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General University Research and Professional Development

The instructional budget of the University of Delaware provides funds to assist full-time faculty in individual research and professional development. The program for use of these funds is designated the General University Research (GUR) Program. Policies and procedures for applying for funding and the use of these funds are available on the Office of the Vice Provost for Research (OVPR) web site.

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University of Delaware Research Foundation

The University of Delaware Research Foundation, Inc., (UDRF) is an independent, nonprofit, tax-exempt organization for the support of research in all fields of science and engineering. UDRF awards grants to early-career, untenured, tenure-track faculty at the University. The program is announced annually through the Office of the Vice Provost for Research; guidelines and application forms are available on the OVPR website.

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Research Contracts and Grants Administration

The Office of the Vice Provost for Research is responsible for the pre- and post-award administration of external grants to the University. Office staff assist faculty to identify funding sources, prepare grant proposals, develop budgets, and manage the legal and financial obligations of awarded grants, contracts, and fellowships.

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Conflict of Interest in Research

The University of Delaware encourages its faculty and professional staff to seek public and private support of their research programs. The University also recognizes the value of outside consulting and of other professional and business interests that benefit University employees and the University. However, the University also insists that its employees avoid conflicts of interest (and the appearance of conflicts of interest) when they are involved in projects underwritten by gifts, grants, contracts, purchase orders, and/or other externally or internally sponsored agreements. To that end, the University requires that all faculty and professional staff read and comply with the policy, "Faculty and Professional Staff Involvement in Commercial Enterprises That Have Relationships With the University of Delaware." (Policy 6-11 in Policies and Procedures).

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Misconduct in Research

The Federal Office of Science and Technology Policy (OSTP) defines research misconduct as "fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results." It is the policy of the University of Delaware to abide by the OSTP policy in all University research. Any intentional distortion of research data or intentional distortions of information or conclusions derived from research data constitutes misconduct in research and is prohibited by University Policy.

The University, the State, suppliers of grant accounts, clients of consultation services, and the public all have the right to expect and demand unbiased and factual information from University personnel. In the long run, University personnel benefit individually and collectively from the maintenance of high ethical standards.

An atmosphere of intellectual honesty enhances the research process and need not inhibit productivity and creativity. Establishing and maintaining such an atmosphere is a responsibility that must be accepted by all University personnel.

Fortunately, research misconduct occurs very rarely. However, the potentially severe consequences to the academic reputation and credibility of the University make it the responsibility of all to report promptly and confidentially any suspicion of research misconduct.

Suspicion of research misconduct and awareness of an inquiry into suspected research misconduct must be limited to only those with a genuine need to know.

Each dean, chair, division head, and principal investigator has a special responsibility for creating and strengthening an atmosphere in which misconduct in research is abhorrent. This includes indoctrinating in faculty, staff, and students the highest standards of professional and intellectual ethics.

The University has the ethical responsibility to prevent misconduct in research and the legal responsibility to inquire into all allegations of research misconduct and to report and investigate all instances where a reasonable presumption of misconduct is established by inquiry. Federal requirements, examples of activities potentially affected by misconduct in research, consequences of misconduct in research, and procedures, to be followed in identifying and investigating possible misconduct, are contained in "University of Delaware Policy 6-10, Misconduct in Research."

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Patent Policy

The University has a policy, "Inventions, Discoveries and Patents," (Policy 6-6) that clearly states the rights and obligations of individuals, the University, and outside parties who may have contributed toward an invention. Every member of the University faculty and professional staff is required to understand and comply with this policy.

Every potential invention or patentable discovery made by an employee of the University must be reported to the Vice Provost for Research who will arrange to evaluate the potential invention or discovery under the terms of the policy. Faculty members are responsible for insuring that students, postdoctoral fellows, research associates, and technicians working under their direction comply with the terms of the policy. The Office of the Vice Provost for Research provides advice and guidance on all patent matters.

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Copyrights and Publishing

In accordance with established custom at institutions of higher learning, copyright ownership of textbooks, manuscripts, other print materials, etc., produced by the individual effort of the author, as well as any resulting royalties, accrue to the benefit of the author. If the University incurs some incremental costs during the preparation of the material, the author must reimburse the University for these expenses to obtain full equity in the copyright. (See Computer Software for information pertaining specifically to copyrighting computer software.)

When material has been prepared under a specific written contract, grant, or assigned project agreement, ownership of the copyright will be determined by the terms of that contract, grant, or project agreement. ("Assigned project" refers to a University project covered by a written assignment under which the assignee is allocated time to carry out the work.)

Except for constraints imposed by funding agencies or the University, faculty members are free to publish results of their research and scientific investigations. Constraints, if any, imposed by the granting agencies or the University are indicated when the grants are made. It is the responsibility of the department chairperson or director to be aware, along with the faculty member, of any such contractual obligations. When in doubt, the faculty person, chairperson, academic director or college dean should refer the question to the Vice Provost for Research. Copyrighted theses and dissertations are the property of the authors. Individuals who wish to publish or reprint theses must receive appropriate clearance from the author(s) and the Vice Provost for Research.

Additional information concerning these policies can be obtained from the Office of the Vice Provost for Research or the Research Section of the UD Policies and Procedures Manual.

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Computer Software

The University has an established policy (Policy 6-07) defining the rights and obligations of the University, originators, and sponsors with regard to computer software. Administration of this policy is the responsibility of the University Provost, but day-to-day administration is delegated to the Vice Provost for Research, with the understanding that no departures will be made from this policy without the University Provost's concurrence. A brief summary of the policy follows.

The objective of the policy is to preserve traditional University practices and privileges with respect to the publication of scholarly works while protecting the University's assets. The policy (1) aims to encourage faculty, students, and staff to develop software, and (2) establishes principles and procedures for equitably sharing income derived from material produced at the University in cases where the University has an interest in the software.

All rights in computer software remain with the creator of the work except in the following cases: (1) the work is a "work made for hire" under the provisions of copyright law, (2) the work is commissioned by the University, (3) creation of the work involves significant use of the University's personnel, funds, or facilities, or (4) other arrangements are required by the University's contractual obligations or by agreement between the University and the creator of the work.

In interpreting the work-made-for-hire clause, the University recognizes the obligation of faculty members to publish scholarly works and follows its long-standing practices regarding copyrights and royalties (or other income) pertaining to works resulting from author-initiated, individual effort. The University policy on Copyrightable Material (Policy 6-07) states that: "In accordance with established custom at institutions of higher learning, copyright ownership of textbooks, manuscripts, other print materials, etc., produced by the individual effort of the author, as well as any royalties therefrom, accrue to the benefit of the author." A few exceptions to this general rule are given in the policy on Copyrightable Materials and the policy on Computer Software.

In cases where software may have market potential, the originator should notify the Vice Provost for Research (or other official designated by the Provost) when the commercial potential becomes apparent. To safeguard the individual's and University's interests, a copyright notice should be placed on the software when it is distributed to others, whether or not its marketability is apparent at the time.

The complete University of Delaware Policy on Computer Software is contained in the Research Section of the UD Policies and Procedures Manual (Policy 6-09).

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Audiovisual Works

The University will employ modern audiovisual technology in order to further its educational and research activities. (Audiovisual works are works that consist of a series of related images that are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with the accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the works are embodied.) The goal of the policy is to help produce audiovisual works of the highest quality through the joint effort of University of Delaware faculty, professional staff, and technical specialists. The administration of the policy is the responsibility of the University Provost, but day-to-day administration may be delegated by the University Provost to an appropriate University official with the understanding that no departures from the stated principles of the policy will be made. A brief summary of the policy follows.

The objectives of the policy are (1) to extend University educational and research opportunities outside and within the traditional campus setting through audiovisual means; (2) to serve the best interests of the University, instructors, and the public by producing, using, and distributing only audiovisual works of the highest possible quality; (3) to foster a high level of cooperation between participating instructors and the audiovisual works production staff; (4) to encourage participation by instructors with professional qualifications most appropriate for each specific audiovisual work; (5) to preserve traditional University practices and privileges with respect to the generation and publication of scholarly works and the right of instructors to determine course content; (6) to foster the free and creative expression and exchange of ideas and comments; (7) to establish principles and procedures for equitably sharing income derived from audiovisual works produced at the University; and (8) to protect the University's assets and imprimatur.

All participation by faculty in the creation of audiovisual works shall be fully voluntary, and participation by full-time faculty shall not be a condition of employment. In no circumstance may an audiovisual work be used in faculty evaluation without the written permission of the faculty member who has participated in the making of that work.

Each audiovisual works project shall be governed by a written agreement signed by the participating instructor or off-campus personnel and the University. The terms of such an agreement shall be consistent with sections of the policy that are applicable to either University instructors or off-campus personnel.

The intellectual property rights in audiovisual works produced in accordance with the policy by University staff and with University facilities, including rights to copy, use, and distribute, shall reside in the University.

The full University of Delaware audiovisual policy (Policy 4-15) is available on line.

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Human and Animal Subjects in Research

To protect research subjects, any study involving human subjects must be performed under conditions that insure subjects' rights and welfare through adequate safeguards and the informed consent of those involved. Such consent is valid, however, only if the subjects are first given a complete explanation of the procedures to be followed, their possible benefits and attendant risks and discomforts, and the purpose and objectives of the research. This is particularly important when the research does not directly benefit the subjects involved. Safeguards should be especially stringent when subjects are legally, physically, or otherwise unable to give consent.

The University requires review of research projects involving human subjects by the Human Subjects Review Board (Policy 6-04) to insure that (1) subjects' rights and welfare are adequately protected, (2) the methods used to obtain informed consent are adequate and appropriate, and (3) any risks and inconveniences to the subjects are outweighed by the potential benefits to them or by the importance of the knowledge to be gained.

Faculty, staff, and students who use or care for laboratory animals assume responsibility for the humane care and general welfare of the animals. Such responsibilities are outlined in University Policy 6-13, the Guide for the Care and Use of Laboratory Animals (National Institutes of Health), and the "U. S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training." Researchers using animals are also expected to comply with the Public Health Services Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions and the "University of Delaware Assurance of Compliance with PHS Policy on Care and Use of Laboratory Animals by Awardee Institutions." The appropriate University Animal Care and Use Committees review projects that use animal subjects.

The Vice Provost for Research is the general administrator of all policies concerning the use of human subjects or animals in research. Additional information concerning these policies can be obtained from the Office of the Vice Provost for Research.

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A complete list of safety policies can be found in the University of Delaware Policies and Procedures Manual and safety information is available at the Occupational Health and Safety web site. Questions regarding the safety program should be directed to your department safety committee or Occupational Health and Safety at 831-8475.

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Academic Program Review

Academic Program Review (APR) is a function of the Office of the Provost in conjunction with the University Faculty Senate and is coordinated by the Vice Provost for Academic and International Programs. It is designed to evaluate the quality, productivity, and the role of each academic unit and program in the fulfillment of the University's mission and strategic goals. (The term "unit" herein refers to an academic department, a college, or a program.) APR serves to encourage self-study and planning within units, to ensure comparability among review reports, and to strengthen the linkages connecting the planning agendas and practices of individual units with those of their colleges and of the University as a whole. Reviews inform budgetary planning decisions at every level of administration.

The Provost and Deans select units for review. Academic units will normally be reviewed at ten year intervals, but this schedule may be accelerated in individual cases at the discretion of the Provost. Wherever possible, APR reviews will be combined with accreditation or other mandated reviews. The Senate Academic Priorities Review Committee will have the opportunity to suggest programs or programmatic areas for review. The Vice Provost for Academic and International Programs coordinates all reviews, working with the unit under review and with the review panel to ensure that the process will be fair, efficient, and effective.

Each review is conducted by a review panel, composed of five members, all from disciplines related to that of the unit under review. The Review Panel members will be selected as follows:

- one University of Delaware member or external member chosen by the Dean of the college whose unit is under review or, in the case of the review of a college, by the Provost
- one University of Delaware member chosen by the Faculty Senate Committee on Committees and Nominations
- one University of Delaware member from the faculty of another unit or external member chosen by the unit under review
- two external members representing the discipline of the unit under review chosen by the Vice Provost for Academic and International Programs in consultation with the head of the unit and the Dean of the unit's college.

Further information on the Academic Program Review process may be obtained online or from the Office of the Vice Provost for Academic and International Programs.

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Involvement Related to Extraordinary Financial Circumstances

The University is obligated to continually review educational goals, programs, and activities in order to effectively allocate its resources. It is clear that the faculty has responsibilities in these areas. This is recognized by the Bylaws of the Board of Trustees in that the faculty has the delegated responsibility "to formulate and administer the academic and the educational policies of the University" (Chapter 2, Section II). Within this broad charge are the more explicit charges that the Faculty shall "provide for the establishment of the curricula and courses in the several colleges and divisions" (Chapter 2, Section II- C) and "It shall be the privilege of the faculty:

1. To make recommendations to the Board of Trustees concerning the disestablishment of any degree.
2. To consider matters of general interest to the University and make recommendations thereupon to the President for transmission to the Board of Trustees.
3. To consider and make recommendations for proposed changes in the University organization." (Chapter 2, Section II-E)

It is expected that the administration will seek and seriously consider faculty input before making substantial modifications in an educational program. This faculty involvement should begin with the most immediately affected group and when appropriate, include committees of the faculty.

Moreover, when academic goals, programs or activities are subject to drastic reductions or when individual faculty contracts are subject to termination because of declared University-wide "extraordinary financial circumstances," then the appropriate faculty committees have a special responsibility in representing the interests of the faculty in an assessment necessary to assure the maintenance of the academic quality and responsibilities that are the hallmarks of a university.

The specific committee of the faculty that has the overall responsibility of assessing the programmatic implications of the tentative actions to be taken in the name of "extraordinary financial circumstances" is the Coordinating Committee on Education working with its various subcommittees. In particular, when extraordinary financial circumstances have been declared, the Academic Priorities Review Committee has the specific charge of assessing the fiscal rationale of such proposed decisions and their impact on specific proposed reductions, dissolutions, or proposed terminations of individual faculty contracts as they relate to the overall goals of the University. (Editorial rev. 10/99)

Necessary considerations for these appropriate committees when acting on proposals involving University-wide "extraordinary financial circumstances" are delineated as follows:

An "extraordinary financial circumstance" is difficult to define, but in general it must represent more than a temporary operating or liquidity problem. Though not requiring bankruptcy to be declared, such a condition is one where survival of the institution as a whole is at issue, and in the absence of other feasible remedies, the well-being and future of the University require that drastic actions be taken. When the "extraordinary financial circumstance" is declared by the Board of Trustees it is expected that it will be demonstrated as bona fide.

When a curtailment of academic programs or activities is called for because of the "extraordinary financial circumstance," it is expected that the faculty will play a significant role in determining which academic programs and activities will be altered and to what extent. It is important that the curtailment be bona fide in relation to the financial emergency, not a subterfuge to dismiss controversial individuals or programs. The total adjustments must be suitable to maintaining the purpose of the University as an institution of knowledge and learning.

When it is determined that the "extraordinary financial circumstance" must be dealt with by reductions in faculty positions, and individual contracts must be terminated, it is expected that a University-wide plan of action will be developed. The departments or college faculties most immediately affected shall be a basic part of the group that develops "a plan of action." The Coordinating Committee on Education shall specify the procedures to be followed at the department and college levels in preparing this plan. The total plan of action for the University shall be examined by the Academic Priorities Review Committee and the Coordinating Committee on Education, which shall have primary responsibility for submitting a report and its recommendations to the Faculty Senate. (Editorial rev. 10/99)

A "plan of action" that specifies terminations or nonrenewals should first eliminate part-time, temporary, nontenured, and then tenured faculty, with length of service and academic rank being discriminating factors within each category. Only in extraordinary circumstances where a serious distortion of the academic program would otherwise occur will there be a modification of the termination procedure specified. It is expected that the plan of action will take into consideration affirmative action responsibilities, relocation possibilities within the University, retraining, and opportunities for voluntary early retirement.

If the elimination of a faculty position or academic department is part of the "plan of action," there is the presumption that that position or department shall not be reinstated within a three-year period after elimination. If such a reinstatement is proposed within the three-year period, those terminated will be given first choice to be rehired.

New programs should not be instituted within the three-year period after instituting the "plan of action" unless it is clearly demonstrated in advance that they are self-sufficient and are not in need of University funding. Further, they must have educational merit and be consistent with stated University goals. (Rev. 11/1/76)

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Travel Reimbursement

In cases in which professional travel is in accordance with the purpose of an approved sabbatical leave, reimbursement may be provided for professional meeting attendance and other related travel. Such reimbursements will be made according to standard University of Delaware policies and must be approved by the Dean (not a designee). Reimbursement will not be provided for relocation to or return from the sabbatical site, or for living expenses. In general, reimbursement for professional travel for faculty on sabbatical leave should not exceed the costs that would have been incurred had the faculty undertaken the travel from Delaware. Exceptions may be approved by the Dean.

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