

**EAST CAROLINA UNIVERSITY
2012-2013 FACULTY SENATE**

The second regular meeting of the 2012-2013 Faculty Senate will be held on **Tuesday, October 2, 2012**, at 2:10 in the Mendenhall Student Center Great room.

FULL AGENDA

- I. **Call to Order**
- II. **Approval of Minutes**
[September 11, 2012](#)
- III. **Special Order of the Day**
 - A. Roll Call
 - B. Announcements
 - C. Tom Ross, President of the UNC System
 - D. Steve Ballard, Chancellor
 - E. Ron Mitchelson, Interim Vice Chancellor for Research and Graduate Studies
 - F. Mark Sprague, Chair of the Faculty
 - G. Andrew Morehead, UNC Faculty Assembly Delegate
Report on the September 21, 2012, [UNC Faculty Assembly Meeting](#).
 - H. Anthony Britt, Director of Admissions
Annual report on the 2012 Freshman Class and 12- year Retention Rate of Home Schooled Admissions
 - I. Question Period
- IV. **Unfinished Business**
- V. **Report of Graduate Council**
Graduate Council, Terry West
Formal faculty advice on curriculum and academic matters contained in the Graduate Curriculum Committee meeting minutes of [September 5, 2012](#).
- VI. **Report of Committees**
 - A. University Curriculum Committee, Donna Kain
Curriculum matters contained in the [April 12, 2012](#) (I of II) and [September 13, 2012](#) University Curriculum Committee meeting minutes.

- B. Writing Across the Curriculum, Hector Garza
Curriculum matters included in the September 10, 2012 meeting minutes including a Theatre and Dance proposal.
- C. Faculty Grievance Committee, Gregory Lapicki
Overview of 2011-2012 Committee Activities (attachment 1).
- D. Committee on Committees, Britton Theurer
First reading of Proposed Revisions to the Research/Creative Activity Grants Committee Charge (attachment 2).
- E. Foundations Curriculum and Instructional Effectiveness Committee, Mike Brown
Approval of Student Perception of Teaching Survey Forms, including SPOTS Laboratory Course Form, SPOTS Field-Based Course Form, and SPOTS Distance Education Course Form (attachment 3).
- F. Faculty Governance Committee, Marianna Walker
 - 1. Formal Faculty Advice on Proposed Revisions to the *ECU Faculty Manual*, Part II, Section IV. Graduate School Organization (attachment 4).
 - 2. Formal Faculty Advice on Interim Regulation on Promoting Objectivity in Research funded under Public Health Service Grants or Cooperative Agreements or Contracts (attachment 5).

VII. New Business

FACULTY GRIEVANCE COMMITTEE REPORT
 Overview of 2011-2012 Committee Activities

Number of Grievants in Grievance Process for Academic Year 2011-2012
 (April 31, 2011 through May 2, 2012)

Time in Step One

Step	Less than One Month	One-Two Months	Two-Three Months	More than Three Months
One	—	—	—	—

Number of Grievances Filed (Completed Step One): 1

Fixed Term Faculty 0 Probationary Faculty 1 Tenured Faculty 0

Time in Step Two – Four

Step	Less than One Month	One-Two Months	Two-Three Months	More than Three Months
Two	—	—	—	2
Three	—	—	—	—
Four	—	—	—	—

Step Five Hearing

Scheduled for Hearing - 0
 Hearings Completed - 0
 In Report Stages - 0
 Reports Issued - 0

Reports Issued in Favor of:

Grievant - 0
 Respondent - 0
 Both Grievant and Respondent - 0

Number Appealed to Chancellor - 0
 Reports Issued by Chancellor - 0
 Number at Faculty Governance - 0
 Reports at Rewrite or Reissued by Faculty Governance Committee - 0.

Number that went through Mediation - 0
 Number that went through Chancellor Review - 0
 Number Terminated by Grievant - 0
 Number Terminated by Committee - 2

**COMMITTEE ON COMMITTEES REPORT
First Reading of Proposed Revisions to the
Research/Creative Activity Grants Committee Charge**

(Additions are noted in **bold** print and deletions in ~~strikethrough~~.)

1. Name: Research/Creative **Activities** ~~Activity Grants~~ Committee

2. Membership:

14 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 and one faculty senator selected by the Chair of the Faculty.

The membership of the committee shall serve according to their disciplinary expertise. Ideally This would include ~~seven~~ **six** members from the College of Arts and Sciences, with at least two each from Humanities, Social Sciences, and the Sciences/Math, and ~~seven~~ **eight** members from the Professional Schools and other academic units, with no more than ~~one~~ **two** from each professional school. Each member shall have demonstrated accomplishment in scholarship, research, **and/or** creative activity, ~~as evidenced by data submitted for each person nominated by the Committee on Committees or from the floor of the Faculty Senate.~~

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: 8 elected members exclusive of ex-officio.

4. Committee Responsibilities:

~~A. The committee recommends policies and procedures governing the grant application process, criteria for the awarding of grants, guidelines for the use of research funds, and procedures for annual reporting by grant recipients.~~

~~B. The committee recommends the funding of meritorious research/creative activity proposals. Members of the committee are not permitted to submit proposals for the committee's consideration.~~

A. The committee considers matters related to the scholarly activity of the University, including at least the following:

- 1. Activities to improve and promote professional scholarly productivity of faculty members;**
- 2. Procedures and policies governing research and/or creative activities;**
- 3. Any proposed changes in existing policies affecting research and creative activities of faculty members of the University.**

B. The committee recommends the funding of meritorious **internal** research/creative activity proposals **for the research/creative activity awards program.**

1. **Provided that funding is expected to be available, the committee shall solicit proposals for research/creative activities from eligible faculty.**
2. **The committee shall recommend the funding of meritorious internal research/creative activity proposals.**
3. **Each year, the committee shall collect and review reports of research/creative activity from any award recipients from the previous year.**
4. **Members of the committee are not permitted to submit proposals.**

~~The committee recommends policies and procedures governing the grant application process, criteria for the awarding of grants, guidelines for the use of research funds, and procedures for annual reporting by grant recipients. Members of the committee are not permitted to submit proposals for the committee's consideration.~~

~~C. 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 reports its recommendations from these considerations to either the Faculty Senate or the appropriately charged university standing committee.

The committee reports its recommendations of research/creative activity grant proposals to be funded to the vice chancellor **for research and graduate studies** and reports the final list of funded proposals to the Faculty Senate. The committee makes recommendations concerning the policies and procedures governing research/creative activity **grant** proposals 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:

The committee is empowered to make recommendations regarding the funding of research proposals.

8. Standard Meeting Time:

The committee will establish a standard meeting schedule at its first meeting of the academic year. ~~does not have a standard meeting time~~

Student Perception of Teaching Survey (distance education courses)

- | | |
|--|--------|
| 1. The course was well organized. | Y/N/NA |
| 2. The instructor encouraged interaction with other students. | Y/N/NA |
| 3. The instructor showed enthusiasm for the course content and student learning. | Y/N/NA |
| 4. Presentations and other activities were usually engaging. | Y/N/NA |
| 5. The instructor stimulated my interest in the course topics. | Y/N/NA |
| 6. The instructional materials were accessible and easy to use. | Y/N/NA |
| 7. The course was organized to encourage interaction with the instructor. | Y/N/NA |
| 8. When I contacted the instructor during the work week I received a response within 24 hours. | Y/N/NA |
| 9. The instructor encouraged questions. | Y/N/NA |
| 10. The instructor was willing to help if I asked for assistance. | Y/N/NA |
| 11. The instructor was encouraging about my ability to learn course material. | Y/N/NA |
| 12. The instructor treated students respectfully. | Y/N/NA |
| 13. The instructor made it clear what was expected on graded assignments. | Y/N/NA |
| 14. Tests and graded assignments were on material covered in the course. | Y/N/NA |
| 15. Tests and assignments were evaluated and returned in time to be useful to me for future assignments. | Y/N/NA |
| 16. The topics presented in the course were covered as stated in the syllabus. | Y/N/NA |
| 17. The readings and assignments covered the course content. | Y/N/NA |
| 18. The instructor's explanation and coverage of course content was clear. | Y/N/NA |
| 19. Compared to other Distance Education courses I've taken at ECU the amount of work in this Distance Education course was: | |

1	2	3	4	5	
Not Demanding					Very Demanding

20. On the average, how many hours per week have you spent on this course outside of any scheduled class times?
 0-2 hours 3-4 hours 5-6 hours 7-8 hours 9 or more hours
21. What is your current class level?
 Freshman Sophomore Junior Senior Graduate Other
22. Which reason best describes why you have taken this course?
 It is an elective course
 It is a choice among required options
 No other options available
 It is specifically required
23. What do you feel are the strengths of this course?
24. What would you change to improve this course?
25. Additional Comments

FACULTY GOVERNANCE COMMITTEE REPORT
Formal Faculty Advice on Proposed Revisions to the *ECU Faculty Manual*,
Part II, Section IV. Graduate School Organization

(Additions are noted in **bold** print and deletions in ~~strikethrough~~.)

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Graduate School Organization

- I. The Graduate Faculty
 - A. Functions and Jurisdictions

The graduate faculty exercises the authority within the university for development of general policies and procedures for all graduate courses and programs. The graduate faculty may recommend modifications to this document, "Graduate School Organization", directly or through the concurrent approval of the Graduate Council using the procedure in Part IV of this document.

- B. Meetings

The graduate faculty may meet in plenary session. Meetings may be called by the Graduate Council, or upon petition of 15% or more of the graduate faculty to the Dean. Notice of a plenary session with time, place, and agenda will be distributed to members of the graduate faculty at least a full week prior to the meeting.

One-half or more of the graduate faculty will constitute a quorum for purposes of transacting such business as appears on the printed agenda. A simple majority of those graduate faculty members in attendance will govern unless decision to the contrary is made prior to a ballot. When a quorum is not present at a called meeting, agenda items will be referred to the Graduate Council for action.

A plenary session will be conducted according to the most recent edition of Robert's Rules of Order. Minutes will be kept and distributed to all members of the university faculty not later than ten days following the session.

C. Canvass

Business and opinion polls may be conducted through canvass when approved by the Graduate Council. This canvass may be conducted either electronically or using paper ballots. If paper methodology is used, ballots or other materials will be addressed to each graduate faculty member and sent through campus mail or delivered by messengers. To transact business through a canvass, at least one-half of the total graduate faculty must vote. A simple majority will govern unless the Graduate Council establishes a different criterion when it approved a canvass. When a less than one-half of the total graduate faculty vote in a canvass, business items with the result of the canvass, will be referred to the Graduate Council for action.

When the graduate faculty is canvassed in this manner, each ballot will provide space in which each member can indicate his or her preference for a plenary session dealing with the issue to be decided. If 15 percent or more of the graduate faculty indicates preference for a session, the canvass will be nullified, and a plenary session will be called.

D. Voting Privileges

Only Graduate Teaching Faculty, Associate Graduate Faculty, and Graduate Faculty members may vote on university-wide graduate issues.

E. Implementation

Each code unit with a graduate program will develop a procedure for obtaining faculty input to the process of nominating graduate faculty and report this procedure to the Graduate Council. In addition, each code unit with a graduate program will examine the educational objectives of their graduate degrees, which were prepared for the SACS accreditation and articulate the types of research, creative activity, or other activities that are appropriate for graduate faculty in their discipline. Each code unit will then submit its articulation to the Graduate Council for approval. Once the articulation is approved, it will be used to evaluate nominations for the graduate and associate graduate faculty from the submitting code unit.

F. Membership

The following paragraphs address the general qualifications for membership, rights, privileges and responsibilities; method of appointment; and method of reappointment of each category of membership on the graduate faculty; and the methods of implementing these policies.

There are four types of membership in the graduate faculty. They are (1) graduate faculty member, (2) associate graduate faculty member, (3) graduate teaching faculty member, and (4) ex-officio graduate faculty member.

Graduate Faculty Members.

Qualifications for graduate faculty members include:

- The highest earned degree in the field.
- Demonstrated evidence of success in research/creative activity.
- Demonstrated evidence of successful graduate teaching.

- Demonstrated evidence of successful supervision of research or creative activity, if applicable. In some instances, extensive professional experience, high productivity, or successful competition for research/creative activity support may substitute for the highest degree.

Graduate faculty members are eligible to serve on the Graduate Curriculum Committee, may serve as a Graduate Program Coordinator, may teach graduate classes, may chair doctoral or master's committees, and may be a member of doctoral or master's committees. Code units may define additional criteria for eligibility to serve in doctoral programs.

Appointment to the graduate faculty occurs as the result of the following procedure. Upon recommendation of the graduate faculty of the code unit (the procedure for which has been outlined as described under Implementation, below), the appropriate unit administrator forwards a nomination to the dean of the college or professional school, as appropriate, and then to the Dean of the Graduate School. Each nomination should state the type of appointment and contain evidence that the nominee has satisfied the criteria for the type of membership sought in a manner consistent with the code unit's interpretation of those criteria. The Dean of the Graduate School will review the recommendation of the academic unit to determine that it is consistent with the unit's criteria and appointment procedures. If the dean concurs, he or she will notify the academic unit and the faculty member of his or her appointment. If the dean does not approve the unit's recommendation the application will automatically be referred to the Graduate Council. A two-thirds majority of the Graduate Council will be required to overturn the administrative decision.

Appointment to the graduate faculty is for five years. At the end of the term, the appointment will be reviewed within the unit in the manner outlined for initial appointments, except that the focus will be on the activity during the five years immediately preceding the evaluation. If it is the opinion of the code unit graduate faculty that the appointment should be renewed, the appropriate unit administrator will add his/her opinion and submit the appropriate renewal application to the dean of the college or professional school, as appropriate, and then to the Dean of the Graduate School who will review the application. To be reappointed, it is not necessary for an individual to have participated in all phases of graduate education. Individuals appointed to major administrative assignments (department chairs or above) who are members or associate members of the graduate faculty at the time of their appointment are exempt from the re-nomination process until five years after the expiration of the administrative appointment. Individuals with other administrative appointments may be considered for a waiver by Graduate Council upon nomination by their code units.

For faculty on probationary appointments, the term on the graduate faculty is coterminous with the length of that appointment or four years, whichever is longer. Tenure track faculty will be re-nominated for the graduate faculty as part of the contract renewal process immediately prior to the expiration of the term on the graduate faculty. The appropriate dean or chair will provide information on the faculty member's accomplishments during the period to the appropriate graduate faculty in the unit and the nomination process will proceed as outlined above.

Associate Graduate Faculty Members.

Qualifications for associate graduate faculty members include:

- Highest earned degree in the field.
- Demonstrated evidence of success or the potential for success in research/creative activity.
- Demonstrated evidence of successful graduate teaching or the potential of such success.
- Demonstrated evidence of successful supervision of research or creative activity or the potential of such success, if applicable. In some instances, extensive professional experience, high

productivity, or successful competition for research/creative activity support may substitute for the highest degree.

● Associate graduate faculty members may serve as Graduate Program Coordinators, may teach graduate classes, may chair doctoral or master's committees, and may be a member of doctoral or master's committees. Code units may define additional criteria for eligibility to serve in doctoral programs. Code units must define criteria for associate graduate faculty members to chair doctoral committees in their unit codes of operation. All procedures for appointment and reappointment as well as terms of office for the associate graduate faculty will be the same as those for the graduate faculty members.

Graduate Teaching Faculty Members.

Qualifications for graduate teaching faculty members include:

- Highest earned degree in the field.
- Professional certifications or licensure as specified by the code unit.
- Demonstrated evidence of success or the potential for success graduate teaching.
- Evidence of professional growth, e.g., completion of continuing education, participation in relevant seminars, or other professional activity. In some instances, especially for clinical faculty, extensive professional experience, high productivity, or successful competition for research/creative activity support may substitute for the highest degree.

Graduate teaching faculty members may teach masters or doctoral classes as appropriate for their background, certification, and experience and may be the fourth member of a thesis or dissertation committee upon certification of appropriate experience or expertise by the unit administrator.

● All tenure-track faculty members who hold the appropriate terminal degree for the discipline in which they hold their appointments are deemed to be members of the graduate teaching faculty upon their initial appointments. Code units are responsible for notifying the dean of the college or professional school, as appropriate, and the Dean of the Graduate School of these individuals and requesting an appointment to the graduate teaching faculty. As part of their first evaluation for contract renewal of a probationary appointment, if the code unit wishes the person to become a member or associate member of the graduate faculty, it would use the information gathered in the process of contract renewal to provide the nominations as outlined above. If the code unit wishes the person to remain a member of the graduate teaching faculty, it renews the appointment by notifying the dean of the college or professional school, as appropriate, the Dean of the Graduate School, and the individual involved. If the code unit wishes to remove the person from responsibilities for graduate teaching, it notifies the person, the dean of the college or professional school if appropriate, and the Dean of the Graduate School.

Other appointments to the graduate teaching faculty are made by the appropriate code unit administrator, the graduate faculty of the code unit, and the Dean of the Graduate School, in accordance with procedures approved by the graduate faculty of the code unit. These appointments are valid for the terms of the individuals' contracts.

Ex-officio Members.

● Administrators with responsibilities for graduate programs who do not hold other appointments to the graduate faculty will be appointed to an ex-officio membership commensurate with background and experience and will hold that appointment for the duration of their administrative appointment.

External Thesis and Dissertation Committee Members.

Individuals external to ECU with demonstrated expertise in the area of study in a thesis or dissertation may serve on, but not chair a thesis or dissertation committee. The external member should have a terminal degree in an appropriate discipline or extensive professional experience. This appointment must be approved by the Dean of the Graduate School. The procedure for appointing a person to serve in this role will require approval by the Graduate Program Director and the unit graduate faculty members serving on the thesis or dissertation committee. The Graduate Program Director will submit a letter of request to the Dean of the Graduate School outlining the person's credentials (academic CV or resume) as related to the specific thesis or dissertation.

II. Coordinators of Graduate Programs, the Graduate Council, the Graduate Council Executive Committee, and the Graduate Curriculum Committee

A. Coordinators of Graduate Programs

Each Graduate Program and Graduate Certificate will have a designated Graduate Program Director or Coordinator who must be a Graduate or Associate Graduate Faculty member, approved by the unit chair and college dean and qualified to lead development and review of the program's curriculum. Meetings of Graduate Program Directors and Coordinators will be held at least twice per regular academic term and chaired by the Dean of the Graduate School or designee. These meetings will provide a forum where Graduate Program Directors and Coordinators may provide input to the Graduate School, the Graduate Council and the Graduate Curriculum Committee on any matters related to policies, practices, implementation, and administration of graduate education.

B. Graduate Council

The Graduate Council is comprised of 20 directors or coordinators of graduate programs elected* to represent their respective colleges; 4 Graduate Faculty (who are not program Directors) elected by the Faculty Senate (each from a different college or the Brody School of Medicine); plus 3 at-large appointments by the Dean of the Graduate School. In addition there will be 6 ex-officio members with a vote, including the Chair of the Graduate Curriculum Committee (GCC), Chair of the Faculty or designee, a representative of the faculty senate, a representative of the Provost and Senior Vice Chancellor for Academic Affairs, a representative of the Vice Chancellor for Health Sciences, and the President of the Graduate and Professional Student Senate (GPSS) or designee. The Dean of the Graduate School will be an ex-officio member without a vote. **Graduate councilor allocations will be reviewed every three years starting at the beginning of the fall 2015 semester and allocated 50% in proportion to the number of graduate faculty and 50% in proportion to the graduate SCH production in their respective colleges.**

Faculty Senate and college representatives are elected to fill expired or vacated terms according to procedures defined by the Senate and each college, at a time appropriate for each unit. All Graduate Council members are elected to serve three-year staggered terms for continuity. Regular terms begin with first Graduate Council meeting in the fall semester. ~~with terms staggered for continuity.~~ The Graduate Council will annually elect a Council Chair and Vice-Chair as well as four persons to serve on the Graduate Council Executive Committee from the elected members of the Graduate Council during its September meeting.

The Graduate Council will be responsible for consideration, debate, and voting on all graduate academic policies, and upon recommendation of the GCC, graduate curriculum and degree programs. Any member of the graduate faculty may recommend agenda items concerning graduate academic policy to the Graduate Council Executive Committee for inclusion on the Graduate Council agenda. New graduate degree programs, new certificates, new concentrations, degree title changes,

and moving or discontinuing programs are also submitted to the Educational Policies and Planning Committee (EPPC) for review.

The Graduate Council will make recommendations to the Dean of the Graduate School, who may concur or not. The Dean will forward these recommendations to the Academic Council and then the Chancellor for final decision. The Chair of the Graduate Council will communicate recommendations to the Faculty Senate for information, comment, and advice.

The Chair of the Graduate Council will convene meetings of the Graduate Council, report at each Faculty Senate meeting on graduate matters, and seek Faculty Senate input. Graduate Council meeting agendas will be distributed electronically to all graduate faculty.

The Vice-Chair will assume the duties of the Chair if the Chair is unable to fulfill his or her duties.

~~*Initially, graduate councilors will be allocated 50% in proportion to the number of graduate faculty and 50% in proportion to the graduate SCH production in their respective colleges.~~

The Graduate Council will

- Approve the membership of the Graduate Curriculum Committee;
- Approve Graduate Curriculum Committees (GCC) recommendations;
- Participate in the review of all existing graduate programs;
- Review all unit appeals of negative decisions made by the Dean of the Graduate School regarding graduate faculty appointments;
- Review and develop Graduate School policy including requirements for admission, retention of students, permissible course loads, transfer credit, grading, thesis and dissertation requirements and examinations, and standards for graduate faculty appointment;
- Make recommendations relating to graduate education to the Dean, Academic Council, and the Chancellor;
- Report its actions to the coordinators of graduate programs, graduate faculty, and Faculty Senate.

A simple majority of the elected members of the Graduate Council will constitute a quorum.

C. Graduate Council Executive Committee

The Graduate Council Executive Committee (GCEC) is comprised of the Graduate School Dean, the Graduate Council Chair and, Vice-Chair, **the Graduate Curriculum Committee Chair**, and 4 members elected by and from the Graduate Council. The GCEC will meet at least once a month.

The GCEC will

- Review and approve all admissions by exception, requests for exceptions to transfer credit policy, and requests for exceptions to the time to degree requirements;
- Set the Graduate Council agenda;
- Prepare draft policies for consideration by the Graduate Council;
- Review the Graduate Council meeting minutes for presentation to the Graduate Council.

D. Graduate Curriculum Committee

The Graduate Curriculum Committee (GCC) will consist of one graduate or associate graduate faculty member with tenure from each college and the Brody School of Medicine. Members will be nominated by their respective deans through a process established by the school or college. Where possible

members will have experience in both masters and doctoral programs. There will be two ex-officio members with vote including the president of the GPSS or designee and the Associate Provost for Academic Program Development. The Graduate Council will review the credentials of the nominees and approve members to serve on the GCC. Members will serve staggered three-year terms. The Chair and Vice Chair of the GCC will be elected to serve a one-year term by and from the membership of the GCC. GCC members will be limited to serving two consecutive terms.

The GCC will review, consider and make recommendations to the Graduate Council on:

- Proposals for new graduate programs, certificates, concentrations, degree title changes, and moving or discontinuing graduate programs, certificates or concentrations.
- Proposals for new and revised graduate courses;
- Degree-related graduate catalog changes;
- Requests to delete, bank, and unbank graduate courses;
- Other graduate curriculum related matters;
- Changes to its charge;
- Other duties as assigned by the Graduate Council.

The GCC will determine its own methods and procedures to fulfill its charge.

All recommendations of the GCC will be reported to the Graduate Council. Recommendations on new programs, new certificates, new concentrations, degree title changes, and moving or discontinuing programs will be reviewed by both the Graduate Council and the EPPC who then reports to the Faculty Senate. Both negative and positive recommendations will be reported to the Graduate Council and forwarded to the Academic Council and Chancellor.

III. The Dean of the Graduate School - Functions and Jurisdiction

The Dean is the chief executive officer of the Graduate School and chairs plenary sessions of the graduate faculty. The Dean (or designee) will chair meetings of the graduate program coordinators. He or she will be available to advise and assist schools and departments in the planning and development of their graduate programs. He or she will be specifically responsible for coordinating with the general administration of the university all new graduate program proposals advanced by schools and departments.

The Dean will be responsible for the implementation and execution of policies, rules, regulations, and procedures established by the graduate faculty and the Graduate Council. He or she is expected to articulate both the current status and the short-term and long-term concerns and objectives of graduate education at the university and to offer timely and appropriate recommendations for its improvement and greater efficiency in meeting the needs of its constituents.

The Dean will be responsible for the operation of the Graduate School office including the preparation of its annual budget, spending of funds, utilization of allocated office space, assignments of responsibilities to staff, and the establishment of office procedures for effective implementation of all administrative tasks performed by the Graduate School office.

The Dean will develop procedures for consultation with other units of the university and extramural academic, professional, governmental, and community groups.

IV. Modifications to the Graduate School Organization

A. Graduate Council

The Graduate Council may recommend revisions to this document. The Graduate Council will make recommendations to the Dean of the Graduate School, who may concur or not. The Dean will forward these recommendations to the Academic Council and then the Chancellor for final decision. The Chair of the Graduate Council will communicate recommendations to the Faculty Senate for information, comment, and advice.

B. Graduate Faculty

The graduate faculty may recommend revisions to this document, "Graduate School Organization," through a majority vote in plenary session where a quorum is established, through canvass conducted according to Part I.C of this document or through the concurrent approval of the Graduate Council. Recommendations of the graduate faculty will be reviewed by the Dean of the Graduate School and Academic Council and forwarded to the Chancellor for final decision. The Chair of the Graduate Council will communicate graduate faculty recommendations to the Faculty Senate for information, comment, and advice.

Approved: Faculty Senate Resolution #12-03, April 2012

**Faculty Senate Agenda
October 2, 2012
Attachment 5.**

FACULTY GOVERNANCE COMMITTEE REPORT

**Formal Faculty Advice on Interim Regulation on Promoting Objectivity in Research funded under
Public Health Service Grants or Cooperative Agreements or Contracts**

(Additions are noted in **bold** print and deletions in ~~strikethrough~~.)

History: effective August 24, 2012.

Related Policies:

UNC Policy Manual 300.2.2-Conflicts of Interest and Commitment
UNC Policy Manual 300.2.2[G]-Guidelines on Implementing the UNC Conflict of Interest and Commitment Policy
UNC Policy Manual 300.2.2.1[R]-Regulations on External Professional Activities for Pay by Faculty and Nonfaculty EPA Employees
UNC Policy Manual 300.2.2.2[R]-Regulations for Senior Academic and Administrative Officers on External Professional Activities for Pay and Honoraria
ECU Faculty Manual Part VIII-Section II

Additional References:

Public Health Service Conflict of Interest Regulation, Promoting Objectivity in Science 42 CFR 50 Subpart F
Public Health Service Regulation on Responsible Prospective Contractors 45 CFR 94
NIH Conflicts of Interest Resource Page

1. Introduction.

1.1. Consistent with, and in supplement to, UNC Policy 300.2.2 Conflicts of Interest and Commitment, 300.2.2[G] Guidelines on Implementing the UNC Conflict of Interest and Commitment Policy, and ECU Faculty Manual Part VIII-Section II Conflicts of Interest and Commitment and External Activities of Faculty and Other Professional Staff, this Regulation implements the Public Health Services regulations on Financial Conflicts of Interest, including that entitled 'Promoting Objectivity in Research' located at 42 CFR 50 and that entitled, 'Responsible Prospective Contractors' located at 45 CFR 94.

1.2. Applicability and Designation of Institutional Official. This Regulation applies to all East Carolina University Investigators engaged in activities funded or proposed to be funded' in whole or in part, from the Public Health Service of the U.S. Department of Health and Human Services (whether directly as a primary recipient or indirectly through a subaward/subcontract) and to each grant, cooperative agreement, and contract with an issue date of the Notice of Award that is on or subsequent to the first issue date of this Regulation. The Vice Chancellor for Research and Graduate Studies is the Institutional Official and is responsible for ensuring implementation of this Regulation and the PHS Financial Conflicts of Interest Regulations. The Director of the Office of Research Compliance Administration has delegated authority to implement the requirements of this Regulation on behalf of the Institutional Official.

1.3. Administrative Action and Sanctions. The Institutional Official may suspend all relevant activities until a Financial Conflict of Interest, as defined below, is managed or other action deemed appropriate by the Institutional Official is implemented. Violation of any part of this Regulation or other applicable policies on Conflicts of Interest or federal law also may constitute cause for disciplinary or other administrative action pursuant to applicable Institutional policy, including, and up to, termination from employment or expulsion from enrollment. (See Section 6).

1.4. Conflicts of Interest. This Regulation is predicated on the expectation that Investigators should conduct their affairs so as to avoid or minimize conflicts of interest, and must respond appropriately when conflicts of interest arise. To that end, this Regulation informs Investigators, including, but not limited to, faculty and students, about situations that generate conflicts of interest related to research, provides mechanisms for Investigators and the Institution to manage those conflicts of interest that arise, and describes situations that are prohibited. Every Investigator has an obligation to become familiar with, and abide by, the provisions of this Regulation. **All investigators shall be surveyed annually for potential conflicts of interest.** If a situation **arises between annual surveys** ~~raising questions of~~ **suggesting a potential conflict**

of interest arises, ~~an~~ **the** Investigator should **proactively** discuss the situation with the supervisor or the Institutional Official or designee.

2. Definitions

2.1. A 'Conflict of Interest Committee' ~~is an~~ means the Institutional **ad-hoc** committee that **formed to** advises the Institutional Official on conflict of interest matters **as arising, staffed with the best available expertise for the question at hand**. ~~If a~~ **Each such** committee advises the Institutional Official, it will **shall** consist of at least the Director of the Office of Research Compliance Administration (ORCA), the Associate Vice Chancellor for Research and Graduate Studies, and the appropriate Associate Dean for Research or other administrator designated by the Dean within an academic college or the Investigator's supervising department head (or comparable position, if Investigator's appointment resides outside of an academic department). **Four or more additional committee members shall be chosen for relevant expertise, such that the majority of the committee membership (of at least seven) shall be faculty members without administrative appointment.**

2.2. Family means any member of the Investigator's immediate family, specifically, any dependent children and spouse.

2.3. Disclosure of Significant Financial Interest means an Investigator's disclosure of significant financial interest to the Institutional Official or designee.

2.4. Financial Interest means anything of monetary value received or held by an Investigator or an Investigator's Family, whether or not the value is readily ascertainable, including, but not limited to: salary or other payments for services (e.g., consulting fees, honoraria, or paid authorships for other than scholarly works); any equity interests (e.g., stocks, stock options, or other ownership interests); and intellectual property rights and interests (e.g., patents, trademarks, service marks, and copyrights), upon receipt of royalties or other income related to such intellectual property rights and interests. For Investigators, Financial Interest also includes any reimbursed or sponsored travel undertaken by the Investigator and related to his/her institutional responsibilities. This includes travel that is paid on behalf of the Investigator rather than reimbursed, even if the exact monetary value is not readily available.

Financial Interest does NOT include:

- a) salary, royalties, or other remuneration from the Institution;
- b) income from the authorship of academic or scholarly works;
- c) income from seminars, lectures, or teaching engagements sponsored by or from advisory committees or review panels for U.S. Federal, state or local governmental agencies; U.S. institutions of higher education; U.S. research institutes affiliated with institutions of higher education, academic teaching hospitals, and medical centers; or
- d) equity interests or income from investment vehicles, such as mutual funds and retirement accounts, so long as the Investigator does not directly control the investment decisions made in these vehicles.
- e) travel reimbursed or sponsored by U.S. Federal, state or local governmental agencies, U.S. institutions of higher education, research institutes affiliated with institutions of higher education, academic teaching hospitals, and medical centers.

2.5. Significant Financial Interest means a Financial Interest that reasonably appears to be related to the Investigator's Institutional Responsibilities, and:

2.5.1. With regard to any publicly traded entity, the value of any remuneration (including salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship)) received from the entity in the twelve (12) months preceding the disclosure and the value of any equity interest (including any stock, stock option, or other ownership interest as determined through reference to public prices or other reasonable measures of fair market value) in the entity as of the date of the disclosure, when aggregated, exceeds \$5,000; or

2.5.2. With regard to any non-publicly traded entity, the value of any remuneration (including salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship)) received from the entity in the twelve (12) months preceding the disclosure, when aggregated, exceeds \$5,000; or

2.5.3. With regard to any non-publicly-traded company, the Investigator or his or her Family holds any equity interest (at any time); or

2.5.4. Intellectual Property Rights (e.g. patents, copyrights, etc.) and Interests, upon receipt of income related to such rights and interests, provided, however, income derived from intellectual property rights assigned to the Institution and agreements to share in royalties related to such rights are not a Financial Interest (See Section 2.4, above).

2.6. Financial Conflict of Interest means a Significant Financial Interest (or, where the Institutional official requires disclosure of other Financial Interests, a Financial Interest) that the Institution reasonably determines could directly and significantly affect the design, conduct or reporting of Institutional research.

2.7. Financial Conflict of Interest Report means the Institution's report of a financial conflict of interest to a PHS Awarding Component (i.e., the organizational unit of the PHS that funds the research that is subject to the PHS Financial Conflicts of Interest regulations).

2.8. Institution means East Carolina University.

2.9. Institutional Official means the individual within the Institution that is responsible for the solicitation and review of disclosures of significant financial interests including those of the Investigator's Family related to the Investigator's institutional responsibilities. For the purposes of this Regulation, the Institutional Official is designated as the Vice Chancellor for Research and Graduate Studies.

2.10. Institutional Responsibilities has the same meaning as, University Employment Responsibilities, as defined at UNC Policy 300.2.2(I)(E) and includes, Primary Duties, and Secondary Duties. Primary Duties consist of assigned teaching, scholarship, research, institutional service requirements, patient care, administrative duties and other assigned employment duties. Secondary Duties may include professional affiliations and activities traditionally undertaken by Investigators outside of the immediate University employment context. Secondary Duties may or may not entail the receipt of honoraria, remuneration or the reimbursement of expenses, including membership in and service to professional associations and learned societies; membership on professional review or advisory panels; presentation of lectures, papers, concerts or exhibits; participation in seminars and conferences; reviewing or editing scholarly publications and books without receipt of compensation; and service to accreditation bodies. These activities, which demonstrate active participation in a profession are encouraged, provided they do not conflict or interfere with the timely and effective performance of the individuals Primary Duties or University Policies, Rules and Regulations.

2.11. Investigator means any individual who is responsible for the design, conduct, or reporting of PHS sponsored research, or proposed for such funding. This definition is not limited to those titled or budgeted as principal investigator or co-investigator on a particular proposal, and may include, but is not limited to, postdoctoral associates, scientists, clinical and technical staff regardless of classification, or students. The definition may also include collaborators or consultants as appropriate.

2.12. Manage means taking action to address a financial conflict of interest, which can include, but is not limited to, reducing or eliminating the financial conflict of interest, to ensure, to the extent possible that the design, conduct, and reporting of research will be objective and free from bias.

2.13. PI/PD means a project director or principal Investigator of a PHS-funded research project; the PD/PI is included in the definitions of senior/key personnel and Investigator, as defined herein.

2.14. Public Health Service or PHS means the Public Health Service of the U.S. Department of Health and Human Services, and any components of the PHS to which the authority of the PHS may be delegated. The components of the PHS include, but are not limited to, the Administration for Children and Families, Administration on Aging, Agency for Healthcare Research and Quality, Agency for Toxic Substances and Disease Registry, Centers for Disease Control and Prevention, Federal Occupational Health, Food and Drug Administration, Health Resources and Services Administration, Indian Health Service, National Institutes of Health, and Substance Abuse and Mental Health Services Administration.

2.15. Research means a systematic investigation, study, or experiment designed to contribute to generalizable knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research (e.g., a published article, book or book chapter) and product development (e.g., a diagnostic test or drug). Further, the term includes any such activity for which research funding is available from a PHS Awarding Component through a grant or cooperative agreement or contract, including, but not limited to, a research grant, career development award, center grant, individual fellowship award, infrastructure award, institutional training grant, program project, or resources award.

2.16. Senior/key personnel means, with regard to PHS funding by means of a grant or a cooperative agreement, the PD/PI and any other person identified as senior/key personnel in the grant application, progress report, or any other report submitted to the PHS by the Institution, and, with regard to PHS funding by means of a contract, the PD/PI and any other personnel considered to be essential to work performance in accordance with the HHS Acquisition Regulation subpart 352.242-70 and identified as key personnel in the contract proposal and contract.

3. Disclosure of Financial Interests. All Investigators are required to disclose their significant financial interests to the Institution on an annual and ad hoc basis, as described below. The Institutional Official, or his or her designee, is responsible for the distribution, receipt, processing, review and retention of disclosure forms. Regardless of the disclosure requirements, the Investigator, in his or her own best interest, is encouraged to disclose any other financial or related interest that could present an actual conflict of interest or be perceived to present a conflict of interest.

3.1. Annual Disclosures. All Investigators must disclose their Significant Financial Interests and those of their Family to the Institution, through the Institutional Official, on an annual basis. All forms should be submitted to the Institutional Official or designee by June 30 for the previous year.

3.2. Ad hoc Disclosures.

3.2.1. In addition to annual disclosure, certain situations require ad hoc disclosure. All Investigators must disclose their Significant Financial Interests and those of their Family to the Institution, through the Institutional Official, within thirty (30) calendar days of their initial appointment or employment.

3.2.2. Prior to applying for PHS funded research, where the Investigator has a Significant Financial Interest, the Investigator must submit to the Institutional Official an ad hoc updated disclosure of his or her Significant Financial Interests and those of the Investigator's Family. The Institution will not submit a research proposal unless the Investigator(s) has(have) submitted and appropriately managed such ad hoc disclosures. Further, there may be no expenditure of funds under a new PHS-funded research project until the Institutional Official has reviewed all Investigator disclosures of significant financial interests and managed any Financial Conflicts of Interests.

3.2.3. In addition, all Investigators must submit to the Institutional official an ad hoc disclosure of any Significant Financial Interest they or their Family acquire during the course of the year within thirty (30) calendar days of discovering or acquiring the Significant Financial Interest. This requirement includes Investigators who are new to participating in a PHS-funded research project as well as Investigators who are already participating in the project. Such disclosures shall be reviewed, and any associated financial conflicts of interest shall be managed, in a timeframe and manner compliant with the federal regulations on Financial Conflicts of Interest (i.e., within sixty (60) days). Depending on the nature of the Significant Financial Interest, the IO may determine that additional interim measures are necessary with regard to an Investigators participation in a PHS-funded research project between the date of disclosure and the completion of the review of that disclosure. The IO has authority to implement such measures.

3.3. Travel.

3.3.1. Investigators also must disclose reimbursed or sponsored travel related to their institutional responsibilities, as defined above in the definition of Financial Interest. Such disclosures must include, at a minimum, the purpose of the trip, the identity of the sponsor/organizer, the destination, the duration, and, if known, the monetary value. The Institutional Official or his or her designee will determine if additional information is needed (e.g., the monetary value if not already disclosed) to determine whether the travel constitutes a Financial Conflict of Interest with the Investigator's research.

3.3.2. Note that not all University-related travel must be disclosed. Exclusions from this requirement may be found in Section 2.4(e), above.

4. Review and Decision of the Institutional Official.

4.1. Guidelines. The following guidelines shall be used by the Institutional Official to determine whether an Investigator's significant financial interest is related to PHS funded research and, if so related, whether the significant financial interest is a financial conflict of interest:

4.1.1. If the disclosure form reveals a Significant Financial Interest, it will be reviewed promptly by the Institutional Official or designee for a determination of whether it is related to PHS-funded research and, if so, whether it constitutes a Financial Conflict of Interest. If a Financial Conflict of Interest exists, the Institutional Official will take action to manage, reduce, or eliminate the conflict, as appropriate and consistent with the PHS FCOI Regulations.

4.1.2. An Investigator's significant financial interest is related to PHS-funded research when the Institution, through its designated official, reasonably determines that the significant financial interest:

4.1.2.1. Could be affected by the PHS-funded research; or

4.1.2.2. Is in an entity whose financial interest could be affected by the research

4.1.2.3. The Institution may involve the Investigator in the designated official's determination of whether a significant financial interest is related to the PHS-funded research.

4.1.3. A Financial Conflict of Interest will be deemed to exist when the Institutional Official or designee determines that a Significant Financial Interest could directly and significantly affect the design, conduct, or reporting of PHS-supported research.

4.1.4. If the Institutional Official determines that there is a Financial Conflict of Interest that can be managed, he or she must require and approve a written management plan before any related research moves forward. The affected Investigator or the COI Committee is responsible for developing and submitting a proposed management plan, in consultation with the Institutional Official.

4.2. To address complex situations, oversight committees may be established by the Institutional Official to periodically review the ongoing activity, to monitor the conduct of the activity (including use of students and postdoctoral appointees), to ensure open and timely dissemination of the research results, and to otherwise oversee compliance with the management plan.

5. Reporting to PHS.

5.1. Should any Financial Conflict of Interest or instance of non-compliance be required to be reported to PHS/NIH, the Institutional Official will report in accordance with applicable PHS regulations (See e.g., 42 C.F.R. § 50.605 and 45 C.F.R. § 94.5). If the funding for the Research is made available from a prime PHS-awardee, such reporting shall be made available to the prime awardee such that they may fulfill their reporting obligations to the PHS.

6. Investigator Non-Compliance.

6.1. Retrospective Review.

6.1.1. If the Institutional Official determines that a Financial Conflict of Interest was not identified or managed in a timely manner, including but not limited to an Investigator's failure to disclose a Significant Financial Interest that is determined to be a Financial Conflict of Interest, or failure by an Investigator to materially comply with a management plan for a Financial Conflict of Interest, a committee appointed by the Institutional Official will complete a retrospective review of the Investigator's activities and the research project to determine whether the research conducted during the period of non-compliance was biased in the design, conduct or reporting of the research. Such review shall be completed in a manner and within a timeframe compliant with the PHS Financial Conflicts of Interest regulations (i.e., within 120 days).

6.1.2. Documentation of the retrospective review shall include the project number, project title, PI, name of Investigator with the Financial Conflict of Interest, name of the entity with which the Investigator has the Financial Conflict of Interest, reason(s) for the retrospective review, detailed methodology used for the retrospective review, and findings and conclusions of the review.

6.1.3. The Institutional official will update any previously submitted report to the PHS or the prime PHS-awardee relating to the research, specifying the actions that will be taken to manage the Financial Conflict of Interest going forward. If bias is found, the report will include a mitigation report in accordance with the PHS regulations, including a description of the impact of the bias on the research project and the plan of action to eliminate or mitigate the effect of the bias.

6.1.4. In any case in which the United States Department of Health and Human Services, or any component thereof with delegated authority, determines that a PHS-funded project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment has been designed, conducted, or reported by an Investigator with a financial conflict of interest that was not managed or reported by the Institution as required by the PHS Conflicts of Interest regulations, the Investigator involved shall disclose the financial conflict of interest in each public presentation of the results of the research and to request an addendum to previously published presentations.

6.2. Disciplinary Action.

6.2.1. In the event of an Investigator's failure to comply with this Regulation **as identified by criteria outlined in 1.4 above**, the Institutional Official may suspend all relevant activities or take other action as appropriate until the matter is resolved or other action deemed appropriate by the Institutional Official is implemented. **Consequences of such actions by the University against the investigator are potentially devastating to the investigator's life and career. Such actions must be taken only with circumspection and with a commitment to due process and to restoration and reparations in case of an erroneous or false accusation.**

6.2.2. An Institutional Official's decision to take remedial action because of an Investigator's failure to comply with this Regulation, or failure to comply with the decision of the Institutional official, will be described in a written explanation of the decision to the Investigator as well as the Investigator's immediate supervisor and appropriate other administrators.

6.2.3. In addition to those remedial actions undertaken by the Institutional Official pursuant to Section 6.2.1, the Institutional Official may refer any instance of Investigator non-compliance to the appropriate Vice Chancellor or other administrator for disciplinary action in accordance with applicable University policies.

7. Following a retrospective review, if no Financial Conflict of Interest is identified, the Institutional Official must undertake reasonable and practical efforts to restore the investigator's reputation. Depending on the particular circumstances, the Institutional Official should consider notifying individuals aware of or involved in the retrospective review and expunging all reference to the Financial Conflict of Interest from the investigator's personnel file. Any institutional actions to restore the investigator's reputation should first be approved by the Institutional Official and appropriate Vice Chancellor.

7.8. Training. Each Investigator, including any Investigator new to the Institution, must complete training on this Regulation and on the PHS Financial Conflicts of Interest regulations prior to engaging in research funded by PHS, and at least every four years thereafter. Investigators also must complete training immediately in the event that this Regulation is substantively amended in a manner that affects the requirements of Investigators (typically within sixty (60) days), or if it is determined that the Investigator has not complied with this Regulation or with a management plan related to their activities (typically within thirty (30) days), or if an Investigator is new to the Institution (typically within sixty (60) days). Immediately, is defined to be within a reasonable timeframe that reflects that it is a priority that Investigators comply with the requirements of this Regulation and applicable law. The Institutional Official may specify an appropriate timeframe for training where immediate training is required. For purposes of this Regulation, all PHS-funded Investigators must complete the on-line PHS-COI training utility made available through the Office of Research Compliance Administration (and which may include PHS training modules available at <http://grants.nih.gov/grants/policy/coi/tutorial2011/fcoi.htm>). Self-directed training is offered by Public Health Service agencies and is highly encouraged as a supplement to the required on-line training.

8-9. Subrecipients. If PHS funded research is carried out through a subrecipient (e.g., subcontractors or consortium members), then the Institutional Official shall take reasonable steps to ensure that any subrecipient Investigator complies with requirements of the PHS Financial Conflicts of Interest regulation in a manner consistent with 45 CFR 50.604(c). This includes providing FCOI reports to the PHS Awarding Component regarding all financial conflicts of interest of all subrecipient Investigators prior to the expenditure of any funds and within sixty (60) calendar days of any subsequently identified FCOI. The Office of Sponsored Programs shall ensure that any subrecipient agreements comply with the requirements of 42 CFR 604(c).

9-10. Record Retention. The Institutional Official will retain all disclosure forms, conflict management plans, and related documents for a period of three (3) years from the date the final expenditure report is submitted to the PHS or to the prime PHS awardee or, where applicable, from other dates specified in 45 CFR 74.53(b) and 92.42(b) for different situations.

10-11. Confidentiality and Personnel File. To the extent permitted by law, all disclosure forms, conflict management plans, and related information will be confidential. However, the Institution may make such information available to an agency funding research of the faculty member, to a requestor of information concerning financial conflict of interest related to PHS funding, or to the primary entity who made the funding available to the Institution, if requested or required. If the Institution is requested to provide disclosure forms, conflict management plans, and related information to an outside entity, the Investigator will be informed of this disclosure. The confidentiality of personnel files is governed by N.C. Gen. Stat. § 126-22.

~~41-12~~. Public Accessibility. Prior to the expenditure of any funds under a PHS-funded research project, the Institution will respond to any requestor within five (5) business days of the request, and provide information concerning any Significant Financial Interest disclosed to the Institution by senior/key personnel that meets the following criteria:

- a) The Significant Financial Interest was disclosed and is still held by the senior/key personnel;
- b) A determination has been made that the Significant Financial Interest is related to the PHS-funded research; and
- c) A determination has been made that the Significant Financial Interest is a Financial Conflict of Interest.

The information to be made available shall be consistent with the requirements of the PHS regulation. Requests should be submitted to the Director of the Office of Research Compliance Administration at:

Director, Office of Research Compliance Administration
2200 South Charles Blvd.
East Carolina University
Greenville, NC 27858-4353

~~42-13~~. Regulatory Authority. This Rule implements the requirements of 42 CFR 50 and 45 CFR 94; where there are substantive differences between this Rule and the requirements, the requirements shall take precedence.