

4-3-1995

## Faculty Senate Minutes, Apr. 3, 1995

Eastern Kentucky University, Faculty Senate

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FACULTY SENATE MINUTES  
EASTERN KENTUCKY UNIVERSITY

April 3, 1995

The Faculty Senate of Eastern Kentucky University met on Monday, April 3, 1995, in the Faculty Dining Room of the Powell Building. Senate Chair Virginia Wright called the seventh meeting of the 1994-1995 academic year to order at 3:30 p.m.

The following members of the Senate were absent:

D. Batch	R. Baugh*	D. Feltner*
G. Gow	K. Johnson	T. Ricks*
F. Roberts*	V. Stubblefield*	

\*Indicates prior notification to the Senate Secretary

Visitors to the Senate were Mr. Ronnie Mink, Physical Plant and Staff Regent, and Mr. Chad Williamson, Eastern Progress.

**Approval of the Minutes**

Senator Wright called for additions or corrections to the March 6 minutes. There being none, the minutes were approved as distributed.

**Report from the President: Senator Funderburk**

President Funderburk reported he was still working on the 1995-1996 budget. It appears there will be salary improvements during this budget cycle, but operating expenses for the budget will be sparse. He announced that the Kentucky Advocates for Higher Education had met with all but one of the candidates for governor to express the needs of the state universities.

President Funderburk also reported he had attended a recent Board of Regents' retreat at which the Board reaffirmed its position on quality with respect to performance funding. The Board also reaffirmed its support for the revised mission statement. Restructuring was discussed in the light of declining resources.

**Report from the Executive Committee: Senator Wright**

Senator Wright reported the Executive Committee had met on March 13. At this meeting Duke Thompson, Chair of the Committee on Oversight of Student Evaluation of Instruction, explained the committee's 7 to 2 vote to disband.

Senator Wright also reported on discussions she had had with Scott Douglas, Chair of the Academic Affairs Committee of the Student Senate, on issues of mutual interest to students and faculty. The Executive Committee decided to propose a joint meeting of the executive committees of the two senates early next fall. Possible agenda topics would be student evaluation of instruction and advising.

The Executive Committee also discussed a Senate-sponsored parliamentary workshop early in the fall that would focus on parliamentary procedures for committee and subcommittee meetings.

#### **Report from the Faculty Regent: Senator Freed**

Senator Freed reported he too attended the Board of Regents' retreat that the President mentioned in his report. He offered to meet with anyone interested in details of the Board retreat.

#### **Report from the COSFL Representative: Senator Lee-Riffe**

The Coalition of Senate and Faculty Leadership (COSFL) has not met since the last Senate meeting. It will meet on April 8, 1995, at Elizabethtown to elect next year's officers.

#### **Report on the Self-Study: Senator Wisenbaker**

Senator Wisenbaker reported that all principal committees had turned in their draft reports on time, and as a result the self-study continues to proceed on schedule.

#### **Reports from the Standing Committees**

##### **Report from the Committee on Elections: Senator Elias**

Senator Elias reported that the Senate Committee on Elections met and counted the ballots for the election of the Faculty Regent on March 7 and 8, 1995. The results were as follows:

Allen Engle: 71  
 Richard Freed: 227  
 John Jenkins: 67  
 Judy Short: 44.

In addition, 23 ballots could not be counted, either because the name on the outside of the envelope was illegible or missing or because the voter was ineligible. Even if all these votes had been cast for someone other than Dr. Freed, he still would have received 52.55% of the vote.

The Committee on Elections will host a reception for Senate members, new and old,

on April 24 at 3:30 in the Keen Johnson Building. Senators will have a chance to learn about the work of the standing committees and to meet with candidates for the senate Chair. Refreshments will be available and Senators are asked to RSVP to any member of the Committee on Elections.

### **Committee on Faculty Rights and Responsibilities: Senator Guilfoil**

At the last Senate meeting, Senator Guilfoil moved adoption of "Policies and Procedures to Deal with Misconduct in Science" (see attached policies and procedures). That motion was postponed to the next Senate meeting. Senator Guilfoil reemphasized the need for such a policy. Senator Laird moved to withdraw his previous amendment to the policy that called for replacement of the phrase "misconduct in science" with the phrase "academic misconduct" whenever it appears in the document, except where it is in quotes. There being no objections, Senator Laird's amendment was withdrawn. Senator Laird then requested that the following statement be included in the minutes: "Science is a general academic concept of all disciplines and consists of systemized knowledge derived from observational study and experimentation." The intent of the suggestion is to be sure that everyone understands the extent and inclusiveness of the proposed policy.

Senator Miller moved adoption of two amendments to the policy:

1. Strike from Section 3 the words "unless circumstances clearly indicate that a longer period is necessary." After brief discussion, the Senate approved the amendment.
2. Substitute the following wording for Section 1. From: "Once the decision is made to conduct an investigation, the appointed committee members shall consist of the University Counsel, the accused individual's immediate supervisor, the appropriate dean, and three tenured faculty members who have the expertise to deal with technical aspects of the activities in question. At least two of the three faculty members must be from outside the accused individual's department." To read: "Once the decision is made to conduct an investigation, the appointed committee members shall consist of a department chair, a dean, and three tenured faculty members who have the expertise to deal with technical aspects of the activities in question. The department chair and the dean shall be from outside the accused individual's department and college, respectively. One of the faculty member's will be from the accused individual's department while the other two will be from outside the accused individual's department. The University Counsel shall act as an ex-officio and non-voting member of the committee." After considerable discussion, the Senate approved the amendment.

The policy, as amended, was approved.

Senator Guilfoil moved adoption of the following two recommendations:

1. A synopsis of this revised policy should be placed in the Faculty/Staff Handbook.
2. A copy of the complete policy should be placed in more locations than the Policy Manual [for Academic Affairs] in department chairs' and deans' offices (e.g., library/reference, faculty study). These new locations also need to be listed in the Faculty/Staff Handbook.

The recommendations were approved.

**Report from Committee on Oversight of Student Evaluation of Faculty Instruction:  
Senator Sowders**

Senator Sowders moved that the Committee on Oversight of Student Evaluation of Faculty Instruction be disbanded. The motion passed with more than two-thirds of those voting in favor.

**Report from Special Committees**

**Report from the Editorial Advisory Committee: Senator Creek**

Senator Creek moved that the following recommendations from the Editorial Advisory Committee concerning a faculty newsletter be approved:

1. **Frequency and publication of the faculty newsletter:** The frequency of the faculty newsletter will be eight times a year. The newsletter will be mailed with the monthly Faculty Senate minutes.
2. **Selection of members of Editorial Advisory Committee:** Five non-administrative faculty appointed by the Executive Committee for three-year terms; staggered for the initial appointment year.
3. **Duties of Editorial Advisory Committee:**
  - a. To appoint the editor for a three-year term and to evaluate the editor's performance according to the guidelines listed in item (c) below.
  - b. To oversee the finances and resources of the faculty newsletter.
  - c. To establish broad editorial guidelines for the newsletter to achieve

these objectives:

1. Communicate the action and deliberations of the Faculty Senate to the faculty.
  2. Provide a forum for discussion of faculty issues.
  3. Disseminate announcements and communications of professional interest to the faculty.
  4. Share information about special interests and service projects of faculty.
- d. To meet at least once a semester to evaluate the performance of the editor and the faculty newsletter in meeting these objectives.
4. **Responsibilities of Editor:** The editor should edit the newsletter in such a manner as to achieve the four objectives listed in item (3c) above.
5. **Role of Executive Committee to the Editorial Advisory Committee:**
- a. Appoint members of the Editorial Advisory Committee.
  - b. Support the publication by securing adequate resources.
  - c. Serve as a point of referral for concerns, after appeals to the editor and the Editorial Advisory Committee have been made.

The recommendations were approved.

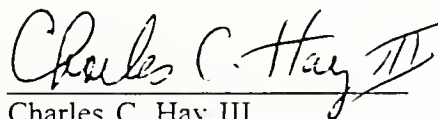
#### New Business

#### Nominations for Senate Chair for the 1995-1996 Senate Year

Senator Engle nominated Senator Rink for the 1995-1996 Senate year.

#### Adjournment

There being no further business, Senator Enzie moved that the Senate adjourn. The meeting adjourned at 4:28 p.m.

  
 Charles C. Hay III  
 Faculty Senate Secretary

Eastern Kentucky University  
Policies and Procedures to Deal with ~~Scientific~~  
Misconduct in Science

Introduction

The principles that govern scientific research are well-established and have long been applied toward the discovery of new knowledge. High ethical standards based on these principles are a critical responsibility of faculties and administrators of academic institutions, and accuracy in the collection and reporting of data are essential to the scientific process. Dishonesty in these endeavors runs counter to the very nature of research which is the pursuit of the truth.

The ~~scientific~~ academic community is ultimately responsible to the public, and public trust in the ~~scientific~~ academic community is absolutely vital. It is in the best interests of both the public and academic institutions to prevent misconduct in research and to deal responsibly with instances where misconduct is alleged.

General Premises

1. This institution should accept as faculty members only those individuals whose career activities demonstrate the highest ethical standards. To this end, the credentials of all potential faculty must be thoroughly examined in order to verify all claimed accomplishments of a candidate.
2. Since research results should always be supported by verifiable evidence, faculty and staff should maintain sufficient written records or other documentation of their studies.

3. Faculty are responsible for the quality of all research reports based on their own efforts or on the collaborative work of students, technicians, or colleagues, especially those which bear their names. No faculty member should allow his or her name to be used on any research results for which that faculty member cannot assume full professional and ethical responsibility.

#### Definitions

1. "Misconduct" or "Misconduct in Science" means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the ~~scientific~~ academic community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgements of data.
2. "Inquiry" means information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
3. "Investigation" means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

#### Administrative Procedures

There are two separate phases involved with any misconduct charges: an inquiry and an investigation. An inquiry is the initial step after an allegation of misconduct is made. It is intended to identify groundless allegations, generally involves



fewer people, and is more informal than an investigation. An investigation, on the other hand, is conducted after an inquiry has clearly established that there are sufficient grounds for a full, thorough, and formal investigation.

### Inquiry

~~1.~~ Any employee of this University who has reason to suspect any other employee of ~~scientific~~ misconduct in science with regard to either the conduct or reporting of research has the responsibility of following up these suspicions via the appropriate channels.

~~1.2.~~ Allegations of ~~scientific~~ misconduct in science are to be made only on the basis of substantial evidence as opposed to insignificant deviations from acceptable practices, technical violations of rules, simple carelessness, and minor infractions. It is the responsibility of any employee who becomes aware of genuine evidence to present this, in writing, to the ~~department chair of the suspected individual~~ immediate supervisor of the individual believed to be engaged in misconduct. Such allegations are a very serious matter and all parties involved should take every possible measure to assure that the rights and reputations of all individuals named in such allegations as well as individuals who, in good faith, report the apparent misconduct are carefully protected.

~~2.3.~~ An inquiry is initiated by the ~~department chair~~ immediate supervisor of the individual believed to be engaged in misconduct through a careful examination of the facts involved

in the charges, preferably allegations including ~~an~~ interviews with ~~the suspected individual~~ all persons involved. If misconduct in science is suspected, the immediate supervisor of the individual in question must notify his or her immediate supervisor who must inquire further and if all supervisors agree, inform ~~the activities in question suggest scientific misconduct, the department chair must immediately notify the Dean of the College who, in turn, must inquire further and, if in agreement, inform~~ the Associate Vice-President for Academic Affairs and Research. A written report shall be prepared by ~~the respective chair and dean which states~~ these supervisors stating what evidence was reviewed, ~~which summarizes summarizing the~~ interviews, and ~~includes including in~~ their conclusions. The accused individual(s) shall be given a copy of that report and may comment on the report. Those written comments will be made part of the record.

3.4- If, after reviewing the written report, the Associate Vice-President concludes that the possibility of ~~scientific~~ misconduct in science exists, he or she must immediately inform the Vice-President for Academic Affairs and Research, who has final responsibility for determining whether an investigation is warranted. This determination must be made within 60 calendar days of the initiation of the inquiry unless circumstances clearly indicate that a longer period is necessary.

4.5- If the inquiry determines that if it is not necessary to undertake an investigation, the written report which includes

the reasons for this decision and the findings of the inquiry will be filed in a secure manner in the office of the Associate Vice-President for Academic Affairs and Research for a period of three years following termination of the inquiry, and shall, upon request, be provided to authorized personnel of the external agency supporting the research.

~~5.6~~ If the Vice-President for Academic Affairs and Research determines that the possibility of ~~scientific~~ misconduct in science exists, he or she shall notify, in writing, the individual(s) accused of misconduct and immediately appoint an investigating committee. Should any Vice-President be suspected, the President will notify the accused and appoint a committee. It shall not take more than 30 days from the completion of the inquiry for this committee to begin its official investigation.

#### Investigation

~~1.7~~ Once the decision is made to conduct an investigation, the appointed committee members shall consist of the University Counsel, the ~~suspected~~ accused individual's ~~department chair~~ immediate supervisor, the appropriate dean, and three tenured faculty members who have the expertise to deal with technical aspects of the activities in question. At least two of the three faculty members must be from outside the ~~suspected~~ accused individual's department. ~~The Vice President shall take every precaution not to appoint any committee member who has a real, or apparent, conflict of interest with the outcome of the~~

investigation. The accuser, and all others having a real or apparent conflict of interest, will not be appointed to the committee. The committee will elect its own chair and the chair shall conduct meetings of this committee as frequently as may be necessary in order to determine whether or not the activities in question represent ~~scientific~~ misconduct in science. All such meetings and the deliberations thereof shall be held in the strictest of confidence to protect the affected individual, or individuals. Those accused of misconduct shall be afforded an opportunity to appear before the committee to comment on allegations and/or findings of the committee. The committee should not, ordinarily, take more than 120 calendar days to complete its formal investigation, prepare a written report, and obtain comments from the individual subject(s) of the investigation. The Vice-President, based on the committee findings, shall then determine what actions are appropriate pursuant to provisions of the Faculty/Staff Handbook.

2.8. Any external agency supporting the research in question shall be promptly notified in writing if the inquiry determines that an investigation is warranted. The agency may also be given interim reports should circumstances warrant. In any event, the external funding agency will always be notified of the final outcome of a formal investigation.

3.9. If either the inquiry or the investigation determines the allegations to be unsubstantiated, the University will make a diligent effort to restore the reputation of those accused. Also, the University will make every possible effort to protect

the positions and reputations of those persons who, in good faith, made the original allegation.

#### APPEAL PROCESS

In the event of an official finding of "misconduct in science" by the investigating committee, the accused individual shall have an opportunity to appeal. A written appeal of the committee's decision may be made to the President of the University within 30 days of the finding and shall be restricted to the body of evidence already presented. The President will notify the appellant, in writing, within 30 days of his decision. The decision of the President in hearing the appeal will be final unless the committee recommends termination of an employee. In such cases, the President shall have the authority to reduce the recommended sanction and, if not, must refer the matter to the Board of Regents for further consideration.