

Minutes*

**Senate Research Committee
Monday, September 24, 2012
2:15 - 4:00
238A Morrill Hall**

- Present: Linda Bearinger (chair), Alvaro Alonso, Arlene Carney, Anna Clark, Ben Fuller, Maria Gini, Greg Haugstad, Seung-Ho Joo, Frances Lawrenz, Tucker LeBien, Richard Leppert, Hinh Ly, Timothy Mulcahy, Kola Okuyemi, Kathleen Thomas, LaDora Thompson, Kyla Wahlstrom, Karen Williams, Lynn Zentner
- Absent: Melissa Anderson, Jerry Cohen, Robin Dittman, Abel Ponce de Leon, Mani Subramani, Alexander Thorkelson, Thomas Vaughan
- Guests: Associate Vice President Pamela Webb (Sponsored Projects Administration); Professors Carl Flink and Karen Miksch (Committee on Academic Freedom and Tenure); Senior Vice President Robert Jones, Associate Vice President and Dean Meredith McQuaid, Stacey Tsantir (GPS Alliance), General Counsel Mark Rotenberg
- Other: none

[In these minutes: (1) welcome and introductions; (2) Federal Demonstration Partnership faculty workload survey; (3) student international travel]

1. Welcome and Introductions

Professor Bearinger convened the meeting at 2:15, welcomed everyone to the first meeting of the year, and called for a round of introductions. She observed that the Committee is a diverse group with a good breadth of perspectives to bring to the issues. She said that the Committee's closest administrative links are with the Office of the Vice President for Research, Sponsored Projects Administration, and the Office of Research Integrity; she also serves as an ex officio member of the Faculty Consultative Committee, which sometimes asks this Committee to take on assignments. The agenda items come from multiple sources and she asked Committee members to think about the issues they want the Committee to consider. She concluded by asking that the Committee meeting be an acronym-free zone and said she wished to have an environment where all feel free to speak up.

Professor Bearinger next noted that the Public Engagement Council has asked for a representative from this Committee because it sometimes deals with matters of research out in the community. Issues that have been identified by the Council include indirect cost rates and community-engaged research, protection of human subjects and community engaged research, and intellectual property issues in community-partnered research. She asked for volunteers; Professor Okuyemi agreed to serve.

* 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.

2. Federal Demonstration Partnership: 2012 Faculty Workload Survey

Professor Bearinger turned now to Associate Vice President Webb to report on the preliminary results of the Federal Demonstration Partnership (FDP) Faculty Workload Survey.

Ms. Webb started by noting that the University is a member of the FDP, composed of 119 research universities and about a dozen federal agencies, the goal of which is streamline administrative burdens associated with research. Each member university sends a faculty member, an administrative representative, and a technical representative to the meetings. FDP has accomplished a number of changes.

FDP decided to do a new faculty workload survey, seven years after the first one done in 2005, to obtain new insights and to assess changes or additions to administrative burdens as well as to obtain more detailed information about specific burdens (e.g., IRB, animal use). Ms. Webb said she could provide today the preliminary results and would bring more detailed results to the Committee in the spring. The goal is to use these survey results to design the most impactful pilot studies and then ask the federal government to change its regulations once results can demonstrate that adequate stewardship of federal funds can be achieved with less burden. The survey, with 17 questions, was supervised by a faculty committee and uses national survey experts; there were 13,453 respondents out of about 56,000 surveys, for a response rate of 26%. In the 2012 survey, one only had to be a PI, not necessarily a faculty member (the 2005 survey went only to faculty members). Representatives from almost all the FDP members participated in the survey; representatives cannot see the results for their own institutions.

The two primary federal funding agencies are NIH and NSF and provided about the same percentage of research funding in 2012 as in 2005. The percentage contributions from other agencies (Defense, Energy, etc.) also remained stable.

What was most interesting about the results of the 2012 survey, Ms. Webb related, is that PIs reported spending EXACTLY the same percentage of their time on pre- and post-award requirements, 42.3% as they did in 2005, and 57.7% of their time on active research. Given the number of new regulations that have been added in the last few years, FDP may have had success in eliminating some administrative burdens, but it remains startling that researchers must still spend over 40% of their time on administrative matters.

Dean LeBien observed that these are national data; is there any reason to believe that Minnesota is subtly different in any way? There is not, Ms. Webb said. Can Minnesota learn anything from other institutions, he asked? Ms. Webb said it cannot because, as she noted earlier, one cannot obtain the results for individual institutions. Nor, she said in response to a query from Professor Okuyemi, does she have information about who did not respond to the survey, but perhaps that will be available when the final results are provided. The results do include training grants, she said; they cover any federally-funded research.

In terms of the workload on federally-funded projects, on average about 23% of researchers time is spent on writing proposals and progress reports and another 20% is spent on other administrative requirements. Professor Alonso commented that writing proposals is part of his job and that isn't necessarily bad. Ms. Webb agreed that parts of the administrative work of PIs are necessary, but parts may not be. For example, it may be that reporting could be less frequent or reports could be structured to

take less time. This is one reason that the name of the survey was changed from "Faculty Burden Survey" to "Faculty Workload Survey." There should not be a presumption made that all activities covered in the survey are burdensome or unnecessary.

Ms. Webb briefly reviewed data maps on the prevalence by intensity of administrative burdens associated with various kinds of research (clinical trials, effort reporting, HIPAA, security, safety, export controls, etc.) and then inquired if Committee members agreed with the survey results. Professor Alonso commented that they are about what he expected. Vice President Mulcahy said that what is illuminating about the maps is the total number of points of burden; that is the realm of sponsored research and the number of things that faculty and staff must deal with is mind-boggling.

Ms. Webb provided a bar graph indicating the mean time required in various areas in 2005 and 2012. Many remained similar (IRB compliance, effort reporting, budget transfers, and so on) but others either declined or increased. For example, IACUC (Institutional Animal Care and Use Committee) compliance, budget-to-actuals and payroll, and patent and copyright applicants increased noticeably. Professor Thomas observed that in the case of animal care, it could be that the balance of research between animal research and human-subjects research changed over time. Ms. Webb agreed but pointed out that she does not have the data to explain the changes.

Finally, Ms. Webb noted the percent of time spent on active research, pre- and post-award reporting, and on administrative responsibilities by various fields. Those in the physical sciences and math spend the most time on active research (64%) and least on administrative tasks; those in education and the humanities spent the least amount of time on active research (46%) and the most on administrative burdens. It will be interesting to learn if she can obtain more information and what it might say about funding agencies. NSF is a good agency to work with; Ms. Webb commented that she might have something different to say about the Department of Education.

Professor Bearinger thanked Associate Vice President Webb and said the report was a good starting point for a conversation about the issues and that the Committee would welcome her back when it would be possible to drill down further in the data to try to answer questions.

3. Student International Travel

Professor Bearinger welcomed a number of guests to the meeting—Senior Vice President Jones, General Counsel Rotenberg, Associate Vice President McQuaid, Professors Flink and Miksch, and Ms. Tsantir. She recalled that Professor Gini last spring brought to the Committee concerns about the policy on student international travel, has since discussed it with the Council of Research Associate Deans and with Associate Vice President McQuaid, and it is now back on the agenda for additional conversation. (The policy, *Education Abroad Opportunities: Addressing Health and Safety Risks*, is here: <http://policy.umn.edu/Policies/Education/Student/EDABROAD.html>.)

Associate Vice President McQuaid offered some remarks. She thanked the Committee for having her join the meeting to talk about University policies that relate to international travel by undergraduate and graduate students; specifically the travel policy and the health and safety policy as that relates to education opportunities abroad. She noted that her presentation was either the 9th or 10th presentation that she will have given over the past several years, before a variety of committees and subcommittees, made

up of faculty and staff, regarding one or both of these policies. She said she is always happy to have the chance to clarify or explain the policies and to get feedback on them.

Dean McQuaid commented that she was afraid that despite her efforts and the efforts of her staff to meet with faculty across the system about these policies, there are still faculty members who feel that these policies are in place to thwart them and their students from making wonderful discoveries, sustaining meaningful relationships, and accomplishing great work around the world. She said that as the senior international officer for the University system, it is an honor and a pleasure to "represent you and your interests and that of your colleges, all over the world, to talk about what it is we do, where we do it, and how successful we are."

She said she is fully aware that in order to be recognized internationally, this university must engage globally and must provide opportunities to its undergraduate and graduate students to learn how to succeed and to how to compete in the world of the future.

All travel—domestic and international—poses some risk. This University places a very high value on international experiences for students, and they are proud of the fact that Minnesota is currently 9th in the country in the number of students who study abroad. GPS Alliance provides excellent health and safety information to students traveling abroad through the Learning Abroad Center in an effort to prepare students for the various challenges they will meet. Our students go all around the world studying, working, and conducting research. As an institution, the University is tolerant of a very high degree of ambiguity, risk, and danger.

In her role as a senior officer at the University, however, she is required to balance this appreciation for ambiguity and risk with University policies and procedures designed to protect the institution and the faculty, students, and staff from harm—or to respond to a need for help—to the extent they are able. She is required to implement policies that have been adopted by the University and to make every effort to do that in a way which is the most helpful and the least burdensome as possible. She said they welcome feedback on our implementation and communication.

Her goal since taking this position some five years ago, Dean McQuaid related, has been to create an international programs office that is NOT an office of "no," but an office of "yes, if. . .," with the conditions tied solely to the health, safety and security of every member of this community. And since February 2004, before her tenure as senior international officer, the University has had a policy in place regarding education abroad opportunities by students. The official name of the policy, as noted above, is *Education Abroad Opportunities: Addressing Health and Safety Risks*. The scope of the policy governs all education abroad opportunities undertaken by students enrolled in the undergraduate, graduate, or professional degree or certificate programs of the University, and includes University-sponsored, co-sponsored, and non-university-sponsored programs. The policy does not apply to faculty or staff. "Education abroad opportunities" is elsewhere defined as including, but not limited to: study abroad, internships, field studies, service learning, research, conference attendance and volunteer or work programs.

She and her staff have always sought to implement the policy in a manner that promotes compliance, not for compliance sake but for the purpose of ensuring a safer and thus more productive experience.

The policy requires that every student participating in a University-sponsored or University-endorsed activity internationally complete a release and waiver form, and an application for international travel insurance. The release and waiver is a standard waiver, similar in many ways to one used by virtually every college and university in the country, to protect the University and its staff from liability related to damage or loss resulting from participation in an international experience. Beyond protection for the University, the release and waiver includes, for example, acknowledgement of the fact that the student is subject to the University Student Code of Conduct, as well as authorization for the University and its agents to secure medical treatment on the student's behalf, should a health emergency occur—which anyone who has ever been responsible for students while abroad will recognize as an authorization that will make the leader/chaperone's life a lot easier in the event of an emergency.

The policy also requires that students engaged in an international experience purchase comprehensive international travel, health and security insurance, though research assistants and graduate assistants can opt out of the insurance requirement, as can those students who have AHC student insurance. The international travel insurance plan that the University has negotiated for a price of around \$1 per day is one of the best insurance plans on the market—covering emergency health care, evacuation coverage in the event of a political or natural disaster, as well as return of a body from overseas.

In the past 12-18 months—for better or for worse—they have had many opportunities to test the efficacy and efficiency of the University's international insurer as they evacuated graduate and undergraduate students from Cairo, Tokyo, and Syria.

The education abroad policy also addresses travel to those countries which are subject to a U.S. State Department Travel Warning. Specifically, the policy states that the International Travel Risk Assessment and Advisory Committee (ITRAAC) must give prior approval in order for a student to have access to financial aid, scholarship, and to receive academic credit during the time, and for the work done while in a country subject to the Travel Warning. ITRAAC, as defined by the policy, is comprised of the Associate Vice President and Dean for international programs, currently that is her; the General Counsel, Mark Rotenberg, Senior Vice President for System Academic Administration, Robert Jones, and the Senior Vice President for the Health Sciences, Aaron Friedman. The committee this year also invited Henning Schroeder to serve, in his position as vice-provost for graduate education.

The U.S. State Department Travel Warning is a threshold of identifiable risk that imposes a heightened level of scrutiny by this university and many, many others. When a country or a part of a country has been declared unsafe for Americans by the U.S. State Department, this university has determined that ITRAAC ought to weigh the potential for harm against the student's need or interest to go there. Travel warnings, as many of you may be aware, are issued when long-term, protracted conditions that make a country dangerous or unstable lead the State Department to recommend that Americans avoid or consider the risk of travel to that country; travel warnings are tied to decisions by the U.S. government to draw down the level of Embassy personnel, and thus support for U.S. citizens in those countries. They are generally tied to specific events and can be short or long term. Travel warnings are based on information from regional security officers in the country, and from local and U.S. intelligence reports. Therefore, when the U.S. State Department issues a travel warning, there is both an increased level of danger in the country and a reduction of U.S. government resources available to Americans in that country.

And while there are a few, typically smaller schools with less international activity, that have no policy regarding travel to state department countries, the U.S. State Department travel warnings are the most common barometer by which colleges and universities base decisions to allow students to travel to another country. The University is not an outlier on this continuum, although reasonable people can differ on whether the line this University has drawn is the appropriate one.

There is a process available to students who wish to travel to a Travel Warning country, Dean McQuaid noted, and said she would be happy to talk more about that with the Committee.

In the academic year fall 2010 through summer 2011, ITRAAC reviewed 23 petitions representing 134 travelers (104 undergraduate and 30 graduate students), and only one was denied. From fall 2011 to summer 2012, the committee reviewed 48 petitions representing 275 students traveling to 10 countries. No petitions were denied. To give the Committee some idea of the range of graduate student petitions, Dean McQuaid reported that they approved a group traveling from the School of Architecture to Haiti, an MD/MPH student was approved for a 3-day trip to Afghanistan; they have approved physical therapy students traveling to Niger; and many graduate students have been approved by ITRAAC to do research in Kenya, Israel, and Mexico.

In this process, the burden is on the student to demonstrate a well-thought, well-planned petition, but they take their role as educators and as fiduciaries of the University very seriously, which necessarily requires them to spend time and effort in this process—and they are happy to do so. In some cases her staff, who assist in the petition process, might go back and forth several times with students, helping them fill out the petition, telling them what the committee will want to see, and generally assisting them in being successful. While some may find the petition itself a bureaucratic hurdle, they have observed that this process does not merely assist ITRAAC in making a decision, it is also an important educational experience for a student who, while eager to get going on a new project in a new place, may not have thought about an exit strategy, or how she might get help if that becomes necessary.

All of these pieces—the release and waiver, the travel insurance, and the ITRAAC process—are part of the education abroad, health and safety policy, Dean McQuaid said. That policy also includes a list of responsibilities for the college, faculty or staff who sponsor or offer an education abroad opportunity.

For almost all undergraduates and some of the graduate students, it is the University's Learning Abroad Center, and similar offices on the coordinate campuses, that manage these responsibilities. The University's Learning Abroad Center is broadly recognized around the country for their expertise and the establishment of best practices.

But for individualized travel opportunities that graduate students take around the world for any University purpose either for credit, or for pay, or at the request or invitation of a faculty member, there is someone in the department or the college who is responsible for the following:

- staying informed about travel warnings and other indicators of health and safety risks in the country where the education abroad opportunity is planned;
- ensuring that the student or students complete the required insurance and release and waiver paperwork and turn it into the GPS Alliance for processing;
- designating a department or college contact who can be reached in the event of an emergency.

Prior to departure, the college and the faculty member must develop a plan for removing the student or a group of students from a country if a travel warning or other extenuating circumstances arise.

That is the policy, Dean McQuaid concluded. There will be those who will choose to ignore it, those who will call it ridiculous, and those who will implement it. Her staff is available to help at any time to work with the faculty to put some procedures and template plans in place. They also provide advice, orientation, and assistance all the time, all over the world. They do so because they want faculty and, really more importantly, the students to have a meaningful experience and return home safely.

"All you have to do is pick up the paper on any given morning, like I do, and think 'what if we had a student there?'" Dean McQuaid commented. Subway bombings, mass shootings, arrests, kidnapping, date rape drugs, accidents, assaults, strikes, and natural disasters happen everywhere and they happen without warning.

Professor Alonso asked Dean McQuaid why her office is not the contact point. It is more natural to call the department, she replied; Ms. Tsantir said she would not know any of the details and would have to contact the department in any case. It helps their office if there is a point person, Dean McQuaid said, so departments should think about who should be responsible in an emergency. She said that some departments ignore the policy, some think it ridiculous, and some implement it. Her office has an excellent staff that can help departments, and everyone can read about events in the paper every day and think about they would do if they had a student in a country in the news. Their goal, she emphasized, is for students to have an excellent experience.

Professor Gini said that if there is to be a policy, it needs to be clear, crisp, and unambiguous. She pointed out several instances in the policy where she believed the language to be unclear and even contradictory. Professor Bearinger agreed that the policy must have language that all interpret in the same way. She also asked whether the policy is implementable: Can all departments have a 24-hour contact person? The policy needs to be disseminated; for example, perhaps a structure needs to be in place so that someone in every department or college looks after State Department warnings. The question is where the level of responsibility should rest.

Professor Bearinger turned to Professors Flink and Miksch, co-chairs of the Committee on Academic Freedom and Tenure (AF&T) to explain the interest of AF&T in the policy. Professor Miksch explained that AF&T questioned why a graduate student would need permission to go to a country on the State Department's warning list after his or her proposed research had already been approved by the committee and department. ITRAAC could deny students the opportunity to be able to study in areas of conflict—and hinder the ability of faculty members to recruit students to a department. AF&T's focus is on ITRAAC and graduate students; in the usual cases of study abroad or taking students to another country, AF&T believes the current policy makes good sense. Their concern is graduate students doing dissertation research. If the travel is denied, a student must take a leave of absence from the University, may not obtain credit for the research, and receives no financial aid. The University of California at Berkeley, for example, has a policy for undergraduates similar to that of Minnesota but it has a different policy for graduate students. There are requirements that graduate students must meet to encourage safe travel but they do not need to obtain permission. AF&T worries that the policy impinges on the academic freedom of graduate students and their advisers.

Moreover, Professor Flink said, the layers of bureaucracy in the policy can deflect a student from his or her chosen research. What does "heightened scrutiny," mean, he asked, noting that both he and Professor Miksch are trained as lawyers and that phrase has a meaning in the law. What does the phrase mean to ITRAAC?

Dean McQuaid said that it would nice to think that because someone is a graduate student, he or she has the capability of doing research in a country in conflict. But in their experience, a number of graduate students have not made adequate preparation and many have said that the ITRAAC questions and requirements have helped them plan their travel and avoid risk.

Mr. Rotenberg commented that "strict scrutiny," the phrase used by the courts to consider violations of certain constitutional rights, is not at issue. ITRAAC (of which he is a member) uses the term in the colloquial sense that a layperson would understand. It has nothing to do with the law. It means simply that ITRAAC looks more at dangerous places than it does at those that are less dangerous.

Mr. Rotenberg went on to comment that the number of proposals that are denied for graduate student international travel is so small as to be negligible and not worth the time of this Committee. It is not the purpose of ITRAAC to deny travel; rather, it is to help students organize their thinking before they leave and to create student awareness of potential problems (such as how to get there and back if there is a shootout, if they will have a contact to help them get out, etc.). There are a very small number of cases where ITRAAC asks if the student knows what is going on in the country and whether his or her research is worth going to that country at that time. One can call the process bureaucratic, but ITRAAC seeks to have the student think about and write down the arrangements and whether the proposed travel is the best way to conduct the research. The overwhelming preponderance of the proposals are approved but there are a number that are amazingly poorly prepared, that have given no thought to the risks involved. Any student can go without University support or University credit—it is a free country—but ITRAAC asks people to stop and think.

Professor Bearinger said that Professor Gini has pointed out the need for clarification, which should include matching the level of responsibility with the level of risk. She said that as a parent, she is glad the University looks after students, but as a faculty member, she wonders what her liability is.

Dean McQuaid said that many faculty and departments know about the policies and there is a high level of compliance—especially if there has been an incident involving a student. She and Ms. Tsantir go out weekly or more to explain the policy to departments. She has tried to respond to Professor Gini's questions, she reported, but cannot meet all of her requests. She said she was at the Committee meeting to talk about the importance of the policy, not line-by-line provisions, and emphasized again that the goal is to be sure that students are safe when they travel.

If one assumes good intentions, Professor Bearinger said, perhaps there are ways to revise the policy and change inconsistent and ambiguous language, which may, in turn, increase adherence to the policy at the college and departmental level. It is not clear that at the faculty level people know how to implement the policy.

Professor Gini inquired whether the policy or the procedure is most important if there is a conflict between the two. She also said that the release form is insulting; it just releases the University from liability.

Professor Thomas commented that there are differences among graduate students. Some are just out of college while others are older and independent. The notion is that everyone must be protected. She said she occasionally has to do bureaucratic things she thinks are ridiculous or foolish, but which are necessary to ensure that all members of the community have the same understanding of the policies and expectations. The tasks that don't seem silly to her may seem so to another individual with prior expertise in the area. The policy must be based on the assumption that a student will not automatically understand what is needed.

Dr. Wahlstrom agreed with Professor Gini that there is ambiguous language in the policy. What does "at the behest of the University" mean? She drew a parallel with Responsible Conduct of Research training, where the discussions can bring ambiguous language to the surface and help clarify it.

Professor Flink said he could understand the concerns about safety. He also understands that when students have been barred from travel to a region because of safety concerns have been de minimus. However, AF&T must remain concerned and vigilant about the edges and the slippery slope in cases touching on academic freedom. It wants to make sure barriers are not arising that may inhibit student research. Everyone must be remain aware that bureaucracy can become too much. That might not be the case here, but the policy did raise yellow flags with AF&T. The University can tend to use legalistic language that does not improve understanding but instead reduces it. AF&T wants to be sure that the policy does not stifle innovative research.

Professor Thompson said that her department discusses sending students to risky places and they understand there are times when the risk is increased and students should not be sent there. They discuss as a faculty the fact that the State Department standards are set so low that a country is still safe for a student to do research in and they want to send students there. They wonder what the legal risk is.

Mr. Rotenberg reported that some CIC (Committee on Institutional Cooperation, the Big Ten schools plus the University of Chicago) schools impose a blanket ban on students traveling to any country on the State Department's list. The University of Minnesota exercises a judgment rather than impose a complete ban. The question is what liability ensues if the institution does not defer to the government's standard. If the University takes reasonably prudent steps and helps the student take the necessary precautions, but something tragic occurs and the student or the student's estate sues the University, he will defend the University and believes it would win. That would not necessarily mean the University would end up free of liability in all cases. But to NOT take those prudent steps means the University would pay—and the events would be a tragedy and a great loss in human terms. "None of us wants that on our conscience," he said. When there is a tragedy on the front page of the newspapers, people will ask why the University's procedures were so inadequate, and then the president receives calls asking for an explanation. But, he emphasized, the strong bias of the University is to allow the research to be conducted.

Professor Bearinger recalled that when Dean McQuaid visited the Committee several years ago, she told the Committee that the University could not always respond when asked if it knew if it had students or faculty members in countries in conflict or a natural disaster, such as the tsunami in Japan. Dean McQuaid agreed, saying that the impact of these newer policies and the effort to educate people about them, is that they now do know more about where people are when any kind of disaster strikes.

Professor Thomas observed that the questions Professor Gini has raised are different from those raised by AF&T. Professor Miksch concurred but said it was helpful for her and Professor Flink to be at this meeting to hear this discussion. AF&T will look at the issue of academic freedom for graduate students.

Senior Vice President Jones commented that everyone here values academic freedom and that with it comes the academic responsibility to protect students. It is never ITRAAC's intent to substitute its judgment about academic issues and it may be that a clear statement to that effect is needed. Professors Flink and Miksch agreed and said that AF&T will draft some language for the procedures and application.

Professor Bearinger thanked everyone for joining the meeting and adjourned it at 4:00.

-- Gary Engstrand

University of Minnesota