




PRESIDENT'S POLICY MEMORANDUM NO. 259

TO: All Faculty
FROM: Charles W. Steger 
DATE: July 31, 2009
SUBJECT: Removal of a Principal, Co-Principal or Lead Investigator

Approved by CFA: January 30, 2009
Approved by Commission Research: February 4, 2010
Approved by Faculty Senate: February 10, 2009
Approved by University Council: March 2, 2009
Approved by the President: March 2, 2009
Approved by Board of Visitors: March 23, 2009
Effective Date: Upon Approval

The Board of Visitors approved a resolution to add sections to the Faculty Handbook and the Handbook for Special Research concerning the removal of a principal, co-principal, or lead investigator.

Following is the text of that resolution.

WHEREAS, the university strives for the highest standards of research performance to maintain its credibility, public trust and the professional standing of all its researchers; and

WHEREAS, funding agreements are legal contracts between the sponsor and the university (not the principal investigator(s)), thereby obligating the university to ensure compliance with any and all applicable policies, regulations, or specific conditions attached to the funding; and

WHEREAS, there are circumstances when removal of a Principal, Co-Principal or Lead Investigator may have to be considered, especially when so requested by a sponsor; and

WHEREAS, the removal of a Principal, Co-Principal or Lead Investigator warrants an established policy and procedure to ensure fair treatment of faculty members and protection of university and sponsor interests and obligations;

NOW, THEREFORE, BE IT RESOLVED that the following section be added to the Faculty Handbook and to the Handbook for Special Research Faculty:

REMOVAL OF A PRINCIPAL, CO-PRINCIPAL OR LEAD INVESTIGATOR

Funding agreements are legal contracts between the sponsor and the university rather than an individual; thereby obligating the university to ensure compliance with any and all applicable policies, regulations, or specific conditions attached to the funding. Funding agencies and sponsors vary in their requirements; the terms of the specific contract with a sponsor will guide the university's actions whenever this policy may need to be invoked. This policy applies to investigators who hold identified responsibilities as Principal, Co-principal, or Lead Investigator (hereafter referred to collectively as the Investigator).

Removal of an Investigator from a sponsored project may be necessary or warranted under unusual circumstances such as incapacity (unable to carry out their responsibilities as an Investigator), misuse of funds, failure to comply with university and sponsored programs' policies or state or federal regulations, failure to disclose or appropriately manage a significant conflict of interest, or in response to a request by the sponsor of the project.

Significant issues that are uncovered by the university or brought forward by the sponsor should be addressed with the Investigator as early as possible so that he or she has an opportunity to rectify the problem(s) if possible. The Office of the Vice President for Research must consult with the relevant department head and dean (or other senior manager if the Investigator is not in an academic college) in addressing the deficiencies prior to removal, evaluating the validity of the concerns, or determining other appropriate resolutions to the identified issues. Referral to and formal investigation by a university entity charged with such responsibility, such as internal audit in the case of alleged fraud or misuse of funds, will follow standard university policies and procedures. Reassignment of responsibility for authorization of project expenditures may be necessary pending the outcome of the investigation.

Should the circumstances warrant removal, the vice president for research shall inform the Investigator in writing, including a statement of the justification and supporting evidence for the removal. If the sponsor initiates a request for removal, the vice president shall request such a statement in writing from the sponsor. The Investigator shall have at least ten (10) working days from receipt of the notification to respond. If this exchange does not result in a satisfactory resolution of the issues(s) and the removal becomes involuntary, the Investigator may appeal within five (5) working days to the provost.

Notification of the sponsor will be in accordance with the terms of the specific sponsored contract and/or requirements of the funding agency whenever the university initiates temporary suspension or permanent removal of an Investigator. Reassignment of project leadership, when necessary, will occur in consultation with the sponsoring program manager.

Appeal: Within ten working days (or as expeditiously as possible), the provost will appoint an appeals committee composed of three non-administrative faculty members chosen by the provost: one member chosen from the Faculty Senate Faculty Review Committee; one member chosen from the Committee on Faculty Ethics; and one member from the general faculty. The committee will elect its own chair. The vice president for research will present the appeals committee with the rationale and evidence that led to the recommendation for removal. The Investigator, if he or she so elects, will have an opportunity to provide a statement to the panel. Documents shall be submitted in accordance with deadlines and guidelines set by the committee and made available to the other party. The appeals committee may choose to review submitted documents and/or hear from the parties. The committee's responsibility is to determine if there is reasonable cause for the removal, that the Investigator had a fair opportunity to rebut the evidence as provided for in this policy, and that university policies and procedures have been followed appropriately. The committee will provide its recommendation in writing to the provost within thirty (30) calendar days. The provost shall render a decision on removal of the Investigator within five (5) working days after receiving the committee's recommendation. If the decision of the provost does not agree with the recommendation of the appeals committee, the Investigator may appeal within five (5) working days to the president of the university. The president will render a decision within fifteen (15) working days. The president's decision will be final.

Time limits above may be extended by necessity and by mutual agreement of the parties. Given that this appeal process provides an opportunity for referral to a faculty panel and review by university executives, the same matter may not also be the subject of a grievance.

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