

MEMORANDUM

P.O. Box 600
State University, AR 72467-0600

April 23, 2012

To: Ms. Angela Daniels, Chair
Shared Governance Oversight Committee

From: Dan Howard
Interim Chancellor

Re: ASU System Policy - Misconduct in Research

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Jonesboro, Arkansas

I received the following proposal from the Shared Governance Oversight Committee (SGOC). Pursuant to the governing language contained in the Faculty Handbook, I have reviewed the proposal carefully, consulted with other parties as appropriate, and hereby document my response:

- Proposal 11FA-0023, ASU System Policy - Proposal for Misconduct in Research. The SGOC met on December 5, 2011, to decide the disposition of the proposal. The SGOC determined that the proposal should receive full review under the direction of the ASU Sponsored Programs Committee. Set to review the proposal were the Faculty Senate, Staff Senate, Deans Council, Chairs Council, Student Government Association (SGA), and Graduate Student Council (GSC). Following review, the constituency groups indicated that the Faculty Senate, Chairs Council, Deans Council, SGA, and GSC supported the proposal. Staff Senate rejected the proposal and provided comments.

Response: I support fully the position of the Faculty Senate, Chairs Council, Deans Council, SGA and GSC that voted for the ASU System Policy – Misconduct in Research.

Pursuant to the Shared Governance Proposal Review Process, the campus community will be informed of my decision, which will be done through the ASU Daily Digest. Please accept my heartfelt appreciation for your leadership and extend my appreciation to the SGOC members for their active service to our university.



GDH

/mb

xc: Dr. Tim Hudson
Executive Council

MARILYN C BREWER

From: Angela Daniels
Sent: Thursday, April 19, 2012 5:16 PM
To: Dan Howard
Cc: MARILYN C BREWER; SHERRY LYNN JOHNSON
Subject: Shared Governance Proposal 11FA0023 - Misconduct in Research
Attachments: 11FA23 Misconduct in Research.pdf; 11FA0023 Disposition.pdf

TO: Dr. Dan Howard, Interim Chancellor ASU Jonesboro
FROM: Angela Daniels, Chair SGOC
DATE: April 18, 2012
RE: Shared Governance Proposal 11FA0023 - Misconduct in Research

The SGOC met on December 5, 2011, to set the disposition for 11FA0023 - Misconduct in Research. At that meeting it was decided that this was a shared governance issue and it should receive a full review under the direction of the ASU Sponsored Programs Committee. The constituency groups set to review this proposal were the Faculty Senate, Staff Senate, Dean's Council, Chair's Council, SGA, and GSC. The proposal was sent to the responsible committee and the constituency groups after the disposition meeting.

The response from the constituency groups indicated that the Chair's Council, Dean's Council, SGA and GSC all supported the proposal. Staff Senate rejected the proposal and provided comments. The Faculty Senate was silent.

Proposal comments:

The Staff Senate supports the concerns that many staff have about the impact of 11FA22, 11FA23, and 11FA24 as they are currently worded. Also, the original creators of 11FA-22 are no longer employed at ASU, and many employees feel that all three proposals need to be postponed until further review by new leadership along with key leaders of the faculty and staff that will be impacted by these major proposals.

Respectfully submitted,

Angela J. Daniels



Angela J. Daniels

Student Affairs Technology Director

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Shared Governance Oversight Committee

Disposition Form

Proposal: 11FA0023 Misconduct in Research

Date Received: November 30, 2011

Is Proposal a SGOC Issue?

Yes No

Responsible Assigned Committee: Sponsored Programs Committee

Type of Review:

Expedited

Full

Extended

Handbook Issue: Yes No

Constituency Groups:

Faculty Senate

Staff Senate

Dean's Council

Chair's Council

SGA

GSC

Vice Chancellor(s)

ASU System Policy

Effective Date: June 23, 2009

Subject: Misconduct in Research

1. Purpose

In recent years, well-publicized cases of misconduct in university research, including fabrication of results, plagiarism, and misrepresentation of findings have aroused concern among research institutions, individual investigators, sponsors of research, professional societies, and the general public. Although verified instances of such dishonest behavior are relatively rare, they raise serious questions about the integrity of the research process and the stewardship of public and private research funds. Institutions of higher education, in particular, enjoy a centuries-old tradition of integrity and objectivity, and cases of dishonesty in research by members of the university community must be dealt with carefully and thoroughly if the institution is to merit continued public confidence and trust.

The National Science Foundation and the Public Health Services Certain federal agencies have issued directives requiring awarding institutions to establish procedures for inquiry into, and investigation of, alleged or apparent misconduct in scientific research conducted, funded, or regulated by these agencies. Misconduct in research outside scientific field is equally serious. Accordingly, the following policy is established to apply to all instances of alleged or apparent misconduct in research conducted at any campus of the Arkansas State University System.

The policy applies to all research conducted by faculty, staff members, or students of Arkansas State University System.

2. Definitions

For the purpose of this policy, the following definitions will be employed:

Misconduct. Misconduct will be defined in accordance with the definition required or provided by the agency funding the research. In the event that the funding agency does not require or provide a definition of misconduct, or in the event that the research is not funded by an agency, Misconduct is defined as: (1) fabrication, falsification, plagiarism, or other serious deviation from

accepted practices in proposing, conducting, or reporting the results of research; (2) material failure to comply with university or sponsoring agency requirements affecting the conduct of research, ~~including the protection of human subjects and the care of laboratory animals;~~ or (3) failure to meet other material legal requirements governing research activities.

Inquiry. An inquiry is an informal review of an allegation of misconduct in research for the purpose of determining whether there is reasonable cause to believe that a university employee or student has engaged in such misconduct.

Investigation. An investigation is an in-depth review of an allegation of misconduct in research for the purpose of determining whether or not a university employee or student has engaged in such misconduct.

3. **Arkansas State University System Misconduct in Research Policy**

The Arkansas State University System will act vigorously to discourage and detect misconduct in research; will take appropriate disciplinary action against any of its employees or students who engage in such misconduct, as revealed by a careful investigation; and will inform and cooperate with those agencies sponsoring research that appear likely to have been affected by such misconduct.

Any individual who believes that he or she has knowledge of an act of misconduct in research by an Arkansas State University employee or student is responsible for communicating this information to the coordinator of organized research for that campus or the Office of the Chancellor. The coordinator of organized research for that campus, or the Chancellor's designee, shall conduct an inquiry and, if warranted, an investigation into the allegation in accordance with that campus's operating procedure. Each campus within the ASU System shall create, utilize, and enforce an operating procedure for inquiry into and investigation of allegations of research misconduct. The coordinator of organized research will conduct a timely inquiry to determine whether or not there is reasonable cause to believe that the alleged act(s) of misconduct in research did, indeed, occur. This inquiry will be conducted with the assistance of a panel of at least five (5) full-time university employees, including at least three (3) members having appropriate knowledge in the type of research under investigation. Every effort will be made to conduct the inquiry in confidence, within the legal requirements to which the university is subject. The complete results of the inquiry will be reported to the vice-chancellor responsible for research.

~~If, as a result of the inquiry, it appears that there is reasonable cause to believe that an act of misconduct in research took place, the university will promptly notify the agency sponsoring the research in question, if applicable, and will conduct a full investigation. The full investigation will afford the rights of due process and appeal for the individual believed to have engaged in the act of~~

~~misconduct. The full investigation will be initiated by the vice chancellor responsible for research.~~

~~If, as a result of the investigation, it is concluded that the allegation of misconduct in research is unfounded, the university will take reasonable steps to restore the reputation(s) of individual(s) under investigation. It also will take all appropriate actions to protect the individual(s) reporting the alleged misconduct from reprisal. If the investigation shows that these allegations were frivolous or malicious, the individual reporting the alleged misconduct will be subject to appropriate discipline.~~

(Revised 2012. Adopted by the Arkansas State University Board of Trustees on June 23, 2009, Resolution 09-26, supercedes the Misconduct in Research Policy of October 11, 1990, and revisions of December 16, 1992.)