

Minutes*

**Senate Consultative Committee
Thursday, April 18, 2013
3:00 – 4:30
Room 238A Morrill Hall**

- Present: Sally Gregory Kohlstedt (chair), Peter Bitterman, James Cloyd, Chris Cramer, Will Durfee, Nancy Ehlke, Ann Hagen, Michael Hancher, Joe Inhofer, Russell Luepker, Adam Matula, Alon McCormick, Cynthia Murdoch, Amy Olson, James Pacala, Rebecca Ropers-Huilman, Moshe Volovik
- Absent: Ben Baglio, Avner Ben-Ner, Brandon Breuer, Nicole Conti, Gyaltso Gurung, Elaine Tyler May, Jeff Ratliff-Crain, Thomas Sondreal
- Guests: Professor Chris Uggen (newly-elected Committee member); Deputy General Counsel William Donohue; Bernard Gulachek, Brittany Lloyd (Office of Information Technology);
- Others: Becky Hippert (Senate Office); Lynn Zentner (Office of Institutional Compliance)

[In these minutes: (1) statement on a smoke-free campus; (2) new Board of Regents' policy "Safety of Minors"; (3) information technology priorities]; (4) University Senate docket]

1. Statement on a Smoke-Free Campus

Professor Kohlstedt convened the meeting at 3:00, introduced Professor Uggen and Ms. Hippert, and began the discussion by observing that there was, in the docket of the May University Senate meeting, no statement for action on the subject of smoking or tobacco use on campus. She reported that she had looked at statements on the subject at some of the University's peers and liked best the one adopted by the University of Michigan, which calls for a smoke-free campus, not a tobacco-free campus and has what seems to be appropriate compliance language with clear exceptions.

The Faculty Consultative Committee developed a proposed resolution for the University Senate which it proposes to this Committee for inclusion on the docket, Professor Kohlstedt said. She noted that it, like the Michigan statement, calls for a smoke-free campus, because it is second-hand smoke that is a danger to others, not other tobacco products.

The Faculty Consultative Committee supports, in principle, a campus-wide commitment to a smoke-free campus environment. We recommend a few exceptions, such as smoking inside a personal vehicle and on sidewalks adjacent to public thoroughfares. Adherence to the policy is through voluntary compliance, along with peer and supervisory support, rather than fines or other means of enforcement.

She asked for comments.

* 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.

Mr. Volovik asked what a public road is. Professor Bitterman said that FCC suggests the term "thoroughfare" rather than road because it is intended to apply to roads that originate outside the campus and continue next to or through it. A road, by contrast, is within the campus. The term thoroughfare is commonly used in that context. Professor Kohlstedt said the terms may need to be clarified; she said that the Michigan campus is similar to the Minnesota campus in that part of it is isolated from the city and part of it is in Ann Arbor.

Ms. Hagen said that one potential problem she has heard about is that the University could become "light rail's ashtray" because people could get off the trains to smoke if the campus does not ban smoking. She also asked about the treatment of patients who smoke a great deal; her college (Dentistry), for example, could lose a lot of revenue if patients are prohibited from going out to the street to smoke, because they won't come to the clinics if the ban is imposed.

Mr. Matula asked if other institutions have designated smoking areas; Professor Kohlstedt said she didn't see them in the other policies, which is the reason private vehicles are an exception.

Mr. Volovik said he was not comfortable with any resolution that bans outdoor smoking. If someone is addicted, why ostracize them even more? He said he would support the idea of designated smoking areas.

Mr. Matula said he was supportive of the resolution because Boynton Health Service can demonstrate that second-hand smoke is harmful. As for a thoroughfare, the University can't control what happens on them anyway. Professor Kohlstedt said she believes that Boynton is ready with signage if a policy is adopted. The Michigan statement is clear that compliance is voluntary, as is the draft presented here; there will be no fines or people taking cigarettes from someone's hand.

Professor Durfee asked if it is too soon to know whether there is a measurable health impact on such bans at the 825 institutions that have adopted them. He said he would guess it is a long-term effect. Professor Pacala said it is, about 20 years. Professor Bitterman said, however, that it is possible to obtain data for respiratory infections within a year. There are also claims that the amount of smoking declines and there was increased participation in smoking-cessation programs, Professor Kohlstedt reported, but voluntary cessation would not be measured. So the goal is to reduce the number of smokers, Professor Durfee concluded.

There are also civil-rights aspects to the issue, Professor Bitterman said. When patients come to health-care facilities with an oxygen tank, it is very uncomfortable for them to come through a doorway surrounded by smokers.

Professor Pacala said he hopes the University would not shy away from the health-promotion aspects of smoking for faculty, staff, and students. Smoking is the number one health issue that affects life expectancy (which is reduced 6.6 years for smokers). He said he hoped that voluntary compliance is coupled with strong messages that help is available. He said he feels strongly it is time the University took this step.

Part of the question relates to people who are invited to the campus, Professor Cloyd said. Who owns the land around the hospital, for example? Mr. Donohue, from the General Counsel's office (who had joined the meeting for the next agenda item) said that the city owns the land. What is the University's jurisdiction over it, Professor Cloyd asked? When asking for voluntary compliance, Mr. Matula asked?

It is not a question of asking for voluntary compliance, Professor Cloyd said, it is whether the University has the authority to prohibit behavior on property that someone else owns or controls.

Professor Luepker, noting that he is in public health and testified recently in favor of the proposed increase in the tobacco tax, said that there is a worry about the rights of addicted smokers but there is also concern about the rights of others. The highest rate of smoking is among 18-25-year olds and it is that age group that is the target of tobacco-industry marketing. Colleges and universities have a problem with students starting to smoke. There is more exposure to second-hand smoke, and patient exposure outside the clinics and hospital. Finally, health care costs are significantly higher in smokers. This is about good health for all at the University.

Professor Kohlstedt asked for a vote on bringing the resolution to the University Senate for action. The Committee voted 15-1 in favor, with no abstentions.

2. New Board of Regents Policy "Safety of Minors"

Professor Kohlstedt welcomed Mr. Donohue to the table to introduce a proposed new Board of Regents' policy, "Safety of Minors."

Mr. Donohue began by explaining that he was present at the meeting to present the proposed policy because the president appointed him chair of a group to develop a policy. The background to the proposal is that President Kaler reported earlier in the year to the Board of Regents on how the University was complying with the recommendations of the Freeh report. The Freeh report was prepared after the child-abuse events at Penn State by former coach Sandusky; those events led to resignations, terminations, and indictments and the possibility that three high-level Penn State administrators will be convicted and spend time in jail. Those events give one pause, Mr. Donohue commented, so the president asked his group to look at how well the University adheres to the Freeh report recommendations concerning the protection of minors on campus. One recommendation is that the University have a policy.

The group that developed the policy proposal met seven times and heard presentations on the history of crime on campus, reporting requirements, data on the number of minors on campus, background checks, human resources, consulted with the coordinate campuses, and examined policies at peer institutions. One thing that was surprising to him, Mr. Donohue related, is the number of minors on campus, about 300,000 per year (excluding athletic and cultural events). That number includes about 114,000 in 4H, 35,000 in the College of Science and Engineering, 2,800 in summer camps, and 4,000 at coaches' camps. They heard from UMPD Chief Hestness that the crime rate on campus is quite low and declining; in ten years there have been 63 reports of criminal sexual conduct or sexual harassment. Of those, four involved minors; three did not result in any charges and the fourth one, in 2001, involved a graduate student molesting a minor. Chief Hestness' view is that those numbers are likely an underestimate, and the numbers from the Cleary Act data are somewhat higher, but not by much. In any case, the numbers are not large.

Mr. Donohue reported that the committee conclusion about the information it gathered was the crimes against minors on campus are infrequent, but when such crimes do occur they are among the worst that can happen because they have long-term effects on the victims. So they recommend a policy.

The heart of the policy lies in this language:

It is the policy of the Regents of the University of Minnesota to protect and provide a safe environment for children when they are on University premises, participate in University sponsored programs, or are in the care of University employees or University volunteers.

There are five implementation provisions; the proposed Board policy provides that the University "shall adopt administrative policies and procedures that address children's safety including, but not limited to:

- 1) Requiring all University employees and volunteers who have reason to believe that a child is being neglected or physically or sexually abused to make an immediate report of the neglect or abuse to a law enforcement or social service agency.
- 2) Requiring background checks of all University employees and volunteers who have significant contact with or supervise children on campus.
- 3) Requiring appropriate training for University employees on the identification and reporting of neglect, physical abuse, or sexual abuse of children and the notification requirements mandated by policy and Minnesota law.
- 4) Establishing appropriate requirements for the safety of children participating in University-sponsored programs.
- 5) Identifying and assuring compliance with all state or federal laws relating to the safety of children."

Mr. Donohue explained that part of #1 is also in Minnesota law: Educators must report sexual abuse if they see it; this policy expands that requirement to all University employees and volunteers who work with minors. Employees and volunteers are to report not to their boss or the president, they are to report to a law enforcement or social service agency. (One of the problems at Penn State was that people reported abuse to their boss but not the appropriate external agencies.)

Professor Kohlstedt reported that one question, from Professor Ratliff-Crain (who emailed the question although he was unable to attend the meeting), was this: "I'd think it [the draft policy] also applies to the large number of PSEO students who attend University classes (and may even live in residence halls) who are also under 18. They deserve the same protections, of course, but the policy becomes potentially unwieldy when considering these minors. Faculty, for example, don't necessarily know who are minors in their classes. So the question is (1) is the policy intended for non-enrolled minors and (2a) if so, how will that be clarified and (2b) does a separate policy need to be developed for enrolled minors and (2c) if not exclusive to non-enrolled what the implications are for all University employees who work with the significant number of PSEO students?" The policy language suggests "children," but most faculty members don't think of their students that way, Professor Kohlstedt observed.

Mr. Donohue said his committee talked about that question; the policy applies to anyone under age 18, whether PSEO students or any other minor.

Professor Durfee noted that the proposed administrative policy to accompany the Regents' policy (copies of which were provided to the Committee) exclude faculty members from background checks.

Mr. Donohue said that is the case, but if a faculty member works extensively with minors, the University will do a background check.

Mr. Volovik pointed out that any faculty member who teaches a class will have contact with minors. Mr. Donohue responded that the language speaks to "significant contact." Background checks do not come into play because a faculty member teaches a class of 100 students that happens to include 3 minors.

What a graduate student teaching a course, Professor McCormick asked? They would be treated like a faculty member, Mr. Donohue said. If a graduate student were involved in a summer program for minors, there would be a background check.

Professor Hancher asked about the inconsistency of the use of the term "minors" in the title of the policy versus "children" in the text; wouldn't it be better to use one term throughout? Mr. Donohue agreed and said he will suggest that change. He preferred the term "children," which is more hortatory, he added.

Professor Durfee inquired about #3; is the intent to train all University employees? Right now there is no education provided, Mr. Donohue said. The plan is to create web-based instruction as a first step. The goal is to get the appropriate language into University policy so it can have training programs. He recalled, however, that sexual abuse of minors appears not to be a major problem at the University so they do not want create a big burden on people for something that is not a big problem.

Professor Cloyd commented that he had heard nothing about the provision of health care for children; including them would dramatically change the numbers of minors on campus. Mr. Donohue said he believes that everyone who delivers health care has a background check.

Professor Luepker asked how this policy interacts with the University's policy on sexual harassment that applies to students and employees. The two policies do not have the same reporting requirements. Mr. Donohue agreed that they are not the same. For example, Professor Luepker said, if a faculty or staff member is involved with a 17-year-old, is someone responsible to report to the dean or chair or to the police? Both, Mr. Donohue said. In such cases, the question of the age of consent also arises.

Professor Kohlstedt thanked Mr. Donohue for presenting the draft policy. He said that if Committee members have any suggestions about the policy, they should contact him.

3. Information Technology (IT) Priorities

Professor Kohlstedt welcomed Mr. Gulachek and Ms. Lloyd to the meeting to discuss information technology priorities.

Mr. Gulachek said that they wished to talk with the Committee members about their priorities in information technology and what the University should focus on. He posed three questions:

1. What is the University not now providing that it should?
2. If the University is providing something but it is substandard, in which things should it increase its investment?

3. Given the fact that there will be no increases in funding available for administrative costs, and that they try to be as efficient and effective as they can, what are people willing to give up in order to obtain new things or to increase investments in what is currently available?

The University, across the system, invests about \$200 million per year in information technology, Mr. Gulachek told the Committee. The investment is broadly distributed, in three categories: about one-third to the central information-technology unit (which provides enterprise services, among other things), about one-third is spent in the collegiate units, and about one-third is spent in administrative units apart from the central Office of Information Technology (OIT). The challenge for them, in seeking efficiency and effectiveness, is to be sure that all the technology people across the University are rowing in the same direction, so the redesigned governance model is intended to achieve that objective. That governance process is intended to gather information from all parts of the institution about what the priorities should be. Their office also released an electronic survey this week seeking views. They will distill the results of their consultation and discussions into themes so that the senior leaders can identify priorities and talk about funding models, after which they will gather support from the technology people. Today he would like to hear the Committee's views on priorities.

Professor Hancher said that he recalled being in this same conversation in another decade. Setting aside for the moment the question of technological support of research, which is extremely important, there is the classroom to consider: classrooms typically do not have computers. (Exceptions include the Law School and the Carlson School.) Instructors have to bring in the computers needed to run the system--often their personal computers. It was remarkable ten years ago that many classrooms did not have computers; it is even more remarkable now. One piece of low-hanging fruit for them would be to provide such equipment for classrooms; the current arrangement is archaic.

Professor Luepker said, first, that the University's search engine is the worst he has encountered. Second, he serves on informatics committees in the Academic Health Center; what is the relationship between their office and health-sciences informatics? Mr. Gulachek said that OIT will provide the core infrastructure technology, storage, and high-performance networks (e.g., for the Clinical and Translational Sciences Institute).

Professor Ehlke reported that poor wireless is a problem; faculty members want to use it in teaching.

If this is a zero-sum game, Professor Cloyd said, he cannot intelligently answer the question of what he would be willing to give up for higher priorities. Do they have a menu of choices? They do, Mr. Gulachek said, and he will provide it to the Committee. They were involved in a discussion earlier today on that same point and some suggest that computer labs may not be needed any longer. Others ask if telephones are still needed. Professor Cloyd said he does not know how things are bundled. Mr. Gulachek agreed, and said that this is a difficult question because of the direct and indirect nature in which users encounter technologies—and that it's hard to determine what one might be able to "live without."

Professor McCormick said that for educational activities, it is important that there be people within the college where faculty and staff can quickly get help. Sometimes "you just need to show me." "Just-in-time" help is needed, Mr. Gulachek agreed. Professor Kohlstedt also agreed, noting the need for infrastructure so that people can learn what they need when they need it (such as classes on Moodle, etc.).

And faculty members are good at spreading the word among their colleagues, Professor McCormick added.

Mr. Volovik said, apropos of computer labs, that one can often walk into any of the computer labs on campus and there are no computers available. They are used heavily. Mr. Gulachek agreed.

Professor Uggen suggested having some centrally-provided support and expertise for open-source software programs, such as the statistical software package R. If more faculty and students gain expertise using such free or low-cost programs, it will likely bring long-term savings.

Professor Hancher said that the research question is immense. Vice President Herman, in recent comments to this Committee, said the University is not prepared to support what will be needed for research in five years. What is needed will require a very large investment, much larger than what is required for classrooms; is this question part of the discussion? It is, Mr. Gulachek affirmed.

Professor Cloyd said that PIs are held accountable for how they spend money on grants and contracts—but the reports they receive are incomprehensible, with long chains of numbers and numbers that do not make sense. The closer they can get to providing the answers PIs need (e.g., the amount of debt, whether they are paying the right people), the better off they will be. Ms. Hagen added that there is also no mechanism for a PI to sign off on a grant, so the department accountant signs, someone who knows nothing about the research being conducted.

Ms. Lloyd said that the survey they just sent out can help identify priorities and how important things are to people. They will be able to see where many people do not value something. But that will be complicated, Professor Kohlstedt cautioned, because what a majority may rank as a low priority may be critical for the work of a few. Mr. Matula said they also need to be careful not to identify as a low priority things that people take for granted in their work.

Professor Kohlstedt emphasized that the telephone in the classroom, with a quick-response service for technology problems, is critically important.

Professor Kohlstedt observed that they are receiving a great deal of feedback. Is the Senate Committee on Information Technologies a good vehicle for consultation as well? It is very valuable for discussions of information-technology management across the institution, Mr. Gulachek said

Professor Kohlstedt thanked Mr. Gulachek and Ms. Lloyd for consulting with the Committee.

4. University Senate Docket

The Committee approved the University Senate docket without ado and Professor Kohlstedt adjourned the meeting at 4:20.

-- Gary Engstrand