

Faculty Senate Business Meeting  
November 12, 2018

**Members Present:**

Douglas Airhart, Tammy Boles, Troy Brachey, Chris Brown, Debra Bryant, Andrew Callender, Corinne Darvennes, Ahmed ElSawy, Stuart Gaetjens, Melissa Geist, Mark Groundland, David Hajdik, Jeremy Hansen, Paula Hinton, Christy Killman, Seth King, David Larimore, Lori Maxwell, Lachelle Norris, Linda Null, Brian O'Connor, Joseph Ojo, Richard Rand, Jeff Roberts, Leeann Shipley, Cara Sisk, Troy Smith, Sandi Smith-Andrews, Holly Stretz, Zac Wilcox, Kim Winkle, Jeanette Wolak

**Members Absent:**

Ismet Anitsal, Deborah Ballou, Michael Best, Jeremy Blair, Steven Frye, Ann Hellman, Shelia Hurley, Barbara Jared, Regina Lee, Christine Miller, Holly Mills, Ben Mohr, SallrDe(G{Andr)5(e)4(ws)TJETQ

B. Gender Equity Update

Senate President Smith has not yet heard from the Provost regarding the Senate Resolution to use the old equity model adjusted for potential gender bias, but he is hopeful to meet with her and Senior Associate Provost Mark Stephens in the near future on this subject.

C. Results of Call for Suggested Sustained Campaigns for the Faculty Senate

Senate President Smith noted that few Senators responded to his e-mails requesting their feedback on important issues to work on in the Faculty Senate moving into the spring semester and beyond. From the feedback received, the priority issues for the Faculty Senate are 1.) Intellectual property and 2.) Tenure. Senate President Smith also wanted the Faculty Senate to work on a student-centered concern; namely, ways to help international students acclimate to Tennessee Tech University.

D. Intellectual Property

Senate President Smith will contact those faculty members already working on this issue, especially those on the Administrative Council, to form a committee on this issue. The Intellectual Property policy is not on the agendas of the Administrative Council or the Academic Council this week. Senator Null asked for clarification on the issues involved in the Intellectual Property policy. Senators indicated that some of the issues included

1. New faculty members are required to sign their intellectual property rights away duringrt

meet with Dr. Eaton to discuss the administrative aspects of Policy 780. Ms. Harper noted that there are areas that she cannot discuss in an open forum due to confidentiality issues. She indicated that her letter was printed on Board of Trustees letterhead in error. It should have been printed on Tennessee Tech University letterhead. She opened up the floor for questions and comments.

2. Broader c

8. A question was asked if there were reports generated from the internal committee and the external committee as per policy 780.

Ms. Harper was unsure what is meant by external committee. There was no external committee. She read from President Oldham's correspondence that a peer review into the allegation of research misconduct would occur. Because of the confidentiality of the data, we could not bring in an external peer review. As part of internal processes, the TTU committee members contacted some external experts. They did not see any data, but rather they were interviewed on measuring emissions of EPA standards. It was established through these interviews that the methodologies that would have been needed to comply with EPA standards had not been used in the TTU research in question. Instead, the TTU research team used the procedures specified by the sponsor and agreed to by the researchers. Ms. Harper concluded that further external reviewers were not necessary. Most of the TTU committee members agreed, although one noted that if the Respondent had stated that he did not believe these individuals were capable of making these comparisons and reviewing this information, then there might be an issue. Since the Respondent did not make this statement, the TTU committee agreed with Ms. Harper. The data was not suspect. The issue was how the data was characterized in the letter to Congresswoman Black.

May the Faculty Senate access the internal report?

Ms. Harper replied no, it is confidential.

10. A Faculty Senator commented on the seriousness of research misconduct. It is objectionable how someone in the TTU administration risked our outstanding reputation by misrepresenting research data. The Board of Trustees needs to know these strong feelings felt by faculty.

Ms. Harper understands the seriousness of this issue. She also recommends that Faculty Senators and faculty in general help to educate the Board on the importance of tenure on campus.

11. Why, then, does the letter not say research misconduct?

Ms. Harper intended to maintain the reputation of the university as best as possible. The best path forward was to admit that a mistake was made and that it has been taken care of. Confidentiality in the personnel matter, according to Policy 780, prohibited Ms. Harper from making any judgments in her letter.

It was suggested that an apology be issued to help mend the reputation of Tennessee Tech University. Furthermore, Tennessee Tech needs to admit that research misconduct took place and outline the steps to see that this will not take place again.

Ms. Harper owned the statements made in the letter as her own, as the leader of the internal investigation into the research misconduct. She noted that she did apologize in the letter, “we take our responsibility in this area very seriously and *we seriously regret the inconvenience*” (emphasis mine).

Faculty Senators did not feel that the language in the letter reflected an apology.

Ms. Harper noted that the intended recipients of the letter (sponsor, EPA, Diane Black) did not need to hear an apology. The research misconduct policy, she reminded, is a personnel matter and she treated it as such.

A Faculty Senator noted that the wording of research misconduct stems from the federal government. The federal government’s punishment for federal misconduct—a finding on an individual, not an institution—is that the individual cannot receive federal funds or grants for the next five years. The Senator noted that this would halt the research productivity of any faculty member whose work depends upon grant money.

It was pointed out that the Respondent was receiving state funds through a grant while the internal investigation was going on.

Ms. Harper replied that she was unaware of the Respondent’s receiving of any state funds. Her understanding was that he only received his salary and nothing more.

Ms. Harper asked whether it would be advisable to use the wording of the federal guidelines and adopt them for TTU's revised Policy 780. Some of the federal wording would be beneficial, while other wording potentially might not. For example, the Respondent in the TTU research misconduct process explained that he did not intentionally commit research misconduct. According to federal policy, the Respondent needs to intentionally engage in research misconduct to be found guilty. TTU policy does not require finding of intentionality. The internal investigation in this matter did not make a finding one way or another.

14. A question arose to the reason why the Respondent replaced the original, qualified PI.

Ms. Harper appreciated the idea and added it to her list. She noted that President Oldham believes that the whole process took too long. Ms. Harper shared that the university calendar is a challenge, working in the summer for example. It took a long time to find unbiased people to sit on the committee.

19. Another comment indicated that the President received a letter with an allegation, but did not accept it because it was not on the correct form. The correct form should be attached to the revised Policy 780 to make the process easier.

Ms. Harper thanked the Faculty Senator for this helpful comment. She did note that, if we were the Respondent, we would want specific information that would warrant the process to move forward. Ms. Harper also noted that the current Policy 780



to hear this same praise from the Board of Trustees. Ms. Harper replied that the Board meets infrequently and has a very rigid agenda. It is important to educate Board members on matters related to Academia.

Ms. Harper concluded that the research misconduct was one bad incident. Let us make things better, and move on. We can identify the problems without getting into details involving personnel.

22. There are engineering colleagues with expertise in areas related to this issue who have been told by administrators at TTU not to send proposals to the EPA. Tennessee Tech has lost its reputation in the eyes of the EPA. How can we help junior faculty in this area of research whose funding is being adversely affected even though they were not involved in the research misconduct?

Ms. Harper was not aware of this situation. She clarified that TTU had a contract to conduct research and it specified who was to do what. We do not owe the EPA any further apologies. Ms. Harper suggested that proposals be submitted to the EPA for proper research with qualified faculty behind it.

Faculty Senators suggested that a public statement be made that no mechanical engineering faculty members were involved in the research misconduct incident at Tennessee Tech University.

Ms. Harper doubts that there will be any further admission of any sort. She made a decision in consultation with Dr. Huo and Dr. Bruce to draft the letter that she sent out. President Oldham can do something internally, if he wishes.

A Faculty Senator pointed out that any public presentation should also necessarily involve students.

23. Ms. Harper asked what would be achieved by a public apology beyond semantic changes in the points already addressed in her letter. Trade Journals and local papers have already referenced her letter, now it is over.

Faculty Senators stressed the importance of communicating the research misconduct matter, findings, apologies, and a path forward to the general public. There still is a perception that Tennessee Tech is sweeping the research misconduct matter under the rug. Therefore, it matters to make a definitive statement.

Ms. Harper reminded that the findings held that a person was at fault, not the university. She is trying to protect the integrity of the process, particularly the personnel actions involved.

24. A Faculty Senator concluded that nothing will be fixed with a news release, but rather with strong positive leadership from administration

