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Faculty Senate Minutes, May 1, 1995

Eastern Kentucky University, Faculty Senate

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FACULTY SENATE MINUTES

EASTERN KENTUCKY UNIVERSITY

MAY 1, 1995

The Faculty Senate of Eastern Kentucky University met on Monday, May 1, 1995, in the Faculty Dining Room of the Powell Building. Senate Chair Virginia Wright called the eighth meeting of the 1994-1995 academic year to order at 3:30 p.m.

The following members of the Senate were absent:

A. Banks*	L. Chase*	J. Culross	M. Dean*	C. Gardner
G. Gow	D. Greenwell	R. James	G. Masagatani	M. LeVan*
D. Quillen	T. Ricks*	P. Sowash*		

*Indicates prior notification to the Senate Secretary

Visitors to the Senate were Dr. Ron Messerich, Philosophy and Religion; Dr. Karen Foster, English; Dr. James Wells, Correctional Services; Mr. James Willett, Music; Dr. Gary Ritchison, Biological Sciences; Dr. Gerald Calkin, Physics and Astronomy; Dr. Larry Collins, Loss Prevention and Safety; Ms. Bertille Gallicchio, Model Lab School; Ms. Lisa Corn, Model Lab School; Dr. Tom Watkins, Economics and Finance; Mr. Chad Williamson, Eastern Progress; and Mr. Ronnie Mink, Physical Plant and Staff Regent.

Approval of the Minutes

Senator Wright called for additions or corrections to the April 3, 1995, minutes. Senator Lee-Riffe called for the word "member's" on page 3, paragraph number 2 to be changed to "members." There being no further corrections, the minutes were approved as amended.

Report from the President: Senator Funderburk

President Funderburk reported that the Board of Regents met on Saturday and approved the operating budget for the 1995-1996 fiscal year. In this budget are provisions for an average 5% salary increase. As a result of the budget's being passed, the President announced that contracts were in the mail.

Related to next year's budget, President Funderburk announced he had talked recently to an official with the Kentucky Health Care Alliance Board and was told that the Alliance would be taking bids on May 8. They will have three weeks to review the bids and choose the providers.

Second, President Funderburk announced that the Committee on Equal Opportunity had very recently approved the addition of a new master's program in nursing that will be

submitted to the Council on Higher Education. The waiver was granted because of the progress the University had made in equity. They also cited the need for advanced nurse practitioners as a part of the health care reform bill that passed during the 1994 regular session of the General Assembly.

The President then reported that he had approved a set of changes in the procedures for selecting and approving Foundation Professors.

He also reported that he had attended a Council on Higher Education meeting for the past two days. He was pleased to announce that after three weeks of lobbying members of the Council, the Council had approved proportional equity in funding the state universities. This is to reconcile the differences in funding levels of the state universities. The next big effort facing the state universities is to insure that the candidates for governor and the members of the general assembly take seriously the position paper of the Kentucky Advocates for Higher Education in which they urge a 7% increase in university budgets for each year of the next biennium to bring the state universities up to the national average.

Report from the Executive Committee: Senator Wright

Senator Wright reported that as she reviewed the this year's Senate activities. She had been struck by the extent to which what the Senate does in any one year builds on the work of previous Senates and lays the groundwork for future Senate actions. She then reviewed Senate activities for the year.

In November the Senate approved a set of recommendations from the Presidential Committee on Procedures and Timetables which related to admissions, registration, financial arrangements, and the first day of classes each semester. Discussion of these ideas started in the Senate of 1990-1991. However, the work related to these recommendations is not yet complete as a new committee, the Ad Hoc Committee on Alternative Schedules for Classes and Holidays, has been created to examine issues related to amending the University calendar and class schedule.

In April the Senate approved a set of guidelines for a Faculty Senate newsletter. Consideration of such a newsletter originated in the 1992-1993 Senate. The guidelines call for the creation of a new committee, the Editorial Advisory Committee # 2, which is charged with finding an editor and producing a newsletter. The members of this committee are Sherry Jones, Robert Creek, Libby Fraas, Allen Engle, and Gladys Masagatani.

Also in April, the Senate approved University procedures on scientific misconduct. These recommendations came from discussions in the Ad Hoc Committee on Ethics in Teaching, first charged in the 1991-1992 Senate.

Also in April, the Senate approved several recommendations from the Chair's Advisory Committee on Campus Collegiality which included such ideas as a pictorial directory, open houses, and an upscale dining opportunity on campus.

In August, the Executive Committee clarified the charge of the Ad Hoc Committee on Child Care to study the costs and guidelines for a child-care facility on campus. This committee is to present its final report early next fall.

In March, the Executive Committee initiated plans for a joint meeting with the Executive Committee of the Student Senate to discuss issues of mutual interest.

Senator Wright reported that she had made an effort this year to improve the operating procedures of the Senate. The Senate's first parliamentary workshop was conducted by its parliamentarian Martha Grise on September 26. The Parliamentarian has also produced Points of Order, a newsletter distributed with the agenda to offer parliamentary guidelines to Senators. A Senate orientation for new members was held on April 24.

Senator Wright also provided guidelines for written reports to the Senate and for discussion of issues on the Senate floor. She also charged the Senate's Rules Committee to review and organize all the Senate rules and procedures in one document. Finally, the Senate eliminated two committees whose charges were no longer appropriate--the Ad Hoc Committee on Extended Campus Teaching and the Standing Committee on the Oversight of Student Evaluation of Instruction.

Senator Wright expressed her appreciation to all members of the Senate and especially to members of the Executive Committee (Senators Creek, Engle, Enzie, Kopacz, Masagatni, and Rink). She also expressed her appreciation to President Funderburk, Senate Parliamentarian Martha Grise, and Senate Secretary Charles Hay.

She concluded her report by recognizing the following Senators who would be retiring from the Senate: Eva Clifton, Robert Creek, Ronald Hopkins, Robert James, Jo Nell Jones, Christopher Laird, Darlene Ogden, Thomas Reed, Francis J. Roberts, Phyllis Shuttleworth, and Virginia Wright. She also recognized Claude Dean and Rodney White who served as replacements for Malcolm Frisbie and Dorothy Kirkpatrick, respectively.

Report from the Faculty Regent: Senator Freed

Senator Freed reported that the quadrennial evaluation of President Funderburk was completed on April 17 when the Executive Committee of the Board of Regents met in executive session, followed by a meeting with the President. Senator Freed pointed out that all members of the Board are encouraged to participate in all committee meetings; so, even though the Faculty Regent is not a member of the Executive Committee, he was present during the entire proceeding. As a result of the meeting, at the following Board meeting, held on April 30, the board offered the President a three-year contract, the first year of which

covers the last year of his present contract. The net effect of the new contract is to extend Dr. Funderburk's contractual relation with Eastern for two years, through June 30, 1998. He explained that the procedure that the Board followed in the evaluation was according to guidelines of the American Association of Governing Boards and the American Association of Colleges and Universities. In addition, Board Chair Jim Gilbert included a random sample of the faculty in the evaluation process.

He also reported that on April 30, the board met to approve the University budget for 1995-1996. The specific item of most interest to faculty is the 5% salary increase which is apparently as large as the increases at other institutions and higher than most. At this meeting, Regent Gilbert Miller also asked that the support of the entire Board for the faculty be conveyed to the faculty. The Board members understand that most faculty work very hard and are genuinely committed to their profession.

Report from the COSFL Representative: Senator Lee-Riffe

The Coalition of Senate and Faculty Leadership (COSFL) met in Elizabethtown on April 8. Members attending decided to take a public stand in supporting Morehead State University's attempt to reduce the flow of state appropriations into athletics. The following letter will be sent to the editors of Kentucky's daily newspapers:

Dear Editor:

The Coalition of Senate and Faculty Leadership (COSFL), which consists of board of regent members, faculty senate chairs, and other faculty leaders at all the Kentucky state-supported universities and community colleges strongly supports President Ronald Eaglin of Morehead State University for his leadership role in the efforts to control the cost of intercollegiate athletics.

The priority of academic programs over athletics was recognized by the Council on Higher Education in 1981, when athletic expenditures were not included in its revised funding formula. Despite this recognition, state-supported regional universities continue to use state appropriations to support their athletic programs.

Consequently, we strongly encourage other regional university presidents and boards to not only support Dr. Eaglin in his efforts, but also to assess the role of athletic programs in their own institutional priorities.

COSFL also elected new officers. Loys Mather from the University of Kentucky is to be the chair and Richard Freed secretary for 1995-1996.

Report on the Self-Study: Senator Wisenbaker

Senator Wisenbaker reported that the self-study was continuing on schedule and that nine of the twelve principal committees have turned in second draft reports. The self-study should be finished by the end of the summer.

Reports from the Standing Committees

Report from the Committee on the Budget: Senator Rink

Senator Rink reported that the Committee on the Budget held two meetings in the fall. At the first on September 7, 1994, committee members discussed issues the committee should emphasize in their presentation of the budget to the Senate. A faculty questionnaire regarding budget issues was also considered.

The Committee held its second meeting on October 5, 1995, and reviewed a preliminary report prepared by the Chair. Suggestions were made for additional reports and tables to be included in the final report. The Committee also reviewed a questionnaire for soliciting comments from Senators.

The Budget Report and the questionnaire were to the Senate in November.

Report from the Committee on Committees: Senator Creek

Senator Creek reported receiving eighty-seven faculty applications from nine colleges and the library to fill positions on ten university committees. The Committee wanted to provide at least two nominees for each committee to the President. To achieve this, deans were asked to provide additional nominees.

Report from the Committee on Elections: Senator Elias

Senator Elias reported that the Committee on Elections, in addition to its normal task of counting votes and ballots during Senate meetings, carried out two other major projects this year.

First, the Committee conducted the triennial election of the Faculty Regent. This process included notification of faculty, solicitation of nominations, hosting two faculty forums with the candidates, and the actual election. The process concluded in late March with the re-election of Senator Freed.

Second, the Committee planned and hosted a spring orientation forum for new senators on April 24 at which they learned about the responsibilities and the work of the Senate.

Report from the Committee on Faculty Rights and Responsibilities: Senator Guilfoil

The Committee has been working with Donna Masters, Director of Grants and Contracts, to finalizing the recommendations regarding scientific misconduct that the Senate passed at the April meeting. Final copies of these guidelines should be available during the summer or early fall.

Report from the Committee on Rules: Senator Lewis

The Rules Committee of the Faculty Senate was charged in November 1994 to compile a new version of the rules of the Senate. The previous version is now a decade old. The Rules Committee was given an earlier set of procedures, the most recent copy of the rules, and a reference list of rules that have since been adopted by the Senate and contained in the archives of the Faculty Senate maintained by the Senate Secretary. This has proven to be a very daunting task. It is hoped that the Committee will complete its work next fall.

Reports of Special Committees

Ad Hoc Committee on Ethics in Research and Teaching: Dr. Messerich

Dr. Ron Messerich presented two proposals concerning Basic Principles of Ethics in Teaching which the Committee had developed. (See **attached proposals and Basic Principles of Ethics in Teaching document.**) He explained that the purpose of the document was not intended to have the effect of a rule or law, but rather to be a reminder of basic ethical standards professors hold to be important. He discussed studies that have demonstrated the positive effect discussions of ethical principles have had on the general moral environment of organizations. Senator Sowders offered an editorial change on part B of the first bold statement of the Basic Principles of Ethics in Teaching from "financially exploiting" to "exploiting financially."

After general discussion, the Senate approved proposal # 1: acceptance of these principles, which includes approving their publication in the Faculty Senate newsletter at the beginning of the fall semester, and requiring the editor of the newsletter in conjunction with the Faculty Senate Chair to request that the Eastern Progress publish them each year in its first issue of the fall semester.

The Senate approved proposal # 2: the Faculty Senate sending a letter to the Student Senate urging them to consider drafting and publishing (especially in the first issue of the Eastern Progress in the fall semester) a parallel list of ethical principles for students.

The Ad Hoc Committee on Alternative Schedules for Classes and Holidays: Dr. Foster

Dr. Karen Foster reported that Committee was presently working on determining the feasibility of a number of options. Once the feasibility of options has been determined, the committee will gather input from the University community. If specific motions are supported, the Committee will present them by the end of the 1995 fall semester.

Editorial Advisory Committee #1: Senator Creek

Senator Creek reported that the Committee had completed all but one item of its charge. During this year the committee brought before the Senate guidelines for a Faculty Senate newsletter. By fall, the committee will select and bring before the Senate a logo to be used on official documents of the Senate.

Editorial Advisory Committee #2: Senator Creek

The committee met on April 28, and elected Libby Fraas chair. They decided that the position of editor should be advertised in the Faculty Bulletin, FYI, and Eastern Progress. The deadline for receiving applications will be August 28, 1995. The Committee hopes to have the first newsletter mailed with the Senate's September minutes.

Ad Hoc Committee on Child Care: Senator Kopacz

Senator Kopacz reported that the Committee had finished its research. It conducted a survey of faculty and staff child-care needs in spring 1994; it met with representatives from a national chain of workplace-specific child-care centers; it surveyed market area child-care providers to determine the extent to which they were filled to capacity, and got information on their fees; it generated several operational budgets; it met with Associate Vice-President Marijo LeVan to brainstorm about possible sites; and finally, it met with James Street, Director of the Physical Plant, to discuss renovation costs.

The final report is in the drafting stage. The Committee plans to work on it over the summer and return its final report to the Senate at its September meeting.

Motion to Approve Policy on Conflict of Interest/Financial Disclosure: Senator Falkenberg

Senator Falkenberg moved approval of the policy on conflict of interest/financial disclosure. (See attached document.) She explained that federal regulations require any institution receiving federal research funds to have such a policy related to its research. Donna Masters, Director of Grants and Contracts, worked with Senator Falkenberg drawing up the proposed EKU policy using federal standards. After general discussion, the motion was approved.

Report from the Council on Academic Affairs: Senator Enzie

Senator Enzie moved that the following change be made for the College of Education:

that the name of the option in the Bachelor of Science in Special Education degree program be changed FROM "Trainable Mentally Handicapped" TO "Moderate and Severe Disabilities."

The motion was approved.

Adjournment

Senator Enzie moved that the Senate adjourn. The meeting adjourned at 4:40 p.m.

Organizational Meeting of the 1995-1996 Faculty Senate

After a ten-minute recess to allow the new senators to be seated, Chair Wright called to order the organizational meeting of the 1995-1996 Faculty Senate. The new members of the Senate are: Gerald Calkin, Physics and Astronomy; Ann Chapman, Administration/Counseling/Educational Studies; Larry Collins, Loss Prevention & Security; Lisa Corn, Model Lab School; Bertille Gallicchio, Model Lab School; Bruce MacLaren, Geology; James Robert Miller, Philosophy and Religion; Gary Ritchison, Biological Sciences; Jack Rutherford, Physical Education; Tom Watkins, Economics & Finance; James Wells, Correctional Services; and James Willett, Music.

The following members of the Senate were absent:

A. Banks*	L. Chase*	J. Culross	M. Dean*	C. Gardner
G. Gow	D. Greenwell	J. Guilfoil	D. Kirkpatrick	M. LeVan*
G. Masagatani	D. Quillen	T. Ricks*	D. Robinette*	K. Sehmam*
P. Sowash*				

*Indicates prior notification to the Senate Secretary

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

Remarks from the President: Senator Funderburk

President Funderburk welcomed the new Senators. He told them that they would be involved in many important activities over the next year and that he appreciated their time and dedication to the institution.

Remarks from the Executive Committee: Senator Wright

Senator Wright welcomed the new members and called their attention to the dates for the 1995-1996 Senate meetings. She also thanked the Senators for their service.

New Business

Election of the Senate Chair

In accordance with Senate rules, nominations for the chair for 1995-1996 were closed in April. Senator Rink was the only nominee. He was elected chair.

Election of the Senate Secretary

Senator Kopacz nominated Charles Hay to serve as Faculty Senate secretary for the 1996 calendar year. He was elected.

Election of Members to Standing Committees**Executive Committee (2 positions)**

Senators Nancy Lee-Riffe, Karen Janssen, and Barbara Sowders were nominated to fill the two available positions. Senators Janssen and Sowders were elected.

Committee on the Budget (3 positions)

Senators Peter Creighton, Elizabeth Fraas, Don Greenwell, Phyllis Murphy, Gary Steinbach, Tom Watkins, and James Wells were nominated. Senators Creighton, Murphy, and Watkins were elected.

Committee on Elections (1 position)

Senator Nancy McKinney was nominated and elected.

Committee on Rules (1 position)

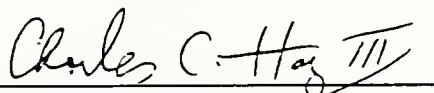
Senator Bruce MacLaren was nominated and elected.

Committee on Committees (1 position)

Senator Jack Rutherford was nominated and elected.

Adjournment

Senator Enzie moved that the Senate adjourn. It adjourned at 5:40 p.m.


Charles C. Hay III
Faculty Senate Secretary

Basic Principles of Ethics in Teaching

The faculty of Eastern Kentucky University takes pride in its professional and moral commitment to these general principles of ethics in teaching.

We acknowledge our responsibility to treat all our students with respect.

This responsibility includes:

- a. Respecting students' opinions and values even when they differ from our own;
- b. Refraining from financially exploiting, ridiculing, abusing or harassing our students on any ground, especially race, gender, or ethnic background.

We acknowledge our responsibility in each class to teach our subject matter to the best of our ability.

This responsibility includes:

- a. Teaching the subject matter in each course in a way that is consistent with its catalogue description;
- b. Continuing our research and study in our disciplines so that our teaching, reading and writing assignments and tests reflect both the current state of understanding in our disciplines and the prevailing professional standards in our teaching areas;
- c. Intellectually challenging students at all academic levels through teaching techniques, classroom activities, exams, assignments and training exercises appropriate to each level of instruction;
- d. Evaluating our students according to clear criteria, reporting the results to them in a timely manner, and determining their final grades only according to the criteria stated in the course syllabus.

We acknowledge our responsibility to work at our craft of teaching.

This responsibility includes:

- a. Using available professional and university resources provided to help us enhance our teaching;
- b. Reading and reflecting on the information on our teaching provided by the surveys of student opinion of instruction;
- c. Using available class time of all available class periods for constructive academic purposes.

We acknowledge our responsibility to help create a sound general intellectual atmosphere in which learning in all fields can be encouraged.

This responsibility includes:

- a. Acknowledging legitimacy of student requests both for appointments outside of office hours and for our participation in student activities;
- b. Respecting the educational pursuits of our students regardless of their majors;
- c. Respecting the intellectual integrity of all disciplines and their teachers;
- d. Working within the professional standards and policies of our professions and following the codes of ethics of our professional organizations.

The Ad hoc Committee on Ethics in Teaching and Research proposes that the Faculty Senate take the following actions concerning the attached Basic Principles of Ethics in Teaching:

Proposal #1

That the Faculty Senate accept these principles, approve their publication in the Faculty Senate Newsletter at the beginning of the Fall semester, and require the editor of the Newsletter in conjunction with the Faculty Senate Chair to request that the Eastern Progress publish them each year in its first issue of the Fall semester.

Justification

The Faculty Senate's endorsement and publication of these principles can help to sustain a moral teaching environment on this campus. A good moral environment helps teachers to take pride in their ethical behavior toward their students, makes it easier for students to see that their teachers behave ethically toward them out of a genuine moral respect for them, and can help to educate new faculty members on how to behave in an ethical manner toward their students. It is not our suggestion that there is weakness in ECU's moral environment. Rather it is our belief that it is part of our moral responsibility as teachers to seek ways to strengthen that environment whenever sensible improvements are available. The Ethics Committee thinks that the passing and publicizing of these basic principles are such sensible improvements.

Proposal #2

That the Faculty Senate send a letter to the Student Senate urging them to consider, drafting and publishing (especially in the Eastern Progress's first issue of the Fall semester) a parallel list of ethical principles for students.

Justification

The moral environment on campus as it concerns the educational process involves the students as well as the faculty. Consequently, a list of basic principles for students, paralleling the faculty list, should be seen as contributing equally to the moral environment on campus. Manifestly such a list should come from the students. So, we urge the Faculty Senate to suggest that the Student Senate consider this project.

EASTERN KENTUCKY UNIVERSITY
Conflict of Interest/Financial Disclosure

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Introduction

Eastern Kentucky University encourages interaction with both the public and private sectors as an important component of all education, public-service activities, and research. Accordingly, the University is committed to conducting its sponsored projects within the highest standards of integrity. This includes the identification of the potential for conflicts of interest, and further, ensuring that the significant financial interest of an individual investigator does not compromise the objectivity of his/her funded research or educational activities.

Federal agencies have revised their grants administration policies to require that all grant applicants adopt, and enforce, written policies regarding conflicts of interest. These new requirements include a Financial Disclosure Statement which must be completed by the appropriate investigator and forwarded for review through the designated University channels.

Purpose

Public trust in the University's sponsored research and educational activities must remain high. The University has no interest in setting forth detailed policies and procedures that might interfere with employees' legitimate outside interest; rather, its desire is to protect the credibility of the University as well as its investigators. The University has a clear responsibility to identify, manage, reduce, and/or eliminate all potential conflicts of interest. It is the purpose of this policy to define conflicts of interest, identify those individuals who must report possible conflicts of interest, clarify the potential for such conflicts, and delineate the proper procedures for

reviewing and addressing all potential conflicts of interest.

These policies apply to all sponsored research and educational activity projects.

Definitions

The terms used in this policy statement are defined as follows:

A. University - Eastern Kentucky University

B. Conflict of Interest - Situations in which financial or other personal considerations may compromise, or have the appearance of compromising, an investigator's professional judgment in conducting and/or reporting research. Conflict occurs when an investigator's professional decisions are determined by considerations of financial gain for themselves or their immediate family or give improper advantage to an associated entity.

C. Associated Entity - Any trust, organization, or enterprise (other than the University) over which the investigator, or any member of the immediate family, exercises a controlling interest.

D. Significant Financial Interest - Anything of monetary value, including, but not limited to:

- Salary or other payments for services (e.g., consulting fees/honoraria)
- Equity interest (e.g., stocks, stock options or other ownership interests)

- Intellectual property rights (e.g., patents, copyrights, and royalties from such rights)

This term does not include:

- Salary, royalties or other remuneration from the University
- Income from seminars, lectures or teaching engagements sponsored by public or non-profit entities
- Income from service on advisory committees or review panels for public or non-profit entities
- Financial interests in business enterprises, or entities, if the value of such interests do not exceed \$5,000 per annum, or represent more than a 5 percent ownership interest for any one enterprise when aggregated for the investigator and his/her immediate family.

E. Investigator - Principal investigator/project director, co-principal investigator, or any other person at the University who is responsible for the design, conduct, or reporting of research or educational activities funded, or proposed for funding, by any external sponsor.

F. Immediate Family - Investigator's spouse and dependent children.

G. Negative Disclosure - Refers to Financial Disclosure Form (Attachment B) which, after review, indicates no potential financial conflict on the part of the investigator completing the form.

H. Positive Disclosure - Refers to Financial Disclosure Form (Attachment B) which, after review, indicates there is either enough evidence, or enough doubt, to require further review by a University Conflict-of-Interest Review Committee (CIRC).

I. Office of Record - The University office designated to maintain files, actions, and records pertaining to Financial Disclosure Forms completed by an investigator. Records, including the disclosure form and any subsequent actions taken to resolve conflicts of interest, must be kept on file for three years following termination of a sponsored award, or until the resolution of any government actions involving those records, whichever is longer.

J. Conflict-of-Interest Review Committee (CIRC)

The University's standing committee on Research will constitute the Conflict-of-Interest Review Committee (CIRC) with the following two changes. First, the Chair of the Conflict-of-Interest Review Committee shall be the Director of Grants and Contracts. Second, the University Counsel shall serve as a continuing member of the CIRC.

The committee's charge will be to review all positive conflicts-of-interest situations for the purpose of managing, reducing, or eliminating potential conflicts-of-interest.

K. Confidentiality of Records - To the extent permitted by law, all records of financial interest submitted by an investigator are to be maintained in the respective

Office of Record with the very highest level of security and strictest confidentiality.

- L. Memorandum of Understanding (MOU) - A document developed and agreed to by an investigator and the (CIRC) which would constitute a plan for the resolution of an identified conflict or potential conflict of interest.

Disclosure and Review

In those instances where the University is engaged in, or intends to engage in, a sponsored project, a conflict of interest may occur if the investigator's affiliation with the external organization specifically meets any of the following criteria:

- A. The investigator is an officer, director, partner, trustee, employee, advisory board member, or agent of an external organization funding a sponsored project in which the investigator is participating in any capacity.
- B. The investigator is the actual or beneficial owner of more than 5 percent of the voting stock or controlling interest of such external organization.
- C. The investigator derives income of more than \$5,000 per year from an organization.
- D. The investigator's immediate family meets any of the criteria stated in A-C above.

It should be noted that it is the responsibility of those faculty/staff members of Eastern Kentucky University, either full- or part-time, who will be participating in a sponsored project covered by this policy, to initiate the disclosure process at the time of proposal submission indicating whether or not they have

external affiliations which could constitute a conflict by virtue of falling into the criteria stated in paragraphs A-D above.

A Financial Disclosure Form must not only be completed, but review must be completed prior to the University's acceptance of a sponsored project. The Financial Disclosure Form (Attachment A) must be completed and forwarded to the investigator's immediate supervisor in order to initiate the review process. The disclosure form will be reviewed by the immediate supervisor for purposes of distinguishing between Negative-Disclosure - disclosure that reveals no financial conflict - and Positive Disclosure - disclosure that requires additional review.

In those instances where the investigator's immediate supervisor concludes that the disclosure form clearly represents a Negative Disclosure, the supervisor will forward the form to the next-level supervisor for concurrence. If the next-level supervisor agrees that there is no conflict, that particular supervisor's office so advises the investigator in writing and becomes the official OFFICE OF RECORD for Negative Disclosure Forms. In those cases, the investigator may proceed without further review.

In those instances where the investigator's immediate supervisor or the next-level supervisor concludes that the disclosure form does represent a Positive Disclosure, or if they have the slightest doubt, that supervisor will advise the investigator, in writing, and will forward the form directly to the Chair of the (CRIC). A majority of the CIRC membership will constitute a quorum. The chair of the CIRC will vote only in the case of a tie.

In reviewing Positive Disclosure, the CIRC will be guided by the following practices and apply them as necessary:

- A. Assure adherence to all relevant governmental and University policies.
- B. Consider the nature, and extent, of the financial interest in the relationship between the investigator and the sponsoring organization.
- C. Obtain additional information from the investigator as may be necessary in resolving conflicts.
- D. Act within ten (10) working days so as not to unduly delay the conduct of the sponsored project.

In the final analysis, the CIRC may take any one of the following actions:

- A. Approve the Financial Disclosure Form as revealing no financial conflict of interest, thereby, allowing for the acceptance of the respective sponsored-project award.
- B. Approve the Financial Disclosure Form subject to modifications.
- C. Disapprove the Financial Disclosure Form as revealing an unresolvable financial conflict of interest, thereby, negating the submission, or acceptance of, a respective sponsored-project award. Once any of the above-mentioned options are exercised, the Chair of the CIRC will advise the investigator in writing, and that office will officially become the OFFICE OF RECORD for all reviewed Positive Disclosure Forms.

If an investigator's financial situation changes, in terms of new financial interests, after the submission of

a financial disclosure form, it is the responsibility of that investigator to update his/her situation by immediately submitting another Financial Disclosure Form showing these financial changes. In the case of multi-year funding, a review of an investigator's situation must take place, at least, annually.

Appeals Process

If the investigator is dissatisfied with the conclusion of the CIRC, that individual may, within five (5) working days, appeal in writing directly to the Dean of Graduate Studies and Research. The Dean will confer with the investigator, as well as the CIRC, to the extent necessary and respond, in writing, to the investigator with a decision within ten (10) working days. The decision of the Dean of Graduate Studies and Research may be appealed through the appropriate University channels.

Violations of Policy

Any violations of this policy, such as willful concealment of financial interest by an investigator, may result in sanctions being imposed upon the violating individual(s). The CIRC will review any alleged violations brought to its attention. That Committee will make written recommendations to the Dean of Graduate Studies and Research, who will confer with the Vice-President for Academic Affairs and Research prior to the imposition of any sanctions. The ultimate decision regarding sanctions to be imposed will be that of the Vice-President of Academic Affairs and Research and will be in keeping with the The Eastern Kentucky University Faculty-Staff Handbook. The decision by the Vice President may be appealed to the President.

If the failure of an investigator to comply with the conflict-of-interest policy of the University has directly biased the design, conduct, or reporting of the externally funded research, or educational activity, the University will promptly notify the external agency of the corrective action taken. This notification process will be the responsibility of the Chair of the CIRC.

Sponsor Requirements

Some sponsors, particularly governmental agencies, may have requirements that differ from this policy with regard to the timing and/or frequency of disclosures and other provision as well. When differences occur, the sponsor's requirements shall prevail.

The CIRC will arrange to keep the relevant agency informed if the institution finds that it is unable to satisfactorily manage an actual, or potential, conflict of interest situation.

Attachment A

FINANCIAL DISCLOSURE SUMMARY INFORMATION

(Applicable to all Sponsored Project Proposals)

What is required?

Federal regulations require institutions to have policies and procedures in place that ensure that investigators disclose any significant financial interest that may present an actual or potential conflict of interest in relationship to externally sponsored projects. Such disclosures must be made prior to the submission of a proposal for funding, *and institutions must develop specific mechanisms by which conflicts of interest will be satisfactorily managed, reduced, or eliminated prior to acceptance of an award.

- * If a new reportable significant conflict of interest arises at any time during the period after the submission of the proposal through the period of the award, the filing of a disclosure is also required.

Who is covered?

"Investigator" means the principal investigator/project director, co-principal investigators, and any other person at the University who is responsible for the design, conduct, or reporting of research or educational activities funded, or proposed for funding, by an external sponsor. In this context, the term "Investigator" includes the Investigator's immediate family.

What must be disclosed?

Each investigator shall disclose all significant financial interests:

- (i) that would reasonably appear to be directly and significantly affected by the research or educational activities funded, or proposed for funding, by an external sponsor; or
- (ii) in entities whose financial interests would reasonable appear to be directly and significantly affected by such activities.

What is covered?

"Significant financial interests" means anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interest e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights, and royalties from such rights). The term does not include:

- (1) salary, royalties, or other remuneration from institution;
- (2) income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
- (3) income from service on advisory committees or review panels for public or nonprofit entities; or
- (4) financial interests in business enterprises or entities if the value of such interests do not exceed \$5,000 (or \$5,000 per annum if such interests represent salary, fees or other continuing payments) or represent more than 5% ownership interest for any one enterprise or entity when aggregated for the

investigator and the investigator's spouse and dependent children.

Disclosure Procedures:

- (1) All investigators must disclose their significant financial interests utilizing the form which follows and attaching all required supporting documentation. The completed form and packet must be submitted with the proposal and the Internal Review and Approval Form through the University channels. Supporting documentation should be submitted in a sealed envelope marked confidential.
- (2) In accordance with Federal regulations, a complete disclosure must be made by investigator(s) prior to submission of the proposal.
- (3) Resolutions to conflicts of interest will be incorporated in a Memorandum of Understanding (MOU) that is executed between the Investigator(s) and the University Conflict-of-Interest Review Committee prior to award acceptance.

Attachment B

INVESTIGATOR FINANCIAL DISCLOSURE FORM
(Applicable to all Sponsored Project Proposals)

Investigator's Name _____

Department/Unit _____

College/Unit _____

Proposal Submitted to _____

Project Period _____

Certification: I have read and understand the University's Policy on Conflict-of-Interest/Financial Disclosure and affirm that the information below is true to the best of my knowledge.

1. Are you or any member of your immediate family an officer, director, partner, trustee, employee, advisory board member, or agent of the external organization funding this sponsored project or of any organization from which goods and services will be obtained under the sponsored project?

_____ Yes (If so, describe in detail on an attached sheet the nature and extent of the affiliation.)

_____ No

2. Are you or any immediate family member, the actual or beneficial owner of more than five percent (5%) of the voting stock or controlling interest of the external organization funding this sponsored project or any external organization from which goods and services will be obtained under this sponsored project?

_____ Yes (If so, describe in detail on an attached sheet the nature and extent of the equity interest.)

_____ No

3. Have you or any member of your immediate family derived income within the past year or do you or any member of your immediate family anticipate deriving aggregate income exceeding \$5,000 per year from the external organization funding this sponsored project or any external organization from which goods and services will be obtained under this sponsored project?

_____ Yes (If so, describe on an attached page the amount of the income and the reason for which it was or will be derived.)

_____ No

4. Do you have any affiliation with the organization funding this sponsored project that would affect, or be perceived to affect, the results of the research or educational activities in any manner?

_____ Yes (If so, describe on an attached page the nature of the affiliation and the amount of time per week you dedicate to it.)

_____ No

Further I Agree, If Required:

- To update this disclosure during the pendency of the award, either on an annual basis, or as new reportable significant financial interests are obtained.
- To cooperate in the development of a Memorandum of Understanding (MOU) that constitutes a conflict of interest "resolution plan."
- To comply with any conditions or restrictions imposed by the University to manage, reduce, or eliminate actual or potential conflicts of interest or forfeit the award.

Signature of Faculty Member _____

(Original signature only - a "per" signature is not acceptable).

Attachment C

MANAGING POTENTIAL CONFLICTS OF INTEREST

Although not all-inclusive some examples of conditions, or restrictions, which might be imposed to manage, reduce, or eliminate actual, or potential, conflicts of interest are as follows:

- A. Public disclosure of significant financial interests.
- B. Monitoring of research/educational activity by independent reviewers.
- C. Modification of the research/educational activity.
- D. Disqualification from participation in that portion of sponsored projects that would be affected by significant financial interests.
- E. Divestiture of significant financial interests.
- F. Severance of relationships that create actual, or potential, conflicts.