



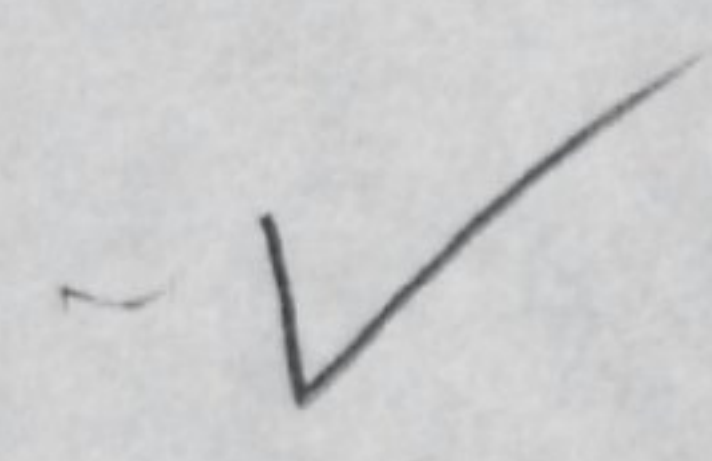
Faculty Senate

East Carolina University

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Secretary of the Faculty
College of Human Ecology

Brenda Killingsworth
Parliamentarian
College of Business

September 13, 2011

Chancellor Steve Ballard
East Carolina University
Spilman Building

Dear Dr. Ballard,

On September 6, 2011, the Faculty Senate adopted the following resolutions for your consideration. For your convenience, the resolutions are either provided as an electronic link or attachment.

#11-67 Curriculum and academic program matters contained in the April 14, 2011 and April 28, 2011 University Curriculum Committee meeting minutes (linked electronically).

#11-69 Curriculum and academic program matters contained in the June 29, 2011 Educational Policies and Planning Committee meeting minutes (linked electronically).

Faculty Senate Resolution #11-66 does not require further action by you.
#11-66 Resolution to Celebrate the Fiftieth Anniversary of the Diversification of the East Carolina Campus (attached)

Faculty Senate Resolution #11-68 was presented to you and approved on September 7, 2011.

#11-68 Revised *ECU Faculty Manual*, Part VII. Research Information Section VI. Policy and Procedures on Ethics in Research and Creative Activities (attached).

Thank you for your consideration of the above mentioned resolutions.

Sincerely,

Marianna Walker
Chair of the Faculty

copy via email

Faculty Officers

Marilyn Sheerer, Provost and Vice Chancellor for Academic Affairs

Phyllis Horns, Vice Chancellor for Health Sciences

Deirdre Mageean, Vice Chancellor for Research and Graduate Studies

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.
- j. Research Integrity Officer - means the institutional official responsible for assessing allegations of 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, theses, 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.
- l. 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 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.
- m. 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.
- n. 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 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.

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*.
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Approved

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

Amended

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

Faculty Senate Resolution #98-19, April 21, 1998, East Carolina University Chancellor

Faculty Senate Resolution #11-68, September 6, 2011, East Carolina University Chancellor

Faculty Senate Resolution #11-68

Approved by the Faculty Senate: September 6, 2011

Approved by the Chancellor: September 7, 2011

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

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, 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

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 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 a 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

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 a preponderance of the evidence exists supporting a Finding of Research Misconduct, as defined by the Policy on Ethics in Research and Creative Activities, has occurred. (Note: this is a less stringent standard than "clear and convincing evidence" and 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

Faculty Senate Resolution #11-66

Approved by the Faculty Senate: September 6, 2011

Approved by the Chancellor: not applicable

**Resolution to Celebrate of the Fiftieth Anniversary of the Diversification
of the East Carolina Campus**

Whereas, the original charter of East Carolina stated that the school educate "white men and women," in accordance with the "separate but equal" Plessy vs. Ferguson (1896) ruling of the United States Supreme Court; and

Whereas, the United States Supreme Court ruled in the Brown v. Board of Education of Topeka case that "separate but equal" provisions in public schools are unconstitutional in 1954; and

Whereas, the North Carolina General Assembly changed the charter of East Carolina College by dropping the term "white" in 1957, providing simply for the education of "men and women"; and

Whereas, African American teachers participated in off-campus East Carolina College summer enrichment programs from 1957 to 1960; and

Whereas, in the spring of 1961 the East Carolina College Board of Trustees changed the admission policy to accept all qualified students; and

Whereas, in the Summer of 1961 a group of African American teachers attended summer school courses on the main campus of East Carolina College, becoming the first African American students on campus at East Carolina; and

Whereas, today the East Carolina University community—including students, faculty, and staff—consists of people of many races and ethnicities; now therefore

Be it Resolved that, the Faculty of East Carolina University commemorates and celebrates the fiftieth anniversary of the diversification of East Carolina College; and

Be it Further Resolved that, the Faculty of East Carolina University supports a sustained diverse and inclusive learning, living, and working environment.