

**EAST CAROLINA UNIVERSITY
2011-2012 FACULTY SENATE**

The first regular meeting of the 2011-2012 Faculty Senate will be held on **Tuesday, September 6, 2011**, at 2:10 in the Mendenhall Student Center Great Room.

NOTE: Tuesday, September 6 is considered a State holiday makeup day. Which means that classes which would have met on Monday, September 5, will meet on this day so there will effectively be the same number of Mondays and Tuesdays as every other weekday during the semester; Tuesday classes will not meet.

FULL AGENDA

I. Call to Order

II. Approval of Minutes

[April 19, 2011](#) and [April 26, 2011](#), minutes

III. Special Order of the Day

A. Roll Call

B. Announcements

C. Steve Ballard, Chancellor

D. Phyllis Horns, Vice Chancellor for Health Sciences
Report on Graduate School Governance

E. Marianna Walker, Chair of the Faculty

F. Terry Holland, Director of Athletics
Report on University Athletics Department

G. David Dosser, Faculty Athletics Representative
Report on Activities of the University Athletics Committee's
Academic Integrity Subcommittee

H. John Tucker, University Historian
Support for 50th anniversary of diversification at East Carolina including a
University lecture by Dr. Henry Louis Gates, Jr., November 10 in Wright Auditorium

I. Ron Mitchelson, Chair of Program Prioritization Committee
Overview of Program Prioritization Activities (<http://www.ecu.edu/ppc/>)

J. Question Period

IV. Unfinished Business

V. Report of Committees

- A. University Budget Committee, Todd Fraley
Committee Goals for academic year.

- B. University Curriculum Committee, Jonathan Reid
Curriculum matters contained in the [April 14, 2011](#) and [April 28, 2011](#) meeting minutes, including support of the annual campus-wide [Curriculum Development Workshop](#) and:
 - 1. College of Fine Arts and Communication Renumbering Action Plan, in light of [Federal Register](#), Part 668 Student Assistance General Provisions Retaking Coursework
 - 2. Revisions to online documents: [Undergraduate Curriculum/Program Development Manual](#); [Helpful Hints and Checklist](#); Guidelines for [Writing Course Descriptions](#); [Course Submission Procedures](#); [Completing Course Proposal Form](#); [Developing & Revising Courses](#); [Developing & Revising Degree Requirements](#); and Word format forms for [Course Proposal](#); and [Signature for Curricular Changes](#).

- C. Committee on Committees, Catherine Rigsby
Nominations for:
 - 1. Appellate Faculty Grievance Committee (1 member) (attachment 1)
 - 2. Appellate Grievance Board (1 member) (attachment 2)
 - 3. Appellate Hearing Committee (3 members) (attachment 3)
 - 4. Appellate Reconsideration Committee (1 member) (attachment 4)
 - 5. Academic Writing Across the Curriculum Committee (8 members) (attachment 5)
(note: [Organizational Committee meeting scheduled for 9-12-11 @ 3pm in Rawl 303](#))
 - 6. First Reading of proposed changes to the following Standing University Academic Committee Charges:
 - a. Academic Awards Committee (attachment 6).
 - b. Unit Code Screening Committee (attachment 7)
 - c. University Budget Committee (attachment 8)
 - d. University Curriculum Committee (attachment 9)

- D. Faculty Governance Committee, George Bailey
Proposed revisions to *ECU Faculty Manual*, Part VII. Research Information, Section VI. Policy and Procedures on Ethics in Research and Creative Activities.
(attachment 10)

- E. Educational Policies and Planning Committee, Scott Gordon
Curriculum and Academic Program matters included in the [June 29, 2011](#) meeting minutes, including:
 - 1. Discussion on the ranking of Academic Programs
([Link to Final List of ECU Academic Program Priorities](#))
 - 2. Collective Feedback in response to the Spring Preliminary Reports
([Link to combined addendum](#))

VI. New Business

COMMITTEE ON COMMITTEES REPORT
 Nomination for Appellate Faculty Grievance Committee
 (noted in **bold red** print).

2011/2012 FACULTY GRIEVANCE COMMITTEE

Regular Members (with vote)	Academic Unit	Term	Office Location	Mail #	Office #
Cheryl Stevens	Health & Human Perf.	2012	Belk Annex 10	559	328-4638
Timothy Romack	Chemistry	2012	Sci. & Tech 546	552	328-9785
Andrada Ivanescu	Allied Health Sciences	2012	Health Sci 2435E	668	744-6042
Michael Schinasi	Foreign Languages	2013	Bate 3309	556	328-6534
Abbie Brown	Education	2013	Ragsdale 217b	506	737-1569
Mario Rey	Music	2014	Fletcher 266	506	328-6197
Jinling Huang	Biology	2014	Howell S202	551	328-5623
Jan Mayo	Academic Library Svcs	2014	Joyner 1200	516	328-0293
Alternate Members (with vote)					
Gunnar Swanson	Art and Design	2013	Erwin 217	502	328-2839
Mary Gilliland	Medicine	2014	PCMH iLB-125	642	744-4655
Ex-Officio Member (without vote)					
Marianna Walker	Chair of the Faculty	2012	3310Y LAHN	161	744-6096

COMMITTEE ON COMMITTEES REPORT
 Nomination for Appellate Grievance Board
 (noted in **bold red** print).

2011/2012 GRIEVANCE BOARD
 (Two year terms)

Regular Members (with vote)	Academic Unit	Term	Office Location	Mail #	Office #
Greg Lapicki	Physics	2012	Howell E308	563	328-6894
Joan Mansfield	Art and Design	2012	Jenkins 1338	502	328-6263
Terry Atkinson	Education	2012	Speight 224	504	328-2889
John Stiller	Biology	2013	Howell S301A	551	328-2738
Robin Webb Corbett	Nursing	2013	Health Sciences	162	744-6462
Lisa Barricella	Academic Library Svcs.	2013	Joyner 1201	516	328-0838
Gerald Micklow	Tech. & Computer Sci.	2013	Slay 206	117	737-1032
Alternate Members (with vote)					
John Tilley	History	2012	Brewster A303	554	328-6291
Bryna Coonin	Academic Library Svcs	2012	Joyner 3403	516	328-0431
Maury York	Academic Library Svcs.	2013	Joyner 3300	516	328-0252
Wendy Sharer	English	2013	Bate 2206	555	328-6698
Robert Kulesher	Allied Health Science	2013	Health Sci 4340	668	744-6174

COMMITTEE ON COMMITTEES REPORT
 Nominations for Appellate Hearing Committee
 (noted in **bold red** print).

2011/2012 HEARING COMMITTEE

Regular Members (with vote)	Academic Unit	Term	Office Location	Mail #	Office #
Ken Soderstrom	Medicine	2012	Brody 6S-34	633	
James Holloway	Business	2013	Slay 330	503	737-1042
James Wirth	Technology & Computer Science	2013	Science Complex C-107	520	328-9693
Puri Martinez	Foreign Languages	2014	Bate 3308	556	328-6522
Tom Douglass	English	2014	Erwin 219	555	328-6723
Alternate Members (with vote)					
Linda Mooney	Sociology	2012	Brewster A-409	567	258-0286
Myra Brown	Allied Health Sciences	2012	Health Sciences 4340P	668	744-6172
Patricia Dragon	Academic Library Svcs	2013	Joyner 1204	516	328-0296
Sandra Warren	Education	2014	Ragsdale 126A	504	328-2699
Angela Thompson	History	2014	Brewster A-203	554	328-1035

COMMITTEE ON COMMITTEES REPORT
 Nomination for Appellate Reconsideration Committee
 (noted in **bold red** print).

2011/2012 RECONSIDERATION COMMITTEE

Regular Members (with vote)	Academic Unit	Term	Office Location	Mail #	Office #
Tony Polito	Business	2012	Bate 3408	503	328-6569
William Allen	Chemistry	2013	Sci. & Tech 536	552	328-9779
Ralph Scott	Academic Library Svcs.	2013	Joyner 4106	516	328-0265
Dale Knickerbocker	Foreign Languages	2014	Bate 3304	556	328-6521
Megan Perry	Anthropology	2014	Flanagan 221	568	328-9434
Alternate Members (with vote)					
Janice Neil	Nursing	2012	Health Sc 3185A	162	744-6407
Mario Rey	Music	2012	Fletcher 266	506	328-6197
Alexandra Shlapentokh	Math	2013	Austin 231	561	328-4108
Joe Luczkovich	Biology	2014	Flanagan 383	551	328-9402
Timothy Romack	Chemistry	2014	Sci. & Tech 546	552	328-9785

COMMITTEE ON COMMITTEES REPORT

Nominations for Academic Writing Across the Curriculum Committee
 (noted in **bold red** print).

2011/2012 WRITING ACROSS THE CURRICULUM COMMITTEE

Regular Members (with vote)	Academic Unit	Term	Office Location	Mail #	Office #
Elizabeth Swaggarty	Education	2012	Speight	504	
Joanne Hartsell	Business	2012		503	757-2334
Hector Garza	Theatre and Dance	2013	Messick	553	
Ashley Egan	Biology	2013	Howell Sc Complex	551	328-4244
Dario Bernardini	Communication	2013	Joyner	524	
Mary Jackson	Social Work	2014	Rivers 238	505	
Carolyn Dunn	Tech. & Computer Sc	2014	Science & Tech	130	328-9661
Laura Levi Altstaedter	Foreign Languages	2014	Bate	556	

COMMITTEE ON COMMITTEES REPORT

First Reading of Proposed Revisions to the Academic Awards Committee Charge

Following Faculty Senate approval of the revised charge in April 2011 (#11-62) and the Chancellor's return for clarification and/or consideration of changes, the below proposed revisions are noted in **bold** print and/or ~~striketrough~~.

1. Name: Academic Awards Committee

2. Membership:

~~7~~ **8** elected faculty members.

Ex-officio members (with vote): The Chancellor or an appointed representative, the Provost or an appointed representative, **the Vice Chancellor for Health Sciences or an appointed representative**, the Vice Chancellor for Research and Graduate Studies or an appointed representative, the Chair of the Faculty, one faculty senator selected by the Chair of the Faculty, and one student member from the Student Government Association.

The chair of the committee may invite resource persons as necessary to realize the committee charge. The chair of the committee may appoint such subcommittees as he or she deems necessary.

3. Quorum: 4 elected members exclusive of ex-officio.

4. Committee Responsibilities:

A. The committee recommends, when required, policies and procedures governing the granting of awards for meritorious teaching and advising, research, and service.

B. The committee recommends candidates for receipt of awards in the various categories including, but not limited to, the Alumni Association Outstanding Teaching Awards, Lifetime and Five-Year University Research/Creative Activity Awards, Board of Governors Award for Excellence in Teaching Awards, Board of Governors Award for Excellence in Teaching, Max Ray Joyner Award for Faculty Service Through Continuing Education, and University Scholarship of Engagement Awards.

5. To Whom The Committee Reports:

The committee recommends to the Faculty Senate policies and procedures governing awards in the various categories. The committee recommends candidates for awards to the appropriate issuing body.

6. How Often The Committee Reports:

The committee reports to the Faculty Senate at least once a year and at other times as necessary.

7. Power Of The Committee To Act Without Faculty Senate Approval:

The committee is empowered to recommend candidates for awards. The committee should consider the diversity of nominees and should seek and recommend qualified women and minority faculty.

8. Standard Meeting Time:

The committee meeting time is scheduled for the first Thursday of each month.

COMMITTEE ON COMMITTEES REPORT

First Reading of Proposed Revisions to the Unit Code Screening Committee Charge

Following Faculty Senate approval of the revised charge in March 2011 (#11-50) and the Chancellor's return for clarification and/or consideration of changes, the below proposed revisions are noted in **bold** print.

1. Name: Unit Code Screening Committee

2. Membership:
8 elected faculty members.

Ex-officio members (with vote): The Chancellor or an appointed representative, the Provost or an appointed representative, the Vice Chancellor for Health Sciences or an appointed representative, the Vice Chancellor for Research and Graduate Studies or an appointment representative, the Chair of the Faculty, one faculty Senator selected by the Chair of the Faculty, and one student member from the Student Government Association.

The chair of the committee may invite resource persons as necessary to realize the committee charge. The chair of the committee may appoint such subcommittees as he or she deems necessary.

3. Quorum: 4 elected members exclusive of ex-officio.

4. Committee Responsibilities:

A. The committee reviews academic unit codes and changes to existing academic unit codes to insure compliance with the *ECU Faculty Manual* and policies, "General Guidelines for Writing and Revising Unit Codes" (adopted by the Faculty Senate), the Code of the University of North Carolina, and other appropriate documents.

B. The committee revises the "General Guidelines for Writing and Revising Unit Codes" when necessary.

C. The Committee coordinates the review of and recommends related policies and procedures for unit codes with the Faculty Governance Committee and/or other committees as appropriate.

5. To Whom The Committee Reports:

The committee makes its recommendations to the Faculty Senate.

6. How Often The Committee Reports:

The committee reports to the Faculty Senate at least once a year and at other times as necessary.

7. Power Of The Committee To Act Without Faculty Senate Approval:

None

8. Standard Meeting Time:

The committee does not have a standard meeting time.

Faculty Senate Agenda

September 6, 2011

Attachment 8.

COMMITTEE ON COMMITTEES REPORT

First Reading of Proposed Revisions to the University Budget Committee Charge

Following Faculty Senate approval of the revised charge in March 2011 (#11-50) and the Chancellor's return for clarification and/or consideration of changes, the below proposed revisions are noted in ~~strikethrough~~.

1. Name: University Budget Committee
2. Membership:
7 elected faculty members.
Ex-officio members (with vote): The Chancellor or an appointed representative, the Provost or an appointed representative, the Vice Chancellor for Health Sciences or an appointed representative, the Vice Chancellor for Research and Graduate Studies or an appointed representative, the Vice Chancellor for Administration and Finance or an appointed representative, the Chair of the Faculty, one faculty senator selected by the Chair of the Faculty, and one student member from the Student Government Association.

The chair of the committee may invite resource persons as necessary to realize the committee charge. The chair of the committee may appoint such subcommittees as he or she deems necessary.

3. Quorum: 4 elected members exclusive of ex-officio.
4. Committee Responsibilities:
 - A. The committee serves as a communication link between the Faculty Senate and the Chancellor for budgetary matters. The committee informs the Faculty Senate about changes and proposed changes in the university budget.
 - B. The committee receives information and advises the Chancellor regarding budgetary and reallocation decisions ~~including the lapsed salary budget, the carryover budget, and the biennium budget requests.~~
 - C. The committee advises the Chancellor through the Faculty Senate on annual budget priorities and policy, biennial budget requests and priorities, tuition changes, and the relationship of budget decisions to the university's mission.
5. To Whom The Committee Reports:
The committee advises the Chancellor through their reports to the Faculty Senate concerning its recommendations to the Chancellor.
6. How Often The Committee Reports:
The committee reports to the Faculty Senate at least once a year and at other times as necessary.
7. Power Of The Committee To Act Without Faculty Senate Approval:
The committee is empowered to advise the Chancellor as described in section 4.A.4 above.
8. Standard Meeting Time:
The committee meeting time is scheduled for the third Thursday of each month.

COMMITTEE ON COMMITTEES REPORT

First Reading of Proposed Revisions to the University Curriculum Committee Charge

Following Faculty Senate approval of the revised charge in April 2011 (#11-65) and the Chancellor's return for clarification and/or consideration of changes, the below proposed revisions are noted in **bold** print and/or ~~striketrough~~.

1. Name: University Curriculum Committee

2. Membership:

~~7~~ **8** elected faculty members.

Ex-officio members (with vote): The Chancellor or an appointed representative, the Provost or an appointed representative, **the Vice Chancellor for Health Sciences or an appointed representative**, the Chair of the Faculty, one faculty senator selected by the Chair of the Faculty, and one student member from the Student Government Association.

The chair of the committee may invite resource persons as necessary to realize the committee charge. The chair of the committee may appoint such subcommittees as he or she deems necessary.

3. Quorum: 4 elected members exclusive of ex-officio.

4. Committee Responsibilities:

A. The committee considers undergraduate courses (through 4000-level) and programs and has the responsibility of assuring the quality of course offerings regardless of mode of course delivery.

B. The committee recommends policies and procedures governing the acceptability of programs and courses.

C. The committee reviews requests for permission to establish new degree programs and requests to establish new minors.

D. The committee reviews and acts on proposals for new courses and programs and modifications of existing programs, the banking and deletion of courses (and programs), and standards and requirements for admission to, and retention in, degree programs.

E. The committee considers other items that affect the curriculum of undergraduate programs.

F. The committee acts on recommendations from the Council of Teacher Education regarding proposed changes in teacher education requirements.

G. The Committee reviews at least annually those sections within the *University Undergraduate Catalog* that corresponds to the Committee's charge and recommends changes as necessary.

5. To Whom The Committee Reports:

The committee makes its recommendations to the Faculty Senate. The committee reports on its review of requests to establish new degree programs and requests to establish new minors to the Educational Policies and Planning Committee.

6. How Often The Committee Reports:
The committee reports to the Faculty Senate at least once a year and at other times as necessary.
 7. Power Of The Committee To Act Without Faculty Senate Approval:
The committee is empowered to report on its review of requests to establish new degree programs and requests to establish new minors to the Educational Policies and Planning Committee.
 8. Standard Meeting Time:
The committee meeting time is scheduled for the second and fourth Thursday of each month.
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Faculty Senate Agenda
September 6, 2011
Attachment 10.

FACULTY GOVERNANCE COMMITTEE REPORT

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

Proposed revisions are noted in **bold** print and ~~strike through~~.

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 **below to include, without limitation, 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 IV, 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 research** misconduct made to an institutional official.
- b. Claimant - person or organization alleging that **academic research** 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 research** misconduct and any responsive institutional action. This individual is the Chancellor **or his/her delegate, who may carry out any responsibility of the Chancellor under this policy to the extent consistent with the Chancellor’s delegation.**
- e. **Finding of Research Misconduct – a finding that:**
 1. **There is a significant departure from accepted practices of the relevant research community; and**
 2. **The misconduct is committed intentionally, or knowingly, or recklessly; and**
 3. **The allegation is proven by a preponderance of evidence.**
- ef. Inquiry - assessment of supporting materials and information from witnesses and respondent by a faculty panel to determine whether an **academic research** investigation is warranted. This may be known as an "allegation assessment" or an "informal inquiry" in some government documents.
- fg. 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.
- h. **Preponderance of the evidence means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.**
- i. **Research - a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. For the purposes of this policy, research includes all basic, applied, and demonstration research in all academic and scholarly fields. Research fields include, but are not limited to, the arts, the sciences, liberal arts, applied sciences, social sciences, the professions, and research involving human subjects or animals.**
- ig. Research Integrity Officer - means the institutional official responsible for assessing allegations of **academic research** misconduct and determining when such allegations warrant inquiries and for overseeing inquiries and investigations. This individual is the **VCR or his/her delegate, who may carry out any responsibility of the VCR under this policy to the extent consistent with the VCR’s delegation.**
- k. **Research Misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting the results.**

1. Fabrication is making up data or results and recording or reporting them.
2. Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record. The research record is the record of data or results that embody the facts resulting from the research inquiry and includes, but is not limited to research proposals, laboratory records, both physical and electronic, progress reports, abstracts, these, oral presentations, internal reports, books, dissertations, and journal articles.
3. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
4. Research Misconduct does not include honest error or differences of opinion.

- 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 research** 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 whose 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 or research** 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 research** 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 Research** 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 dean, not the respondent.
- 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 Administrative University and Medical Center Institutional Review Board 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 research** 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 Research Misconduct** 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 **academicresearch** misconduct necessitates a formal **AcademicResearch Misconduct** 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 taken 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 in order to indicate that the minutes accurately represent the proceedings during the hearing. The committee needs to determine whether ~~clear and convincing a preponderance of the~~ evidence exists ~~supporting that~~ **Finding of academic Research Misconduct**, as defined by the Policy on Ethics in Research and Creative Activities, has occurred. (Note: this is a ~~moreless~~ stringent standard than "~~preponderance of —the clear and convincing~~ evidence," ~~butand~~ 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 insure 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.
- I. 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 **makes a Finding of Research Misconduct proven finds clear and convincingly by a preponderance of evidence to have occurred 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 **and to the appropriate vice chancellor for action as provided herein below**. 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 **by the VCR as and to the extent required by applicable law regulation, to include:**
 - (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 Research Misconduct** 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 **appropriate sanction(s), to include but not limited to,** 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* **or, if discharge or serious sanctions are not imposed, through ECU Faculty Manual, Appendix Y.**

Approved: Faculty Senate Resolution #94-02
8 February 1994
East Carolina University Chancellor

Amended: Faculty Senate Resolution #95-16
18 April 1995
East Carolina University Chancellor

Amended: Faculty Senate Resolution #98-19
21 April 1998