

# **By-laws for the Faculty Assembly Committee on Misconduct in Research, Scholarship, and Creative Activities**

## **Purpose and Responsibility**

The University of Colorado Colorado Springs, herein referred to as “UCCS,” is responsible for fostering a research environment that promotes the responsible conduct of research, discourages research misconduct, and addresses allegations of possible research misconduct. UCCS’s obligations to prevent and investigate allegations of research misconduct arise under Articles I and V of the Laws of the Regents, University of Colorado Administrative Policy Statement 1007 Misconduct in Research, Scholarship and Creative Activities (“APS 1007”), and the requirements of federal agencies, including the National Institutes of Health/Public Health and the National Science Foundation.

The Faculty Assembly of UCCS has formed the Committee on Misconduct in Research, Scholarship, and Creative Activities to fulfill its obligation of investigating allegations of research misconduct.

The *Committee on Misconduct in Research, Scholarship, and Creative Activities* (“CMRSCA”) is a standing committee of the Faculty Assembly and is responsible for inquiries and investigations of allegations of research misconduct. The basic responsibilities of the CMRSCA are to promote exemplary ethical standards of research conduct, to receive allegations of misconduct, to ensure thorough, fair and expeditious proceedings for the evaluation of allegations, and to recommend possible disciplinary action, policy changes or other actions to remedy the misconduct and to prevent similar misconduct in the future.

## **Membership**

The CMRSCA shall include at least one tenured or tenure track faculty member from each of UCCS’s schools and colleges, including the library. The Faculty Assembly President shall seek nominations for faculty members to serve on the CMRSCA. Committee membership should reflect the diversity of the faculty and should comply with University policies for constituting committees. During the spring semester of each academic year, the members of the CMRSCA will elect a Chair. The Chair of the CMRSCA will take office on July 1 and will serve until the CMRSCA elects a subsequent Chair. The Chair will attend meetings of and report to the Faculty Representative Assembly and will ensure that the committee meets and has sufficient members. Members of the CMRSCA shall be appointed for staggered three year terms. Members are not limited in the number of terms they may serve. If a member is replaced before the end of a regular three year term, the replacement will serve the remainder of the current term. When allegation(s) of research misconduct is made, then the Chair will have the CMRSCA appoint a chair for the allegation(s) proceedings.

The Research Integrity Officer (RIO) serves as an ex officio and non-voting member of the CMRSCA.

## **Meeting schedule**

The CMRSCA shall meet at least twice each academic year, once in the fall and once in the spring, for the purpose of complying with the requirements of APS 1007. Additional meetings shall be called by the Chair of the CMRSCA as necessary (e.g., for the purpose of dealing with an investigation of misconduct).

## **Rules for Committee Meetings and Voting Procedures**

For regular business activities, the CMRSCA shall be considered to have a quorum when a simple majority of its members are present. The CMRSCA may take normal business actions upon the majority vote of the quorum. For regular business activities, the CMRSCA will follow the *rules for small committees* as provided in the most recent edition of *Robert's Rules of Order*.

For research misconduct allegations, the CMRSCA will follow the current version of approved guidelines for research misconduct proceedings. When voting, at least 67% of the CMRSCA members participating in a case must vote for further inquiry, investigation, or other recommended actions. If during an investigation, CMRSCA members are recused due to potential bias for hearing the allegation, the CMRSCA chair may, with Faculty Assembly President approval, appoint additional members to serve on CMRSCA for the duration, and purpose of hearing, of the specific misconduct allegation.

The votes of the CMRSCA shall be recorded only by indicating the number of members voting for or against a motion; the names of the members shall not be recorded or reported in the minutes. Only those members of the CMRSCA who were substantially involved in the discussion of an item may vote on that item. Electronic voting for regular business is allowed when approved by majority vote at a given meeting.

## **Clerical and Administrative Support**

Clerical and administrative support shall be provided by the Office of Research for research misconduct allegations. Copies of all CMRSCA written records for a research misconduct allegation are to be kept by the Office of Research in accordance with the University's record retention policy. Minutes or reports of regular CMRSCA meetings not concerning a research misconduct allegation may be submitted to faculty assembly. A secure folder may be used for electronic storing of files and the sharing of files in a misconduct allegation investigation.

## **Role of University Counsel**

The CMRSCA may seek advice and assistance from the Office of University Counsel as they deem necessary.

## **Amendments to By-laws**

Committee by-laws shall be reviewed every 3 years. Changes will be taken to Faculty Representative Assembly for review and vote.

Approved by Faculty Representative Assembly March 10, 2017.