

College of Earth, Ocean, and Environment

Format of Policy Statements

Policy Statement A/1/09

(Supersedes A/1/73, A/1/85, A/3/07)

1. Format

Effective 1 July 2009 all policies of the College of Earth, Ocean, and Environment shall be published in the form of policy statements as described herein.

2. Definitions

Policies are defined as the continuous goals, objectives, purposes, guidelines, and general rules governing the day-to-day administration of the College.

3. Initiation of Policy

Policy for the College of Earth, Ocean, and Environment may be initiated by the Dean, the Deputy Dean, the faculty, the staff, or the students. All policy statements shall be subject to review and a vote to adopt or reject the statement by the faculty (or by the Academic Council on behalf of the faculty). Those policies that are directly related to faculty personnel issues will require a two-thirds majority vote of the College faculty for adoption. Voting by two-thirds of the faculty will constitute a quorum. All policies will become effective after adoption and promulgation by the Dean.

4. Classifications of Policy Statements

Policy statements shall be classified by subjects as follows:

A - Administration, including general policies applicable to the entire college.

C - Curriculum, including course content, standards, requirements, degrees, grades, programs, and such matters;

E - Executive, Administrative, Research and Technical Staff, including appointments, duties, performance, promotion, compensation, benefits, and such matters;

F - Faculty, including recruitment, appointment, promotion, tenure, workloads, compensation, travel, and such matters;

P - Prizes, Awards, and Ceremonies;

R - Research, including applications, funding, publication, staffing, centers, books, equipment, and such matters;

S - Students, including admissions, qualifications, fellowships, assistantships, discipline, prizes, and such matters.

5. Numbering of Policy Statements

Each policy statement shall be numbered (a) by its subject; (b) by its chronological sequence in the year; and (c) by the year of its promulgation. For example, this policy statement shall be numbered A/1/09 upon its adoption. Each policy statement shall close with a brief legislative history indicating the dates of initiation, review, recommendation, adoption, and promulgation of the statement and the persons, committees, or officers that participated in such actions, as illustrated at the end of this policy statement.

6. Distribution of Policy Statements

The Policies and Procedures of the College of Earth, Ocean, and Environment shall be posted on the web in the College Administrative Information System (CAIS) section.

Legislative History

- System of college policy statements suggested in faculty meeting - 24 October 1972.
- Dean W. S. Gaither appointed Professor Gerard J. Mangone to draft policy statement system - 21 November 1972.
- Draft A/1/1973 circulated to Faculty - December/January 1973.
- Faculty recommended adoption of draft A/1/1973 - 6 February 1973.
- Dean W. S. Gaither adopted and promulgated A/1/1973 - 6 March 1973.
- COMSEX reviewed all policy statements - recommended retention as modified - 25 February 1985.
- Adopted and promulgated by Dean Thoroughgood - 1 December 1985.
- Revised and approved by Academic Council – 30 June 2007.
- Promulgated by Dean Targett – 23 August 2007.
- Revised and approved by Academic Council – 17 November 2009.
- Promulgated by Dean of CEOE – 8 February 2010.

College of Earth, Ocean, and Environment

Formation and Management of CEOE Faculty Committees

Policy Statement A/2/09
(Supersedes A/2/05, A/1/07)

1. Purpose

Committees are needed to provide advice and guidance to the Dean and Deputy Dean on specific topics of general importance to the CEOE. This policy does not affect committees within the School or departments of the CEOE.

2. Formation and Membership

The Dean or Deputy Dean forms and dissolves committees, as needed, in consultation with the faculty, except in the case of Academic Council and the Promotion and Tenure Committee. The rules governing these two committees are described in Policy Statement A/3/09 and F/1/09, respectively.

The Dean or Deputy Dean shall appoint committee members who shall serve for two years, with the possibility of renewal.

3. Management.

All members of the CEOE core faculty are eligible to serve on committees. Persons not belonging to the core CEOE faculty may serve ex-officio, but shall not vote on committee matters. The core faculty of the CEOE consists of all tenure-track, research, and continuing non-tenure track faculty members whose primary appointments are in the College.

Committees shall meet regularly and report the minutes from their meetings to the faculty and to the Dean and Deputy Dean.

Legislative History

- Discussed by Academic Council of College of Marine Studies (CMES) - 27 July 2004.
- Revised and approved by Academic Council of CMS– 27 July 2004.
- Approved by Faculty of CMS – 7 February 2005.
- Promulgated by Interim Dean of CMS – 7 February 2005.
- Revised and approved by Academic Council of College of Marine and Earth Studies (CMES)– 30 June 2007.
- Promulgated by Dean of CMES – 23 August 2007.
- Revised and approved by CEOE Academic Council – 12 December 2009.
- Promulgated by Dean of CEOE – 8 February 2010.

College of Earth, Ocean, and Environment Composition and Responsibilities of the CEOE Academic Council

Policy Statement A/3/09
(Supersedes A/2/82, A/3/85, A/3/05, A/4/07)

1. Purpose

The purpose of the Academic Council is to provide oversight and direction to the academic program of the College of Earth, Ocean, and Environment.

2. Membership

- College Administration
 - Deputy Dean of the College
 - Dean of College (*ex-officio*)
 - Assistant Dean for Student Services (*ex-officio*)
- Department of Geography
 - Department Chair
 - At-large Representative
- Department of Geological Sciences
 - Department Chair
 - At-large Representative
- School of Marine Science and Policy
 - Director
 - At-large Representative
- Student Representatives (Lewes and Newark Campuses; *ex-officio*)

3. Procedures

The Deputy Dean is the chairperson of Academic Council. The Dean, Assistant Dean for Student Services, and student representatives serve *ex-officio*. A quorum consists of a majority of the voting members of the Council. The Council meets monthly at the discretion of the Deputy Dean.

4. Responsibilities

Academic Council oversees the academic program of the College including

curricula design, College policies and procedures, College-wide student awards, and other administrative or budgetary actions affecting the academic program. When requested by the Dean or Deputy Dean, the Council also provides advice to the College Administration on all other matters affecting the College. The Council reports routinely the substance of its deliberations to the full faculty.

Legislative History

- Draft given by Associate Dean Carolyn A. Thoroughgood to Program Directors for review and comment - December 1981.
- Reviewed and revised by COMSEX - 4 January 1982.
- Draft A/2/82 circulated to Faculty - 10 February 1982.
- Faculty recommended adoption of draft A/2/82 - 23 February 1982.
- Dean W. S. Gaither adopted and promulgated A/2/82 - 3 March 1982.
- COMSEX reviewed and recommended retention after modification - 25 February 1985.
- Dean Thoroughgood adopted and promulgated - 1 December 1985.
- Academic Council discussed changes – 20 January 2004.
- Revised and approved by Academic Council - 27 July 2004.
- Approved by Faculty – 7 February 2005.
- Promulgated by Interim Dean Targett – 7 February 2005.
- Revised and approved by Academic Council – 30 May 2007.
- Promulgated by Dean Targett – 23 August 2007.
- Revised and approved by Academic Council - November 17, 2009.
- Approved by vote of CEOE faculty – 3 December 2009.
- Promulgated by Dean of CEOE—8 February 2010.

College of Earth, Ocean, and Environment

Long-Term Visitors

Policy Statement A/4/09
(Supersedes A/4/05, A/2/07)

1. Policy for visitors at CEOE longer than four months

The College encourages all visitors who wish to participate in CEOE research and academic programs and assist in achieving the mission of the CEOE as stated below.

The mission of the University of Delaware College of Earth, Ocean, and Environment (CEOE) is to advance understanding of Earth's natural systems and the interactions of humans with the environment through engaged interdisciplinary research, teaching, and outreach.

It especially recognizes the contribution of long-term visitors.

2. Visitors may be appointed as a:

CEOE Visiting Scholar, if the visitor is a student matriculated at another institution at the graduate or undergraduate level, or if the visitor holds an undergraduate or Masters-level degree.

CEOE Visiting Fellow, if the visitor has a Ph.D. or equivalent.

3. Such appointments shall be made on nomination by a faculty member and approval of the Deputy Dean in consultation with the relevant Department Chair or School Director. The nominating letter shall discuss facilities required by the visitor and the availability of appropriate facilities when necessary. These appointments should not impose any financial obligations on the College.
4. Nominations shall be made at least one month prior to the proposed beginning of the appointment.
5. Correspondence to the visitor offering the appointment and its terms shall come from the Deputy Dean.

Legislative History

- Need for policy first discussed by Academic Council of College of Marine Studies (CMS) – 27 July 2004
- Draft discussed by Academic Council of CMS – 8 November 2004
- Draft approved by Academic Council of CMS – 13 December 2004
- Approved by Faculty of CMS – 7 February 2005.

- Promulgated by Interim Dean of CMS – 7 February 2005.
- Revised and approved by Academic Council of College of Marine and Earth Studies (CMES) – 30 June 2007.
- Promulgated by Dean of CMES – 23 August 2007.
- Revised and approved by CEOE Academic Council – 15 December 2009.
- Promulgated by Dean of CEOE – 8 February 2010.

Professional Staff Consulting Policy

Policy Statement E/1/81

1. Purpose

To develop a consulting policy for the professional staff members of the College.

2. Responsibility to the Graduate College of Marine Studies and the University of Delaware

The first duty and responsibility of the professional staff member is to render to the University the most effective service possible. At the same time, consultation and other activities of a highly professional nature are looked upon favorably and encouraged where these activities make a positive contribution to the University. No outside service or enterprise, professional or other activity involving remuneration in excess of a professional staff member's regular salary, should be undertaken that might interfere with the discharge of this prime responsibility or bring the professional employee, as an expert or in any other capacity, into conflict with the interests of the University.

The University can assume no responsibility for private professional services rendered and it must be made clear to any employer that the work has no official connection with the University.

The obligations of a professional employee to the University Patent Policy must be made known to any outside employer before a commitment for consulting services is made when there would be any possibility of a conflict of interest.

The professional staff member must keep his supervisor and the Dean fully informed on the nature and extent of each arrangement that involves outside professional service. All such approved consulting arrangements will be undertaken on weekends or annual leave. Within any given five-day week, a professional staff member may use no more than the equivalent of one day (eight hours) for outside employment or other activity.

3. Consulting Request Procedure

All requests to consult by professional staff will be subject to the following procedure. Written notification of intent to consult must be filed with the individual's immediate supervisor and the College's Executive Officer. The request will then be acted upon within two weeks of receipt. All requests must specify the type of consulting work to be undertaken; location of the activity; length of the consulting agreement; description of the activity; and whether University equipment, facilities, or services will be utilized with a schedule of reimbursement for use of such University support. The individual must certify in writing that such outside consulting arrangements do not constitute a conflict of interest and will not interfere with regular University of Delaware employment responsibilities.

4. Use of University of Delaware Facilities

University facilities, equipment, and/or services may be used for outside consulting activity only after written approval has been obtained from the employee's supervisor, the person responsible for operating the facility or equipment, and the Dean. In all cases, the consultant's employer will pay the rate established by the University for the use of the facility or equipment.

5. Exemptions from this Policy: MAS Staff

Marine Advisory Service professional staff are considered full-time paid employees of the University of Delaware, which is a Sea Grant College. Such individuals are employed by the University of Delaware under the aegis of the National Sea Grant College and Program Act for the expressed purpose of rendering technical advice to a broad spectrum of marine-related clientele groups. MAS agents/specialists may not consult for pay (remuneration in excess of his/her regular salary) within the State of Delaware.

No MAS agents/specialists shall consult in other states having established marine advisory programs. Consultation in such states may be undertaken in the form of talent sharing between Delaware and another state. In such instances, the respective MAS directors will discuss the matter and agree on the appropriate reimbursement, if any, for service rendered between MAS programs. Honoraria for such efforts may be in the form of a check made payable to the University of Delaware, which will be deposited in an appropriate Marine Advisory account. The teaching of University extension division and summer session courses is encouraged and salary release funds paid by Continuing Education will be considered in the same form as honoraria.

It is conceivable that situations may arise whereby MAS consulting might be appropriate. In such instances, it is incumbent upon the individual to follow the procedure outlined in Paragraphs 2 and 3 to bring the matter to the attention of his/her supervisor. Such situations will be evaluated on their own merits and a decision rendered within two weeks of the receipt of the request. Those situations falling into this category include any in-state or out-of-state activities that may involve remuneration for services rendered.

Legislative History

- Draft consulting policy statement prepared - 1 January 1981.
- Draft consulting policy statement revised - 19 February 1981.
- Presented to COMSEX members by R. Schneider - 14 May 1981.
- Draft sent to CMS faculty for review and comment - 14 August 1981.
- Promulgated by the Dean - 20 September 1981.
- COMSEX reviewed and recommended retention - 25 February 1985.
- Dean Thoroughgood promulgated - 1 December 1985.

Appointment of Research Staff in Academic Programs and Departments

Policy Statement E/1/07

(Supersedes E/1/85 ,E/2/92, E/1/02, E/1/04)

It is the policy of the College of Marine and Earth Studies to encourage the appointment of Research Staff members in academic programs and departments who may contribute to the organization, development, and execution of significant research in the marine studies, complementing and expanding the objectives of the College to discover, collect, and disseminate knowledge in accordance with academic principles and public service.

The following principles shall govern such appointments:

- 1.** Proposed appointments for Research Staff members in academic programs and departments shall require all of the following:
 - (1) A scientific relationship with a full-time member of the CMES faculty that is mutually beneficial.
 - (2) Willingness by a full-time CMES faculty member to share space which has been assigned to the faculty member with the appointee.
 - (3) Evidence of the ability to develop a research program comparable to that of a full-time faculty member.
 - (4) Each proposal for appointment shall address these requirements and be reviewed by the Program Director or Department Chair and the CMES Promotion and Tenure Committee before a recommendation is made to the Dean.

- 2.** Depending upon qualifications, Research Staff members in academic programs and departments shall be appointed to the appropriate established University of Delaware Research Scholar Series ranks:
 - (1) Associate Scientist
 - (2) Scientist
 - (3) Senior Scientist

- 3.** Promotions of research staff members in academic programs and departments shall be recommended by the Program Director or Department Chair, with the advice of the CMES Promotion and Tenure Committee and approved by the Dean.

Criteria for promotion to Scientist shall include:

- Evidence of the ability to identify significant research problems and to obtain the means (financial and other) necessary to solve, or shed useful light on them.
- Publication of research results through professionally respected channels.
- The candidate's work should be visible and respected in national professional circles appropriate to his or her area of discipline.

Criteria for promotion to Senior Scientist shall include:

- A record of having identified significant research areas, having acquired the means (financial and other) to make substantial contributions to knowledge in these areas.
- A substantial record of publication of research results in scholarly channels respected in the appropriate area or discipline.
- The candidate should be recognized and respected both nationally and internationally.

Solicited peer evaluations are required for promotion. Statements by peers should analyze and evaluate the candidate's work critically, comparing them to others in the field at a comparable level, and remark on the candidate's potential for future development. A candidate may submit a list of potential reviewers. The candidate shall be given an opportunity to comment on all reviewers, but the Program Director or Department Chair shall make the decision on which reviewers to solicit for the evaluation of the candidate. All evaluations shall be strictly confidential between the Program Director, Department Chair, the P & T Committee, the Dean, and the reviewer.

4. Research Staff members in academic programs and departments shall be required to propose, organize, and administer projects in the same manner as Faculty members.

5. Research Staff members in academic programs or CMES departments may contribute to the academic program through teaching courses when invited to do so by the Program Director or Department Chair and may serve as members of thesis or dissertation committees with the approval of the Program Director or Department Chair. Members of the Research Staff shall not serve as major advisors to students.

6. Research staff members in academic programs shall be required to provide their personal compensation, their research assistants, staff, equipment, supplies, travel, and other support from grants or contracts external to the University of Delaware.

7. Research Staff members shall be eligible for the fringe benefits package of the University afforded to professional employees according to the percentage of annual salary raised during the appointment year:

- If 75% or more is raised, the member is eligible for all benefits available to full-time employees.
- If the amount raised is at least 50% but less than 75%, the member will receive the benefits of a permanent part-time employee.
- If less than 50% of the annual salary is raised, the member will be considered miscellaneous wage and no benefits will be awarded.

8. Research Staff members in academic programs and departments shall be reviewed by the Promotion and Tenure Committee every five years and recommendations for continuance or termination shall be forwarded to the Dean. Termination notices will be given in accordance with University of Delaware policies and procedures for the termination of Research Staff.

Legislative History

- Faculty Committee (Biggs, Pleass, Culberson, Webster, Mangone) appointed by Dean W. S. Gaither - 16 April 1984.
- Report prepared by Chairman of Committee, Dr. G. J. Mangone - 31 May 1984.
- Report discussed by COMSEX - 31 May 1984.
- Draft policy statement prepared by Dr. Mangone - 4 June 1984.
- Draft policy statement reviewed and revised by COMSEX - 1 October 1984.
- Revised policy statement sent to CMS Faculty for review - 2 October 1984.
- Proposed revision E/1/85 (formerly R/1/84) discussed at COMSEX meeting - 4 February 1985.
- E/1/85 discussed and accepted at Faculty Meeting - 11 February 1985.
- Dean Thoroughgood adopted and promulgated E/1/85 - 6 November 1985.
- Revised to conform with University policy on fringe benefit package offered to employees working less than full time and to make policy consistent with CMS practice. Revisions approved by COMSEX - 14 December 1992.
- Dean Thoroughgood promulgated E/1/92 - 14 December 1992.
- Revised by Academic Council to conform with current practice and to add promotion policy - 14 January 2002.
- Reviewed by Research Staff members with Drs. Boyer and Webster - 17 January 2002.
- E/1/02 discussed and accepted at Faculty Meeting - 4 February 2002.
- Dean Thoroughgood promulgated - 5 February 2002.
- Revised and approved by Academic Council – 27 July 2004.
- Dean Thoroughgood promulgated – 1 August 2004.
- Revised and approved by Academic Council – 30 June 2007.
- Promulgated by Dean Targett – 23 August 2007.

Classification Policy, Research Professionals

Policy Statement E/1/93 Supersedes E/1/92 and E/3/92

It shall be the policy of the Graduate College of Marine Studies to effect the classification/reclassification/promotion of professional staff as follows. Research Scholars shall be classified/reclassified/promoted on the recommendation of the Graduate College of Marine Studies Promotion and Tenure Committee based on the established criteria of the College and approval by both the Academic Council and the Dean. Research Associates (Marine Scientists and Laboratory Coordinators) shall be classified/reclassified/promoted based on experience and representative duties as specified by the University and in this policy.

The Dean shall appoint a Graduate College of Marine Studies Committee on Research Professional Classification whose functions, compositions, and procedures shall be as follows in order to deal with any research professional member (Research Associate series) recommended for classification/reclassification/promotion.

1. Functions

The committee shall be responsible for (a) receipt of the job description from the professional member or their supervisor (b) conducting a thorough examination of the duties and responsibilities of the position (c) conducting a review of the credentials presented by the professional member and comparing them with the requirements of the job description and (d) forwarding a recommendation on classification /reclassification / promotion to the Dean of the Graduate College of Marine Studies.

2. Composition

The committee shall consist of the following CMS positions:

- Associate Dean
- Executive Officer
- The CMS representative of the University's Professional Advisory Council (PAC)
- Assistant to the Executive Officer - Personnel
- Professional staff member at large (appointed to the Committee by the Dean)

3. Procedures

In order for a candidate to be considered for a classification/ reclassification/ promotion, a current job description and credentials outlining education and experience must be submitted to the College personnel office. The Committee will review the duties and responsibilities of the candidate to determine the level of responsibility based on

experience requirements and representative duties and responsibilities. It may solicit the views of the supervisor and the Dean.

After a thorough review, the Committee will forward a recommendation on classification / reclassification / promotion to the Dean of the Graduate College of Marine Studies.

4. Appeal Process

If the Committee does not wish to recommend the classification / reclassification / promotion requested by the professional member, it must provide a detailed list of the reasons for its decision. The professional member may then request a meeting with the committee to present additional information to enhance or clarify his/her credentials. The committee will meet with the member within ten (10) days of this request and will render its final recommendation to the Dean within two (2) days after the meeting. The Dean will confer with the individual within five (5) days of receipt of the committee's recommendation. If the decision is negative, the member may request all documentation be presented to Personnel Services for a final decision.

5. Position Classification

The college personnel office maintains official written position descriptions for College of Marine Studies professional staff positions. Such descriptions contain a general statement of duties and responsibilities, distinguishing characteristics, illustrative examples of duties, minimal qualifications and additional requirements. Position descriptions, as well as salary ranges, may be obtained from the University's Personnel Services Office.

Classification audits may be requested by an employee, supervisor/department head, or initiated by the University's Personnel Services Office.

6. Classification Structure

- Research Scholar Series
- Research Associate Series

Legislative History

- Prepared by Associate Dean Kent S. Price and ad hoc committee for review and comment by COMSEX Members - 28 October 1991.
- Adopted and promulgated by Dean Thoroughgood - 22 November 1991.
- Approved by Provost R. Byron Pipes - 2 January 1992.
- Revisions required to make policy more consistent with CMS practice. Proposed revisions discussed and approved by COMSEX at the December 14, 1992 meeting.
- Dean Thoroughgood promulgated - 14 December 1992.

- Discussions between Chair, CMS P&T Committee and Dean Thoroughgood resulted in minor changes in wording (promotion was added to phrase classification/reclassification).
- Dean Thoroughgood promulgated - 15 March 1993.

College of Earth, Ocean, and Environment

Joint, Secondary, Adjunct and Visiting Faculty Appointments

Policy Statement F/2/09

(Supersedes Policy Statement F/2/75, F/1/77, F/1/83, F/2/85, F/1/88, F/2/07)

1. Purpose

Joint, secondary, adjunct and visiting appointments to academic units within the College of Earth, Ocean, and Environment are arranged for the mutual benefit of the appointee and the College. For appointments to be effective, a balance should be achieved between effort on the part of the appointee and benefits to the appointee and the CEOE.

2. Criteria

Criteria for making a joint, secondary, adjunct or visiting appointment to the College may include one or more of the following: (a) ability and willingness to teach a whole or substantial part of a College course, (b) continuous conduct of a substantial amount of College-related research, (c) regular advisement of a number of students matriculating for College degrees, (d) regular service on one of the major standing committees of the College, and (e) other service of particular value to the College.

3. Participation

All faculty holding joint, secondary, adjunct or visiting appointments in the College shall have the rights of participation outlined in the bylaws of the unit to which they have been appointed.

4. Eligibility and Term of Appointment

Joint Faculty - Full-time faculty of the University of Delaware from units outside the College of Earth, Ocean, and Environment are eligible for a joint faculty appointment for a term of three years. Similarly, full-time faculty from programs or departments within the College are eligible for a joint faculty appointment in another CEOE program or department for a term of three years. All appointments shall expire automatically. Reappointment may be made for a period of three years. Joint appointment rank in the College of Earth, Ocean, and Environment shall be identical to that which the individual holds in his/her own academic unit.

(<http://www.udel.edu/provost/fachb/IV-A-1b-secondary.html>)

Secondary Faculty – Professional staff of the University of Delaware from units within or outside the College of Earth, Ocean, and Environment are eligible for a secondary faculty appointment for a term of three years. All appointments shall expire automatically. Reappointment may be made for periods of three years. Professional rank will be recommended by the appropriate Department Chair or by the Director of the

School of Marine Science and Policy and the College Promotion and Tenure Committee to the Dean. (<http://www.udel.edu/provost/fachb/IV-A-1b-secondary.html>)

Adjunct Faculty - Individuals who are not full-time employees of the University of Delaware are eligible for one-year adjunct faculty appointments. Reappointment may be made for periods of one year. Professional rank shall be recommended by the appropriate Department Chair or by the Director of the School of Marine Science and Policy and the College Promotion and Tenure Committee to the Dean. (<http://www.udel.edu/provost/fachb/IV-A-1b-secondary.html>)

Visiting Faculty – According to the University of Delaware Faculty Handbook (<http://www.udel.edu/provost/fachb/IV-A-1b-secondary.html>), “Visiting faculty include individuals, usually faculty, who come from another institution to the University for a specified period of time. The expectation is that these individuals will return to their home institutions at the end of their appointment period at the University of Delaware.” Benefits for visiting faculty are specified in the University of Delaware Faculty Handbook and their eligibility for research collaboration is specified by the University Research Office (<http://www.udel.edu/research/preparing/eligibility.html>). Professional rank will be recommended by the appropriate Department Chair or by the Director of the School of Marine Science and Policy and the College Promotion and Tenure Committee to the Dean.

5. Procedure for Appointment

Nominations for all appointments and reappointments to the College faculty shall be reviewed and recommended with appropriate documentation by the faculty in the academic program or department to which the appointment is to be made. Appointments and reappointments in the College of Earth, Ocean, and Environment will be made at the discretion of the Dean upon recommendation of the appropriate Department Chair or the Director of the School of Marine Science and Policy and the College Promotion and Tenure Committee. The College of Earth, Ocean, and Environment will assume no obligation for support of adjunct or visiting faculty unless approved in advance by the appropriate Department Chair or the Director of the School of Marine Science and Policy, and the Dean.

Legislative History

- Originated by Joint Appointments Committee - 21 October 1972.
- Adopted by the Dean by reason of continuous use since origination - 16 April 1975. (F/2/75)
- Revised by Promotion and Tenure Committee and circulated to the Faculty, March 1977.
- Approved by Faculty - March 1977. (F/1/77)
- Adopted and Promulgated by the Dean - 26 April 1977.
- Revised by Promotion and Tenure Committee and circulated to Faculty - 21 December 1982.

- Approved by Faculty - 7 January 1983.
- Adopted and promulgated by the Dean - 17 January 1983.
- COMSEX reviewed and recommended retention with modification - 25 February 1985.
- Promulgated by the Dean - 1 December 1985.
- Amended and approved by Academic Council - 12 July 1988.
- Circulated and approved by Faculty - 6 September 1988.
- Promulgated by the Dean - 12 September 1988.
- Revised and approved by Academic Council—30 June 2007.
- Promulgated by Dean Targett – 23 August 2007.
- Revised and approved by CEOE Academic Council—23 April, 2010.
- Approved by vote of CEOE faculty – 27 May, 2010.
- Promulgated by Dean of CEOE – 27 May, 2010.

Conflict of Interest Disclosure and Management

Policy Statement R/1/02

1. Purpose

To establish College procedures for conflict of interest disclosure and management. These procedures are consistent with [University of Delaware Policy Statement 6-11](#).

2. Background

In February 2002, the University revised [Policy Statement 6-11](#) Faculty and Professional Staff Involvement in Commercial Enterprises that Have Relationships with the University of Delaware. [Policy 6-11](#) defines conflict of interest as

"A conflict of interest occurs when there is a divergence between an individual's private interests and his or her professional obligations such that an independent observer might reasonably question whether the individual's professional actions or decisions are influenced by considerations of personal gain, financial or otherwise. A conflict of interest depends on the situation, and not on the character or actions of the individual."

In general, three elements are present in conflicts of interest (adapted from two ethics texts):

- A. Legitimate interests of the University, funder, or client employing the services of the individual.
- B. An individual's professional duty to faithfully serve and protect those interests.
- C. Competing interests that threaten to adversely impact the individual's independent judgment or ability to serve those interests.

Conflicts of interest are not uncommon, and do not mean that an individual has compromised his/her research integrity or duty to his/her employer. Moreover, it is often possible for an individual to meet his/her duty to both competing interests without compromising the independent judgment expected by each interest. This is most often accomplished through disclosure of the potential conflict.

[Policy 6-11](#) requires that faculty and professional staff submit complete written disclosure to the chair, dean, unit head or supervisor for all of the following:

- A. Consulting agreements;
- B. Ownership of substantial equity in a commercial enterprise (defined as an

equity interest that, when aggregated for the investigator and the investigator's spouse and other dependents as defined by the IRS, or a domestic partner, exceeds \$10,000 as determined through reference to public prices or other reasonable measures of fair market value, and/or represents more than 5% ownership in any single entity);

- C. Participation in an entity that invests in or provides financial support for activities related to the employee's University areas of responsibility;
- D. Holding an appointment as an officer, director or any other management position in a commercial enterprise;
- E. Participation in the day-to-day operations of a commercial enterprise;
- F. Assumption of a key, continuing role in the scientific or technical effort of a commercial enterprise including serving on its scientific advisory board;
- G. Transfer to a commercial enterprise of non-patented technology (know-how) or information developed in University research programs and having potential commercial value;
- H. Any situation that has the potential for conflict of interest or the perception of conflict of interest.

3. Disclosure Procedures to be Used in CMS

- A. Using the [University Conflict of Interest Disclosure Form](#), the individual shall provide the following disclosure information to his/her supervisor:
 - 1) Nature of the relationship;
 - 2) Short- and long-term commitments of time and effort;
 - 3) Name and address of the enterprise, nature of its business, and its relationship with the University, if any. Financial information need not be disclosed;
 - 4) Expected benefits to the enterprise;
 - 5) Expected benefits to the University;
 - 6) Expected benefits to the individual. (Note: Expected benefits may be in terms of professional growth, technology transfer, and commercial feedback and need not include disclosure of financial information);

- 7) Total time and effort commitment of all outside involvements;
- 8) Basis of avoiding conflict of interest between the new involvement, other involvements, and professional obligations to the University.

- B.** If the disclosure reveals a situation in which the objectivity of the individual could reasonably be questioned, the supervisor shall review the facts and attempt to resolve the matter informally with the individual.

If the matter is resolved, the supervisor signs the disclosure and forwards it on to the next approver.

If the situation remains unresolved, the supervisor submits the matter to the Dean. The Dean reviews the facts and attempts to resolve the matter with the individual.

If the matter is resolved, the Dean approves the disclosure and forwards it on to the Vice Provost for Research.

If the matter is unresolved, the Dean submits the matter to the CMS Conflicts Advisory Committee. This Committee, appointed by the Dean, includes the four CMS Program Directors with staff support provided by the Manager of Administrative Services.

The Committee reviews the conflict or potential conflict of interest with the principals and recommends actions to manage or eliminate the conflict to the Dean with a copy to the supervisor.

The Dean accepts, rejects or modifies the Committee's recommendations.

- C.** If the individual accepts the resolution offered by the Dean, the disclosure is signed and forwarded to the Vice Provost for Research.

If the individual objects to the resolution offered by the Dean, the matter is referred to the Provost who shall seek advice from the University Conflicts Committee.

The Provost shall make the final decision regarding the resolution of any conflict.

- D.** The individual is required to maintain a complete file of information as listed in Section A above.

- E.** The individual will promptly inform his/her supervisor, the Dean, and the CMS Conflicts Advisory Committee of changes in any elements included in

the disclosure.

- F. The CMS Conflicts Advisory Committee will review the situation biannually and/or whenever substantial changes occur and will follow the procedures outlined in 3.B.-C. if circumstances warrant.

Legislative History

- Prepared by CMS Conflicts Advisory Committee for review and comment by CMS Faculty - July 2002.
- Discussed at the CMS faculty meeting – 3 September 3, 2002.
- Distributed to CMS faculty for review and comment – 4 September 2002.
- Revised to include modifications suggested by faculty – 25 September 2002.
- Faculty reviewed and recommended adoption after modification – 21 October 2002.
- Dean Thoroughgood adopted and promulgated – 25 October 2002.