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PLEASE POST FOR ALL FACULTY TO READ!

**EAST CAROLINA UNIVERSITY
FACULTY SENATE**

The fifth regular meeting of the 1993/1994 Faculty Senate will be held on **Tuesday, January 25, 1994**, at 2:10 in the Mendenhall Student Center Great Room.

AGENDA

- I. **Call to Order**

- II. **Approval of Minutes**

December 7, 1993

- III. **Special Order of the Day**
 - A. Roll Call
 - B. Announcements
 - C. Marlene Springer, Vice Chancellor for Academic Affairs
 - D. James Hallock, Vice Chancellor for Health Sciences
 - E. J. Craig Souza, Chairman of the East Carolina University Board of Trustees

- IV. **Unfinished Business**

- V. **Report of Committees**
 - A. Committee on Committees, Brian Harris
Election of UNC Faculty Assembly Delegates and Alternates (attachment 1).
 - B. Admissions and Recruitment Committee, Dennis Chestnut
Revision to the Admissions Requirement (attachment 2).
 - C. Faculty Computer Committee, Bob Fainter
Addition to the Policy on the Security of Data and Records and the Proposed Inclusion into the *Faculty Manual* (attachment 3).
 - D. Research/Creative Activity Committee, ~~Mark Taggart~~ *Linda Allred*
Revisions to the *Faculty Manual*, Appendix U, Policy and Procedures on Ethics in Research and Creative Activities (attachment 4).

COMMITTEE ON COMMITTEES REPORT

NOMINATIONS FOR UNC FACULTY ASSEMBLY DELEGATES AND ALTERNATES

| | | |
|------------------|-------------------------|----------|
| Dawn Clark | Theatre Arts | 6390 |
| Sheldon Downes | Allied Health Sciences | 4453 |
| Dori Finley * | Human Environmental Sc. | 6917 |
| Mary Beth Foil | Medicine | 816-5859 |
| Bill Grossnickle | Psychology | 6876 |
| Larry Hough | Political Science | 6030 |
| Jeff Jarvis * | Music | 6248 |
| Jack Karns | Business | 6643 |
| Miriam Quick * | Nursing | 6217 |

* presently serving as an alternate with an unexpired term.

ADMISSIONS AND RECRUITMENT COMMITTEE REPORT

REVISION TO THE ADMISSIONS REQUIREMENT

WHEREAS, the Education "EQuality" Project of the College Entrance Examination Board proposes a core curriculum of six "basic academic subjects" including English, math, social sciences, foreign languages, and the arts, and

WHEREAS, the National Commission on Excellence in Education recommends a curriculum in which "rigorous effort in subjects that advance students' personal, educational, and occupational goals, such as the fine and performing arts" is emphasized, and

WHEREAS, a Carnegie Foundation for the Advancement of Teaching report states that "the arts are an essential part of the human experience" and

WHEREAS, Arts 2000 is a recognized component of the national educational reform program Education 2000 which seeks to enhance the quality of education for students in the USA, and

WHEREAS, the state legislature of North Carolina recognizes the importance of the arts in education as demonstrated by continued funding of the Basic Education Program,

WHEREAS, the general mission of East Carolina University recognizes the importance of creative activity, the educational mission seeks to enable students to secure multidisciplinary knowledge, and the research mission seeks to enrich culture, and

WHEREAS, the Strategic Planning Advisory Group of East Carolina University proposes the goals of enhancing our elements of distinction, achieving distinction in undergraduate education, enrolling academically proficient and talented students and rededicating ourselves to the improvement of teacher education and public schooling, and

THEREFORE BE IT RESOLVED that East Carolina University revise its admissions policy to recommend that prospective students complete at least a credit in the arts (art, dance, music, theatre), and

BE IT FURTHER RESOLVED that by the year 2000, the arts credit be considered a requirement for admission to East Carolina University.

FACULTY COMPUTER COMMITTEE REPORT

ADDITION TO THE ECU POLICY ON THE SECURITY OF DATA AND RECORDS AND THE PROPOSED INCLUSION INTO THE *FACULTY MANUAL*

The Faculty Computer Committee proposes the following addition to the *Policy on the Security of Data and Records* and proposes that this policy be included in the *Faculty Manual*, Part III, Academic Information. (addition noted in **bold**.)

EAST CAROLINA UNIVERSITY POLICY ON THE SECURITY OF DATA AND RECORDS

The basic mission of East Carolina University is to provide an environment conducive to the pursuit, discovery, and dissemination of knowledge. The University community, including students, faculty, and staff, have the responsibility to insure that activities related to information contained in University records, including electronic files, are maintained in a manner that provides the proper status of these records. The security of confidential information and University records maintained in any medium is a vital contributor to the University's mission.

The policy is designed to carry out the intent of Federal and State Legislation, Federal Regulations, and State and University Policies relating to the proper use of records and information:

1. No student, faculty, or staff shall access or attempt to access any record of electronically stored data without the prior written authorization which specifically denotes the record or data system to which access is allowed.
2. No student, faculty, or staff shall willfully alter or destroy any record, including electronically maintained files, which shall result in incorrect information, fraudulent information, or unusable information.
3. No student, faculty, or staff shall distribute to other sources records or data including electronically maintained data, or use for personal gain without following the established procedures for the use or distribution.
4. No student, faculty, or staff shall destroy or modify computer software or damage computer hardware in any willful act.
5. No student, faculty, or staff shall copy or use computer software in any unauthorized manner which violates federal law or causes a breach of a licensed agreement.
6. **No student, faculty, or staff may access or attempt to access any electronic mail message unless permission to do so has been granted by either the sender or recipient of the message.**

Student, faculty, and staff members who violate the above policies may be deemed to have misused State funds, equipment, or materials and may be subject to dismissal for cause.

RESEARCH/CREATIVE ACTIVITY COMMITTEE REPORT

REVISIONS TO THE *FACULTY MANUAL*, APPENDIX U, POLICY AND PROCEDURES ON ETHICS IN RESEARCH AND CREATIVE ACTIVITIES

POLICY Section, Subsection 6., page U-1

Add to the end of the paragraph ending with "...and should be generally conversant with the said work as a whole." the following:

"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."

POLICY Section, Subsection 11., page U-2

Add to the end of the paragraph ending with "...state or federal government." the following:

"Violation of copyright laws or the use of materials, developed by others, for personal profit is unethical."

PROCEDURES FOR REPORTING, INVESTIGATING, AND DETERMINING PENALTIES FOR UNETHICAL ACTIVITIES SECTION, pages U-2 through U-4

Replace the entire section with the following:

"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.

DEFINITIONS:

1. Claimant--person or organization alleging that academic misconduct has occurred.
2. Respondent--person who is alleged to have committed academic misconduct.
3. Associate Vice Chancellor for Research (AVCR)--person who has authority to appoint panels and committees and to correspond with funding agencies.
4. Inquiry--assessment of supporting materials and information from witnesses and Respondent by small (2-3) 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.
5. Academic Investigation--formal investigation conducted by a committee of faculty to include at least one member from outside the unit and when deemed necessary by the AVCR, from outside the university. Hearings and testimony are to be recorded.
6. 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-authorship of manuscripts, and co-investigation on any grants or contracts.

PROCEDURES:

1. 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.
2. 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 Programs and are available for review.
3. 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 should be reported to the unit's senior administrator unless there is a potential conflict of interest. (Policy and procedures regarding students are described in Appendix N of the *Faculty Manual*.) Either documentation or the location of documentation and information pertaining to the allegation should 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 should 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 should be presented in a timely manner to the chair or dean, not the Respondent.
4. 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 AVCR 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 AVCR should be notified immediately. Only the Associate Vice Chancellor for Research has the authority to convene an Inquiry panel or an Academic 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.
5. The Inquiry--
 - a. The AVCR should 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 should be collected at the time the letter of notice is given to the Respondent. All materials should be cataloged, receipts provided to Respondent, and secured in a locked storage container appropriate for the materials. The Inquiry should be completed within 60 calendar days from the date of delivery of the letter of notice.
 - b. The Inquiry Panel shall consist of 2-3 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 AVCR prior to selecting faculty for an Inquiry panel. All should have sufficient expertise to review the materials and interview witnesses and Respondent. The AVCR 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 should not receive unsolicited input from faculty or staff except through the AVCR. Questions regarding the Inquiry should be referred to the AVCR. 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 should be reported immediately to the AVCR 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. If Respondent is from the School of Medicine, a copy of the report will be given 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 AVCR. The AVCR will inform all affected parties of the finding, including Respondent, Claimant, Respondent's chair, dean and any other parties informed of the Inquiry. The AVCR will expunge any reference to the allegations from Respondent's personnel file.

6. Additional Procedures if Externally Funded Activities are Involved--The Associate 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 AVCR, 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 AVCR assure that the Inquiry and any subsequent Academic Investigation meet the funding agency's requirements.
7. The Academic 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. The investigation will be completed within 120 calendar days of the committee's formation. That the Respondent voluntarily leaves does not terminate the process.
 - a. The Academic Investigation Committee shall consist of 4-5 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. 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 AVCR 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 AVCR 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" should be maintained: anyone wishing to remove materials from storage must obtain the permission of the AVCR and must sign for each item removed.
 - b. The Academic Investigation Committee, with advice from the AVCR, 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 AVCR 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

should be made and minutes prepared to be included with the committee's report: both the chair of the committee and Respondent should 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 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 AVCR that describes both the process and the findings of the investigation.

8. Completion of the Investigation--when the Academic Investigation Committee has completed its report, the report, minutes of all hearings and tape recordings of the hearings and recommendations will be given to the AVCR. If Respondent is from the School of Medicine, a copy of the report will be given to the Associate Dean for Research.
 - a. 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 AVCR, 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.
 - b. If the committee finds clear and convincing evidence of academic misconduct in violation of the principles set forth in this policy, the committee will make a written report, which may include recommendations for sanctions, and describe both the process and the finding of the committee to the AVCR. The AVCR shall issue a preliminary report to the Respondent for comment and rebuttal before a final recommendation is made to the dean or unit administrator. If the Respondent elects to give a rebuttal, he or she must do so within ten calendar days following receipt of the report. The Respondent will be given a chance to respond orally or in writing. Oral responses to the report shall be transcribed and the response shall become part of the record.
 - c. If the Respondent provides a rebuttal to the evidence for the AVCR, the AVCR 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 AVCR. If the AVCR disagrees with one or more aspects of the report, the AVCR 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 AVCR'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.
 - d. Investigative offices of Federal agencies will be notified promptly:
 - 1) if at any time during the investigation there is reasonable indication of possible criminal violations,
 - 2) if there are any developments which disclose facts that may affect present or potential funding for the Respondent, and
 - 3) of the final outcome of the investigation.

- e. 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 AVCR 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.
9. 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 AVCR may be forwarded to the Chancellor that the university prohibit further expenditures of these funds pending final outcome of the Academic Investigation.
 10. Action by the Chancellor--
 - a. The Chancellor, after consultation with Respondent's dean, the AVCR, and the appropriate Vice Chancellor, shall determine what disposition to make of the case. The determination shall be transmitted to the Respondent promptly. If the Chancellor determines that the case has not been proven, the Chancellor may either ask the AVCR to provide more information or dispose of the case as in Section 8. a. above with the AVCR to notify all affected parties that the charges have been dropped. If the Chancellor chooses this latter action, a written rationale for disposing of the case must be provided by the Chancellor for the AVCR and members of the Academic Investigation Committee.
 - b. If the Chancellor concurs with the reports by the Academic Investigation Committee and the AVCR that misconduct has occurred and determines that a sanction should be imposed, the Chancellor will consult with the AVCR and Respondents' dean regarding recommendations for censure, suspension from employment, reduction in rank, removal of tenure, or dismissal and will proceed in accordance with the Faculty Manual of East Carolina University. Whether or not sanctions are imposed on the Respondent, the 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 AVCR. The AVCR shall notify Respondent's dean and Vice Chancellor of sanctions or other actions imposed.
 - c. Respondent may appeal imposition of sanctions through the appropriate appellate committee as described in the *Faculty Manual*, Appendix D."