



Associated Faculties of the Universities of Maine

5/15/2023

UMaine Misconduct policy (Part 3) & sundry

1. Ballots for one year contract extension are in mail. Be sure to follow instructions so your vote is counted.
2. UMS enters into agreements with various 3rd party vendors to offer services to the UMS Community. I don't know much about these agreements. I assume UMS does some due diligence, may make some \$\$, and provide some savings opportunity to us all. AFUM recently "negotiated" for UMS to offer a group insurance plan for our pets. There is no cost to UMS and members get a discount from buying as an individual.
 - A member recently informed me that Farmers Insurance offered in conjunction with UMS had some very large price increases. They were able to find much better rates on the open market. If you have Farmers Insurance you may want to consider doing some price comparisons.

***** UMaine Misconduct Policy: Part 3*****

We have all had to review papers written so poorly that the only viable path is a complete rewrite. This is the case of the new UM misconduct policy. The failures embedded in the policy reflect the mind-set of the authors; who apparently want the catastrophic features.

UM misrepresented the need for a new policy as required by federal regulations. If I was UM, and did not respect shared governance, I would throw a bunch of regulations at people and let them read into them the need. Regulations are often difficult to interpret so this plan produces confusion. Instead let's look at what the University says in an email from the VPR office to the administration:

“UMaine’s [Policy and Procedures on Alleged Misconduct in Research and Other Scholarly Activities](#) (the Policy) was last revised in April 2006. A review in early 2022 revealed there were a number of key requirements from the Federal Misconduct Regulation(s) on which the Policy was silent. The University opted to work with an external subject matter expert, Dr. David Wright, former Assistant Vice President for Research Ethics and Standards, Research Integrity Officer (RIO) and IRB Chair at Michigan State University and a previous Director of ORI, to craft an updated Policy that is both compliant with federal regulations and current industry best practice.

The team, including Dr. Wright, myself, and Amon Purinton, Assistant General Counsel, have prepared a draft revision of the Policy. The draft is a wholesale rewrite to ensure the entire Policy is compliant and up-to-date; and to fill in gaps where the current Policy is silent, so the entire process is

outlined completely. The authors used UMaine's current Policy & Practices, PHS Misconduct Regulation (42 CFR Part 93), and current industry best practices to inform this work. ... ”

It is clear that there is no need to “wholesale rewrite” the policy, nor does there appear to be a compelling reason to rush this. The external consultant is simply spreading his disastrous seeds, while being paid, to provide more power to those in the VPR office while depriving faculty of a fair due process.

I remind you that the Office of Science and Technology Policy (OSTP) says, “The selection of individuals to review allegations and conduct investigations who have appropriate expertise and have no unresolved conflicts of interests help to ensure fairness throughout all phases of the process.” Thus the fact that the RIO gang brought multiple (I only provided two examples, I have more) absurd allegations of self-plagiarism demonstrates that the RIO gang, in spite of their credentials, do not possess the “appropriate expertise”. *If these same people are bringing and advancing allegations there can be no fairness in the process.*

Frankly I was appalled at the nonsense allegations the RIO gang provided. Without this negative experience I never would have seen a need for a faculty oversight committee that can review the allegations to ensure that the individuals are acting competently.

The current policy is Senate Policy. UM is violating Article III of the Senate Constitution in usurping the Senate's rights in this area. UM administration could have chosen to respect the Senate and faculty by working collaboratively with the Senate, in an open transparent process, to modify the policy as needed. Instead the administration decided to work unilaterally, provide misleading at best information to the Senate while relegating the Senate to providing “feedback” on a truly horrendous policy. I am reminded of the words of my predecessor, former AFUM President Ron Mosely who said “We get the shared governance we deserve.”

The President's new policy contains at least two serious legal violations; unilaterally exempting themselves from the grievance procedure and defining discipline as not discipline (“1984” comes to mind). AFUM will handle these illegal components. What is harder to handle is just how poor the policy is and, in many ways, just stupid. These attributes seem to be what the consultant peddles to other Universities; lack of accountability, extreme power of administration. Sadly he has been successful so far.

My question for the Administration is why do they want a policy that exempts itself from accountability? Where does this position fit into the official positions and aspirations of UM & UMS? Are UM & UMS happy with how this new policy played out even when the current policy should have been followed? Does the Administration think absurd charges of self-plagiarism should be developed by the University and used against faculty with no accountability?

Let's pick a few other issues with the new policy. Currently the VPR is in charge of the process. They are required to follow the process and the President is required to ensure that they do. Presumably the VPR can be well trained in this area, have the expertise as required by OSTP, and provide a fair and just process. Instead the new policy specifies that the deans will run the process. Notice that there is no training provided. Multiple Deans will bring their own perceptions to the process, all but guaranteeing unequal treatment. Since Deans are involved in all aspects of a faculty

member's career, the simple fact that allegations exist will cause damage. Does anyone think only Deans will know about the allegations? How about Chairs, associate deans, and the Provost?

The current policy brings in Deans *only after* the faculty panel finds sufficient evidence of wrong doing. The current policy preserves confidentiality and is rather quick. The new policy allows extended administrative "investigations". AFUM has aided faculty who were subject to nearly yearlong secret "investigations" that were not so secret. Other administrators knew of the investigation and were told the allegations were credible, even when the member was not told what the allegations were! This process brought to us by UMS GC office and allowed by UM and UMS leadership.

The current policy is rather quick and focuses on the Senate Committee to determine if an investigation is needed. The new policy gives UM as much time as they like to "investigate". When they think they have made a case, notice that UM is no longer acting like a neutral but is advocating guilt; they summon you to a meeting where they won't tell you what it is about and refuse to answer questions. They will then overwhelm you with "evidence"¹, and ask you questions that you are not prepared to answer. They will use your shocked, impromptu answers against you.

Consider how the University would react if we treated students in this manner. There is no reason we should treat *anyone* in this sick manner.

The draft policy, which apparently reflects the goals of the authors, needs to be trashed. UM should repudiate the policy implications and the methods used to advance this irredeemably flawed document. We need to collectively tell the consultant that his poison will not only not spread to Maine; its end will spread out from Maine.

After all our State Motto is Dirigo, not a picture of lemming's jumping over a cliff².

In am deeply disappointed that this policy and the process that got us here reflect the true beliefs of our administration. We deserve better than this at both the University and System level. Integrity needs to be a core value, not just a convenient sound bite.

Jim

Jim McClymer, PhD
AFUM President

p.s. I filed a grievance against UMS for withholding the policy document from AFUM and lying to me about when I would receive it. These updates are a consequence of UM interfering with AFUM's ability to work with our members on this issue.

¹ I have been in a number of meetings where administration thinks they have compelling evidence that vanishes when the evidence is competently challenged.

² From Dictionary.com "a person who follows the will of others, especially in a mass movement, and heads straight into a situation or circumstance that is dangerous, stupid, or destructive: *These lemmings that eat up conspiracy theories are so blinded by lies, they don't even see the cliff they're about to plummet over.*" Lemmings do not truly behave in this manner, showing that they are better than some people.

