

WAYNE STATE UNIVERSITY – ACADEMIC SENATE
Official Proceedings
March 6, 2013

Members Present: Phyllis I. Vroom, Deputy President, Chair; Louis J. Romano, President, Academic Senate; Lisa Alexander; Ivan Avrutsky; Linda Beale; Paul Beavers; Abhijit Biswas; Tamara Bray; Chardin Claybourne; Randall Commissaris; Mary Cooney; Victoria Dallas; Donald DeGracia; Heather Dillaway; Cheryl Dove; Maria Ferreira; Jane Fitzgibbon; Judith Fry-McComish; Andre Furtado; Nancy George; Avril Genee Holt; Renee Hoogland; Michael Horn; Maik Huttemann; David Kessel; Kafi Kumasi; Liza Lagman-Sperl; Lawrence Lemke; Brian Madigan; James Martin; Jason Mateika; Howard Matthew; James Moseley; Jennifer Sheridan Moss; Patrick Mueller; Abhilash Pandya; Victoria Pardo; Debra Patterson; Alexey Petrov; Jeffrey Potoff; Elizabeth Puscheck; Daniel Rappolee; Robert Reynolds; Brad Roth; Linea Rydstedt; Ghulam Saydain; Naida Simon; Richard Smith; James Sondheimer; Beena Sood; Ellen Tisdale; Ricardo Villarosa; William Volz; Mary Width; Derek Wildman; Jeffrey Withey; James Woodyard; Lee Wurm

Members Absent with Notice: Barbara Bosch; David Cinabro; Karen Feathers; Judith Fouladbakhsh; Moira Fracassa; Li Hsieh; Rodger MacArthur; Michael McIntyre; Bryan Morrow; Charles Parrish; T. R. Reddy; Michele Ronnick; Heather Sandlin; Mary Sengstock; William Slater; Senthil Sundaram; Ronald Thomas; Karen Tonso; Anca Vlasopolos; Judith Whittum-Hudson

Members Absent: Basim Asmar; Jennifer Beebe-Dimmer; Nabanita Datta; Ewa Golebiowska; Kypros Markou; Harley Tse

Others Present: Philip Cunningham, Assistant Vice President for Compliance, Research; Alan Jacobson, Office of Budget, Planning and Analysis; Geraldine Johnson, TRIO, Tahrima Khanom, Office of the Academic Senate; Ambika Mathur, Interim Dean, Graduate School; Angela Wisniewski, Office of the Academic Senate

CALL TO ORDER: This regularly scheduled meeting of the Academic Senate was called to order by Deputy President Vroom at 1:35 p.m. The meeting was held in the Bernath Auditorium in the Undergraduate Library.

I. SCIENTIFIC MISCONDUCT:

Philip Cunningham, Assistant Vice President, Compliance, Division of Research, was invited to speak on the subject of scientific misconduct. There is a perception, he said, that incidences of misconduct have increased across the country. It is not clear if they have increased or if the detection of scientific misconduct has increased. He explained how such cases are handled.

All federally funded research is subject to regulation involving research integrity and research misconduct. If the research is funded by the U.S. Public Health Service (PHS) or the National Institutes of Health under PHS, the Office of Research Integrity oversees the investigation but generally the University performs the investigation. Occasionally the PHS will conduct its own investigation. Wayne State's research misconduct investigation policy is based on the PHS's policy.

Research misconduct is the fabrication, falsification, or plagiarism in proposing, performing, reviewing, or in reporting research results. Fabrication is defined as making up results, recording them, and reporting them. Falsification is manipulating results or manipulating data in such a way that it does not accurately represent the research. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving the appropriate credit. Falsified, fabricated, or plagiarized material in a grant proposal constitutes research misconduct even if the grant is not funded. Each time that grant proposal is submitted, if that material is in the proposal, it is a separate case of research misconduct.

Most cases begin with someone reporting that there has been wrongdoing in the form of research misconduct. Often the complainant is anonymous. The respondent is the person accused of research misconduct. Often research misconduct allegations are made to the Research Integrity Officer (RIO) of the institution. The University's Research Compliance Office may also receive allegations that were made to the Office of Research Integrity, funding agencies, and journal editors.

Ideally, a complaint of research misconduct should contain the name of the respondent, the name of the complainant, witnesses, a description of the misconduct, when it occurred, where it occurred, supporting documents, grant numbers or titles, and funding sources. Sometimes all of this information is not provided.

Mr. Cunningham explained that the pre-inquiry is a preliminary assessment of the allegations and the supporting documentation. The RIO determines if the evidence is credible and sufficient to meet the definition of research misconduct. If PHS funding was involved, the Compliance Office must notify the Office of Research Integrity.

If there is sufficient information that meets the definition of research misconduct, an inquiry is conducted. The purpose of the inquiry is only to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation. It does not require a full review of all evidence related to the allegation.

If an inquiry is warranted, the respondent is notified. All research records and evidence related to the allegation are sequestered and secured and copies of the records are made and returned to the investigator. This includes computer files, research notebooks, etc.

A three-person inquiry committee is appointed by the RIO in consultation with other officials of the University. The inquiry committee should include individuals with the expertise to evaluate the evidence. This committee may interview the complainant, if known, the respondent, and key witnesses. It must examine the research records and material; it must evaluate the evidence and recommend whether or not an investigation is warranted. The committee's job is to look at the available evidence and determine if it is sufficient to conduct a full investigation. The inquiry committee must prepare a report explaining the basis for its recommendation. This report is given to the respondent for comment. When the comments from the respondent are received, the inquiry report and the comments are given to the deciding official. The deciding official is the Vice President for Research or his/her designee, who determines if a full investigation is warranted based on the report.

If the deciding official determines that a full investigation is warranted and the research is funded by NIH or PHS, the ORI must be notified that one is warranted and provided with a copy of the inquiry report and the deciding official's decision. Then an investigation is initiated. The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth. This investigation often takes many months to complete. The investigation committee is composed of at least three members, two of whom are Wayne State faculty appointed by the RIO. The committee should include individuals with the expertise to evaluate the evidence. Conflict of interest must be avoided.

During the investigation process, the investigation committee examines the research record and all of the files that were sequestered. They interview the respondent and the complainant, if the complainant is known, and any other individuals who might have information about relevant aspects of the investigation. Occasionally during the investigation, additional material that appears to constitute research misconduct is discovered. The committee is obligated to

examine and explore those potential instances of misconduct as well. The committee must prepare a draft report that includes a statement of the findings for each allegation of research misconduct identified during the investigation and make recommendations to correct the scientific record if appropriate. The respondent is provided with a copy of the draft report and access to all evidence on which the report is based. The respondent may submit comments on the draft report to the RIO within thirty days of receipt. The report of the committee and the comments are given to the deciding official, who must determine whether the institution accepts the investigation report, its findings, and the administrative action that the committee recommends.

When the deciding officer reaches the decision, the respondent and the complainant, when possible, are notified and provided with a copy of the deciding official's written decision and the ORI is informed. The respondent may appeal the decision and the recommendations to the Provost. If the respondent desires to appeal, he or she must file a written notice of appeal to the Provost and to the Vice President for Research within thirty days of receiving notification. The respondent must submit a written argument in support of his or her appeal within thirty days of notice of appeal. The submission must identify specific portions of the final report that the respondent believes to be in error.

The Provost may affirm, reverse, or modify the final report. The Provost shall notify the respondent, the Vice President for Research, and the complainant of his or her decision within ninety days of receiving the respondent's written argument in support of the appeal.

After a finding of misconduct is completed, the Vice President for Research, in consultation with the Provost, will decide which administrative actions to take. These might include withdrawal or correction of all pending or published abstracts and papers emanating from the research where misconduct was found, restitution of funds to the grantor agency, removal of the responsible person from the particular project, a letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or termination of employment.

If the research is under ORI's jurisdiction, when Wayne State completes its investigation and submits all of the evidence to the ORI, they may choose to conduct their own investigation, and they often do. Their investigations often take more than one year. ORI may impose its own administrative action. Their findings and their administrative actions are posted on their Administrative Action Bulletin web site and on the ORI web site.

If research misconduct is not found during the investigation, the RIO, at the request of the respondent, will undertake all reasonable and practical efforts to restore the respondent's reputation. The RIO may notify individuals who are aware of or were involved in the investigation of the final outcome. The RIO may publish the outcome in any forum in which the allegation of misconduct was previously publicized, and may expunge all reference to research misconduct allegations in the respondent's personnel file.

Mr. Cunningham took questions from the floor.

Mr. Volz expressed reservations about several aspects of the process. One concern is the filing of an allegation anonymously. Second, it appeared that the only time when a respondent could bring legal counsel into the process was during the appeal process.

Mr. Cunningham said that when the respondent is interviewed by the committee, he or she is welcome to bring an advisor. He had to check if the policy specified who the advisor could be or if anyone the respondent wanted could accompany him/her. That the complainant can be anonymous is consistent with the whistle blower law. The University has to abide by the federal rules.

Mr. Volz commented that, as a lawyer who has done expungements, he does not believe that the damage done to the respondent's reputation can be undone. An anonymous complainant may permanently ruin a person's reputation. Mr. Cunningham said that the investigation is not publicized; it is confidential. Confidentiality is the review committees' highest priority. There are five levels of checkpoints in the process. The people involved in an investigation assume the person accused is innocent. Mr. Cunningham agreed that it might not be possible to completely erase doubt from the minds of people who heard that an individual might be under investigation.

Mr. Romano had heard that the complainant is often an anonymous disgruntled lab worker who might be responsible for manipulating the record. How does the Compliance Office know that is not the case? What are the consequences to someone who makes an accusation that is patently false?

Mr. Cunningham said that ORI has forensic tools that the University can use, and if the Compliance Office asks ORI to analyze data, they will often do so. It is often easy to determine if a file has been manipulated or modified. Mr. Cunningham was not aware of anyone manipulating research and falsely accusing another person. If a complainant acted in that manner that might constitute misconduct.

Mr. Lemke asked how many investigations are initiated in a year, and of those, how many go through the steps and how many are stopped along the way. Mr. Cunningham estimated that in the 1-1/2 years that he's been in his current position he might have received about two phone calls a year, but what was described did not involve scientific misconduct. He estimated that one investigation might be initiated every one or two years.

Mr. Romano asked what steps were taken to ensure the members of the committees reviewing the allegations were not biased or did not bear a grudge against the accused. Does the faculty member or researcher have an opportunity to exclude someone selected for the committee, and if not, why not? The committee is selected by the administration and the process is run by the administration. Mr. Romano thinks the OIR should be interested in protecting the researcher.

Mr. Cunningham replied that extensive conflict of interest policies are in place. The prospective committee members are screened. The committees are composed of faculty members. The committee, he said, would have to consist only of faculty who were willing to railroad a colleague. Mr. Romano disagreed. He believed one person could influence the outcome.

Ms. Beale advocated for a system that allowed a researcher who was accused of misconduct to remove someone from a committee whom he/she believed held a grudge and suggested that the University's policy be changed. Mr. Cunningham cautioned that if the University deviated from the policy recommended by the NIH, it would run the risk of not fulfilling its obligations to the federal government creating problems for the University. Another member pointed out that in a court of law, one is judged by one's peers and a certain number of potential jurors can be removed. He also believed that a procedure should be in place so the respondent could remove individuals that might be biased.

Deputy President Vroom suggested that Mr. Cunningham might make inquiries about the concern. Mr. Cunningham will look into the possibility of changing the policy.

In response to a request, Mr. Cunningham will provide the number of complaints that were made and the number that triggered the review process in the last two years.

II. APPROVAL OF THE PROCEEDINGS OF THE ACADEMIC SENATE

January 9, 2013

It was MOVED and SECONDED to APPROVE the Proceedings of the Academic Senate meeting of January 9, 2013. At the request of Mr. Petrov, statements in the discussion about budget priorities were revised. The Proceedings were APPROVED as REVISED.

III. REPORT FROM THE SENATE PRESIDENT

A. Report and Announcements

Mr. Romano informed the Senate that Ronald Brown is the sole finalist for the Presidency of the University of North Texas at Dallas.

The Senate is seeking candidates for the member-at-large positions that begin in August. The Bylaws require five candidates to fill two seats.

Mr. Romano called to the Senate's attention information that Corinne Webb, Associate Vice President for Enrollment Management, mentioned when she met with the Policy Committee on February 18. When students who receive Pell Grants withdraw from all of their classes, they and the University incur financial consequences. The student is to repay some of the grant money. The government prorates the amount due based on the time in the term when the withdrawal occurred. The tuition for the part of the term remaining when the student withdrew has to be repaid to the government. The University has to repay the money to the federal government and the student is to repay the University. In fall 2012, 500 students withdrew from all of their classes and the University had to refund \$750,000 to the government.

Faculty, Mr. Romano said, have to be aware how a student's action affects the University. The University needs to set up a procedure that alerts faculty when a student is withdrawing from all classes. In the meantime, faculty will need to ask students if they are withdrawing from all classes. Ms. Simon reminded the Senate members that if faculty refuse to sign a withdrawal, the student will be assigned an F.

Ms. Sheridan Moss was concerned about the students who do not attend class and do not respond to e-mail messages, but at the deadline for withdrawing will ask to withdraw. In addition, students were not notified of the results of the early assessment process for five weeks. Ms. Simon will

check into the problem with the notification of early assessment.

Mr. Romano continued with his report. The Executive Committee of the Medical School and the Senate's Research Committee have been looking into the changes in the amount of money that can be charged on a procurement card per transaction. In order to direct purchases to vendors in the WayneBuy program, such as Fisher Scientific and Office Max, the Procurement Office recently reduced the limit that could be charged when purchasing from vendors who are not in the program to \$200. Recently, that limit was increased to \$500. If the amount of a purchase exceeds the limit, the purchaser has to order the product from the preferred vendor if the vendor carries the product. Vendors that participate in WayneBuy give the University discounts on their products. It was Mr. Romano's understanding that if the University reached certain targets of money spent, the University would receive rebates from the vendors. The Medical School is trying to have the limit removed. In addition, the Senate's Research Committee will meet with administrators in an effort to resolve the issue.

Mr. DeGracia was concerned that the discounts through WayneBuy would adversely affect the University's research ranking because the ranking is based on the amount of money spent on research. The discounts that Mr. Romano has seen are not large; they would not have much effect on the ratings.

Ms. Puscheck found other problems with WayneBuy. The program adds another layer of administration to the purchasing process. It takes a long time to receive the orders, delaying the research. Such delays may affect the awarding of future grants. It is the researcher, she noted, who is best at overseeing expenses and moving their research forward.

B. Proceedings of the Policy Committee

The Senate received the Proceedings of the Policy Committee meetings of December 17, 2012, January 14, 2013, January 28, 2013, February 4, 2013, February 11, 2013, and February 18, 2013 (Appendix A).

February 4, 2013

Mr. DeGracia asked for details about the statement that there had been discussion about the Medical School becoming self-supporting. Mr. Romano said it was not clear from the discussion what such

a change would involve, but it did not appear that the current relationship of the Medical School with the University would change. Mr. DeGracia believed such a change would be a major academic concern.

IV. MATTERS SUBMITTED BY THE POLICY COMMITTEE

Tuition Incentive Program

Interim Dean of the Graduate School Ambika Mathur made the presentation. The Tuition Incentive Program (TIP) was developed to encourage faculty to support graduate students on research grants, to increase the number of graduate students supported on grants, and to reduce the number of students supported on the general fund. The program will go into effect September 1, 2013.

All new and competitive renewal grants funded after September 1 are eligible for the program. Current grants are not eligible. The committee that developed the program did not think there was enough money to support graduate research assistants who are currently supported on grants. The purpose of the program is to encourage faculty to apply for and get more grant funding.

The grants will be awarded on a first-come first-served basis. To be eligible, the grant has to receive the full indirect cost recovery rate of 51%. The TIP will pay up to six credits per semester per student per principal investigator.

The money will be deposited in the faculty member's research and development account. If a faculty member does not have an R&D account, one will be set up. If there are multiple principal investigators on a grant, each may have students supported through TIP.

Ms. Mathur stressed that TIP is a pilot program. After three years, it will be evaluated to determine if it has achieved the goal of increasing the number of students supported by external research grants compared with fall 2012.

Mr. Petrov asked why the awards were limited to grants that receive full ICR. When some students complete their coursework, they go to outside agencies to do their research. Such grants are excluded from the program because the ICR rate for students who are not on campus is only 21%. This excludes one-half of the Physics Department. If students who are away from campus were funded, more students could be supported. In addition, Mr. Petrov noted that the Vice President for Research was encouraging interdisciplinary research such as that

done in collaboration with the outside agencies. He asked that this issue be considered.

Ms. Mather did not serve on the committee but understood that it wanted to ensure a revenue stream to offset the awards. Mr. Dunbar said that the committee did discuss the nuances of the different grants paying different amounts of ICR. It was decided that grants that paid full ICR would be given highest priority.

Asked if a student could be supported on a supplement to a grant as opposed to being supported on the parent grant, Ms. Mathur said that, because the grant would bring in new money, the student could be supported. The supplement would have to pay the full ICR.

Mr. Reynolds asked how much money was earmarked to support the project and how many students would be funded. Because of differential tuition, Ms. Mathur could not know how many students would be covered. The funds for the project were transferred from the competitive graduate assistantship awards. There will be no limits on how the investigator spends the money as long as it is for research purposes.

V. COMMITTEE REPORT

Election Committee

James Woodyard, the Chair of the Elections Committee, reported on the Committee's activities. The Committee is charged with carrying out the Senate's elections and determining the apportionment for the following academic year.

Apportionment

Apportionment is the basis for determining the number of representatives from each school and college to the Senate. Apportionment is based on the number of salaried full-time and at least one-half fractional-time members of the faculty and academic staff.

Mr. Woodyard explained how the number of unit representatives is calculated. He requests from Human Resources the list of persons who are possibly eligible to serve on the Senate. He checks the file, which has more than 2,000 names, to determine if the people are eligible. The formula to determine the number of representatives is one for the first fifteen faculty and academic staff in the unit and one for each additional 33 faculty and academic staff or a portion of 33. Because the number of faculty and academic staff members has increased in two units, they will each have one additional member next year.

Member-at-Large Election

Six representatives elected by the faculty and academic staff across the University serve as members-at-large. Two are elected each year. The requirements for at-large members and the duties are the same as for members elected by their units.

As of March 6, more nominees were needed to hold the election. It is advantageous to units to have someone serving at-large because his/her unit has an additional representative on the Senate.

Hearing Panels

The Faculty Hearing Panel and the Academic Staff Hearing Panel deal with matters related to appointment, continuing tenure, termination, dismissal, and change in duties of the faculty and academic staff. Committees are formed from the 12-member Panels to consider the issues when a case comes forward. The election will be held in early April.

Election of the Senate President

Mr. Woodyard announced that the election of the President of the Senate for the 2013-2014 academic year would take place at the Senate's April 3 meeting. He explained the duties of the President and asked members to submit nominations for the position.

VI. REPORT FROM THE CHAIR

Deputy President Vroom noted that the NIH awarded a second contract to the University for the Perinatology Research Branch. It was, she said, a huge testament to Wayne State's place in the research corridor and keeps WSU in the forefront of research to advance the well being of women and children. She credited the Dean of the Medical School Valerie Parisi, the Vice President for Research Hilary Ratner, the Director of the C.S. Mott Center for Human Growth and Development Robert Sokol, the Office of Government and Community Affairs, and the Board of Governors for Wayne State's receiving the contract.

David Nicholson has joined the Board of Governors to complete Danialle Karmanos's term, which ends in 2018. Mr. Nicholson introduced himself as someone who has always been concerned about the City of Detroit and the institutions in the City. He is a senior executive with PVS Chemicals and is a board member of the Detroit Historical Museum and Forgotten Harvest. He has a bachelor's degree in political science and a master's in business administration

The Higher Learning Commission of the North Central Association requires schools, colleges, and

departments to demonstrate that they assess student learning. Specifically, programs must demonstrate that they have established learning goals and outcomes and that they have been collecting data to show how they meet the learning goals and outcomes. Individual faculty members have to show that they have learning goals and expected outcomes. They need to specify that in their syllabi. The accreditors can pull syllabi from departments at random. Faculty have to show how students have met the outcomes. Joseph Rankin, Interim Associate Provost for Undergraduate Affairs, will take a set of guidelines for syllabi to discuss with the Curriculum and Instruction Committee. Some schools are familiar with the requirement because the organizations that accredit them require the information. In addition, Dr. Vroom noted that the University has to track its Ph.D. graduates for 15 years.

President Gilmour and Deputy President Vroom will interview candidates for the position of Interim Provost or Acting Provost on March 7. Dr. Vroom identified the candidates. The criteria for the position include: a commitment to the University's mission, vision, goals, and values; demonstration that he/she understands the major issues facing the University, long and short-term; understands the major issues facing the academic side in particular, but also the non-academic side; shows an ability to lead, guide, and advocate for the academic side of the University; has been successful in prior leadership roles; has the ability to make decisions that advance the interests of the academic units; has the ability to listen and to be tough but unflappable; and has the ability to work with the President, the Cabinet, the Deans, and the Academic Senate. The person hired will report to Deputy President Vroom.

Dr. Vroom reported that the promotion and tenure process has begun. The process to develop the budget for fiscal year 2014 is progressing. There will be cuts, Dr. Vroom said, but how they will be determined and the amount of the cuts has not been decided. As was done last year, President Gilmour may form a committee to advise on the budget. One or more faculty representatives would serve on that committee.

Mr. Woodyard asked what process was used to garner candidates for the position of interim provost. Dr. Vroom said that the Policy Committee recommended Mr. Romano. There was one self-nomination. The Deans recommended the other candidates.

Ms. Beale believes that the administration should have solicited nominations from the faculty and academic staff. After the President, the Provost is the most important officer for the academic enterprise. Dr.

Vroom said she and the President saw the position as one that would be short-lived. Ms. Beale noted that interim positions usually last for at least one year, sometimes longer. Over that period of time, the person could have enormous impact. It is, she said, inappropriate for senior administrators to make that decision without input.

Matthew Ouellett, the new Associate Provost and Director of the Office for Teaching and Learning, has joined the University. He will meet with the Policy Committee and later with the Senate. Mr. Ouellett has a strong background in curriculum and instruction as well as in assessment.

Ms. Bray asked about the status of the presidential search. Deputy President Vroom said that the search committee is reviewing the applicants. A series of meetings have been established in anticipation of bringing candidates to campus for interviews. Mr. Romano added that the process is on schedule to hire a President before the fall of 2013.

VII. NEW BUSINESS: There was no new business.

ADJOURNMENT: The meeting was adjourned at 3:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Louis J. Romano".

Louis J. Romano
President of the Academic Senate