



Explanation of Modifications to *University Policy*:

**3356-9-06 Professional Conduct of Faculty, Department Chairpersons, and Professional/Administrative Employees
(Previous Policy Number 9006.01)**

This policy was reviewed and has been modified to: provide guidance on behavior which constitutes professional misconduct; clarify the procedures and timelines within the policy; establish standards of review; and to make a failure to implement recommended penalties or sanctions a violation of the policy.

**Board of Trustees Meeting
June 15, 2016
YR 2016-**

**RESOLUTION TO MODIFY
PROFESSIONAL CONDUCT OF FACULTY, DEPARTMENT
CHAIRPERSONS, AND PROFESSIONAL/ADMINISTRATIVE
EMPLOYEES POLICY, 3356-9-06
(PREVIOUS POLICY NUMBER 9006.01)**

WHEREAS, University Policies are reviewed and reconceptualized on an ongoing basis; and

WHEREAS, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

WHEREAS, the Professional Conduct of Faculty, Department Chairpersons, and Professional/Administrative Employees policy has been reviewed pursuant to the five-year review cycle, and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Professional Conduct of Faculty, Department Chairpersons, and Professional/Administrative Employees, policy number 3356-9-06 (Previous Policy Number 9006.01), shown as Exhibit __ attached hereto. A copy of the policy indicating changes to be made is also attached.

3356-9-06 Professional conduct of faculty, department chairpersons, and professional/administrative employees.

Previous Policy Number: 9006.01
Responsible Division/Office: Office of the President/[Academic Senate](#)
Responsible Officer: President
Revision History: 2000; December 2003; December 2010; [June 2016](#)
Board Committee: ~~Academic and Student Affairs~~ [University Affairs](#)
Effective Date: ~~December 15, 2010~~ [June 15, 2016](#)
Next Review: 201521

(A) Policy statement. [The mission and success of Youngstown state university \(university\) is sustained by the trust placed in its administrators, faculty, and staff by students, parents, benefactors, business and academic partners and by governmental entities.](#)

~~(1)~~—Faculty, department chairpersons, and professional/administrative employees are expected to demonstrate professional conduct that exhibits the values of honesty, integrity, competence, respect, and responsibility.

~~(B)~~ Purpose. [To provide information, he](#) parameters and procedures [designed to recognize and address defined herein, serve as the framework for defining and investigating](#) allegations of professional misconduct, ~~and the administration of sanctions against those found to have violated this policy.~~

~~(C)(2)~~ Scope. This policy ~~and procedures~~ [applyies](#) to all full-time and part-time faculty, [instructors,](#) department chairpersons, and professional/administrative employees [\(for purposes of this policy collectively referred to as professionals\).](#) ~~with respect to allegations of professional misconduct as defined herein.~~ Allegations of professional misconduct related to sponsored programs, use of human subjects in research, use and care of animals in research, research misconduct, conflicts of interest and/or commitment in sponsored programs, nondiscrimination and equal opportunity, ~~sexual~~ harassment, [sexual misconduct,](#) and ~~computer~~ [university technology](#) use shall be reviewed pursuant to procedures provided in board policies governing these areas. The applicable [university](#) policies of the Administrative Code are: ~~the~~

following:

- (a1) Rule 3356-10-13 – “Research, grants, and sponsored programs.”
- (b2) Rule 3356-10-14 – “Integrity in research – use of human participants.”
- (e3) Rule 3356-10-15 – “Integrity in research – use and care of animals.”
- (d4) Rule 3356-10-16 – “Research misconduct.”
- (e5) Rule 3356-10-17 – “Objectivity in research – avoidance of conflicts of interest and/or commitment in sponsored research.”
- ~~(f) Rule 3356-2-01 – “Equal opportunity discrimination complaint procedures.”~~
- (g6) Rule 3356-2-03 – “Discrimination/ harassment.”
- (7) Rule 3356-2-3.1 – “Sexual Misconduct.”
- (h8) Rule 3356-4-09 – “Acceptable use of university technology resources.”

(BD) Definitions.

(1) Professional misconduct, Improper behavior of a serious nature that arises from, or is reasonably related to, the professional’s position, duties, or responsibilities with the university, or that demonstrably and adversely affects the effective performance of university functions. For purposes of this policy,;

~~(1) “Professional misconduct,” includes but is not limited to for purposes of this policy, means:~~

- (a) Fabrication, falsification, plagiarism, misrepresentation, omission plagiarism, or other intentional deception in one’s credentials or status or in one’s teaching, scholarly, research, or administrative or service duties~~proposing, awarding, administering, conducting, and/or presenting or reporting results of scientific research,~~

~~administrative or scholarly inquiry,~~ or creative endeavors.

- (b) Recommending or awarding grants, leaves, travel requests, promotions, professional awards or recognitions, or other funds or resources in violation of applicable university policies, agreements, contracts, grants, laws and regulations.
- (c) Use of grants, facilities, equipment, supplies, or other university resources in violation of applicable university policies, agreements, contracts, grants, laws and regulations.
- (d) Selective reporting of favorable results, or intentional omission of conflicting data, as an outcome of research, ~~or~~ inquiry or service.
- (e) Improper or unauthorized use or release of information, ideas, or data in violation of applicable university policies, agreements, contracts, grants, laws and regulations.
- (f) ~~Stealing~~Misappropriating, destroying, damaging or otherwise taking or using without permission the property of the university or others, or products or research produced by others, such as data, equipment, supplies, computer programs, notes or other records, manuscripts, or specimen collections.

~~(g) — Misrepresentation of one's credentials.~~

- (g) Preventing or obstructing university teaching, research, administrative, or service functions, or any other lawful function of the university.
- (h) Intentionally inflicting physical harm on a member of the university community.
- (i) Making threats of violence, retribution, harm, or engaging in conduct that can reasonably be perceived by others to be threatening, intimidating or harassing.
- (j) Neglect or willful failure to perform university-related duties and responsibilities.
- (k) Obstructing an inquiry into or investigation pursuit to this policy.

(l) Retaliation against anyone for reporting misconduct or participating in an inquiry or investigation under this policy.

(m) Deliberately making false allegations of professional misconduct. However, failure to substantiate a claim of professional misconduct is not equivalent to a false allegation and no person shall be penalized for good faith reporting of concerns under this policy.

(n) Attempting to engage in, inciting another to engage in, or abetting, conduct which would violate this policy.

~~(2) No person shall:~~

~~(a) Disregard the procedures contained herein.~~

~~(b) Retaliate against anyone making a good faith allegation of professional misconduct.~~

~~(c) Obstruct the inquiry into or investigation of allegations of professional misconduct.~~

~~(d) Deliberately make false allegations of professional misconduct.~~

~~(e) Such actions may also be considered to be professional misconduct and a violation of this rule and subject to the procedures herein or other disciplinary measures.~~

~~(3) Nothing in this section shall be interpreted to include unintentional error, omission, or oversight or to obviate sincere and genuine differences in interpretations or judgments regarding policies, resources, or data.~~

~~(C) Definitions:~~

~~(1) "Fabrication" means the creation of nonexistent or fictitious data or results.~~

~~(2) “Falsification” means the manipulation or alteration of data for the creation or reporting of false results.~~

- (32) “Plagiarism.” means ~~representing~~ representing the work of another person, including the person’s words, ideas, or methods, as one’s own in public or private forums or media.
- (a) Determinations of plagiarism, including allegations relating to classes, shall include consideration of:
 - (i) The purpose and character of the use, including whether such use is of a self-interested nature or is for purposes other than an educational or professional mission;
 - (ii) The nature of the work, including whether published and copyrighted and whether part of the generally accepted body of knowledge in a field, discipline, or area;
 - (iii) The amount and substantiality of the portion used in relation to the work as a whole; and
 - (iv) The effect of the use upon the audience and upon the potential market for or value of the work.
 - (b) In general, use of the work of another person should be accompanied by proper citation or acknowledgment. However, the requirements and specificity of citation or acknowledgment may be determined by the expectations or common practices of the forum, medium, or discipline within which the use occurs. If a generally accepted code of professional ethics for a particular discipline contains additional or different provisions related to plagiarism, then that code shall apply to members of that profession. Accordingly, the fact that the work of another person is not cited or acknowledged shall not, itself, mandate a finding of plagiarism.
 - (c) In no case shall a finding of plagiarism apply to written or oral representations that are part of casual conversations,

strictly private communications between individuals, or other personal exchanges in which a faculty member, department chairperson, or professional/administrative staff member is not acting as a representative of the university or in his/her professional role.

- (43) Nothing in these definitions shall be interpreted to include unintentional error, omission, or oversight or to obviate sincere and genuine differences in interpretations or judgments regarding policies, resources, or data.

(E) Parameters ~~procedures~~.

- (1) Professional conduct committee.
- (a) A standing professional conduct committee (“committee”) ~~is~~ under the authority of the academic senate will be responsible for addressing allegations of professional misconduct in accordance with this policy. The committee and any subcommittee will receive appropriate legal and secretarial support in connection with their work.
- (b) The committee shall consist of twelve members. Six members shall be tenured faculty, one from each undergraduate college appointed by the chair of the academic senate, and six members shall be professional/administrative employees appointed by the president of the university. At least two tenured faculty members of the committee shall be regular members of the graduate faculty. Members of the committee shall serve for staggered three-year terms. Initially two faculty members and two non-faculty members shall be appointed for a one-year term, two faculty members and two non-faculty members shall be appointed for a two-year terms, and two faculty members and two non-faculty members shall be appointed for a three-year term. The committee shall elect its own chairperson, who shall serve a three-year term as chairperson and member. The committee shall operate under majority rule, and a quorum shall consist of seven members.

(2) Confidentiality. Confidentiality is required for the effective investigation and implementation of this policy. Information will only be disclosed as required by state or federal law, pursuant to this policy, with university employees with a legitimate need to know or when necessary to effectuate this policy.

(F) Procedures.

(21) Allegation of professional misconduct Preliminary review.

- (a) A person who believes that a ~~faculty member, department chairperson, or~~ professional/~~administrative staff member~~ has engaged in professional misconduct, as a defined by this policy, shall meet with the committee chairperson to discuss the issue, ~~in strict confidence. This meeting must occur not later than thirty days after the complainant observes or discovers the alleged professional misconduct and, in any case, not later than three years after the alleged occurrence of the professional misconduct.~~
- (b) If the chairperson is uncertain as to whether the alleged professional misconduct ~~falls is subject to review pursuant to this~~ within this policy ~~or another board policy~~, the chairperson shall raise the question with the chair of the academic senate. The chair of the academic senate, the president of the university, and the provost/vice president for academic affairs, or their designees, shall confer and determine by a majority vote ~~whether~~ if ~~the policy is appropriately applied to~~ the alleged professional misconduct reasonably falls within the application of this policy.

In cases where the alleged misconduct involves a sponsored program, the associate ~~provost~~ vice president for research and dean of graduate studies ~~and research~~ shall be consulted prior to the determination.

- (c) The chairperson shall listen to the concerns of the complainant and ~~advise~~ provide the complainant ~~as to how to file a~~ with information regarding filing a formal allegation of professional misconduct and the applicable

procedures. ~~that must be followed under this policy once a formal allegation is made. A complainant who wishes to file a formal allegation of professional misconduct must do so not later than fourteen days after the meeting with the chairperson.~~

(2) Formal review.

- (~~a~~) A formal allegation of professional misconduct ~~is not made unless and until it is~~ must be received made in writing and provided to by the chairperson. Anonymous complaints of professional misconduct will not be accepted by the chairperson. ~~and may not be made anonymously.~~
- (b) A formal allegation of professional misconduct must be made within thirty days after the complainant becomes aware of the alleged professional misconduct but not later than three years after the occurrence of the alleged professional misconduct.
- (c) The three year limitation above may be extended in those instances where the professional misconduct could not have been discovered through the exercise of reasonable care and diligence. A determination that the three year limitation will be extended shall be made by the university's office of general counsel and is not appealable under this policy.

~~(3) Inquiry into formal allegation.~~

- (a) ~~Not later than seven days from the receipt of a formal allegation of professional misconduct, the chairperson shall notify the person against whom the allegation is made. The person against whom a formal allegation is made may be present during any inquiry proceeding along with, at his/her expense, representatives of his/her choice.~~
- (~~b~~d) Upon receiving a formal allegation, the chairperson shall call a meeting of the committee to ~~inquire as to~~ determine whether the allegation warrants a formal investigation. In conducting this inquiry, the committee shall be responsible for gathering information and conducting an initial fact-

finding process to ~~justify~~support its decision, ~~regarding the need for a formal investigation. Not later than~~Within twenty-eight days from the receipt of a formal allegation of professional misconduct by the chairperson, the committee shall determine whether a formal investigation of the allegation is appropriate. A majority vote of the quorum ~~At least seven votes in the affirmative shall be~~is required to determine that a formal investigation is appropriate.

- (e) ~~If a formal investigation is determined not to be appropriate, the chairperson shall w~~Within seven days of the ~~at~~ determination that a formal investigation is appropriate, the chairperson shall notify the complainant and the person against whom the formal allegation has been made of ~~professional misconduct the committee's determination. was made that the allegation has been~~rejected. The chairperson shall make no public announcement regarding such determination unless he/she deems it necessary to protect the reputation of the person against whom an allegation was made.

(43) Formal Investigation of a formal allegation.

- (a) ~~— If the committee determines that a formal investigation of the allegation is appropriate, the chairperson shall notify the complainant and the person against whom the allegation of professional misconduct was made within seven days after that determination that a formal investigation of the allegation will be conducted.~~
- (a) ~~Not later than fourteen days after the vote of the committee, and w~~With the advice of the committee, the chairperson shall appoint a case investigation subcommittee consisting of five members comprised of tenured faculty, administrators and/or professional staff with appropriate background and knowledge to conduct a thorough and authoritative evaluation of the evidence and information bearing upon the allegation. At least one member of the subcommittee shall be a member of the committee. The chairperson shall also designate the chairperson of the subcommittee. The subcommittee may include tenured

faculty, administrators, or professional staff from outside the university in cases where individuals within the university would not have the required expertise or would be subject to an actual or apparent conflict of interest.

- (b) The subcommittee shall investigate the allegation of professional misconduct, author a report of investigation and determine whether there ~~is~~ adequate evidence such that a reasonable person would find the allegation[s] justified ~~substantiated or unsubstantiated~~. The investigation shall include interviews with the person against whom the allegation has been made, if possible, and an examination of ~~all~~ available pertinent evidence and information bearing upon the allegation. A quorum, consisting of no fewer than three members of the subcommittee, ~~shall be present whenever testimony is given in connection with an investigation. A quorum shall consist of no fewer than three members of the subcommittee.~~ The subcommittee shall keep detailed records of its investigation, ~~including transcripts of all testimony.~~
- (c) ~~The person against whom the allegation is made and his/her representatives shall be provided with a~~ All documents, records, statements and any other information and material gathered or used by the subcommittee shall be made available to the person against whom the allegation is made and his/her representatives. If the investigation includes interviews, testimony, or the appearance of any person before all or part of the subcommittee, the person against whom the allegation has been made and/or representatives of his/her choice may be present and question any such persons. In addition, they shall have the right to obtain documents, records and information, and to interview witnesses, including the complainant, regarding the allegation.

All persons being interviewed, giving testimony, or otherwise making an appearance before all or part of the subcommittee may have representatives of their choice present to advise them. Any person who chooses to have

the aid of representatives shall do so at his/her own expense.

- (d) ~~Not later than sixty days from its appointment, t~~Within sixty days of its appointment, the subcommittee shall file a report of its investigation with the committee, except that it may request an extension from the chairperson ~~for no more than an additional~~of up to thirty days to complete its work. The report of the subcommittee shall include all of the information and records gathered in its investigation and shall provide a determination that the allegation is substantiated or unsubstantiated.
- (e) The subcommittee's determination that an allegation is unsubstantiated shall be final and not subject to committee review.
- (54) Committee review ~~Finding~~ of a substantiated allegation.
- (a) Within ~~Not later than twenty-one~~thirty days from receipt of the ~~report of the~~ subcommittee's report, the committee shall:
- (i) ~~v~~Vote to determine on whether the committee accepts the subcommittee's determination that ~~or not~~ the formal allegation of professional misconduct is substantiated by the evidence. ~~At least seven votes in the affirmative~~ A majority of the quorum shall be required to find that the allegation is substantiated. If the committee determines that the allegation is substantiated (supported by relevant evidence that a reasonable person would accept as adequate to support the determination), the committee ~~may~~shall also recommend penalties or sanctions, provided at least seven members of the committee agree on penalties and sanctions.
- (b) (ii) If ~~Not later than fourteen days after a finding by the committee that~~ the committee determines that the allegation of professional misconduct is substantiated, the chairperson shall prepare a professional misconduct report and shall provide copies of this report to the person against

whom the finding of professional misconduct was made, his/her immediate administrative superior, the person who made the allegation, the chair of the academic senate, the president of the university, the vice president of the division where the person against whom the finding was made works, and the chairperson of the university board of trustees. This report shall include the formal allegation, findings of fact, and **any when appropriate** recommended penalties or sanctions. The report may also include recommendations for the review and/or revision of applicable policies or procedures.

~~(iii)(6) Finding of an unsubstantiated allegation-~~ If at least seven members of the committee do not affirmatively vote that the allegation is substantiated, then the allegation will be found to be unsubstantiated, and the chairperson shall promptly notify the person who was the subject of the allegation, his/her immediate administrative superior, the person who made the allegation, the chair of the academic senate, the president of the university, the vice president of the division where the person against whom the allegation was made works, the chairperson of the university board of trustees, and others deemed appropriate by the chairperson, including professional societies.

~~(75)~~ Appeal of a substantiated allegation.

- (a) Not later than fourteen days after receipt of the professional misconduct report, the person found to have engaged in professional misconduct may file an appeal of the professional misconduct report as to the formal allegation, application of the policy, procedures followed, findings of fact, and recommended penalties or sanctions with the president of the university. If the person found to have engaged in professional misconduct is the president of the university, the appeal shall be filed with the chairperson of the university board of trustees.
- (b) The person with whom the appeal is filed, or his/her designee, shall appoint a committee of not less than three persons, who have not participated in the original investigation, to review the appeal and make a

recommendation. The person with whom the appeal is filed, or any committee he/she appoints in connection with the appeal, may conduct whatever level of review they determine to be appropriate, including interviewing previous witnesses and reviewing documents. However, the review may be based on the existing investigative materials and reports.

~~If the recommended penalty or sanction in the professional misconduct report is termination, then a de-novo review of the allegation shall be conducted on appeal.~~

- (c) Not later than ~~thirty~~forty-five days after an appeal is filed, the person with whom the appeal is filed shall issue a decision on the appeal. If the appeal is upheld, the person granting the appeal shall promptly notify all appropriate parties. This notification shall include the rationale for granting the appeal. If the appeal is denied, the person denying the appeal shall promptly notify all appropriate parties, including the immediate administrative superior of the person determined to have engaged in professional misconduct. This notification shall include the rationale for denying the appeal. Alternatively, the person with whom the appeal is filed may modify any part of the professional misconduct report.

(d) A substantiated allegation shall be set aside or found to be unsubstantiated upon review only if found to be arbitrary, unreliable, an abuse of discretion, or contrary to this policy.

(e) A modification of the professional misconduct report must be reasonable and not contrary to relevant evidence.

~~(8)~~(G) Administrative implementation of sanctions.

- (a1) Absent an appeal, or if the appeal is denied or a modified professional misconduct report is issued, the immediate administrative superior of the person found to have engaged in professional misconduct ~~may~~shall within ten (10) working days, implement, or engage the process to

implement, any recommended sanctions of the professional misconduct report, ~~impose his or her own sanctions, or take other action.~~ Implementation shall be consistent with any applicable collective bargaining agreement and ~~If the person found to have engaged in professional misconduct is a member of the Youngstown state university—Ohio education association (“YSU-OEA”) bargaining unit, any sanctions imposed must be administered in a manner consistent with the YSU/YSU-OEA agreement. If the person found to have engaged in professional misconduct is a member of the Youngstown state university—association of professional administrative staff (“YSU-APAS”) bargaining unit, any sanctions imposed must be administered in a manner consistent with the YSU/YSU-APAS agreement. If the person found to have engaged in professional misconduct is not a member of any bargaining unit, any sanctions imposed must be administered in a manner consistent with~~ applicable university policies.

(2) Failure of the immediate administrative superior to implement or engage the process to implement, any recommended penalties or sanctions shall be a violation of this policy subject to appropriate discipline.

~~(b) —Should the immediate administrative superior decline to implement or to engage the process to implement the recommendations of the professional misconduct report or the determination of the person with whom the appeal was filed, he/she shall issue an explanation in writing to the chairperson, the chair of the academic senate, the president of the university, the vice president of the division where the person against whom the finding was made works, and the chairperson of the university board of trustees.~~

(9H) Records. The chairperson shall maintain all documentation related to the committee’s actions regarding formal allegations and arrange for the safe storage of all records of the committee’s and subcommittee’s meetings, inquiries, investigations, votes, and recommendations for a period of three years after a finding on the allegation.

- (10) Conflict of interest. No person shall serve on the committee, ~~or~~ subcommittee, or hear an appeal of an allegation of professional misconduct either filed by or alleging that such person has engaged in professional misconduct. ~~in a given case if such a person is the person against whom an allegation of professional misconduct has been made or if such person has a personal interest in the outcome of the case.~~ No person shall serve on a committee, subcommittee, ~~or~~ hear an appeal of a finding of professional misconduct in a given case if such person ~~is the person found to have engaged in professional misconduct or if such person~~ has a personal interest in the outcome of the case. If there is a need to appoint a temporary or permanent replacement member of the committee or subcommittee, the original appointing person shall appoint the replacement. If the chair of the academic senate has a conflict of interest in a given case, the president of the university shall appoint the replacement. If the president of the university has a conflict in a given case, the chairperson of the university board of trustees shall appoint the replacement.

3356-9-06 Professional conduct of faculty, department chairpersons, and professional/administrative employees.

Previous Policy Number: 9006.01
Responsible Division/Office: Office of the President/Academic Senate
Responsible Officer: President
Revision History: 2000; December 2003; December 2010; June 2016
Board Committee: University Affairs
Effective Date: June 15, 2016
Next Review: 2021

- (A) Policy statement. The mission and success of Youngstown state university (university) is sustained by the trust placed in its administrators, faculty, and staff by students, parents, benefactors, business and academic partners and by governmental entities. Faculty, department chairpersons, and professional/administrative employees are expected to demonstrate professional conduct that exhibits the values of honesty, integrity, competence, respect, and responsibility.
- (B) Purpose. To provide information, parameters and procedures designed to recognize and address allegations of professional misconduct.
- (C) Scope. This policy applies to all full-time and part-time faculty, instructors, department chairpersons, and professional/administrative employees (for purposes of this policy collectively referred to as professionals). Allegations of professional misconduct related to sponsored programs, use of human subjects in research, use and care of animals in research, research misconduct, conflicts of interest and/or commitment in sponsored programs, nondiscrimination and equal opportunity, harassment, sexual misconduct, and university technology use shall be reviewed pursuant to procedures provided in board policies governing these areas. The applicable university policies of the Administrative Code are:
- (1) Rule 3356-10-13 – “Research, grants, and sponsored programs.”
 - (2) Rule 3356-10-14 – “Integrity in research – use of human participants.”

- (3) Rule 3356-10-15 – “Integrity in research – use and care of animals.”
 - (4) Rule 3356-10-16 – “Research misconduct.”
 - (5) Rule 3356-10-17 – “Objectivity in research – avoidance of conflicts of interest and/or commitment in sponsored research.”
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 - (7) Rule 3356-2-3.1 – “Sexual Misconduct.”
 - (8) Rule 3356-4-09 – “Acceptable use of university technology resources.”
- (D) Definitions.
- (1) Professional misconduct. Improper behavior of a serious nature that arises from, or is reasonably related to, the professional’s position, duties, or responsibilities with the university, or that demonstrably and adversely affects the effective performance of university functions. For purposes of this policy, professional misconduct includes but is not limited to:
 - (a) Fabrication, falsification, plagiarism, misrepresentation, omission or other intentional deception in one’s credentials or status or in one’s teaching, scholarly, research, or administrative or service duties or creative endeavors.
 - (b) Recommending or awarding grants, leaves, travel requests, promotions, professional awards or recognitions, or other funds or resources in violation of applicable university policies, agreements, contracts, grants, laws and regulations.
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omission of conflicting data, as an outcome of research, inquiry or service.

- (e) Improper or unauthorized use or release of information, ideas, or data in violation of applicable university policies, agreements, contracts, grants, laws and regulations.
- (f) Misappropriating, destroying, damaging or otherwise taking or using without permission the property of the university or others, or products or research produced by others, such as data, equipment, supplies, computer programs, notes or other records, manuscripts, or specimen collections.
- (g) Preventing or obstructing university teaching, research, administrative, or service functions, or any other lawful function of the university.
- (h) Intentionally inflicting physical harm on a member of the university community.
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- (j) Neglect or willful failure to perform university-related duties and responsibilities.
- (k) Obstructing an inquiry into or investigation pursuant to this policy.
- (l) Retaliation against anyone for reporting misconduct or participating in an inquiry or investigation under this policy.
- (m) Deliberately making false allegations of professional misconduct. However, failure to substantiate a claim of professional misconduct is not equivalent to a false allegation and no person shall be penalized for good faith reporting of concerns under this policy.

- (n) Attempting to engage in, inciting another to engage in, or abetting, conduct which would violate this policy.
- (2) Plagiarism. Representing the work of another person, including the person's words, ideas, or methods, as one's own in public or private forums or media.
- (a) Determinations of plagiarism, including allegations relating to classes, shall include consideration of:
 - (i) The purpose and character of the use, including whether such use is of a self-interested nature or is for purposes other than an educational or professional mission;
 - (ii) The nature of the work, including whether published and copyrighted and whether part of the generally accepted body of knowledge in a field, discipline, or area;
 - (iii) The amount and substantiality of the portion used in relation to the work as a whole; and
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 - (b) In general, use of the work of another person should be accompanied by proper citation or acknowledgment. However, the requirements and specificity of citation or acknowledgment may be determined by the expectations or common practices of the forum, medium, or discipline within which the use occurs. If a generally accepted code of professional ethics for a particular discipline contains additional or different provisions related to plagiarism, then that code shall apply to members of that profession. Accordingly, the fact that the work of another person is not cited or acknowledged shall not, itself, mandate a finding of plagiarism.
 - (c) In no case shall a finding of plagiarism apply to written or oral representations that are part of casual conversations,

strictly private communications between individuals, or other personal exchanges in which a faculty member, department chairperson, or professional/administrative staff member is not acting as a representative of the university or in his/her professional role.

- (3) Nothing in these definitions shall be interpreted to include unintentional error, omission, or oversight or to obviate sincere and genuine differences in interpretations or judgments regarding policies, resources, or data.

(E) Parameters.

- (1) Professional conduct committee.
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 - (b) The committee shall consist of twelve members. Six members shall be tenured faculty, one from each undergraduate college appointed by the chair of the academic senate, and six members shall be professional/administrative employees appointed by the president of the university. At least two tenured faculty members of the committee shall be regular members of the graduate faculty. Members of the committee shall serve for staggered three-year terms. Initially two faculty members and two non-faculty members shall be appointed for a one-year term, two faculty members and two non-faculty members shall be appointed for a two-year terms, and two faculty members and two non-faculty members shall be appointed for a three-year term. The committee shall elect its own chairperson, who shall serve a three-year term as chairperson and member. The committee shall operate under majority rule, and a quorum shall consist of seven members.

- (2) Confidentiality. Confidentiality is required for the effective investigation and implementation of this policy. Information will only be disclosed as required by state or federal law, pursuant to this policy, with university employees with a legitimate need to know or when necessary to effectuate this policy.

(F) Procedures.

- (1) Preliminary review.

- (a) A person who believes that a professional has engaged in professional misconduct, as a defined by this policy, shall meet with the committee chairperson to discuss the issue.
- (b) If the chairperson is uncertain as to whether the alleged professional misconduct falls within this policy, the chairperson shall raise the question with the chair of the academic senate. The chair of the academic senate, the president of the university, and the provost/vice president for academic affairs, or their designees, shall confer and determine by a majority vote whether the alleged professional misconduct reasonably falls within the application of this policy.

In cases where the alleged misconduct involves a sponsored program, the associate vice president for research and dean of graduate studies shall be consulted prior to the determination.

- (c) The chairperson shall listen to the concerns of the complainant and provide the complainant with information regarding filing a formal allegation of professional misconduct and the applicable procedures.

- (2) Formal review.

- (a) A formal allegation of professional misconduct must be made in writing and provided to the chairperson. Anonymous complaints of professional misconduct will not be accepted by the chairperson.

- (b) A formal allegation of professional misconduct must be made within thirty days after the complainant becomes aware of the alleged professional misconduct but not later than three years after the occurrence of the alleged professional misconduct.
 - (c) The three year limitation above may be extended in those instances where the professional misconduct could not have been discovered through the exercise of reasonable care and diligence. A determination that the three year limitation will be extended shall be made by the university's office of general counsel and is not appealable under this policy.
 - (d) Upon receiving a formal allegation, the chairperson shall call a meeting of the committee to determine whether the allegation warrants a formal investigation. In conducting this inquiry, the committee shall be responsible for gathering information and conducting an initial fact-finding process to support its decision. Within twenty-eight days from the receipt of a formal allegation of professional misconduct by the chairperson, the committee shall determine whether a formal investigation of the allegation is appropriate. A majority vote of the quorum is required to determine that a formal investigation is appropriate.
 - (e) Within seven days of the determination that a formal investigation is appropriate, the chairperson shall notify the complainant and the person against whom the formal allegation has been made of the committee's determination. The chairperson shall make no public announcement regarding such determination unless he/she deems it necessary to protect the reputation of the person against whom an allegation was made.
- (3) Formal investigation.
- (a) With the advice of the committee, the chairperson shall appoint a case investigation subcommittee consisting of five members comprised of tenured faculty, administrators and/or professional staff with appropriate background and knowledge to conduct a thorough and authoritative

evaluation of the evidence and information bearing upon the allegation. At least one member of the subcommittee shall be a member of the committee. The chairperson shall also designate the chairperson of the subcommittee. The subcommittee may include tenured faculty, administrators, or professional staff from outside the university in cases where individuals within the university would not have the required expertise or would be subject to an actual or apparent conflict of interest.

- (b) The subcommittee shall investigate the allegation of professional misconduct, author a report of investigation and determine whether there is adequate evidence such that a reasonable person would find the allegation[s] substantiated or unsubstantiated. The investigation shall include interviews with the person against whom the allegation has been made, if possible, and an examination of available pertinent evidence and information bearing upon the allegation. A quorum, consisting of no fewer than three members of the subcommittee, shall be present whenever testimony is given in connection with an investigation. The subcommittee shall keep detailed records of its investigation.
- (c) All documents, records, statements and any other information and material gathered or used by the subcommittee shall be made available to the person against whom the allegation is made and his/her representatives . If the investigation includes interviews, testimony, or the appearance of any person before all or part of the subcommittee, the person against whom the allegation has been made and/or representatives of his/her choice may be present and question any such persons. In addition, they shall have the right to obtain documents, records and information, and to interview witnesses, including the complainant, regarding the allegation.

All persons being interviewed, giving testimony, or otherwise making an appearance before all or part of the subcommittee may have representatives of their choice present to advise them. Any person who chooses to have

the aid of representatives shall do so at his/her own expense.

- (d) Within sixty days of its appointment, the subcommittee shall file a report of its investigation with the committee, except that it may request an extension from the chairperson of up to thirty days to complete its work. The report of the subcommittee shall include all of the information and records gathered in its investigation and shall provide a determination that the allegation is substantiated or unsubstantiated.
 - (e) The subcommittee's determination that an allegation is unsubstantiated shall be final and not subject to committee review.
- (4) Committee review of a substantiated allegation.
- (a) Within thirty days from receipt of the subcommittee's report, the committee shall:
 - (i) Vote on whether the committee accepts the subcommittee's determination that the formal allegation of professional misconduct is substantiated by the evidence. A majority of the quorum shall be required to find that the allegation is substantiated. If the committee determines that the allegation is substantiated (supported by relevant evidence that a reasonable person would accept as adequate to support the determination), the committee shall also recommend penalties or sanctions, provided at least seven members of the committee agree on penalties and sanctions.
 - (ii) If the committee determines that the allegation of professional misconduct is substantiated, the chairperson shall prepare a professional misconduct report and shall provide copies of this report to the person

against whom the finding of professional misconduct was made, his/her immediate administrative superior, the person who made the allegation, the chair of the academic senate, the president of the university, the vice president of the division where the person against whom the finding was made works, and the chairperson of the university board of trustees. This report shall include the formal allegation, findings of fact, and when appropriate recommended penalties or sanctions. The report may also include recommendations for the review and/or revision of applicable policies or procedures.

- (iii) If at least seven members of the committee do not affirmatively vote that the allegation is substantiated, then the allegation will be found to be unsubstantiated, and the chairperson shall promptly notify the person who was the subject of the allegation, his/her immediate administrative superior, the person who made the allegation, the chair of the academic senate, the president of the university, the vice president of the division where the person against whom the allegation was made works, the chairperson of the university board of trustees, and others deemed appropriate by the chairperson, including professional societies.

(5) Appeal of a substantiated allegation.

- (a) Not later than fourteen days after receipt of the professional misconduct report, the person found to have engaged in professional misconduct may file an appeal of the professional misconduct report as to the formal allegation, application of the policy, procedures followed, findings of fact, and recommended penalties or sanctions with the president of the university. If the person found to have engaged in professional misconduct is the president of the university, the appeal shall be filed with the chairperson of the university board of trustees.

- (b) The person with whom the appeal is filed, or his/her designee, shall appoint a committee of not less than three persons, who have not participated in the original investigation, to review the appeal and make a recommendation. The person with whom the appeal is filed, or any committee he/she appoints in connection with the appeal, may conduct whatever level of review they determine to be appropriate, including interviewing previous witnesses and reviewing documents. However, the review may be based on the existing investigative materials and reports.
 - (c) Not later than forty-five days after an appeal is filed, the person with whom the appeal is filed shall issue a decision on the appeal. If the appeal is upheld, the person granting the appeal shall promptly notify all appropriate parties. This notification shall include the rationale for granting the appeal. If the appeal is denied, the person denying the appeal shall promptly notify all appropriate parties, including the immediate administrative superior of the person determined to have engaged in professional misconduct. This notification shall include the rationale for denying the appeal. Alternatively, the person with whom the appeal is filed may modify any part of the professional misconduct report.
 - (d) A substantiated allegation shall be set aside or found to be unsubstantiated upon review only if found to be arbitrary, unreliable, an abuse of discretion, or contrary to this policy.
 - (e) A modification of the professional misconduct report must be reasonable and not contrary to relevant evidence.
- (G) Administrative implementation of sanctions.
- (1) Absent an appeal, or if the appeal is denied or a modified professional misconduct report is issued, the immediate administrative superior of the person found to have engaged in professional misconduct shall within ten (10) working days,

implement, or engage the process to implement, any recommended sanctions of the professional misconduct report. Implementation shall be consistent with any applicable collective bargaining agreement and applicable university policies.

- (2) Failure of the immediate administrative superior to implement or engage the process to implement, any recommended penalties or sanctions shall be a violation of this policy subject to appropriate discipline.
- (H) Records. The chairperson shall maintain all documentation related to the committee's actions regarding formal allegations and arrange for the safe storage of all records of the committee's and subcommittee's meetings, inquiries, investigations, votes, and recommendations for a period of three years after a finding on the allegation.
- (I) Conflict of interest. No person shall serve on the committee, subcommittee, or hear an appeal of an allegation of professional misconduct either filed by or alleging that such person has engaged in professional misconduct. No person shall serve on a committee, subcommittee, or hear an appeal of a finding of professional misconduct in a given case if such person has a personal interest in the outcome of the case. If there is a need to appoint a temporary or permanent replacement member of the committee or subcommittee, the original appointing person shall appoint the replacement. If the chair of the academic senate has a conflict of interest in a given case, the president of the university shall appoint the replacement. If the president of the university has a conflict in a given case, the chairperson of the university board of trustees shall appoint the replacement.



**RESOLUTION TO APPROVE THE SELECTION OF THE POSITION
FOR DEAN OF THE COLLEGE OF CREATIVE ARTS AND COMMUNICATION**

WHEREAS, a vacancy occurred in the College of Creative Arts and Communication upon the resignation of Bryan DePoy; and

WHEREAS, the Board of Trustees approved the authorization of a search in accordance with University Policy Number 3356-9-02; and

WHEREAS, a candidate was identified from an applicant pool obtained as a result of a national search process and recommended by the search committee; and

WHEREAS, the candidate's credentials have been reviewed by the Dana School of Music and the Provost and Vice Associate for Academic Affairs who have recommended appointment of the candidate as a Professor with tenure;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the appointment of Phyllis M. Paul as Professor and Dean of the College of Creative Arts and Communication, with tenure, effective July 1, 2016.

**Board of Trustees Meeting
June 15, 2016
YR 2016-**

PROFESSIONAL/ADMINISTRATIVE STAFF
POSITION DESCRIPTION

Page 1 of 2



YOUNGSTOWN STATE UNIVERSITY

Issued:

Salary Grade: A11

Reviewed By: BJL/MA/KWR

Hiring Range: \$111,865 - \$151,071

TITLE: Dean & Professor

DEPARTMENT: College of Creative Arts & Communication

JOB SUMMARY:

To lead the College of Creative Arts and Communication (CCAC) in the development and advancement of innovative, interdisciplinary, undergraduate, and graduate programs; to support and expand the scholarly, creative, and innovative work within the College to include an international focus that addresses the global economy; to promote recruitment and retention of a diverse student body and faculty that results in an inclusive work environment; to provide leadership and representation for the College in all matters.

ESSENTIAL FUNCTIONS & RESPONSIBILITIES:

Leads the educational initiatives in the College of Creative Arts and Communication.

Leads in the advancement of the arts and related disciplines as a force in the university, community, and society.

Develops short-term and long-range strategic planning for CCAC consistent with the University's mission and strategic initiatives.

Increases community involvement, forms partnerships, and actively represents the CCAC locally, nationally, and internationally to enhance scholarship and cooperative endeavors.

In consultation with faculty, promotes collaborative and creative teaching/learning environments and facilitates the use of new technologies in CCAC classrooms and laboratories.

Works with the faculty and chairs to develop programs/curricula that are attractive to potential students and thus enhance recruitment to the university, including international recruitment.

Oversees and supports academic advisement in the CCAC and promotes strategies and efforts that result in increased enrollment and retention.

Develops and promotes innovative interdisciplinary undergraduate and graduate programs/curricula that strengthen the college and the university.

Strategically prepares and authorizes budget and resource allocation to most effectively serve academic departments and students within the CCAC.

**PROFESSIONAL/ADMINISTRATIVE STAFF
POSITION DESCRIPTION**

Page 2 of 2

Oversees program review, regional accreditation activities, and professional accreditation for the programs within the CCAC.

Expands fund raising and grants activities to support creative work, scholarship and research.

Works effectively in a collective bargaining environment.

Oversees operation of University Performing Arts Series, McDonough Museum of Art, and other community outreach operations of the college.

OTHER FUNCTIONS & RESPONSIBILITIES:

Performs other duties as assigned.

SUPERVISION EXERCISED:

Administrative and functional supervision is exercised over faculty members across academic departments, professional administrative, classified staff, and student employees.

REPORTS TO: Provost & Vice President, Academic Affairs

REQUIRED CERTIFICATIONS AND/OR LICENSURES: None

PHYSICAL REQUIREMENTS: None

MINIMUM QUALIFICATIONS:

Terminal degree in one of the College's disciplines from an accredited institution; distinguished record in teaching, scholarship, and service activities that warrants appointment at the rank of tenured full professor; broad knowledge of and strong commitment to the value of the College's diverse disciplines; a demonstrated record of achievement in higher education administration at the level of department chair or higher; demonstrated dynamic leadership and collaborative management style appropriate for managing a college as part of a large and diverse institution; skilled with managing budgets and financial planning; strong decision-making, problem-solving, organizational, interpersonal, and communication skills; commitment to Affirmative Action, Equal Opportunity, and diversity with respect to faculty, students, and staff; understanding and awareness of existing and emerging technologies in the disciplines of the college; demonstrated ability to obtain funding for research or program development; commitment to fostering campus, community, and regional partnerships.

PHYLLIS M. PAUL

EDUCATIONAL BACKGROUND

Florida State University Tallahassee, Florida	Doctor of Philosophy, Certificate in Music in Special Education	2003
Florida State University Tallahassee, Florida	Master of Music	1989
Lenoir-Rhyne University Hickory, North Carolina	Bachelor of Music	1983

PROFESSIONAL EXPERIENCE

2003-Present	University of Oregon, School of Music and Dance <i>Associate Dean and Director of Graduate and Undergraduate Studies, 2014-2015</i> <i>Associate Dean and Director of Undergraduate Studies, 2010-2014</i> <i>Music Education Area Head, 2009-2014</i> <i>Associate Professor {with tenure} of Music Education, 2009-present</i> <i>Assistant Professor of Music Education, 2003-2009</i>
2001-2003	Florida State University, College of Music <i>Graduate Teaching Assistant</i>
1999-2001	Thomas University, Department of Music <i>Assistant Professor of Music</i>
1996-1999	Florida State University School, Music Department <i>Music Area Chair and Teacher</i>
1995-1996	Munroe Elementary School, Quincy, Florida <i>Music Teacher</i>
1989-1994	Suwannee Elementary School West <i>Music Teacher</i>

BOOK

Paul, T.A., & Paul, P. M. (2010). *Winds and hymns: Resource guide to hymns, chorales, and spirituals in selected wind band literature*. Galesville, MD: Meredith Music Press.

PUBLICATIONS

2004 – present: Author of eight peer-reviewed publications; co-author of three peer-reviewed publications; Author of one non peer-reviewed publication

PRESENTATIONS

2004 – present: Twenty-nine presentations made at state and/or national conferences; seventeen were part of the peer-review process and twelve were invited

GRANTS AWARDED

- University of Oregon Innovation Research Award (2012). *Principal Investigator*. The effects of varying musical styles on brain activity. Award: \$5,000
- Faye and Lucille Steward Foundation Grant (2007-08). *Principal Investigator*. Support for research and curriculum development focused on using music to enhance emergent literacy with Head Start children. Award: \$10,000

DIRECTION OF STUDENT RESEARCH

Chaired three Dissertations, one Thesis, and thirteen Masters' Projects
University of Oregon

Committee member of five Dissertations and fifteen Masters' Projects
University of Oregon

MEMBERSHIPS IN PROFESSIONAL ORGANIZATIONS

- Affective Response Special Research Interest Group of Music Education
- American Music Therapy Association
- American Orff Schulwerk Association
- California Music Educators
- College Music Society
- Colorado Music Educators Association
- Hawaii Music Educators Association
- National Association for Music Education
- Oregon Music Educators Association
- Pi Kappa Lambda (Honorary Music Society)
- Washington Music Educators Association

**RESOLUTION TO APPROVE
MULTIPLE-YEAR CONTRACTS**

WHEREAS, University Policy, 3356-7-35, Multiple-Year Contracts for Executive Level Officers, Administrative Officers and Other Designated Professional/Administrative Staff requires Board of Trustees approval annually when providing initial and renewal multiple year contracts; and

WHEREAS, the President is recommending that the attached list of multiple-year contracts be approved by the Board of Trustees for issuance by the Office of Human Resources.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees approves the issuance of multiple-year contracts, shown as Exhibit ___ attached hereto.

Multiple Year Contracts (Excludes President and Coaches)

Name	Title	Salary FY 2016-2017	FY 2016-2017
<i>Administrative Level Officers, per 3356-09-02 (formerly 9002.01)</i>			
<i>Deans, per 3356-09-02 C1(a)</i>			
Dr. Kristine Blair	College of Liberal Arts & Social Sciences	\$ 158,000.00	1 of 3
Dr. Joseph Mosca	College of Health & Human Services	\$ 155,000.00	2 of 3
Dr. Phyllis Paul	College of Creative Arts & Communication	\$ 145,000.00	1 of 3
Dr. Wim Steelant	College of Science, Technology, Engineering & Mathematics	\$ 170,000.00	1 of 3
<i>Designated P/A Staff, per 3356-09-02 C1(e)</i>			
Dr. William Binning	Government Relations Representative (.50 FTE)	\$ 39,780.00	1 of 1.5
Dr. Nathan Myers	Associate Provost, International & Global Initiatives	\$ 100,000.00	1 of 3