

Minutes\*

**Senate Research Committee  
Monday, April 11, 2011  
2:15 - 4:00  
238A Morrill Hall**

- Present: Melissa Anderson (chair), Mustafa al'Absi, Breanne Byiers, Margaret Catambay, Paul Cleary, Jerry Cohen, Marc Dunham, Greg Haugstad, Frances Lawrenz, Jennifer Linde, Timothy Mulcahy, Kola Okuyemi, Federico Ponce de Leon, April Rose, Thomas Vaughan, Karen Williams
- Absent: Arlene Carney, Anna Clark, Robin Dittman, Seung-Ho Joo, Tucker LeBien, LaDora Thompson, Lynn Zentner
- Guests: Senior Vice President Robert Jones, Carla Carlson (Executive Director, Office for UMore Park Academic Initiatives), Associate Dean Greg Cuomo (College of Food, Agricultural, and Natural Resource Sciences), Charles Muscoplat (President, UMore Park LLC); Brian Brosnan, Andy Phelan (Environmental Health and Safety); Pamela Webb (Sponsored Projects Administration)

[In these minutes: (1) update on UMore Park; (2) chemical facility anti-terrorism standards update]

**1. Update on UMore Park**

Professor Anderson convened the meeting at 2:00 and welcomed Senior Vice President Jones, Ms. Carlson, Dean Cuomo, and Dr. Muscoplat to provide an update on UMore Park and a report about associated research activities.

Senior Vice President Jones said they would provide an update on UMore Park planning and future development, the overall vision, the activities on the property as a funding means, and how to create a sustainable community there. They will also provide a perspective on what the University is doing to address the needs of CFANS faculty members who have been doing plot research on the UMore Park land for a long time. They are also working to expand CFANS involvement on research issues as well as seeking to involve other colleges in research that might be conducted at UMore Park.

Dr. Jones outlined his responsibilities with respect to UMore Park. He has overarching responsibility for a number of issues that cut across the University system, including the coordinate campuses, extension, and international education and travel. He is also the liaison between the University and UMore Park LLC, which is a separate organization, but the plan is to retain a strong relationship between the two—the University wants to be sure that sound business decisions are made but also that its goals and objectives are represented in the decisions). They also believe it important to think about current research as well as strategic opportunities that could be presented as the UMore Park project unfolds. He noted that Ms. Carlson has established an academic advisory council to think about a broad array of research issues.

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\* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate; none of the comments, conclusions, or actions reported in these minutes represents the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.

The Board of Regents has been very attentive and engaged in the developments at UMore Park, Dr. Jones told the Committee; he noted the actions the Board has taken over the years and the principles it adopted in February 2006 governing UMore Park. The Board directed the administration to develop a concept master plan and to make sure the land is ready for development. The Board approved the master plan, established the LLC, and created the legacy fund to receive the revenues generated by UMore Park (there is no money in the fund yet, but the money will be used to fund future educational, research, and outreach activities that the University cannot currently fund).

Dr. Jones said he is familiar with the UMore Park land because he has done research there himself. In addition to plot research, over the years the land has been leased to local farmers and other tenants including, a model airplane club, among others. The University, however, has decided the land must be put to better use so created a vision:

- A unique and lasting University legacy of discovery and research-based
- A vital regional economy that benefits citizens, communities
- A growing University endowment that supports the academic mission in perpetuity.

Dr. Muscoplat noted that the vision was developed a number of years ago. UMore Park is a parcel of land about the size of the City of St. Louis Park, and the University proposes to create a sustainable community.

- Where 20,000 to 30,000 people live, work, and play in 8 square
- Enhanced quality of life influenced by the knowledge and broad experience of the University
- Environmentally sensitive and energy efficient. Sustainable development as a national & international model
- Partnered with the community and the citizens

UMore Park is about 30-35 minutes from the Twin Cities campus if there is no traffic. The University acquired the land in 1948 as part of a federal program to dispose of surplus war property. The University was obligated to use the land for a public purpose for 30 years, which obligation has long ago expired. President Bruininks asked if the University could make better use of the land and asked him to lead an effort to identify ways to do so. There were three options, Dr. Muscoplat said: Do nothing, sell the land, or develop it. The first was not an option—there are many parties interested in the land because it is in the major growth area of the metropolitan area. During the 2006 legislative session, the University agreed to convey 2,822 acres to the state in 2032, following the state's contribution of \$162.5 million toward construction of the Gopher football stadium. The Board of Regents voted to retain the remaining 5,000 acres intact for development. The parcel that is now jointly managed with the State is the Vermillion Highlands, a wonderful amenity adjoining UMore Park. The 2,822-acre Vermillion Highlands will remain a natural area by law. The University retains rights in perpetuity for research and educational activities.

The concept master plan will take 30-40 years to develop, Dr. Muscoplat said, and will include trails, green space, and wildlife corridors. One question has been about how faculty will do field research; he noted spaces on a map where land will be available.

Dr. Muscoplat explained that UMore Development LLC, established in October 2009, is designed to make money for the University but was spun out as a separate corporation to protect the University's non-profit status. They hope to generate revenue; if one thinks about revenue from land the size of St. Louis Park, the potential is substantial.

Dean Cuomo observed that with anything big and bold and new proposed for UMore Park, there will be an impact on the faculty members already doing plot research there. The question is how to be sure that they can continue their important work. The CFANS administration agrees with the goals of the LLC and has a plan in place to relocate faculty plots within the next 10 years, as needed. The LLC and CFANS are also identifying acres that will be available for plot research in the long term. The college will work on a variety of issues that can relate to planning and development and find opportunities to engage with departments from across the University.

Ms. Carlson next noted the preamble to the Regents' principles: "The goal is to develop UMore Park in a manner that furthers the University's mission. . . ." From the beginning, the academic mission has been foremost, she said; the University is not a real-estate developer and will hire companies to do that. UMore Park is unique, she said, because no other public research university has 5000 acres of land for research. The academic mission of the University "differentiates the new community from all other master planned communities, adds value, quality of life, [and] economic development, [and] creates new opportunities that support the U's strategic positioning goals."

Ms. Carlson noted that the academic effort started with about 100 faculty members and six task forces that focused on a number of different areas; the task forces issued a report in March 2008. In November 2009 a report from the UMore Park Academic Mission Advisory Board (currently chaired by Professor Deb Swackhamer) identified how faculty and students can engage with UMore Park. The Office for UMore Park Academic Initiatives was established in July 2010, engages faculty, staff, and students, and works under the guidance of the Advisory Board.

Ms. Carlson provided Committee members with a list of Advisory Board members, an Accomplishments Summary, and the Mission and Goals Statement for her office. She highlighted some of the academic accomplishments, which include classes and lectures, internships, capstone projects, grants, and research.

Professor Cohen said that UMore Park provides exciting opportunities, but as always, with questions about the potential mix of academic activities and the activities of the LLC to enhance the value of UMore Park to the University. Is there any document on the ethical issues about using academic efforts to support a for-profit entity? Dr. Muscoplat said that the LLC appointments are made by the University and there is no profit to any individual. The governors of the LLC receive a modest stipend, but the only beneficiary of UMore Park revenues is the University. If graduate students do good work, the University is the sole beneficiary. It is a powerful question that has not been addressed, he said, but there is no way any individual can profit from UMore Park activities. Dr. Jones commented that the situation is no different from a graduate student's contribution to intellectual property that generates revenue for the University. This is different from anything he has seen before, Professor Cohen said. Professor Anderson asked if this effort sets a precedent or if there are other LLCs created by the University. This sets a precedent, Dr. Muscoplat said.

Professor Vaughan observed that the University takes an equity position in companies that use its intellectual property—that is not uncommon. Why this direction rather than reserving space for the University or developing a research park?

Dr. Muscoplat said they knew, in 2004, that the University would face financial issues (although did not imagine that would come as quickly or be as bad as they are). They tabled the idea of an additional campus because the University did not have the resources for it. The research opportunities remained, however, with the potential for significant revenues. They talked about a research park, and used a number of consulting firms to think about it, but found there was little demand in that area for one.

Professor Cleary responded to Senior Vice President Jones: If a student invents something, as part of a program, he or she is part owner of the invention. Are there rules to deal with that here? Professor Cohen said that when there is a for-profit entity, even if created by the University, and one is dealing with student effort, there are complex ethical issues. He said he is not too worried about intellectual property because existing University rules cover it well. Dr. Muscoplat agreed that for a faculty member with a business idea about UMore Park, the normal rules would apply. He pointed out that no one individual can own equity in the LLC.

Professor Cleary asked whether purchasing a house in the new community would be like owning a house in the Grove, where the University owns the land. It would not, Dr. Muscoplat said; the University will sell the land in sections. Part of UMore Park will be governed by the City of Rosemount and part by Empire Township. The University will relinquish control when it sells the land.

Professor Anderson asked, if one looked at the map of UMore land over time, how would one see various University interests represented and changing over time? Some of the land was sold, some will be used for gravel mining—what has been the University interest in the various parcels? Dr. Muscoplat explained where an abandoned gunpowder plant sat, where there are tons of concrete in the ground; that land has never been used. He pointed out other parts where there is the richest vein of gravel in the entire region, and where there are less valuable gravel deposits. He noted where agricultural research has taken place. He explained how the gravel mining would develop, noting that it would create a lake (comparable to Lake Calhoun in Minneapolis) that would be an amenity, and where housing would be developed. The University is conducting an environmental study of the remains of the gunpowder plant in order to learn what must be done; the vision is for an eco-industrial park. But in that area, nothing has been done for 60+ years and the gunpowder-plant buildings are still there. (This was a U.S. government plant that at one time employed 12,000 people.) Dr. Muscoplat noted areas where agricultural plot research will be conducted, and said that while there will be less land for that purpose, they believe there will be enough.

They are trying to work these transitions out with Dean Levine, Dr. Jones reported. Some faculty members have started to move their work and others are planning to do so. The LLC and CFANS want to be sure they can accommodate faculty members who have been doing research on that land for a long time. In some cases, the land will be needed next year while in other cases it will not be needed for ten or more years, and they are working out plans for each individual.

Ms. Carlson reported that of the 5,000 acres of UMore Park, 1,000 will ultimately be green space. The goal is to bring the environment and the outdoors into the new community. There will be local-foods plots, demonstration research plots, and landscaping and ecological research opportunities, among others. Current plot research can be integrated with new research endeavors.

Dr. Jones said it is extremely important to continue support for the land and the research being done, but if there will be an urban community, there is need to think about the research that should be done in 20 years. The University needs to be intentional about it. CFANS and the LLC will strive to accommodate the faculty who are already there—more easily for the first 10 years and with a longer term plan, Ms. Carlson added.

Professor Vaughan asked what happens when the land is gone, if the overall goal is to create value for the University and contribute to its operating costs? This project will not be a panacea for University problems, Dr. Jones cautioned, but the institution has to think about new revenue streams. The goal is to take a piece of land with the richest source of gravel in the Twin Cities, generate revenue from gravel mining, sell the land for housing, and put the money (net after expenses) into the legacy fund. The proceeds from the fund can be used for any academic need not supported by current revenues, but it is not intended to be a substitute for state funds. The State has an obligation to support the University, but the University also has an obligation to generate new revenues. Some feel strongly about selling the land (the University should not do so), but it is a strategic opportunity to leverage resources and engage research, Dr. Jones said. They do not know how much money will be generated, but believe that if the development is done appropriately, it could be a valuable source of funding that the University would not otherwise have. Dr. Muscoplat said that they estimate the gravel mining will generate \$3-5 million per year for 30-40 years and that there will also be the profit from selling land for 10,000 to 12,000 houses. They also envision setting up businesses that will generate revenue beyond the point at which the University owns a parcel less than the original 5,000 acres.

This has great potential for the University, Dean Cuomo commented, because there will be opportunities for the faculty to do things that cannot be done anywhere else.

Professor Anderson thanked Associate Dean Cuomo, Senior Vice President Jones, Ms. Carlson, and Dr. Muscoplat for their report.

## **2. Chemical Facility Anti-Terrorism Standards Update**

Professor Anderson welcomed Messrs. Brosnan and Phelan from the University's Department of Environmental Health and Safety (DEHS) to discuss chemical facility anti-terrorism standards. They distributed a set of slides with information.

Mr. Phelan began by explaining that this initiative responds to a federal rule from the Department of Homeland Security (DHS). As explained in one of the slides, the DHS is charged with keeping U.S. citizens safe and secure from chemical terrorism; certain chemicals could be used directly or indirectly for terroristic purposes; DHS requires facilities to monitor these "chemicals of interest," report to DHS when they are above threshold amounts, and to put in place appropriate controls when above the threshold; universities lobbied and succeeded in cutting list in half for laboratories (from 325 to 162). DEHS has developed a plan for responding and wish comments; their goal is to meet the letter and spirit of the law while minimizing the impact on faculty and staff.

"In order to monitor these chemicals, we need to inventory them at least every 60 days or create a baseline and then track purchases. U of MN has elected to conduct a baseline chemical inventory survey

and then have DEHS monitor and approve purchases of chemicals of interest. This reduces the burden to researchers while staying in compliance with [the regulations]."

"This April DEHS is surveying faculty likely to work with chemicals to report any amounts of the 162 chemicals of interest that may be found in laboratories. DEHS is working with University Stores to allow DEHS to preview and approve all chemicals of interest purchased through the U Stores. . . . The University will direct all faculty members to order these chemicals of interest ONLY through the U Stores front end. If these chemicals are not available through U Stores, work through DEHS to purchase them. Use of P-Cards and Purchase Orders for this limited number of chemicals is contrary to the best interests of the University and is strongly discouraged. DEHS will monitor compliance by periodic site visits to inventoried labs."

DEHS conducted an inventory in 2008, Mr. Phelan reported, and have tracked purchases since then, and have not seen any trend to go over the threshold limits. They have opted to create a baseline and then track purchases rather than conduct an inventory every 60 days because it is difficult for a lab to have to report every 60 days. Selecting the option they have minimizes the impact on the research community.

Vice President Mulcahy said he appreciated their efforts to minimize the impact of the regulations but said he was puzzled about how the process of monitoring purchases gives them an accurate idea of the inventory when they do not track use. A lab could make ten purchases below the threshold but end up with quantities above the threshold. Mr. Brosnan said they thought they might do an inventory once per year, and if they see purchases that could lead to more than threshold quantities, but only see the purchases every 3-4 months, they are confident the chemicals are being used. It is possible that purchasing little by little could lead to bypassing the regulations, but it would be difficult. They do not see large quantities of these chemicals being purchased, he added.

Mr. Phelan said that DEHS is working with U Stores to track purchases and will keep records for each purchaser (the University purchases thousands of chemicals each year). Of the 162 on the DHS list, only 80 have been used at the University. They'll work with each purchaser to be sure they don't get in trouble with the regulations.

Dean Ponce de Leon said this resembles the system used for controlled substances. It is, Mr. Phelan agreed.

Professor Cohen said this plan is a good idea and said the list of compounds must be widely available so that people can see what is on it (e.g., copies laminated in plastic for labs). He commented that he is surprised at some of the chemicals on the list and has wondered what they could be used for. This is, he concluded, the least intrusive approach they could use. Professor Cleary agreed and wondered if this effort could be combined with the monitoring of controlled substances. They could inventory once per year, for a day, with one set of forms. These chemicals ARE controlled substances, he observed.

Mr. Brosnan said this is a new program and they do not know where DHS will focus. Of the 80 chemicals purchased by University units, 15 of them are purchased frequently. DEHS intent is not to conduct inspections but to give someone a call if they see the DHS limit being approached.

Professor Anderson asked what the University's risk is if it is out of compliance with the regulations. They cannot say, Mr. Brosnan responded, because there is no history. They have had a visit from DHS agents and were told what was coming, and the DHS agents were very complimentary about what the University is doing. It will probably be something like a fine and reputational impact, Mr. Phelan surmised, and it would be unlikely that DHS would use the "hammer" of withholding federal grants for non-compliance. Ms. Webb added that the University does contractually agree it will be in full compliance with grant requirements, but she has not seen non-compliance. Dr. Mulcahy asked if there is individual liability as well as institutional risk; Mr. Phelan said this program is institutionally-based.

The regulations state that monetary fines may not exceed \$25,000/day for every day a facility is out of compliance with a regulatory Order. Such an Order is only issued after several written attempts by DHS to address the institution's lack of compliance. So there are fine amounts in place but the history for how they are actually applied is not there due to the newness of the program.

In response to a comment from Professor Okuyemi, Mr. Brosnan said that there is no requirement for an annual inventory. They will look at the data from Purchasing and if they find that the inventories are accurate, they could do inventories every two years. But they want to do inventories to see that the system works. DEHS will try to do as few inventory surveys and lab visits as possible. The number and frequency of both of these depend on DEHS ability to reconcile all sources of information.

This effort will be on the level of the individual PI, Mr. Brosnan confirmed in response to questions from Dr. Haugstad and Professor Bornshtein. They will not ask colleges or units to provide separate reports and they are not looking at individual facilities. DEHS with the Office of Measurement Services will manipulate the data to produce the more comprehensive information that is needed to demonstrate compliance. Dr. Haugstad commented that there may be locations that have some of the chemicals that will not be identified by working only with a list of PIs. Mr. Brosnan has since reviewed the College of Science and Engineering data and added to the survey recipients list. He has also emailed Dr. Haugstad with his findings and requested any more contact information Dr. Haugstad may have.

Professor Cohen repeated his view that the plan presented is a good one. It will help keep the University out of trouble and can identify where chemicals might accumulate.

Professor Anderson inquired if there is any way to track purchases not made through U Stores. DEHS has not resolved that issue, Mr. Phelan said. Using EFS and U Stores is not easy, P-Card purchases are easier and chemical purchases are only broadly coded as "chemicals and allied products" but they have not found any chemicals of interest purchased that way. Mr. Brosnan stated that DEHS will continue to investigate further into the P-Card and Purchase Order process.

In response to a query from Dean Ponce de Leon, Mr. Phelan said that they believe DHS will accept inventory reports at the building level. DEHS will mostly monitor and do not plan on cameras, background checks, fingerprints, and the like. They would only investigate further if a unit purchases a large number of chemicals of interest.

Professor Anderson inquired how they are offering guidance to faculty and staff. They are getting the word out in as many ways as they can, Mr. Brosnan said. He encouraged people to contact him if they are aware of places that they have missed: [bros0020@umn.edu](mailto:bros0020@umn.edu). In addition to meeting with

this Committee, DEHS will meet with the associate deans on Thursday, 4/21/11, and is working through each department's RSO (Research Safety Officer) to help with the survey.

Dr. Mulcahy asked if the monitoring system is keyed to the PI or the item. It is the latter, Mr. Phelan said. There are a number of products containing each item on the DHS list; they will have to review hundreds of chemicals to determine which ones they need to worry about (e.g., not a 3% solution of hydrogen peroxide).

Professor Anderson thanked Messrs. Brosnan and Phelan for informing the Committee about the new initiative. She adjourned the meeting at 3:50.

-- Gary Engstrand

University of Minnesota