

Minutes\*

**Senate Research Committee  
Monday, November 4, 2013  
2:00 - 4:00  
238A Morrill Hall**

- Present: Maria Gini (chair), J. Michael Autry, Arlene Carney, Jayne Fulkerson, Daniel Habchi, Goran Hellekant, Philip Herold, Seung-Ho Joo, Frances Lawrenz, Hinh Ly, Amanda Maxwell, Richard Nho, Suzanne Paulson, James Orf, LaDora Thompson, Kathleen Thomas, Kyla Wahlstrom, Joel Waldfogel
- Absent: John Bischof, Brian Herman, Brian Johnston, Michael Kyba, Tucker LeBien, Scott McIvor, Emily Saunoi-Sandgren, Michael Schmitt, Thomas Vaughan, Lynn Zentner
- Guests: Provost Karen Hanson; Professors James Allen, Barbara Elliott, and Melissa Walls (University of Minnesota Medical School, Duluth), Professor J. Michael Oakes (School of Public Health, Institutional Review Board Vice Chair); Professor Karen Miksch (co-chair, Senate Committee on Academic Freedom and Tenure); Peggy Sundermeyer (Office of the Vice President for Research)
- Other: none

[In these minutes: (1) nominations for the national academies and other awards; (2) research with Native Americans; (3) draft shield amendment to the Minnesota Government Data Practices Act; (4) research infrastructure]

**1. Nominations to the National Academies & For Other Awards**

Professor Gini convened the meeting at 2:00 and welcomed Provost Hanson to join Vice Provost Carney in a discussion about nominating University of Minnesota faculty members for the national academies and other national and international awards.

Provost Hanson began by saying it is extremely important for faculty to be of one mind about the value of nominating colleagues for awards; in addition to recognizing the individual, such awards lift the unit and the entire University. They also help attract faculty and students. Some faculty members may not feel that way and she would like to engage them on the issue. When she and President Kaler came to the University, they felt there were many faculty here who were ripe for national academy membership who were not being nominated. It is important for faculty to make nominations because it is important for faculty members to be recognized, but it is also good for the University community. Vice Provost Carney has a staff member and volunteers putting in efforts to increase the number of nominations; Provost Hanson said she would welcome suggestions for recognizing faculty members at the level they should be.

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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.

Vice Provost Carney said that she has had a coordinator for faculty awards since 2006; the position is currently occupied by Dr. Chris Bremer, who is in her first year. She coordinates the teaching awards and the McKnight professorship program as well as external awards. They have talked about how to build people to the point where they can become nominees for the national academies. They look at faculty members in their careers and ask if they are moving forward (such as receiving mid-career awards so they can later be nominated for the national academies).

The national academies are different from other national and international awards in that only fellows of the national academies may make nominations, Dr. Carney said. Provosts offices are generally not welcome in the process. Dr. Bremer is working with Professor Emeritus Martin Dworkin (a member of the national academies) to assist the University in getting more people nominated; they have met with every member of the national academies at the University of Minnesota to ask for their insights. Dr. Bremer will show faculty members what they need to assemble for a nomination but the work must be done by the nominators. Dr. Carney noted that Provost Hanson has asked for the names of potential nominees and Dr. Bremer met with department heads about nominations, with mixed success. Some departments are secretive about their responses while others are enthusiastic. Dr. Bremer provides information and can facilitate the process, but the nomination must come from the department. The provost's office is happy to work with departments to help obtain outside nominations. The national academies are dominated by members from the east and west coasts; the Midwest is dominated by Michigan, with Wisconsin, Illinois, and Minnesota quite a ways behind. Making the nominations takes effort from a number of people, but for anyone who wants to make one, Dr. Bremer will do all she can to help. Dr. Carney commented that there have been faculty members at the University who are members of the national academy decline to be co-nominators, which makes the task even more difficult.

There have been occasions when deans have taken on the responsibility for getting nominations made, Dr. Carney said, and they were successful. They need a group of individuals to work together on nominations and they will continue to tap the national academy members for help. They are analyzing the CVs of national academy members to learn what they did earlier in their careers, and it is apparent that being nominated for more awards positions people for later nomination to the national academies. The University clearly has a number of faculty members who are of sufficient stature to warrant membership in the national academies.

Professor Gini asked what insights they had gained from looking at the CVs. Did these people earn McKnight awards? Other awards? Dr. Carney said they won prominent awards in their field. The McKnight awards include external reviewers but nonetheless internal awards do not count as much toward national academy membership. And some fellowships are worth more than others. What is needed are nominators willing to write the right kind of letter.

Provost Hanson said the University needs a culture of nominating people; that is how units build skills, and that may mean bringing in faculty from outside, but they are a way to lift up a department. The nominations are a lot of work that a department must take on. There are other national awards as well and faculty members must think about their colleagues and nominate them.

Professor Ly reported that he came from an institution that decided it needed a critical mass of academy members, so it recruited a large number of them. It is a controversial practice to "buy" national academy members, and internal members are very important—they must be well-known in the field to nominate successfully, and the nominee must be active in the field. This is not something that happens

overnight. Vice Provost Carney said there are a number of faculty members at the University who meet the criteria for membership and observed that there is more than one strategy to increase the numbers; some institutions have a critical mass and make many nominations. Provost Hanson agreed that it is a long process and also a matter of building a successful career—and it is good for faculty members in their field. Dr. Carney said that some departments are exceptional in that they nominate faculty members for all levels of awards; some, however, do not, and it is more difficult for smaller departments to do so.

Mr. Habchi asked if it is better to have more external nominees or more external awards, rather than internal awards. That is what they have found, Dr. Carney said. As Provost Hanson pointed out, when someone writes internal nominations, they learn about building a case of excellence for someone that they can use in the next step, which is nominating for external awards.

Professor Gini asked if there are best practices and how departments might be encouraged to make more nominations. Dr. Carney said that successful departments have a standing awards committee that always makes nominations. If a department does not do that, it is not clear how they will consistently make nominations. If a department makes many nominations, it becomes easier with practice and they learn what stands out in a record and what might be missing. They also provide mentoring to move people to the next stage in their careers. Smaller departments need to discuss the strategy they will use; in some cases there are "haves" and "have nots" and some have faculty members take turns in being nominated—which can be unsuccessful if a department nominates someone who is liked by his or her colleagues but who has little likelihood of receiving an award.

Even without a standing committee, Provost Hanson said, it is worth an individual's time to nominate a colleague. A dean will view a department as stronger if its faculty members win national awards.

Professor Ly reported that Emory University had an event where they invited Nobel laureates and national academy members to meet with faculty so that they could attach faces to names when it came time to vote on nominations.

Professor Gini thanked Provost Hanson and Vice Provost Carney for their report.

## **2. Research with Native Americans**

Professor Gini now welcomed Professors Allen, Elliott, and Walls to the meeting (by Google hangout from Duluth) to discuss issues associated with research with Native Americans. Professor Hellekant explained that he had worked with Professor Elliott to develop a motion for consideration by the Committee and said that Professor Elliott and her colleagues have done an excellent job of contributing to the well-being of the Indian nation.

Professor Hellekant provided the Committee with a draft statement and recommended motion that he and his colleagues prepared (between the \* \* \*).

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### **University connections and work in American Indian settings**

Our work at the Medical School in Duluth is structured around the mission of preparing physicians for rural and American Indian settings. This mission extends to research, where our faculty and students in these culturally distinct settings use Community-Based Participatory Research (CBPR). Research in these settings is predicated upon establishing trust and open collaborations across government-to-government relationships and institutional boundaries. Institutional structures at the University of Minnesota associated with its research infrastructure, and its tenure and promotion process can pose barriers to these efforts. Thus we propose the following motion.

Suggested motion:

Because CBPR entails significant community engagement efforts to establish genuinely trusting and collaborative partnerships, SCR will

(1) Request the Public Engagement Council include members who have successfully engaged in CBPR, and in particular, TBPR (Tribal Based Participatory Research).

(2) Investigate ways in which CBPR efforts can access:

a. IRB structures for navigating the multiple permission structures typical to this research.

b. Promotion and Tenure policies that recognize:

-- The impacts of the time and effort demands in CBPR and the tribal review of research on the tenure clock.

-- The research products of community engagement as valuable scholarship.

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Professor Elliott noted that there have been questions raised about how the University can better partner with external communities in research, and for her and her colleagues that includes research with the Native American community. There are concerns about how to assure this research can be completed most effectively and efficiently. She called on her colleagues who are currently invested in this work to speak to the challenges of the research.

Professor Allen said that he works with tribal groups in Alaska and faces issues shared across the University: how to evaluate community-based research within the P+T procedures. The timeline is longer because there is tribal involvement in developing proposals as well as tribal review of any resulting publications. These present issues are of great relevance, with broader implications to all University faculty who engage in research with health disparities populations and other research with disenfranchised groups. Similar to tribal settings, participatory approaches and the establishment of trust are necessary preconditions for successful research relationships. Furthering this research is critical given its potential as high reward research with significant social and health impacts. One concern is how University procedures can facilitate or hinder such research; the other is how not to have community-based research become a disincentive for tenure. There are national models evolving at several institutions, including University of New Mexico, Michigan State University, and University of Wisconsin, among others, and as a department head, he is interested in what could be placed in 7.12 statements to acknowledge research products and effort associated with CBPR as scholarly work for consideration in the P&T process.

Professor Jennings-Johnson said she is currently working with the Choctaw Nation and others, as well as Indigenous organizations to develop grants in the research process. This requires a lot of time in order to fully develop the partnerships and build trust. There is time pressure on faculty to accomplish the research; however, the tribes maintain ownership of the data and must pre-approve any manuscripts for publication.

Professor Walls said that she has three funded grants and works with 10 Native American communities, and agrees with the difficulties that have been identified in the previous comments. Another issue she noted is educating the community of scholars about doing this kind of research.

Professor Jennings said that he works with Native American non-profit organizations; the same issues come up, although he is not always dealing with sovereign nations. There has been considerable unethical research done with native communities in the past, he said, so the Native American community is careful about becoming involved in research projects. As a result it takes a lot of time to engage the tribes. There can also be difficulties with the internal IRB, which may not understand this kind of research, and with multiple IRBs that may need to approve the research. Respect for the communities and how to approach them is very important; they want to know that researchers are committed and will help them, not just make a career out of compiling data and research.

Professor Oakes said that the idea of community-based research is often a matter of perspective, not methodology. One key distinction is that the research subjects are also research partners, which makes it difficult for the IRB to deal with the question of who the researcher is and who the subjects are. Some universities have handled community-based research poorly, but he does not believe the University of Minnesota is on that list, because the IRB has tried to understand CBPR and the related research that is conducted by the Medical School faculty at Duluth, and UMN more generally.

There is an issue of how the University's IRB interacts with other IRBs, Professor Oakes said. Ms. Dykhuis (Director, Human Research Protection Program) and others in IRB leadership positions take the position that, in most every case, researchers at the University must obtain approval for covered research from the University IRB. There are collaborative agreements with other institutions, some of which cede review to those institutions. One will be the prime site, and in that case, if there is a collaborative agreement, the job of the University IRB is to ensure that a researcher is in good standing. The University's IRB is accredited by the Association for the Accreditation of Human Research Protection Programs, the only IRB in the state that is accredited, so it is reluctant to cede authority to other IRBs in Minnesota, even while respecting the work of those other IRBs.

If they receive a request from a faculty member at Duluth, they first make sure the research is covered, Professor Oakes said, because not all research is subject to IRB review. The University's IRB would be reluctant to approve a study that a tribal IRB had not approved. The IRB must follow federal regulations and Board of Regents' policy, so must also work with tribal and other IRBs to make sure they are followed. They work hard to follow other IRB requests if they follow federal law, although it is possible to waive certain aspects of the consent process if the rules for doing so are followed. He concluded that the process for tribal and CBPR "works pretty well" at the University of Minnesota.

Vice Provost Carney said that with respect to the tenure aspects of community-based research, this Committee has nothing to say about changes in the tenure policy, and what is being sought is general endorsement of concepts. She just approved a 7.12 statement for the Medical School at Duluth, which

would have been the time to explicitly introduce language about community-based research, but said she did not recall anything in the statement that suggests such research is not valued. That kind of decision, to value certain activities, must be made at the unit level, and there are such statements (the 7.12 statement from the Department of Family Social Science is an exemplar). It is possible to change 7.12 statements to say that certain kinds of research are valued.

The proposal that has been presented to the Committee today is difficult, because it suggests extending the probationary period because of the kind of research being done, Dr. Carney said. Section 5.5 of the tenure policy is for caregivers, and this change would require discussion—and it is not just about tribal-based research, because this is just one occasion when the question has arisen. To endorse this proposal would require a major change in the tenure policy, but the time for discussion is here. There has been a recognition of clinical responsibilities, so clinical faculty have a longer tenure clock, as do faculty in the Carlson School of Management. The difficulty will be defining what community-based research is, Dr. Carney said. That cannot happen today but will be required if a provision of the tenure policy recognizes this kind of research as requiring a longer probationary period. She said she did not want to preclude unit discussions, and while there are many constraints, departments can recognize this kind of research as important.

Professor Orf said he has participatory research with a number of grants; his question is whether this is the only kind of research that would be considered for different treatment. Faculty members may have other kinds of research that is part of their scholarship program.

Professor Allen said that CBPR is becoming the standard for what is expected in these communities. Professor Orf said the question is when one looks at individual faculty members, are there other research programs or grants that should be considered beyond participatory research. He said he works with developing crops for the organic community, and also works on plant genetics as well as other research.

Professor Elliott said they have used multiple methods, and it is appropriate to do so depending on the questions being investigated. But today, the Committee is hearing from colleagues that the research they are pursuing in these settings needs to be CBPR to meet ethical and tribal expectations. Professor Allen said there are currently few if any funded projects operating in tribal settings that do not embrace a CBPR perspective, and that tribal review and input is necessary; the research relationship with tribes occurs within the framework of a government-to-government relationship. Professor Elliott said there is an opportunity for the University to consider how the IRB process can assure that the requirements of multiple IRBs can be met efficiently, and also how faculty can be appropriately recognized in the promotion-and-tenure process, so they brought the proposal to this Committee to make recommendations for infrastructure changes.

Professor Gini asked, apropos of the document, if it reflects the mission of the Duluth Medical School or if anyone could be a part of it. Professor Elliott said it reflects the perspective of the Duluth Medical School. Vice Provost Carney noted that faculty members on the Duluth campus outside the Medical School and College of Pharmacy (as well as the faculty at Crookston) do not follow the promotion-and-tenure procedures for the other campuses.

Professor Gini said she saw three points. (2)(b) deals with University tenure policy; (2)(a) deals with the IRB process, and (1) is something they are requesting. Professor Elliott said it is their perception

that the Public Engagement Council includes CBPR, but not the perspectives of those doing tribal research. So they are not included but wish to be, Professor Gini asked? Dr. Carney said the Council has faculty representatives who do community-based research; are they asking for experience with Native Americans? She suggested that a conversation with Associate Vice President (for Public Engagement) Furco could be just as productive. They can certainly do that, Professor Elliott said.

Professor Oakes said that with respect to the IRB system, which includes the Duluth campus, they would welcome CBPR work with open arms, and if that has not been true, he would like to know it so that he can help remedy the situation. Professor Allen appreciated what they are conveying to the research community and looks forward to getting further information on how the IRB proceeds in work with tribal communities, and appreciates their guidance and understanding in work with projects in which decisions about the research are a shared process with communities and co-researchers. Professor Oakes said there is an FAQ on Associate Vice President Furco's website about how to work with CBPR and on the main IRB website as well. There is not specific guidance about working with tribal communities but he would be glad to have that conversation and develop more nuanced FAQs.

Professor Gini suggested that Professor Elliott and her colleagues talk with Dr. Furco, as would the Committee. She urged that they stay connected with Professor Oakes about the IRB. The tenure question is more complicated and requires a discussion with the Senate Committee on Academic Freedom and Tenure.

Professor Fulkerson noted that she is the Committee's representative to the Public Engagement Council and said she would be glad to help those who are doing work with Native Americans. She does community-engaged work, although not CPBR, so does understand the issues.

Professor Gini thanked Professor Elliott and her colleagues for meeting with the Committee.

### **3. Draft Shield Amendment to the Minnesota Government Data Practices Act**

Professor Gini welcomed Professor Miksch back to the Committee and recalled that it had previously discussed with Professor Miksch a proposal to draft an amendment to the Minnesota Government Data Practices Act to protect scholarly work in progress. The Committee on October 7 invited Professor Miksch to draft a proposal; she brings it to the Committee today.

Professor Miksch reiterated points she had made before: most all believe in openness in government and support the law, but there are times in the conduct of research when faculty members and others at the University doing research are not ready to have correspondence and preliminary work open to public view before the research is complete. She presented a proposed draft amendment to Minnesota law and invited the Committee to decide if it wished to support the proposal; if it does, she would ask for similar support from the Senate Committee on Academic Freedom and Tenure and then bring it forward to the Faculty Senate. The proposal read as follows (between the \* \* \*):

\* \* \*

Introduction:

Recent efforts to obtain the emails of Michigan and Wisconsin public university professors by the Wisconsin Republican Party and the Mackinac Center for Public Policy were denounced by the American Association of University Professors (AAUP) as likely to chill academic freedom. In addition, in other states a variety of research has been subject to open records requests, including: research notes, email communication between co-authors, manuscripts in progress, and confidential information collected pursuant to an Institutional Review Board (IRB) approved human subjects proposal. While reaffirming faculty, staff, and administration commitment to openness, those of us who teach and conduct research at the University of Minnesota are concerned that if these types of requests were granted in Minnesota, it would have a chilling effect on creative and cutting edge scholarship and teaching at the University. Several states, including New Jersey, Ohio, and Utah shield unfinished creative and scholarly research. We request that the Minnesota Data Practices Act be amended to shield human subject information protected by an IRB approved protocol, as well as unfinished research, creative works, and scholarly communications. Our intent is to balance the public right to know with academic freedom and research integrity.

Draft of proposed language to amend the Minnesota Data Practices Act:

The following records of an institution within the state system of higher education, which have been developed, discovered, created, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution are shielded:

- (i) unpublished notes, data, and information relating to research;
- (ii) unpublished notes, data or information related to a sponsor or sponsored research;
- (iii) confidential information contained in research proposals;
- (iv) confidential information subject to an approved Institutional Review Board (IRB) protocol;
- (v) creative works in progress;
- (vi) unpublished manuscripts; and
- (vii) scholarly correspondence.

\* \* \*

The statement seeks to balance openness and research integrity; she added item (iv) following concerns expressed at the earlier meeting about potential inhibition of research if IRB-related research protocols must be made public before research is completed. Professor Hellekant said, apropos of item (iv), that research protocols using animals contain just as much confidential information as those using human subjects and he encouraged Professor Miksch to expand the language to include such research. Researchers must outline in detail every element of a research proposal, and if those details are public, others could pick them up and use them. Professor Miksch agreed with the point and said she would revise the language accordingly.

Professor Waldfogel said he believed it is an excellent idea to shield this work, but it should also be clear that the finished work will be available to the public. Professor Miksch agreed and said the idea could be paired with the open-source framework; they want the work to be accessible and they want it to be peer-reviewed.

Professor Orf noted that there is also the NIH protocol requiring that journal articles be provided to open-source sites as well as any underlying data summary, but not the raw data or the research



notes. Professor Miksch agreed and pointed out that this amendment to state law could not change federal regulations.

The Committee voted unanimously to endorse the proposal and asked Professor Miksch to bring it to the Senate Committee on Academic Freedom and Tenure for action as well. Professor Gini thanked Professor Miksch for preparing the proposal and presenting it to the Committee.

#### **4. Research Infrastructure**

Professor Gini now welcomed Dr. Sundermeyer to the meeting and turned to her and to Associate Vice President Lawrenz to lead a discussion of research infrastructure. Committee members were provided a handout.

Dr. Sundermeyer began with definitions of resources to support research.

**Research infrastructure:** Major research services, equipment and associated technical support staff that constitute direct components of the research and scholarly efforts that further the U's mission. They received feedback on this definition and determined that it does not have to be interdisciplinary to qualify nor need it be shared; it can be something a PI needs.

#### **Excludes:**

- Buildings or major renovations; general facility services
- Transactional systems and support personnel (e.g. EGMS, SPA) (because these are supported through the cost pools so are not what they try to support for the research infrastructure)
- General, non specialized library & IT services
- Infrastructure that primarily supports teaching, learning, clinical care or outreach (but it can have teaching/learning or clinical care as components)

**Core facilities:** Shared research resources that provide services and training for instruments, technologies, or collections to investigators. (The emphases are on shared, that provide services and training, Dr. Sundermeyer said.

Dr. Sundermeyer reported the resources that exist to support research.

- I3 grants: \$18M (\$12 OVPR; \$6M collegiate or dept funds)
- 11 awards in 4 categories: Arts & Humanities, Data/info Organization, Imaging, Social Sciences; across 10 TC Colleges/Schools and UMD
- MN Supercomputing: \$3M
- Research Informatics Support System: \$4M
- MN NMR upgrade & expansion: \$7M
- RII grants: 10 awards, 7 Colleges & \$ 3M
- Lab remodeling:
  - 1<sup>st</sup> round: 10 funded in 7 colleges for \$14M
  - 2<sup>nd</sup> round: 18 funded in 9 colleges for \$7M
  - 3<sup>rd</sup> round: St Paul labs

There are never enough funds to go around, Dr. Sundermeyer commented, and whenever there are proposals, many are great, but they have to draw the line somewhere.

They tried to identify what is needed and conducted surveys in 2007 and 2012. What they learned was this:

- Infrastructure is very idiosyncratic, no obvious patterns in:
  - ISO/External sales
  - Number of users
  - Costs
  - Reporting lines
- 51% of respondents were neither ISOs or ESOs (the primary support comes from a department or a grant and are considered a core facility because it was not being shared and charged no user fees)
- 80% have specialized staff – median number is 2 (many have grown up organically)
- More information on responses are at <http://z.umn.edu/corefacilities>

Dr. Sundermeyer reported on findings from meetings with directors in spring 2013 about the resources to support research:

- Development has been organic, not strategic (although they may serve strategic goals)
- Hubs for interdisciplinary activity and interactions
- Developmental research on limited basis
- Skills training to a variety of users in a variety of ways
- Inefficiencies around administrative operations (billing, scheduling, etc.)
- External sales potential hasn't been maximized
- Subsidies are uneven and don't scale to usage/users (some colleges subsidize these resources more than others, which can cause sustainability problems and a sense of inequities among PIs).

Professor Gini asked if there are any subsidies for research infrastructure that is not core from central administration. There are elements of the research infrastructure that the Vice President for Research office subsidizes. How is that decided, Professor Gini asked? It's largely historical, Dr. Lawrenz replied.

Dr. Sundermeyer turned to next steps and actions:

"Strengthen the research infrastructure" ranked among the highest priorities in the Strategic Planning survey

Some things we have/are doing:

- Updated the Resource Directory (<http://www.research.umn.edu/advance/resources.html>)
- Requesting annual recurring funds for investment
- Exploring shared administrative services

Professor Orf said that he is in the biological sciences, where there is almost monthly a need for new infrastructure to look at genomes, but most researcher are plugged in to what is going on and know what other researchers have. It will be good to publicize the resource directory.

Professor Gini asked if support could include a machine. Dr. Lawrenz said it can be for people or software.

Dr. Autry said that two good investments are the NMR Center and imaging centers; the facilities are incredible and have opened the door for great research. The issue is deciding where to put the money, Dr. Lawrenz said, and the magnets were a great choice, but they had limited funds.

Professor Hellekant said that there have been a number of surveys about research recently and that it would be interesting to see the results; do they fall under the auspices of the Committee. Dr. Lawrenz said that if they are related to research, it would be reasonable for the Committee to see them. Dr. Hellekant said he would be interested in knowing the results on the survey about animal research.

Professor Gini thanked Drs. Lawrenz and Sundermeyer for the report and adjourned the meeting at 3:45.

-- Gary Engstrand

University of Minnesota