

Explanation of Proposed Changes

RP 12.201 - Ethical Standards of Conduct

Language was added to RP 12.201 I to emphasize that the document relates to ethical standards of conduct in research and scholarly activities as opposed to general ethical conduct.

Original language: To set forth policy regarding ethical standards of conduct.

Proposed language: To set forth policy regarding ethical standards of conduct in research and scholarly activities.

Language under RP 12.201 III.A. was updated to include current terminology and concepts found in federal and state regulations to describe examples of misconduct.

Original language: In the conduct of research and scholarly activities, faculty members and staff shall adhere to strict ethical standards of conduct. Failure to adhere to ethical standards includes, but is not limited to falsification of data, plagiarism, abuse of confidentiality, dishonesty in publications, deliberate violation of regulations, property violations, the failure to report observed fraud, and potential conflicts of interest.

Proposed language: In the conduct of research and scholarly activities, faculty and staff shall adhere to strict ethical standards of conduct. Failure to adhere to ethical standards includes falsification of data, plagiarism, breach of confidentiality, dishonesty in publications, deliberate violation of regulations, misappropriation of resources, utilizing one's official capacity to gain undue benefits for oneself or others, exploiting subordinates, including students, and failing to disclose and properly manage potential conflicts of interest.

RP 12.202 - Principal Investigator

Language describing who can be a principal investigator under RP 12.202 III.A. was updated to recognize that persons in non-compensated board appointments can serve as principal investigator. Language was also added to emphasize that the role of principal investigator is associated with externally funded contracts and grants.

Original language: Only university board appointees may serve as a principal investigator.

Proposed language: Only university board appointees may serve as principal investigator for an externally funded contract or grant. In the context of this policy, adjunct faculty, research affiliates, and emeriti faculty in non-compensated university appointments may serve as principal investigators.

New language is added to describe the conditions for serving as principal investigator, which were located in RP 12.203. However, the original language did not make the connection clear. In addition, language was added to clarify that an external sponsor's process for changing principal investigators shall be followed.

Proposed language:

12.202 III.B. The privilege to serve as a principal investigator is conditioned on the following criteria: the proposed program or activity is desirable and compatible with the mission of the respective academic or research unit; those university officials responsible for committing the use of facilities and other resources of the University agree to accept the commitment involved; the investigator has accepted the terms and conditions of the contract or grant; and the investigator has disclosed all potential conflicts of interest.

12.202 III.C. Changes in principal investigator shall be done in accordance with awarding agency policies and procedures such as the National Institutes of Health Grants Policy Statement or National Science Foundation Award and Administration Guide.

RP 12.203 -Right to Investigate and Disseminate

Language under 12.203 III.B was clarified to emphasize that research is conducted on behalf of the university, which provides support or resources. However, the research is directed by individuals or groups of investigators associated with the university. The intent was to preserve the spirit of the original language and also reflect that externally sponsored awards are made to the university and not individuals per se.

Original language: At the University, all research is undertaken voluntarily by individuals or groups of investigators. The “University” as such is not engaged in research. It may provide facilities, equipment and certain kinds of facilitating administrative services to facilitate the research. Whenever a given research proposal, however, involves special financing, whether by agencies inside or outside of the university, there is a joint decision to submit the proposal by the principal investigator and the various university reviewers.

Proposed language: Research conducted on behalf of the University, whether funded by an external sponsor or through an application of University resources, is directed by individuals or groups of investigators associated with the University. University officials responsible for committing resources such as facilities, equipment and administrative support may decide whether to support projects or to apply for external funding for projects, but may not direct the research. Thus, research is conducted under joint decisions by investigators and university officials.

Language was added to 12.203 III.C to acknowledge that while the university recognizes a faculty member’s academic freedom, this does not mean that a faculty member’s research is immune from critical review.

Original language: The university guarantees the freedom to inquire of each member of the academic community and affirms the right of each member to gain access to all available relevant information. Each member also has the absolute right to choose whether, how, and where to publish scholarly conclusions and results of research.

Proposed language: The University guarantees the freedom to inquire of each member of the academic community and affirms the right of each member to gain access to all available relevant information. Each member also has the absolute right to choose whether, how, and where to publish scholarly conclusions and results of research. The commitment to academic freedom in the conduct of research does not imply that the faculty member’s research is not subject to critical review and judgment as to its quality and significance.

Although the language might be more applicable to externally sponsored research, the language under 12.203 III.E was retained and revised to be consistent with the proposed language under RP 12.202 III.B to reflect the general conditions for accepting research projects.

Original language: Whenever a given research award is accepted by the university, it means that the following conditions have been met: the proposal has scholarly merit; the investigator is deemed capable of undertaking it; those responsible for committing the use of facilities and other resources of the University agree to accept the commitment involved; the investigator accepted the terms and conditions of the contract or grant; and the investigator has disclosed all potential conflicts of interest.

Proposed language: Whenever a given research project or award is accepted by the University, it means that the following conditions have been met: the proposed program or activity is desirable and compatible with the mission of the respective academic or research unit; those responsible for committing the use of facilities and other resources of the University agree to accept the commitment involved; the investigator accepted the terms and conditions of the contract or grant; and the investigator has disclosed all potential conflicts of interest.

Language under 12.203 III.F was revised to remove references to a non-existent entity and to generically refer to due process available to faculty to resolve disputes regarding scholarly activity. This was done so that the RP would not have to be updated to reflect the different bodies established by campuses to handle disputes, which may change.

Original language: All cases of indecision, or unfavorable decisions to be reviewed by university authorities will be referred to the Academic Freedom Committee of the University Faculty Senate for hearing according to established due process procedures.

Proposed language: Any disputes of scholarly activity involving university officials designated with approving authority shall be resolved according to established University due process procedures.

RP 12.206 - Establishment and Review of Organized Research Units

Language under 12.206 III.A was updated to reflect that an Organized Research Unit (ORU) can be established at the level of a school or college (Level 5) or at the departmental level (Level 4) and that ORUs receive institutional support in the form of general funds programmed for research (UOH-102).

Original language: The board approves extra-departmental administrative structures, commonly referred to as organized research units (“ORU”). ORU provides a locus for faculty, staff and students to engage in focused, collaborative research and training activities. They are expected to generate significant grant and contract funding.

Proposed language: The Board of Regents (“Board”) approves extra-departmental administrative structures, commonly referred to as organized research units (“ORU”). ORU provide a locus for faculty, staff and students to engage in focused, collaborative research and training activities. Organized research units may exist at the level of a School or college (Level V) or Department (Level IV). They are supported in part by the Organized Research Budget (UOH-102) and ORU are expected to generate significant grant and contract funding.

Language under 12.206 III.B was updated to reflect that review and recommendation of proposed ORU would be conducted by relevant campus administrators. The current language might imply that high level fiscal administrators, often referred to as administrative officers at the University, would be involved as opposed to members of the respective chancellor’s office. In conjunction with the revision in 12.206 III.C, it reflects the approach that the establishment and review process for ORU should be in Executive Policies (EPs) and Administrative Policies (APs) and that the RP should focus on affirming the Board role in approving establishment or discontinuation of ORU once the required vetting processes have been completed at the campus and system levels.

Original language: The president shall establish procedures for review of proposed ORU, including review and recommendations by the relevant campus faculty senate and administrative officers.

Proposed language: The President shall establish rules and procedures for the establishment, review, and removal of ORU, including requirements for review and recommendations by the relevant campus faculty senate and administrators.

Language under 12.206 III.C was revised and sections D and E were removed to be consistent with the approach that the EPs and APs should cover the process and the RP should affirm the Board role in approvals.

Original language: Once established, an organized research unit will be reviewed periodically at intervals of seven years or less, according to procedures established by the president.

Proposed language: ORU may not be formally established or discontinued until (1) review, as prescribed by the President, has been completed; (2) the President makes a recommendation to the Board; and (3) the Board has given its approval.

RP 12.207 - Research Corporation of the University of Hawai'i

Language was revised in 12.207 I. to reflect that the purpose of the RP is to set forth policy regarding the University's relationship with the Research Corporation of the University of Hawai'i (RCUH) and the conditions for service ordering university funds to RCUH.

Original language: To set forth policy regarding the establishment of RCUH and its relationship to the university.

Proposed language: To set forth policy regarding the relationship between the university and RCUH and the Board conditions for service ordering University funds to RCUH.

Due to the differences between service orders of extramural funds and institutional funds, policy specific definitions have been added to help clarify the RP.

Proposed language: A. Extramural contracts and grants – Refers to external sponsorship of research, training or other activities via a contract, grant or other agreement. In the context of this policy, extramural contracts and grants shall also include Federal formula funds and student financial aids.

B. Institutional funds – Refers to funds appropriated to the university such as general funds, research and training revolving funds (RTRF) and tuition and fee special funds. It also includes other non-extramural funds such as bond proceeds. Institutional funds are exempt from RP 12.207 III.C.1 when they will be used for mandatory cost sharing or matching purposes.

C. Mandatory cost sharing or matching – Refers to a sponsor imposed requirement to share or match institutional funds in order to receive sponsor funds under a grant or other agreement.

D. Research or training project – Refers to research, training or other activities that are funded by external contracts and grants or through an application of institutional funds. Examples of institutional funds that are for research and training projects include a formal seed money grant program as well as projects funded by separately accounting for an academic or research units' appropriated funds such as RTRF or unrestricted gifts toward pilot projects or faculty start-up costs.

E. Service order – a formal request by the University to utilize RCUH services to assist the University in carrying out its instruction, research, training, or public service mission.

F. University funds - Refers to extramural contracts and grants and institutional funds received by the University.

Language was added to 12.207 III.A to reflect that RCUH was in part established by state statute to facilitate the research and training efforts of the University. While this is a large part of RCUH's mission, it is not its only mission according to the Hawai'i Revised Statutes (HRS). Language regarding the composition of the RCUH board was removed because the HRS determines the composition (i.e., number of members, representation and whom has the power to appoint members) and the HRS may change. Because the intent of the section is to describe the relationship between the University and RCUH, it was only necessary to note that members of the university would be on the board.

Original language: The RCUH was established by state statute to facilitate the research effort of the University of Hawai'i. It is a corporate body governed by an independent board, separate from the

university. A statutorily determined number of members of the board also comprise the RCUH board. The chairperson shall assign board members to the RCUH board annually.

Proposed language: The RCUH was established by state statute, in part, to facilitate the research and training efforts of the University of Hawai'i. It is a corporate body governed by an independent board with members of the university community.

Language under 12.207 III.B was revised to reflect that extramural contracts and grants are service ordered to RCUH, which include training and other activities, not just research.

Original language: The university service orders research and training contracts and grants to RCUH. However, RCUH shall not be used to circumvent statutes, board policies, contracts, settlements, or regulations.

Proposed language: The University service orders extramural contracts and grants to RCUH. However, RCUH shall not be used to circumvent statutes, Board policies, contracts, settlements, or regulations.

Language under 12.207 III.C was revised to emphasize the Board's interest in monitoring service orders of institutional funds, which should normally be used for the direct support of research or training projects. This includes associated mandatory cost sharing or matching.

Dollar thresholds were removed so that they would reference and be consistent with the regular Board thresholds for prior approval before transactions could occur under RP 8.201, Contracts and Official Documents.

In addition, because the one-year limitation on RCUH employment was removed by the Board in 2005, it is removed from the RP to avoid confusion.

Original language: Service ordering to RCUH shall be for the direct support of a research or training project and shall not include major construction (CIP) and repair and maintenance (R&M) projects, employment of any person in excess of one year, purchases in excess of \$500,000 (total value), as a means to supplement existing university contracts or salaries, and contracting of services exceeding \$500,000 in total value unless prior board approval is obtained.

Proposed language: Service ordering of institutional funds to RCUH shall be for the direct support of a research or training projects, including mandatory cost sharing or matching.

1. Prior board approval is required for service ordering of institutional funds for:
 - a) Major construction (CIP) and repair and maintenance (R&M) projects in accordance with the threshold delineated in RP 8.201, Section B.1;
 - b) Purchases of goods or services in accordance with the threshold delineated in RP 8.201, Section III.E.1; or
 - c) Consultant contracts in accordance with the threshold delineated in RP 8.201, Section III.C.1.

Language was revised under 12.207 III.D and split into two sections to clarify the existing section. When the RP was adopted in 2002, extramural grants and contracts were already automatically service ordered since 2000 and Board approval was unnecessary. Thus, the original intent was to require

approval for service orders of institutional funds. There is also confusing language that actually refers to RCUH direct projects contained in the original RP. University extramural proposals and awards should be processed through the Office of Research Services. Only in exceptional circumstances should a University project be processed as an RCUH direct project. By separating the topics, we believe that the intent of the policy is clear.

Original language: No university funds, regardless of source, shall be directed to RCUH or any external agency without being received by the university's office responsible for the administration of research and training grants and contracts. Upon receipt, a determination by the university shall be made as to service ordering to RCUH based on this policy.

Proposed language: D. Extramural proposals and awards must be processed by the University's office responsible for the administration of research and training grants and contracts. Proposals may not be submitted via or awards made to RCUH on behalf of the University unless the President or the President's designee has made a determination that the research or training project should be processed as an RCUH direct project and RCUH has accepted the responsibility.

E. In the case of institutional funds, requests to service order to RCUH must be received by University officials delegated with approving authority to make such determinations by the President or the President's designee. Upon receipt, a determination by the University shall be made as to service ordering to RCUH based on this policy.

Language was revised under 12.207 III.E was revised and renamed 12.207 III.F to clarify that the Board executes the management agreement with the RCUH board and that the President annually reviews the document.

Original language: The board shall execute a document of relationship between the university and RCUH delineating the parameters of service to be rendered. This document shall be reviewed annually to allow for periodic amendments as necessary.

Proposed language: The Board shall execute a document of relationship between the University and RCUH board delineating the parameters of service to be rendered. This document shall be reviewed annually by the President to allow for periodic amendments as necessary.

RP 12.208 - Regents Awards for Excellence in Research

The title of the policy is proposed to be renamed to correct a typo and to reflect that it is a Regents award.

Original title: Awards for Excellence Research

Proposed title: Regents Awards for Excellence in Research

Language was revised in 12.208 III.A.2 to correct a typo.

Original language: No person may receive ore than one award in teaching and one award in research in their period of service to the university.

Proposed language: No person may receive more than one award in teaching and one award in research in their period of service to the university.

Language describing the selection process under 12.207 III.B was removed in favor of language describing the delegation of the process to the President under 12.207 IV.

Proposed language: The President shall designate a body to collect system-wide nominations, evaluate candidates and select recipients for Regents awards.