

Academic Senate Research Committee Minutes

March 17, 2022

Via Zoom

Time: 3 pm – 4:02 pm

Members present: Noreen Rossi (chair), Alan Dombkowski, Krishnarao Maddipati, Joseph Roche, Shirley Papuga, Robert Harr, Tamara Bray, Wanda Gibson Scipio, Carol Miller, Robert Reynolds, Ramzi Mohammad, Le Yi Wang, Arun Iyer, Andrew Fribley

Members absent with notice: Christian Bozeman (liaison); Karen MacDonell Edward Cackett (liaison), Jennifer Lewis, Hossein Yarandi, Lance Heilbrun, Timothy Stemmler (liaison)

The meeting was called to order at 3:02 pm. The minutes of the previous meeting were approved.

Report of the Chair: Dr. Rossi listed concerns raised by committee members re: facilities, GRAs and GTAs with hope that Dr. Bryant Friedrich would be able to join us especially re: how graduate students are handled on grants. The issue is broader than STEM as there are graduate assistantships in other departments as well. She invited suggests for other individuals to invite to the committee.

Dr. Harr asked for clarification re: whether Dr. BF would address how GRAs are placed on grants or if she will address other aspects of graduate students, such as the issue of how graduate assistantships are assigned across/within schools or departments and then how the financing occurs. There appears to be some question as to who does the assignments. What are the criteria for assigning GTAs or GRAs to different departments? Who makes the final decision?

Dr. Wang had brought this issue up at the previous meeting as to how tuition dollars for graduate students on grants are expensive compared with other institutions. Dr. Wang mentioned that for engineering they have a formula to compute the GTAs and also for Rumble fellowships. Some of this depends on the enrollment figures as well. Some of the priorities within the Engineering depends on prioritizing based on an algorithm and eventually the Graduate Committee.

Dr. Rossi raised that the discussion will likely include whether the schools/departments are different enough that the decisions should be left in their purview or whether there is/should be a more central organization of the graduate assistantships. These issues will be addressed by Dr. BF and she will entertain questions.

The second issue was re: IRB and expedited reviews. We were to have Monica M. here today but Thursdays are the day they meet. Currently unclear if they meet every Thursday or only the 4th Thursday of the month so they could not make our March meeting.

Alternatively, Dr. Zimmerman and others have been working on the approach of the expedited reviews so that they can be more “expedited.” It was pointed out the expedited reviews were almost as long as the regular reviews. At the very least Dr. Zimmerman was willing to report to us.

Dr. Ramzi pointed out that in Oncology their graduate students depend on help from the T32. He states that he hopes the T32 will be funded but no news yet. He is concerned that although they have a good chance of renewal, there is always that possibility. That leaves a lot of uncertainty.

Research Misconduct. The meeting then moved to the primary agenda item which was to discuss our committee recommendations on the Policy of Faculty Research Misconduct.

The major concern that we were charged with was a concern that the DIO and RO are the final arbiters with no other oversight.

Dr. Scipio raised the question of recommendation #2 purely around the process of how the research was conducted. She queried if it has anything to do with whether data has been misrepresented or altered. Dr. Rossi clarified that misrepresentation or alteration of data is definitely a part of the definition of research misconduct. Dr. Scipio asked then why the Hearing Panel does not have to be an expert in the science. Dr. Rossi pointed out that the experts were already empaneled by the RIO but that the Hearing Panel will oversee the process was followed rather than the data itself. The Hearing Panel would follow after the Inquiry or Investigative Panels, who are experts, have done their job, that the Article XXX Hearing Panel would check that the process was done per policy. For example, did the RIO choose true and proper experts in the field or rather choose someone who had no knowledge to evaluate the data? One needs to come from outside the University. The Hearing Panel will not look at the data but at whether the RIO and DO follow the rules and do not skip a step, bring in an inappropriate reviewer, or have another biased or flawed part of the expert review. Another example would be if the Investigative Panel says there was no misconduct, but the DO could fire the person anyway. There is no provision in the policy of the RIO or the DO about if one does not follow the recommendations of the Panels either way. There is currently no oversight for this. This is the crux of the concern and why the policy has been brought in to recommend revision in the 2010 Policy.

Dr. Harr asked why there is an X for the number to be picked by lottery. How many people should be on the Hearing Panels? Seven was proposed as a good number. Some sentiment for 3 instead. Dr. Harr proposed separation between Recommendation 2 and 3, that we could have a smaller Hearing group for the Inquiry oversight and larger number for Investigation: e.g., 3 for Inquiry and 7 for Investigation.

There was a question raised on whether all of this would go to the ORI (Washington) anyway. However, Dr. Rossi pointed out that there are certain things that trigger a report even early on to ORI but not all research misconduct necessarily is reported to ORI. These would actually be more worrisome in terms of bias as there would be no outside oversight.

Dr. Rossi asked whether members would accept 3 for oversight of Inquiry and 7 for oversight of Investigation.

Dr. Scipio asked about why these particular numbers were suggested. Dr. Ramzi pointed out a larger and odd number would be better.

Dr. Harr pointed out that Investigation is very serious and could potentially be terminating someone's career so having a larger number would be advisable.

At the previous meeting, a question was raised regarding possible appeal. Dr. Rossi identified language in the existing policy re: any appeal. She pointed out that the way it reads now, the appeal is to the DO and the Provost. So, the appeal is going to the person making the decision. It is not typically appropriate for an appeal to go to the person whose decision is being appealed. Thus, the recommendation is that the language be changed so that the appeal only goes to the provost.

The question is then raised whether the provost has the authority to change the decision. Dr. Rossi stated that the appeal cannot direct what decision the higher authority will do but only that the appeal go to a higher authority. As it stands with the appeal going to the DO does not make sense. The RIO or DO would be notified by the provost that there is an appeal.

Dr. Rossi asked if anyone on the committee thought the appeal should go to anyone other than the provost. In the current policy, the provost and the VP for Research are in the appeal, but the VP for Research is the DO which is not appropriate.

In #5: what happens if there is a discrepancy between the findings of the Inquiry or the Investigative committees and the actions of the RIO or DO? For example, if the Investigative Committee says something is wrong but the DO lets it ride. Under such circumstances, the issue should be referred to the provost as to why the RIO or DO would not take the advice of the respective committees.

Dr. Maddipati asked: what if the other occurs and the Investigative Committee finds nothing is wrong, but the DO should act contrary to the findings? Dr. Rossi again pointed out that these decisions do have serious consequences. The language in the recommendation was changed to reflect that "if there is a conflict" between the Inquiry or Investigative Committees and the RIO or DO, then someone should be able to evaluate this.

Dr. Wang asked whether the Hearing Panel has to decide something. Does the Hearing Panel has to be empaneled within 10 days? Is it possible to empanel a Hearing Panel on short notice? Perhaps the Hearing Panel should be picked at the beginning to permit this to occur quickly. Dr. Maddipati pointed out that the Hearing Panel is only evaluate the logistics of the investigation. For example, if it was about chemistry, then was there a chemist on the expert panel. Dr. Wang asked we can actually form the Hearing Panel so that a Zoom meeting can occur in 10 days so that the formation of the Panel can be done within the timeframe. Dr. Rossi pointed out that the Panel has 10 business days after the Panel is formed. Language was modified to emphasize this point.

Clarification as to whether the 3 members or the 7 members are some of the same people. If it stops after Inquiry, then there would not need to be a 7 member Hearing Panel. There was sentiment that the 3 member panel could be a subset of the 7 member committee. There was debate as to whether the 3 members should be part of the 7 members of the later Hearing Panel.

Discussion proceeded to make the time from empaneling the Hearing Panel to its decision to 10

business days.

Dr Maddipati also commented that there is no sub-setting of the two panels because they may be totally separate. There was a question about if the two panels have separate opinions. Dr. Rossi pointed out that the Inquiry findings are separate from those of the Investigative Committee. The investigation would not go forward if the Inquiry Committee deems there is no cause. The Hearing Panel for the Inquiry would evaluate whether the Inquiry process was handled properly. The investigative portion may take quite a long time and would be a second step and its decisions not dependent on the Inquiry phase. She also pointed out that the choice of Hearing Panel being by lottery will avoid the potential of the experts being chosen by the RIO or DO that are not entirely independent or chosen because of a possible bias for/against the particular situation.

Dr. Iyer voiced concern as to whether the provost would have the power to disregard the findings. Is this all advisory? Is there any empowerment in any of these panels to act on the findings? In practice the Inquiry and Investigative Committees are not empowered to act but only to investigate. They have no authority to impose any sanctions on the individual. The authority lies with ORI or with the Provost/President who have the authority to impose constraints or dismiss the individual.

Dr. Wang asked if the faculty have an attorney to defend him/herself? Dr. Rossi said she would check the policy but Dr. Maddipati said that there was a section stating the person can have an attorney. Dr. Rossi would check and provide the section by email.

Dr. Maddipati moved to approve and Dr. Frindley seconded to approve. The document was approved as amended.

Dr. Rossi pointed out that there was to be an invited guest from facilities to discuss the issues of heat, trash, etc. but no one was in the waiting room. All the buildings have issues. She asked members to send her their issues and she would forward them to him if they wanted something addressed. There are 18 FTEs short in custodial work and on any given day 35% of the remaining custodians call in sick/off.

New business. Dr. Harr brought up an issue from chemistry about CN&IT and purchasing and setting up computers on research grants. CN&IT is taking over wiping memory overnight and limiting how software can be installed. This limits people using the equipment that the computers are interfaced with. One faculty is waiting 10 days for a USB cable. Dr. Harr said similar things are happening in physics where the Associate Dean for Research, Dr. Barani had to intervene. Apparently, this is a choice to consolidate things within CN&IT. Other members said they are experiencing problems and hesitant to purchase computers because of this. Dr. Fribley also brought up that he was contacted by CN&IT that he needed to take a computer off line or update to Windows 10 but the computer is interfaced with an instrument that can only work on XP. It was suggested to bring in Jim Wurm who is in charge of data managements across systems.