



Memorandum

To: Judith Lothian, Ph.D.
Chair of the Faculty Senate

From: Karen E. Boroff, Ph.D. 
Interim Provost and Executive Vice President

Re: Revisions to the Academic Integrity Policy

Date: January 26, 2018 

I have received the proposed revisions to the Academic Integrity Policy on October 16, 2017. These changes were endorsed at the Faculty Senate meeting on October 13, 2017. For the reasons set forth below, while I affirm the importance of academic freedom, I do not accept these revisions. At the same time, I affirm a faculty member's right under the *Guide* to grieve the merits of discipline (warnings, suspensions, or dismissal) under Article 3.9.b.5 of the *Guide*.

At the outset, let me underscore that which is apparent to all Seton Hall University faculty — academic freedom is the foundation of our academic community. As set forth in the 1940 “*Statement of Principles on Academic Freedom and Tenure*” and referenced in the *Faculty Guide*, “Institutions of higher education are conducted for the common good . . . and the common good depends upon the free search for truth and its free exposition.” It is indisputable that academic freedom is essential to these purposes and that “tenure [is] indispensable to the success of an institution in fulfilling its obligations to its students and to society.” 1940 *Statement of Principles on Academic Freedom and Tenure*.

Accordingly, the University policy on academic integrity arises from the *Faculty Guide's* directives regarding “Faculty Rights and Responsibilities,” adopted to protect the faculty's academic freedom. See Article 7.1.e. The policy is intended to promote and protect honesty in the gathering of data and presentation of research findings. Faculty members “should, at all times, endeavor to be accurate” Article 7.1.d. They are expected to “foster honest academic conduct” Article 7.1.f. Academic misconduct under the policy is, among other things, the fabrication of data, the falsification and misrepresentation of procedures used to obtain the underlying data and plagiarism. In short, the policy targets the content of a work and the means by which it was created.

In contrast, tenure and promotion applications, as well as a curriculum vitae (c.v.), on their own, contain no data, procedures, analyses or research findings. There is no scholarly content. The application and c.v. are a compilation of proffered credentials and accomplishments designed to convince the institution to confer the life-long commitment embodied in tenure. Indeed, the *Faculty*

Guide itself recognizes the distinction between “falsification of credentials or academic experience” and the commission of “serious act or acts of academic dishonesty as defined in Article 7.1.e.” as they have been designated as separate and distinct bases for a dismissal proceeding. To the extent there is a negligent mischaracterization, misrepresentation or even an intentional falsification in this compilation of publication titles and other listings of purported accomplishments, clearly there are no substantive research findings or methodologies being presented. Thus, the application and c.v. do not — and are not — protected by academic freedom. Absent any infringement on academic freedom, the academic integrity policy is wholly inapplicable.

However, that does not mean that there is no avenue for review of a claim that academic freedom was impinged in the consideration or action on a tenure or promotion application. Should a tenure or promotion application be denied, recourse under the *Guide* is available. The applicant is free to grieve a denial of tenure or promotion on the basis of a procedural violation. Thus, should a faculty member believe that the actual content of his/her work improperly influenced a tenure or promotion decision in contravention of Article 7.1.e, the *Guide* at Article 7.1.h. also points to the grievance procedure, where the grievant could argue that University policy embodied in Article 7.1.e was violated.

Certainly recognizing that the hierarchical tenure and promotion process cannot be supplanted, the grievance procedure expressly provides that the merits of a particular promotion and tenure decision shall not be considered. Balancing the deference owed to the rank and tenure process against the availability of a review process, the *Guide* specifically provides such a review mechanism in lieu of the grievance procedure by allowing an appeal, on the merits, to the President when the application has been positively recommended by a majority vote of the University rank and tenure committee.

Furthermore, the *Guide's* limitations under Article 14.2.b do not mean that there is no mechanism for reviewing claims of misrepresentation in a tenure application or c.v. As noted earlier, the purpose of the application and c.v. is to present an inventory of achievements during the applicable time frame designed to persuade reviewers, and upon which reviewers should be able to rely, that lifetime employment has been earned. In so doing, plainly faculty are required to be truthful, honest and accurate in the application as well as all other aspects of their University life in accordance with the *Faculty Guide*, the law, the ethical canons of their discipline, academic professionalism and the underpinnings to our Catholic educational mission. Upon a mischaracterization, whether negligent or intentional, and depending on the nature and severity of the representation, a chairperson, dean and/or provost may impose discipline.

To dispute discipline based on such a misrepresentation, intentional or not, or any discipline (unless expressly excluded from the grievance procedure), the faculty member would assert, under Article 14.2.a.1, that the supervisor violated the policy at issue by misapplying it to the complaining faculty member, thereby generating the contested discipline.

Therefore, since the tenure and promotion application and c.v. do not contain the data, findings or methodologies encompassed by the Academic Integrity Policy and because there are avenues for imposing and reviewing discipline that results from misrepresentations in these documents, the Office of the Provost does not accept the proposed revisions.