The eighth regular meeting of the 1997/1998 Faculty Senate will be held on Tuesday, 21 April 1998, at 2:10 in the Mendenhall Student Center Great Room.

FULL AGENDA

I. Call to Order

II. Approval of Minutes

   24 March 1998 and 7 April 1998

III. Special Order of the Day

   A. Roll Call
   B. Announcements
   C. Richard Eakin, Chancellor
   D. Vice Chancellor's Report
   E. Ernie Schwarz
      University Athletic Committee and Academic Integrity Subcommittee
   F. Lou Everett, Faculty Assembly Delegate
      UNC Faculty Assembly meeting of 17 April 1998.

IV. Unfinished Business

   Ad Hoc Committee on Non-Traditional Formats,
   Jim Joyce (attachment 1).

V. Report of Committees

   A. Calendar Committee, Nancy Moss
      Proposed Summer 2000, Fall 2000, and Spring 2001 University Calendars (attachment 2 may be obtained from the Faculty Senate office).
   B. Course Drop Appeals Committee, Hanna Jubran
      Proposed revision to University Undergraduate Catalog, Section 5: Academic Regulations (attachment 3).
   C. Credits Committee, Bob Woodside
      Proposed revision to University Undergraduate Catalog, Section 5: Academic Regulations, Eligibility Standards (attachment 4).
   D. Educational Policies and Planning Committee, George Bailey
      Request for Permission to Plan a New Minor in Virtual Reality.
   E. Faculty Welfare Committee, Scott Thomson
      Proposed revisions to the ECU Faculty Manual, Part VI. Privileges for Retired Faculty (attachment 5).
   F. Research/ Creative Activity Policies Committee, Richard Mauger
Proposed revisions to the ECU Faculty Manual, Part VII., Section V. Policy and Procedures on Ethics in Research and Creative Activities (attachment 6).

G. Unit Code Screening Committee, Bill Grossnickle
Revisions to the following Unit Code of Operations:
1. Academic Library Services
2. Health Sciences Library
(Copies are available for review in the Faculty Senate office.)

H. University Curriculum Committee, Jim Smith
Curriculum matters contained in the minutes of the 12 March 1998, and 26 March 1998, Committee Meeting. (Copies of these minutes have been distributed to all units and are available on the Faculty Senate web page.)

VI. New Business
Attachment 1.

AD HOC COMMITTEE ON NON-TRADITIONAL FORMATS
REPORT
In December 1996, the Faculty Senate formed this Ad Hoc Committee to consider recommendations concerning policies and procedures for courses and programs offered in non-traditional and/or non-residential formats. These policies and procedures should include accreditation concerns, faculty credentials, provision of proper resources and learning environments, appropriate student data, and impact on faculty welfare. Listed below is the Ad Hoc Committee's report.

Recommendation 1:
The Faculty Senate adopt the attached "Quality Assurance Standards for Undergraduate Courses Offered via Distance Education" and that the University Curriculum Committee be charged with assurance that courses and programs meet these standards.

Recommendation 2:
Development and offering of a distance learning course or program be under the direction of a permanently tenured faculty member without administrative appointment. [Probationary term or fixed term faculty may only function in a supportive role.]

Recommendation 3:
The property rights associated with distance learning material will reside with the faculty member developing the material and may only be used with his or her permission.

Recommendation 4:
All distance learning programs or courses will require a six month notice to all supporting agencies.

Quality Assurance Standards for Undergraduate Courses Offered via Distance Education
(Adapted from the policy adopted by the Graduate Council, 9 September 1997)

Preamble
In recognition of the growing number of undergraduate courses being offered using "Distance Learning" (DL) techniques and in consideration of the unique characteristics of the delivery formats often used in DL and with the desire that DL undergraduate courses offered by East Carolina University maintain a uniform high quality the following assurances are required by the Faculty Senate prior to offering an undergraduate level course via a DL format.

Please provide assurance that:

A. Faculty
1. A permanently tenured faculty member is designated as the "course director who is responsible for the content, delivery, and conduct of the course

2. The course director has either the appropriate training and/or support in designing the course content to fit the delivery method being proposed for the course.

3. The course director has the appropriate technical support for the delivery method being proposed for the course, and that this support will be readily available to address technical problems likely to be encountered throughout the course.

4. The course director assumes the responsibility for determining, writing, and disseminating to prospective students the prerequisites described below prior to beginning classes.

B. Students
1. Prerequisites clearly describe the necessary technological skills required by a student to fully participate in the course.

2. Prerequisites clearly describe the minimum essential hardware and software technology necessary for a student to fully participate in the course. Prerequisites clearly describe the supplemental resources (e.g. caliber of library, laboratory etc.) necessary for a student to fully participate in the course.

C. Course Content and Design
1. The course is consistent with the unit objectives of an established undergraduate program.

2. The course contains strategies that promote significant interaction between the faculty member(s) and students, and among the students.

3. The course director provides opportunities (i.e. appointments) for the faculty member(s) and students to have individual and timely course related consultation sessions through either face-to-face, e-mail, or telephone communications.

4. All-course multimedia (e.g. text, graphics,
audio, video) provided to a student do not violate copyright laws.

5. All course multimedia (e.g. text graphics, audio, video) provided to a student are in a format that can be efficiently delivered via the minimum essential hardware and software described in the prerequisites and/or to the specifications established by the North Carolina information Highway (NCIH) or other video conferencing system.

6. Any additional technological knowledge beyond the prerequisites necessary for a student to fully participate in the course is provided to the student prior to the time that such knowledge is required in the course.

D. Assessment
1. The course contains assessment components that measure student performance appropriate to the content of the course.

2. The assessment components consider any limitations of the delivery method such as security graphics resolution, audio difficulties, etc. Site-specific testing may be necessary to accommodate different types of assessment.

3. Students will be given the opportunity to assess the course content, the course management, and the efficiency of the delivery method at the end of the course.

4. The assessment of the course content and management will be done using standardized assessment tools developed by the department, while the assessment of the course delivery will be done using a standardized assessment tool developed by the Faculty Senate appropriate for the delivery method. It is strongly recommended that students also be given the opportunity to assess course management and delivery during the course.

Attachment 2.

CALENDAR COMMITTEE REPORT
Proposed 2000-2001 University Calendars may be obtained from the Faculty Senate office, 140 Rawl Annex.

Attachment 3.

COURSE DROP APPEALS COMMITTEE REPORT
Proposed revision to the University Undergraduate Catalog, Section 5. Academic Regulations, Course Drop Allocations (page 41)

Delete the following sentences:
"Second undergraduate degree - according to
classification upon matriculation as a second undergraduate degree student. Students may use the drops during the designated course-drop period of each term; drops not used roll forward to the following term."

And replace it with the following: "A student who needs no more than 30 hours to complete a second undergraduate degree is allocated 1 drop; a student who needs from 31 through 60 hours to complete the second undergraduate degree is allocated 2 drops; a student who needs more than 60 hours for a second undergraduate degree is allocated 3 drops."

Attachment 4.

CREDITS COMMITTEE REPORT

Proposed revision to the University Undergraduate Catalog, Section 5. Academic Regulations, Eligibility Standards

Proposed Revision of the 1997-1998 Undergraduate Catalog - page 45:
Classification: Regular Students

CLASSIFICATION: REGULAR STUDENTS
In order to graduate in eight semesters of attendance, a student in a typical degree program (120-128 semester hours) must average 15-16 s.h. of credit per semester. A regular or full-time student is required to schedule at least 12 s.h. per semester. Students who register for no more than 11 s.h. per semester are classified as part-time students. Students will be classified as to class standing as follows:
Freshman - 1-29 semester hours credit
Sophomore - 30-59 semester hours credit
Junior - 60-89 semester hours credit
Senior - 90 or more semester hours credit

Students must meet grade (quality) point requirements to be eligible for readmission for a succeeding semester at East Carolina University. (See Scholastic Eligibility Standards, below.)

Proposed Revisions of the 1997-1998 Undergraduate Catalog - pages 45 - 48: Scholastic Eligibility Standards

SCHOLASTIC ELIGIBILITY STANDARDS
The following academic eligibility standards are effective for students initially matriculating at East Carolina University beginning Fall 1998 and for readmitted students enrolling fall semester 1998 and thereafter. Retention requirements are based upon attempted hours at East Carolina and/or transfer hours from another institution. Continuing students will be granted two semesters to meet new academic standards prior to the first suspension under the policy.

The minimum scholastic requirements to avoid probation and/or suspension are as follows:
1-29 attempted and/or transfer hours, 1.6 GPA
30-59 attempted and/or transfer hours, 1.8 GPA
60+ attempted and/or transfer hours, 2.0 GPA
Second undergraduate degree, 2.0 GPA.

(A student who possesses a baccalaureate degree and who is working toward a second baccalaureate degree must maintain a minimum cumulative GPA of 2.0 on all work attempted on the second baccalaureate degree.)
Grade point calculations are made and the report is posted to the web and mailed to the student at the end of each semester and each summer term. A student who is not meeting the required scholastic eligibility standards will find one of the following codes printed on the grade sheet.

1. Removed from Academic Probation

2. Academic Warning: This code indicates that the student is not performing at an acceptable level for progression toward graduation. (Warning is assigned to students whose cumulative grade point average is below 2.0.)

3. Academic Probation: This code indicates that the student has not met the required scholastic standards. If the deficiency is not removed by the end of the next semester of enrollment, the student will be suspended.

4. A. Academic Suspension: This code indicates the first time that the student's scholastic performance has not met the requirements necessary to continue enrollment. The student is suspended for one semester followed by readmission on probation.

B. Academic Suspension: This code indicates the status of a student who has become academically ineligible for a second time. A student becoming ineligible a second time will be suspended for one academic year (two consecutive semesters).

C. Academic Suspension: This code indicates the status of a student who has become academically ineligible for a third time. If a third suspension occurs, the student will be readmitted only by successful appeal to the Readmission Appeals Committee.

D. Nontraditional Student Suspension: This code indicates the status of a student who has become academically ineligible because of failure to satisfy retention stipulations within the limits established by the Performance-Based Admission Policy. For readmission options available to students in this status, consult the nontraditional student readmission portion of the readmission policies below.

Students on probation or suspended from the university are encouraged to amend summer school at East Carolina University in order to progress toward good academic standing.

Standards and Warning and Probation
A student will be placed on academic warning if the student has less than a cumulative GPA of 2.0 after attempting any hours at East Carolina University. A student will be placed on academic probation if he/she does not meet the academic eligibility standards printed in the previous section. A student will remain on academic warning or probation until the required GPA is obtained or the student is suspended.

Intervention Strategies
A student who has been placed on academic warning or probation shall

* receive a written notification of academic warning or probation and the appropriate indication will be made on the student's university record;

* be required to meet with the adviser and/or a representative of his or her academic unit and attend an academic review session conducted by the Office of Undergraduate Studies prior to registration for the next academic term (fall or spring); and

* complete with the adviser, unit representative, or other university representative an academic review form, identifying possible actions or strategies which the student will use during the warning/probationary semester to improve academic standing. (This form must be signed by the student and
the adviser or unit representative and a copy given to the student and a copy maintained in the advising folder or unit office.)

SUSPENSION AND READMISSION

Suspension
The student who fails to meet the required GPA while on probation will be suspended from the university unless the student

* earns at least a 2.5 GPA on a minimum of 12 attempted hours in the current probationary semester or two summer terms or

* is readmitted by the Readmission Appeals Committee following submission of an appeal to that committee. Evidence of participation in the intervention program prescribed by the academic unit to which the student is assigned or Academic Support Center in the Office of Undergraduate Studies is considered.

Appeals of Suspension
Although any student may appeal suspension, additional consideration will be given to those students who have completed the required intervention strategies.

A student who wishes to appeal his or her suspension must appeal in writing to the Readmission Appeals Committee. The appeal form or letter must be received in the Office of the Registrar by 5:00 p.m. according to the following schedule.
Appeals for fail semester: Examination day of the second summer term
Appeals for spring semester: Last day for examinations for fall semester

The appeal should contain the following:

* rationale for the appeal;

* documentation of personal, family, or medical problems; and, where available,

* a copy of the intervention plan signed by the adviser or departmental representative.

Continuing students who have served a portion of their suspension and who wish exemption from the remainder may submit a letter of appeal. This letter must be received according to the deadlines stated in the previous paragraph. The Readmission Appeals Committee normally will not approve appeals from ineligible students unless they are based on personal or family problems of an extreme nature or on evidence of substantial academic improvement. In considering appeals for readmission for the fall semester, the committee normally expects students to attend summer school to demonstrate academic improvement.

Readmission Following Suspension
Following an initial suspension of one semester and readmission to the university on academic probation, the student who fails to meet the required GPA while on probation will be suspended from the university for two semesters unless he or she earns at least a 2.5 GPA on a minimum of 12 attempted hours in the current probationary semester or two summer terms or is readmitted by the Readmission Appeals Committee.

Following the second suspension and readmission to the university on academic probation, the student who fails to meet the required GPA will be suspended from the university for an indefinite period of time, not less than three academic years, unless he or she earns at least a cumulative GPA of 2.5 on a minimum of 12 attempted hours in the current probationary semester or two summer terms or is readmitted by the Readmission Appeals Committee.

A student may remove academic deficiencies only by attending East Carolina
University. (Quality points do not transfer.)

Readmission

Regular Readmission
Any student not enrolled for one or more semesters on the main campus of the university must apply for readmission. Applications for readmission noting deadlines are available from the Office of Admissions. Readmission to the university does not guarantee readmission to individual academic programs.

Transfer Readmission
Students who have been enrolled at another college or university since their last enrollment at East Carolina University must submit to the Office of Admissions official transcripts indicating that a minimum cumulative C average (2.0 on a 4.0 scale) has been earned on all transferable courses attempted. In order to ensure processing, applicants should submit readmission applications according to the deadline thereon. Transfer credit will be evaluated in accordance with established university policy. (See Transfer Credit.)

Special Readmission (Forgiveness) Policy
East Carolina University students who have been out of school for a minimum of three consecutive academic years (summer schools excluded) may request special readmission. Such requests must be submitted in writing according to application deadline dates as specified above.

* No transfer credit will be awarded for courses taken at any institution of higher education during the initial three consecutive academic years. For courses taken in subsequent years, only those in which the student received a grade of C or better will be accepted for transfer credit at ECU. The sole exception is that students may attend ECU during summer sessions for credit.

* Subsequent GPAs of students readmitted under this policy will be computed without inclusion of previous course work in which a grade below C was received; credit toward graduation will not be allowed for such course work. However, this work will be included in calculations for consideration for honors.

* A student may be readmitted under the Forgiveness Policy only one time.

Those readmitted under this policy are on academic probation for the first 19 s.h. of attempted course work. At the end of the term in which the nineteenth semester hour is attempted, a minimum cumulative C average must have been earned at East Carolina University since readmission. Failure to meet this stipulation will result in the student's being ineligible, except for summer school, until such time as the C average is obtained.

Nontraditional Student Readmission
Nontraditional students admitted under the Performance-Based Admission Policy who fail either to meet the GPA requirement or to satisfy the retention stipulations may not continue enrollment at East Carolina University except under the following conditions:

1. Students may attend summer school at East Carolina University to satisfy retention stipulations.

2. Students may be readmitted under the provisions of the Special Readmission (Forgiveness) Policy to resume progress toward satisfying retention stipulations.

3. Students may be readmitted after completing at an accredited college or university 30 s.h. or 45 q.h. of transferable work with a minimum grade of C on all transferable work.

4. Duplicate credit will not be granted under any circumstances. In all cases the stipulations specified at the time of initial admission must be satisfied.
Proposed revisions to the ECU Faculty Manual, Part VI.
Privileges for Retired Faculty (section H.2, page VI-6)

Add the following text:

"2. Privileges for Retired Faculty
   3) Continuance of eligibility to take one course per semester without fees, subject to class availability.
   (Prior to age 65, retired faculty are not eligible to participate in the system-wide tuition waiver program.
   As stated in the university catalogs, "persons 65 years of age or older who meet the requirements for admission can have their tuition and fees waived provided space is available in the requested course(s)".)

b. Upon the recommendation of the unit personnel committee, unit head, and appropriate dean, the appropriate vice chancellor may grant the faculty retiree emeritus status. The following privileges are awarded to faculty with emeritus status:
   2) EastNet accounts are available upon application approval.
   4) Continuance of eligibility to take one course per semester without fees, subject to class availability. (Prior to age 65, retired faculty are not eligible to participate in the system-wide tuition waiver program. As stated in the university catalogs, "persons 65 years of age or older who meet the requirements for in-state rate of tuition and the university requirements for admission can have their tuition and fees waived provided space is available in the requested course(s)".)

Attachment 6.

RESEARCH/CREATIVE ACTIVITY POLICIES COMMITTEE REPORT

Proposed revisions to the ECU Faculty Manual, Part VII.
Section V. Policy and Procedures on Ethics in Research and Creative Activities

Revise the text to read as follows:

V. Policy and Procedures on Ethics in Research and Creative Activities (Formerly Appendix U)

A. Policy

Faculty, staff, post doctoral fellows and students of East Carolina University have the responsibility to seek honestly and to promulgate ethically the truth in all phases of work. This responsibility governs not only the production and dissemination of research and creative activities, but also all applications for
funding, reports to funding agencies, and teaching and publication of teaching materials.

East Carolina University subscribes to the following principles in its research and creative activities:

1. Honesty and truth must underlie all professional relationships of faculty, staff, post doctoral fellows and students with those in their profession, the academic community, and the public.

2. Fabrication and falsification of information that a researcher claims is based on experimentation or observation are unethical.

3. Intentionally selecting data or the treatment of data to present views known by the researcher to be false is unethical.

4. Plagiarism, defined here as dissemination under one's own name of the tangible products of another person's work without due credit to that person, is not acceptable.

5. Other practices that seriously deviate from those that are commonly accepted within the scientific or academic community for proposing, conducting, or reporting research are not acceptable.

6. Publication of essentially the same article in more than one journal of a study without citing the duplication is unethical, as is any equivalent duplicity.

7. Faculty and staff members must be fully conversant with and able to defend their part in any work disseminated with their permission under their names and should be generally conversant with the said work as a whole. The guidelines of the International Committee of Medical Journal Editors are, in part, that "authorship should be based only on substantial contributions to (a) the conception and design, or analysis and interpretation of data; (b) drafting the article or revising it critically for important intellectual content; and on (c) final approval of the version to be published. Conditions (a), (b) and (c) must all be met. Participation solely in the acquisition of funding or the collection of data does not justify authorship. General supervision of the research group is also not sufficient for authorship.

8. Faculty and staff members must list co-authors of a work, disseminated in any form, but only with those persons' expressed consent. The unwarranted inclusion of co-authors who have not been substantially involved in the work is unethical and may lead to violations of item 7., above.

9. Students completing theses or taking research courses for credit should not be relegated to purely routine work without training or participating in the design of the project or the
analysis of the data. Therefore, the involvement of unpaid student assistants in research must be structured to enhance students' education and creative activities. Graduate students must be authors on publications that contain substantial parts of their thesis and/or dissertation. The chair and/or members of graduate student's thesis or dissertation committee should encourage the student to prepare a manuscript(s) for publication based on his or her thesis or dissertation research. If a student prepares a manuscript for publication based on a thesis or dissertation, he or she should be the first author on the resulting publication. Service on a thesis and/or dissertation committee does not in itself entitle a faculty member to co-authorship of a manuscript or an abstract unless the provisions of this section (Section V.A.7 above) are met.

10. When it is appropriate for students to participate as subjects in research, faculty and staff must assure potential subjects that participation is absolutely voluntary, that participation as a research subject shall not be a course requirement, that participation shall have educational value, that students shall be told at the beginning of the course if there are to be opportunities for extra credit, that alternative opportunities for extra credit shall be available for students not wishing to participate as subjects in research, and that students may withdraw from participation for extra credit at any time without penalty. (See Part VII, Section I, Principles and Policy for the Protection of Human Subjects of Research above.)

11. In all cases of research involving human beings or animals, faculty and staff members must be familiar with and adhere to special regulations and issues of ethics and humane treatment associated with research on these subjects. (See Part VII, Section II, Animal Care and Use in Research and Instruction above.)

12. Faculty and staff members must comply with all regulations and laws affecting research and publication (including fiscal management, the use of hazardous materials and patents, licensing, technology transfer), whether these be derived from the grantor, the local community, the university, or the state or federal government. Violation of copyright laws or the use of materials, developed by others, for personal profit is unethical. All members of the university community have a personal responsibility for implementing this policy in their research and creative activities.

B. Procedures for Reporting, Investigating, and Determining Penalties for Unethical Activities
The university shall investigate substantive allegations of fraudulent or unethical research and creative activities with all practical dispatch, with fairness, and with consideration for the rights of the accused and the accuser. The university is obligated
to notify all parties affected by such acts, where proven, at appropriate times.

1. Definitions

a. Allegation - means any written or oral statement or other indication of possible academic or scientific misconduct made to an institutional official.

b. Claimant - person or organization alleging that academic misconduct has occurred. An individual claimant is also commonly referred to as a "whistleblower", a term preferred by the federal government.

c. Conflict of Interest - faculty selected for service on a panel or a committee must be free from conflict of interest due to associations with either a claimant, if an individual, or a respondent. Examples of such associations include, but are not limited to, collaborations, co-authorships or manuscripts, and co-investigation on any grants or contracts.

d. Deciding Officer - means the institutional official who makes final determinations on allegations of academic misconduct and any responsive institutional action. This individual is the Chancellor.

e. Inquiry - assessment of supporting materials and information from witnesses and respondent by a faculty panel to determine whether an academic investigation is warranted. This may be known as an "allegation assessment" or an "informal inquiry" in some government documents.

f. Investigation - formal examination and evaluation of all relevant facts to determine if misconduct has occurred, and, if so, to determine the responsible person(s) and the seriousness of the misconduct. The investigation is conducted by a committee of faculty to include at least one member from outside the unit and when deemed necessary by the Vice Chancellor for Research (VCR), from outside the university. Hearings and testimony are to be recorded.

g. Research Integrity Officer - means the institutional official responsible for assessing allegations of academic misconduct and determining when such allegations warrant inquiries and for overseeing inquiries and investigations. This individual is the VCR.

h. Research record - means any data, document, computer file, computer diskette, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of academic misconduct. A research record
included, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.

i. Respondent - means the person against whom an allegation of scientific misconduct is directed or the person who actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.

j. Retaliation - means any action that adversely affects the employment or other institutional status of an individual that is taken by an institution or an employee because the individual has, in good faith, made an allegation of scientific misconduct or of inadequate institutional response thereto or has cooperated in good faith with an investigation of such allegation.

2. Procedures
   a. Principle of Procedure--Every effort will be made to protect the privacy and reputations of those whose allegations of misconduct are made in good faith and of those against whom allegations of misconduct are not confirmed.

   b. Policies and Regulations--Federal and State policies pertaining to the institution's responsibilities for responding to allegations of academic misconduct are on file in the office of Sponsored Research and are available for review.

   c. Initiation by an Allegation--If a member of the faculty or other employee of ECU is suspected of Academic Misconduct, as defined in Policy and Procedures on Ethics in Research and Creative Activities, that person will be reported to the unit's senior administrator unless there is a potential conflict of interest. (Policy and procedures regarding students are described in the ECU Faculty Manual, Part IV, Academic Integrity) Either documentation or the location of documentation and information pertaining to the allegation will be provided. If claimant brings the allegation to the respondent's supervisor and if the supervisor is neither a chair nor a dean, the supervisor will bring the information to the chair or dean for that unit if considered to be substantive. Thus, if discussions between a supervisor and a claimant suggest that the allegation(s) is(are) serious, and neither frivolous nor malicious, the allegations and supporting information will be presented in a timely manner to the chair or
d. Determination of Procedure—The chair or dean must determine whether the allegations may be dealt with informally or require proceeding with the formal steps for making an Inquiry because the allegations are neither frivolous nor malicious and are deemed substantive. The chair or dean will determine whether and what form of misconduct is alleged to have occurred, what parties are involved or may be affected by the allegations (i.e., co-authors, collaborators, funding agencies, etc.) and what documentation is needed to pursue the allegation. The chair or dean shall notify the VCR of their course of action (i.e., informal solution or recommendation for an Inquiry) regarding all allegations. If the evidence suggests that an Inquiry is warranted, the VCR will be notified immediately. Only the Vice Chancellor for Research has the authority to convene an Inquiry panel or an Investigation Committee. If human or animal subjects are involved, the chair or dean may ask the University Policy and Review Committee on Human Research or the Animal Care and Use Committee, respectively, to conduct an audit.

e. If the allegations meet any of the following conditions, the office of Research Integrity of the Department of Health and Human Services or any other appropriate federal agency, should be notified immediately:
   1. there is an immediate health hazard involved;
   2. there is an immediate need to protect Federal funds or equipment;
   3. it is probably that the alleged incident is going to be reported publicly;
   4. the allegation involves a public health sensitive issue such as a clinical trial;
   5. there is reasonable indication of a possible Federal criminal violation.

f. If the allegation is not judged to be frivolous, interim administrative actions will be taken, as appropriate, to protect any Federal funds and the public health, and to ensure that the purpose of any Federal financial assistance is carried out. Such actions may include but not be limited to freezing grant or contract accounts, suspending clinical trials or appointing an interim project director.

g. Protecting the whistleblower—The VCR will monitor the treatment of individuals who bring allegations of misconduct or of inadequate institutional response thereto, and those who cooperate in inquiries or investigations. The VCR will ensure that these persons will not be retaliated against in the terms and conditions
of their employment or other status at the
institution and will review instances of alleged
retaliation for appropriate action. Employees
should immediately report any alleged or
apparent retaliation to the VCR. Also the
institution will protect the privacy of those who
report misconduct in good faith to the
maximum extent possible. For example, if the
whistleblower requests anonymity, the
institution will make an effort to honor the
request during the allegation assessment or
inquiry within applicable policies and
regulations and state and local laws, if any.
The whistleblower will be advised that if the
matter is referred to an Investigation
Committee and the whistleblower's testimony
is required, anonymity may no longer be
guaranteed.

h. Protecting the Respondent - Inquiries and
investigations will be conducted in a manner
that will ensure fair treatment to the
respondent(s) in the inquiry or investigation
and confidentiality to the extent possible
without compromising public health and safety
or thoroughly carrying out the inquiry or
investigation. Institutional employees accused
of academic or scientific misconduct may, at
their own expense, consult with legal counsel
or a non-lawyer personal adviser (who is not a
principal or witness in the case) to seek advice
and may bring the counsel or personal advisor
to interviews or meetings on the case.

i. The Inquiry-

(1) The VCR will present to the respondent, in
writing, the allegations and a copy to
respondent's supervisor or chair. If it is
necessary to secure notes, data books,
computer data, specimens, drafts of
manuscripts, grants, contracts or other
materials, these will be collected at the time
the letter of notice is given to the
respondent. Either the VCR or his/her
designee will be responsible for securing
these items. All materials will be cataloged,
receipts provided to respondent, and
secured in a locked storage container
appropriate for the materials. The Inquiry
will be completed within 60 calendar days
from the date of delivery of the letter of
notice. If the inquiry cannot be completed
in 60 days and Federal funds are involved,
then the VCR will submit to the appropriate
agency a written request for an extension
that explains the delay, reports on the
progress to date, estimates the date of
completion of the report, and describes
any other necessary steps to be taken.

(2) The Inquiry Panel shall consist of three
faculty without administrative appointment
and conflict of interest. At least one person
shall be from outside the department of the
respondent. If respondent is a member of the School of Medicine, the Associate Dean for Research will be consulted by the VCR prior to selecting faculty for an Inquiry panel. All will have sufficient expertise to review the materials and interview witnesses and respondent. The VCR will present the allegations to the panel, review ECU policy and procedures, any special requirements for an affected awarding agency, and establish a time line for conducting the inquiry. The panel will decide for itself which materials to review, which individuals to interview and their order. The Inquiry panel will not receive unsolicited input from faculty or staff except through the VCR. Questions regarding the Inquiry will be referred to the VCR. Refusal to answer questions or otherwise cooperate with an Inquiry or an Academic Investigation may be used as evidence against the respondent. If the panel finds substantiation of any one allegation, this will be reported immediately to the VCR in writing. It is neither necessary nor desired to proceed through a list of allegations once substantiation of one allegation is established by the Inquiry panel. The function of the Inquiry Panel ends with its written report.

(3) The written inquiry report will be prepared by the panel which consists of the name and title of the panel members; the allegations; the PHS support; a summary of the inquiry process used; a list of the records reviewed, summaries of any interviews; a description of the evidence in sufficient detail to demonstrate whether an investigation is warranted; and the committee's determination as to whether an investigation is recommended.

(4) The VCR will provide the respondent with a copy of the draft inquiry report for comment and rebuttal and will provide the whistleblower, if he or she is identifiable, with portions of the draft inquiry report that address the claimant's role and opinions in the investigation. Within 14 calendar days of their receipt of the draft report, the claimant and respondent will provide their comments, if any, to the inquiry committee. Any comments that the claimant or respondent submits on the draft report will become part of the final inquiry report and record. Based on the comments, the inquiry committee may review the reports as appropriate. If respondent is from the School of Medicine, a copy of the report will be give to the Associate Dean for Research, also. If review of the materials and interviews fail to confirm the allegations, a description of the inquiry process and the finding will be reported in
writing to the VCR. The VCR will inform all affected parties of the finding, including respondent, claimant, respondent's chair, dean and any other parties informed of the inquiry. The VCR will expunge any reference to the allegations from respondent's personnel file.

(5) If the Vice Chancellor for Research, in consultation with the Vice Chancellor for Academic Affairs or Vice Chancellor for Health Sciences, decide that an investigation should be conducted, the VCR will notify the appropriate federal or non-federal agency and will provide them with a copy of the final inquiry report and the institution's policies and procedures for conducting investigations.

(6) If Federal funds are involved and the inquiry is terminated prior to completion of all the steps required by the appropriate agency, the VCR will notify that agency of the planned termination and the reasons therefore.

(7) A detailed documentation of the inquiry, regardless of its outcome, will be kept in the VCR's office for at least five years following completion of the report and will provide copies of this report to any authorized sponsoring agency upon written request of that agency.

j. Additional Procedures if Externally Funded Activities are Involved--The Vice Chancellor for Research will be responsible for informing the funding agency that an Inquiry involving one of their grants or contracts is being initiated. When the findings of the Inquiry Panel are given to the VCR, the appropriate information will be relayed to the funding agency. Since different Federal and State agencies have different regulations which change over time, it is imperative that the VCR assure that the Inquiry and any subsequent investigation meet the funding agency's requirements.

k. The Investigation--A determination that substantive evidence exists supporting allegations of academic misconduct necessitates a formal Academic Investigation to begin within 30 calendar days of the Inquiry Panel's written report. All appropriate sponsors will be notified immediately that an investigation will be performed. The investigation will be completed and a report submitted to the appropriate sponsoring organization within 120 calendar days of the committee's formation. If the investigation cannot be completed in 120 days and Federal funds are involved, then the VCR will submit to the appropriate agency a written request for an extension that explains the delay, reports
on the progress to date, estimates the date of completion of the report, and describes any other necessary steps take to date. That the respondent voluntarily leaves or admits guilt does not automatically terminate the process.

(1) The Investigation Committee shall consist of five faculty without administrative appointment and conflict of interest, including not more than 2 members from respondent's department and at least 1 member from outside the unit (College or School) or the university, all of whom shall have the necessary expertise to evaluate the evidence and issues related to the allegations, interview the principals and key witnesses and conduct the investigation. If the allegations pertain to a project funded by an external source, one committee member must be from outside the university. If respondent is from the School of Medicine, the Associate Dean for Research will be consulted prior to selection of the committee. The VCR is responsible for charging the panel, including: review of all allegations, this appendix and related university documents that may have a bearing on the investigation, results of the Inquiry Panel and what documentation is available and setting a schedule to complete the investigation within 120 calendar days. If external funds supported the project, then the VCR will communicate progress on the investigation to the funding agency. Documents and specimens will remain secured. All participants have to bear in mind that when external funding, human subjects or animal subjects are involved there is the potential for criminal charges being filed and a "chain of evidence" will be maintained: anyone wishing to remove materials from storage must obtain the permission of the VCR and must sign for each item removed.

(2) The Investigation Committee, with advice from the VCR, will decide on the order of presentation of materials and witnesses and schedule one or more hearings. All documentary evidence presented to the committee by the VCR will be made available to respondent at least 10 working days before the hearing. Legal advice shall be provided by the university for the committee. The hearings shall be closed to the public. The respondent shall have the right to be present during presentation of the evidence to the committee. The respondent shall also have the right to an advisor, to present the testimony of witnesses and other evidence, to confront and cross examine witnesses. The respondent's advisor does not have any right to cross examine witnesses. The
Chair of the committee has the discretion at any time to allow respondent's advisor to have an active role in the hearing, either by directly questioning witnesses or by submitting questions in writing through the Chair, or to restrict the advisor to advising the respondent, only. An audio recording of all hearings will be made and minutes prepared to be included with the committee's report: both the chair of the committee and respondent will sign the minutes to indicate that the proceedings accurately represent the proceedings during the hearing. The committee needs to determine whether clear and convincing evidence exists that academic misconduct, as defined by the Policy on Ethics in Research and Creative Activities, has occurred. (Note: this is a more stringent standard than "preponderance of the evidence," but less stringent than "beyond any reasonable doubt.") When the committee has made its determination, a written report will be given to the VCR that describes both the process and the findings of the investigation.

(3) Federal funds are involved and the investigation is terminated prior to completion of all steps required by the appropriate agency, the VCR will notify the agency of the planned termination and the reasons therefore.

(4) Upon initiation of an investigation, interim administrative action will be taken, as appropriate, to protect any Federal funds and the public health, and to ensure that the purpose of any Federal financial assistance are carried out. Such action may include but not be limited to freezing grant or contract accounts, suspending clinical trials or appointing an interim project director.

1. Completion of the Investigation—When the Investigation Committee has completed its investigation, it will prepare a draft report; and this report, along with minutes of all hearings and tape recordings of the hearings and recommendations will be given to the VCR. If respondent is from the School of Medicine, a copy of the draft report will be given to the Associate Dean for Research.

(1) The report must describe the policies and procedures under which the investigation was conducted, describe how and from whom information relevant to the investigation was obtained, state the findings, and explain the basis for the findings. The report should include the actual text or an accurate summary of the views of any individual(s) interviewed.
(2) The VCR will provide the claimant, if he or she is identifiable, with those portions of the draft investigation report that address the claimant's role and opinions in the investigation. The report should be modified, as appropriate, based on the claimant's comments.

(3) The draft report will also be given to the respondent for comment and review. If the respondent elects to provide a rebuttal, he or she must do so within 10 calendar days. The respondent may rebut orally or in writing, and these responses will become part of the permanent record.

(4) The draft investigation report will be transmitted to the institutional counsel for a review of its legal sufficiency. Comments should be incorporated into the report as appropriate.

(5) In distributing the draft report, or portions thereof, to the respondent and claimant, the VCR will inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality. For example, the VCR may request the recipient to sign a confidentiality statement or to come to his or her office to review the report.

(6) If the committee finds clear and convincing evidence of academic misconduct in violation of the principles set forth in this policy, the committee may include recommendations for sanctions.

(7) If the respondent provides a rebuttal to the evidence for the VCR, the VCR may submit this information to the committee and may request additional deliberations or recommendations from the committee. After deliberation, or if no timely response is received, the committee shall issue its final written report to the VCR. If the VCR disagrees with one or more aspects of the report, the VCR may submit a separate report, but may not modify the committee's report without explicit permission by the majority of committee members. In addition to the findings of the committee, the VCR's report will include recommendations with respect to notification of any journals or other publications with already published or pending publications which are deemed relevant, collaborating institutions or individuals, awarding agencies, and any other individuals or agencies judged to "need to know" in order to avoid further consequences of potentially misleading or fraudulent information. These reports and
any rebuttal provided by respondent will be given to the Chancellor. If respondent is from the School of Medicine, copies of these reports and any rebuttal will be given to the Associate Dean for Research.

(8) If the committee finds insufficient evidence of fraudulent or unethical behavior in violation of the principles set forth in this policy, the chair of the committee shall notify the VCR who shall immediately notify all individuals and groups involved that the charges have been dismissed; and every attempt will be made to clear the public and private record of the respondent including letters to be sent to all awarding agencies, journals or others who had been informed that a formal inquiry process had been initiated.

(9) Investigative offices of Federal agencies will be notified promptly:
   (a) if at any time during the investigation there is reasonable indication of possible criminal violations,
   (b) if there are any developments which disclose facts that may affect present or potential funding for the respondent, and
   (c) of the final outcome of the investigation.

(10) The detailed documentation to substantiate the findings of the investigation will be maintained for at least five years after the final report is delivered to the VCR or Federal agencies. The report to Federal or other external awarding agencies will include a description of the process used to arrive at the findings within the report.

m. Prohibition of Expenditure of Funds—If there are any developments during any time of the investigation which disclose facts which suggest that specific funds from awarding agencies are not being expended in an appropriate fashion, a recommendation by the committee to the VCR may be forwarded to the appropriate vice chancellor that the university prohibit further expenditures of these funds pending final outcome of the Academic Investigation.

n. Action by the Appropriate Vice Chancellor—
   (1) The appropriate vice chancellor, after consultation with respondent's dean and VCR, shall determine what disposition to make of the case. The determination shall be transmitted to the respondent promptly. If the vice chancellor determines that the case has not been proven, the vice chancellor may either ask the VCR to provide more information or dispose of the case as in Section V.B.2.i.2. above with the VCR to notify all affected parties that
the charges have been dropped. If the vice chancellor chooses this latter action, a written rationale for disposing of the case must be provided by the vice chancellor for the VCR and members of the Investigation Committee.

(2) If the appropriate vice chancellor concurs with the reports by the Investigation Committee and the VCR that misconduct has occurred and determines that a sanction will be imposed, the vice chancellor will consult with the VCR and respondent's dean regarding recommendations for censure, suspension from employment, reduction in rank, removal of tenure, or dismissal and will proceed in accordance with the ECU Faculty Manual. Whether or not sanctions are imposed on the respondent, the vice chancellor may prescribe corrective action responsive to the alleged misconduct and take other appropriate action including the recommended notifications of journals, funding agencies and other affected parties by the VCR. The VCR shall notify respondent's dean of sanctions or other actions imposed.

(3) Respondent may appeal imposition of sanctions through the appropriate appellate committee as described in the ECU Faculty Manual, Appendix D, Tenure and Promotion Policies and Procedures of East Carolina University.