee of the System may not (1) represent a party for contingent compensation in any matter before the Board of Regents or before the State's Board of Public Works, or (2) intentionally misuse his or her position with the System for personal gain or for the gain of another person.
- E. The approval of a relationship under this policy does not relieve the official or employee from the obligation to comply with other System and institution policies, including the System Policy on Professional Commitment of Faculty.

- F. The chancellor is encouraged to consult periodically with the Maryland Department of Business & Economic Development and with Federal agencies that regulate federally-funded research concerning the implementation of this policy.

III. Procedures

- A. Each institution and the USMA shall develop procedures based on the above policy and purposes of the Maryland Public Ethics Law as stated at **Section 15-101** of the State Government Article of the Maryland Annotated Code. The procedures shall be approved by the Office of the Attorney General and approved as to conformity with Maryland Public Ethics Law by the State Ethics Commission. The approved procedures shall be filed with the Office of the Chancellor.
- B. Procedures shall:
 - 1. Require timely disclosure of any relationship. The disclosure shall be filed with the State Ethics Commission, and maintained as a public record at the institution.
 - 2. Subject to paragraph (5), require review of all disclosed relationships by a designated official who shall determine what further information must be disclosed and what restrictions shall be imposed in order to manage, reduce, or eliminate any actual or potential conflict of interest. The designated official shall also determine whether or not the disclosed relationship represents a harmful interest, as defined herein. If so, approval shall not be granted.
 - 3. Include guidelines to ensure that relationships do not improperly give an advantage to entities with which the relationships exist, lead to misuse of institution students or employees for the benefit of such entities, or otherwise interfere with the duties and responsibilities of the official or employee maintaining the relationship.
 - 4. Subject to paragraph (5), require that each relationship be approved or disapproved by the president of the institution, with such determination to be the final decision.
 - 5. Require that any relationship maintained by the president or provost, by the chancellor or a vice

chancellor, and by one holding any other position designated by the Board of Regents be approved only by the Board of Regents.

IV. Reporting

Institutions shall submit to the chancellor in a format determined by the chancellor a quarterly report which shall include all approvals granted under this policy. The Board of Regents shall report to the governor, the Legislative Policy Committee of the General Assembly, and the State ethics commission, the number of approvals granted under this policy and how this policy and the procedures adopted pursuant to it have been implemented in the preceding quarter.

V. Definitions

- A. "Harmful interest" means an interest which is found to be so influential as to imply partiality in the conduct of the research, the interpretation of the results of the research, and/or the determination of research or other professional and employment priorities.
- B. "Institution" as used in this policy means each constituent institution of the System, University System of Maryland Administration, the University of Maryland Biotechnology Institute, the Center for Estuarine & Environmental Studies, and any other Unit of the System that the chancellor shall designate.
- C. "Relationship" means any interest, service, employment, gift, or other benefit or relationship with an entity that would be prohibited by **Title 15, Subtitle 5** of the State's Public Ethics Law if not disclosed and approved pursuant to this policy and procedures adopted pursuant to it. "Relationship" includes any relationship of the spouse or other relative of an officer or employee if such a relationship creates restrictions on the officer or employee under the conflict of interest provisions of the Ethics Law.
- D. "Research or development" means the basic or applied research or development, and includes the development or marketing of university-owned technology, the acquisition of services of an official or employee by an entity for research and development purposes, or participation in State economic development programs. (**See Appendix H, Conflict Exemption Disclosure Form**)

Salisbury University's Procedures on Conflicts of Interest in Research or Development*

I. Definitions

A. Unit Head

The unit head is the chair of an academic department or a similar official in a non-academic unit, unless a different individual is designated by proper authority.

B. Relationship

The term "relationship" includes any interest, activity, service, employment, gift, or other benefit or relationship with an entity not part of State government that would be prohibited by State Ethics Law if not disclosed and approved pursuant to Salisbury University and Board of Regents policy and these procedures. An interest or relationship of the spouse or other relative (*e.g.*, parent, child, or sibling) of an officer or employee is included if it would create restrictions on the officer or employee under the conflict of interest provisions of the State Ethics Law¹⁵.

C. Research or Development

The term "research or development" means basic or applied research or development, and includes the development or marketing of University-owned technology, the acquisition of services of an official or employee by an entity for research and development purposes, or participation in State economic development programs.

II. Reporting Procedures

All university employees are required to report outside activities and potential conflicts of interest through two means.

First, they must provide to their unit heads timely disclosure of any commitment that involves a conflict of interest or the perception of a conflict of interest. This disclosure should be

¹⁵ Among other things, State Ethics Law generally prohibits University employees from having financial interests in or employment relationships (including consulting) with entities under the authority of the University or which have or are negotiating contracts or subcontracts with the University. Other employment relationships (including consulting) prohibited under State Ethics Law include those which would impair the impartiality or independent judgment of the employee and those involving an entity which is a party to a State contract (greater than \$1000) if the employee's duties include matters which substantially relate to the subject matter of the contract. State Ethics Law also prohibits State employees from: participating in matters in which they (or certain family members or business entities) have an interest; soliciting and accepting gifts; using the prestige of their office or confidential information for private gain; and representing parties in State matters for contingent compensation. The conflict of interest provisions of Maryland State Ethics Law are codified in Title 15, Subtitle 5 of the State Government Article of the Annotated Code of Maryland. (To find this online, go to <http://mlis.state.md.us/#stat> and click on Maryland Code Online.

made before any such commitment is finalized. This mechanism provides a timely opportunity to protect both the University and the individual from adverse consequences that conflicts of interest can produce.

Second, employees must complete an Annual Report on Outside Professional Activities, which provides appropriate context in which the unit head can address conflict of interest issues, and from which the University can gauge broader trends.

III. Resolving Conflicts of Interest in Research or Development

A. Activities Related to Research or Development

In recognition of the University's role in promoting economic and technological development in the State, the University has been given the authority (under State law and BOR policy) to consider and waive certain State Ethics Law conflict of interest constraints in connection with research or development activities.

Thus, certain relationships that would otherwise violate conflict of interest provisions of State Ethics Law (and/or University or federal policies) may be permitted under certain circumstances. First, they must involve entities engaged in, or having an interest in the outcome of, research or development. Second, they must have been reported, reviewed, and approved in accordance with the following procedures.

These procedures do not apply to relationships of the President or a Vice-President (or similar official designated by the Board of Regents). Such relationships must be approved by the Board of Regents in accordance with its Policy on Conflicts of Interest in Research or Development.

B. Initial Determination by Unit Head

Based upon the disclosure to the unit head, pursuant to Section III, above, of an employee's intended outside professional activity or situation, and in view of the employee's existing relation to such activities, if any, the unit head typically will determine whether there are any concerns about possible conflict of interest.

If neither the unit head nor the individual identify a potential conflict of interest, no further action will typically need be taken with regard to the disclosure under these procedures.

C. Conflict of Interest Form

If either the unit head or the employee expresses a concern that the activity or relationship may involve a possible conflict of interest, the faculty or staff member must complete a Conflict of Interest (COI) Form. The form is available on line at <http://www.salisbury.edu/grants>. The completed COI Form provides information on the nature of the activity or relationship. Upon completion, the COI Form is

submitted to the unit head who forwards it for evaluation, through the appropriate dean or similar official, to the President's Advisory Committee on Conflict of Interest ("COI Committee"), a group composed of University faculty and administrators that reports to the Provost.

It should be noted that submission of a COI Form may be requested by, or be advisable for the best interests of, the faculty, staff, or other employees concerned, as well as the University. In an era of increasing levels of outside professional activity and interaction with industry, situations can be complex with regard to possible conflicts. In some cases, review of a COI Form may serve to guide and protect the individual faculty, staff, or other employees in pursuing outside interactions and relationships.

If an activity or relationship is approved as described below, a follow-up report must be submitted in a timely manner whenever circumstances concerning the activity or relationship change significantly, including a final report when the activity or relationship ends. The University will request annual confirmation of any activity or relationship that remains in place from year to year.

D. *Review of Conflict of Interest Form*

1. *General Background*

After the COI Form is submitted, the COI review and evaluation process may include further involvement of the faculty or staff member whose activities are being assessed, either by that person's providing further information or by his or her assistance in exploring avenues to manage a conflict if one is found to exist.

The COI evaluation process culminates in a written decision of approval or disapproval from the University (the President, upon recommendation from the COI Committee) to the faculty or staff member. Copies of approvals and supporting documentation are forwarded to the State Ethics Commission.

Because disclosure of a significant new outside professional activity or relationship is expected to be made before commencing the activity, it is important that the unit head (and, if needed, the COI Committee) provide timely feedback and action so as not to excessively delay action by the individual in pursuing the new activity. It is also important that the faculty or staff member make disclosure in a timely fashion so as to allow sufficient time for consideration by the unit head and, if needed, the COI Committee.

2. *Initial Review by Unit Heads*

Unit heads are responsible for conducting the initial review of the COI Forms submitted by those within their unit. As part of that initial review, a unit head

should attach to a COI Form a "proposed management plan," including any mechanisms that the unit head considers to be appropriate for managing, reducing, or eliminating real or potential conflicts of interest.

The unit head shall forward the COI Form, including proposed management plan, through the appropriate dean or similar official, to the COI Administrator. The COI Administrator is the Director of the Office of Grants and Sponsored Research.

3. *Review by COI Committee*

The COI Administrator shall forward the COI Form for consideration by the COI Committee. The COI Committee shall have seven voting members: five faculty members appointed by the President, one from each School and the Library and one of whom shall be appointed by the President to Chair the COI Committee; the Associate Provost and the Associate Vice President of Finance. The COI Committee may require that further information be provided and is encouraged to seek information, advice and input from appropriate University personnel, including unit heads, deans, University Counsel and the faculty, staff, or other employees involved.

4. *Recommendation by the COI Committee*

The COI Committee shall review the COI Form and recommend to the President whether the disclosed relationship should be approved. The COI Committee may not recommend approval of any relationship that would:

- give improper advantage to the entity with whom the employee has a relationship;
- lead to misuse of institution students or employees for the benefit of such entities;
- otherwise interfere with the duties and responsibilities of the official, faculty member, or other employee maintaining a relationship;
- be so influential as to impair impartiality in conducting research, interpreting research results, or determining research or other professional and employment priorities;
- present an unacceptable conflict of interest; or
- otherwise constitute a harmful interest or violate state or federal policies, or procedures, or the best interests of the University.

A recommendation for approval indicates the Committee's conclusion that any conflict or potential conflict is manageable, in accordance with these procedures and any approved management plan. The COI Committee's recommendation for approval shall be forwarded, through the Provost, to the President. A recommendation against approval signifies the Committee's conclusion that a conflict of interest exists that cannot be properly managed, and that the individual should refrain from participating in the activity or relationship. In the

case of COI Committee recommendation against approval, a faculty member who believes such a recommendation is a violation of his/her academic freedom shall have 10 business days to notify the Provost of this and to file an appeal to the Academic Freedom and Tenure Committee. If such an appeal is filed, the Provost will not forward the COI Committee's request to the President until the Academic Freedom and Tenure Committee heard the appeal and made its recommendation. If there is no appeal filed, the COI Committee's recommendations shall be forwarded, through the Provost, to the President.

5. *Final action by the President*

The President shall review the recommendations of the COI Committee and make a written determination. Approval may be subject to such conditions or restrictions as the President requires. The President's determination is final. Notice of the President's decision will be provided in writing to the faculty or staff member(s), unit heads and deans or similar officials involved. Among other things, any notice of approval should inform faculty, staff, or other employees of their continuing obligations to:

- ensure that their activities, statements, evaluations, recommendations, and judgments do not improperly give advantage to an outside entity;
- ensure that unauthorized statistics, documents, reports, comparison information, and other data are not disclosed that would improperly give advantage to an outside entity;
- be aware that legal restrictions regarding misusing their position for personal gain or gain of another, soliciting or accepting improper gifts, and representing a party before the Board of Regents or the Board of Public Works, or other State or local agency for a contingent fee, continue to apply notwithstanding any approval under these procedures;
- continue to adhere to other University policies and procedures, including those concerning conflicts of commitment and professional commitment of faculty.

Approval may be withdrawn if it is determined that an official, faculty member, or other employee misrepresented the nature of his or her interest in an entity, or if circumstances change in such a way as to create an unacceptable conflict of interest or a violation of University policy or applicable legal requirements.

E. *Effect of Non-Compliance on Sponsored Projects*

Non-compliance with the conflict of interest policy or these procedures may result in the suspension or termination of a sponsored project. Non-compliance

could also result in restrictions on faculty, staff, or other employees with respect to future proposal submissions as well as other sanctions in accordance with University policies, State Ethics Law, or other applicable State or federal laws and regulations.

If the failure of an investigator to comply with conflict of interest policies or procedures has biased the design, conduct, or reporting of Public Health Service (PHS) funded research, the University must promptly notify the PHS Awarding Component of the corrective action taken or to be taken. The PHS Awarding Component will consider the situation and may take, or refer the matter to PHS for, further action, which may include directions to the University on how to maintain appropriate objectivity in the funded project.

F. *External Reporting Procedures and Record Retention*

The COI Administrator shall submit quarterly reports of all approvals granted under these procedures involving State Ethics Law to the Chancellor of the University System of Maryland. The COI Administrator shall assist the University System, as requested, in providing supplemental information or developing additional reports or analyses needed for compliance with the reporting requirements of State Ethics Law.

Upon completion of the process, copies of all COI Forms submitted in connection with research and development relationships that are approved shall be filed with the State Ethics Commission. The University, through the COI Administrator, will develop and maintain a file, available for public review, that will contain all approved relationships with applicable COI Forms.

The Office of University Research Services is responsible for providing the appropriate written notice to the awarding agency in those cases involving sponsored projects. As required by agency regulations, information regarding all conflicts of interest identified by Salisbury University will be made available to NSF or HHS upon request. Conflicts that cannot be satisfactorily resolved must be disclosed to NSF and PHS. In the case of PHS awards, notice must be given for all conflict of interest.

The Office of Grants and Sponsored Research will maintain records of all financial disclosures and of all actions taken to resolve actual or potential conflicts of interest at least three (3) years after termination or completion of the sponsored project or after resolution of any government action involving those records, or as required by applicable state and federal regulations whichever is longer.

*This policy has been adapted from II-3.10 A and B UMCP Guidelines and Procedures for Conflict of Interest and Conflict of Commitment. This portion was of the policy was approved by **Deans and Provost's Group, April 2006; Executive Staff, April 2006; Faculty Senate, May 2007; Office of the Attorney General, June 2007**
Revised 9-10-07 (SU's Conflict of Interest)
(Approved by Board of Regents, August 23, 1996)

STANDARDS FOR THE CONDUCT OF SCIENTIFIC RESEARCH (SU)

This policy is on file and disk in the Office of Academic Affairs and is accessible on the web at:

www.ssu.edu/UnivOffices/PPSciRes.Html.

Any faculty involved in any research affiliated with his/her relationship to SU should familiarize themselves with the policy. If you have any questions, contact the Director of Grants and Sponsored Research.

(Revised September 1, 1997)

REVIEW OF ALLEGED ARBITRARY AND {CAPRICIOUS GRADING [\(BOR III-1.20\)](#)}

Each institution shall develop guidelines and procedures to provide a means for a student to seek review of course grades alleged to be arbitrary or capricious. In this policy, the term “arbitrary and capricious” grading means 1) the assignment of a course grade to a student on some basis other than performance in the course; 2) the assignment of a course grade to a student by unreasonable application of standards different from the standards that were applied to other students in that course; or 3) the assignment of a course grade by a substantial and unreasonable departure from the instructor’s initially articulated standards. The SU guidelines and procedures are outlined in the SU Grievance Procedures document.

Approved by the BOR, January 11, 1990