

Minutes\*

**Senate Research Committee  
Monday, November 18, 2013  
2:00 - 4:00  
238A Morrill Hall**

- Present: Maria Gini (chair), J. Michael Autry, Arlene Carney, Jayne Fulkerson, Goran Hellekant, Brian Herman, Seung-Ho Joo, Michael Kyba, Frances Lawrenz, Hinh Ly, Amanda Maxwell, Suzanne Paulson, Scott McIvor, James Orf, Emily Saunoi-Sandgren, LaDora Thompson, Kathleen Thomas, Thomas Vaughan, Kyla Wahlstrom
- Absent: John Bischof, Daniel Habchi, Philip Herold, Brian Johnston, Tucker LeBien, Richard Nho, Michael Schmitt, Joel Waldfogel, Lynn Zentner
- Guests: Professor Joseph Konstan (chair, Senate Committee on Faculty Affairs), Associate Vice President Julie Tonneson; Associate Vice President Pamela Webb (Sponsored Projects Administration); Associate Vice President Andrew Furco (Public Engagement)
- Other: Donna Saathoff (Office of the Vice President for Human Resources)

[In these minutes: (1) incorporating parental leave costs in the fringe benefit cost pool; (2) exempt research and the IRB; (3) publicly-engaged research]

**1. Incorporating Parental Leave Costs in the Fringe Benefit Cost Pool**

Professor Gini convened the meeting at 2:00 and welcomed Professor Konstan and Ms. Tonneson to discuss a suggestion from the Senate Committee on Faculty Affairs (SCFA) that the cost of parental leave be included in the fringe benefit cost pool.

Professor Konstan reported that the issue of how the University deals with parental leave was brought to SCFA by a PI who asked it to look into funding for parental leaves. For individuals on grants, the grant will usually pay for the leave—but then there will be insufficient money to pay for someone to get the work done. This is more an issue for this Committee than for SCFA, he said, so he brings it here for discussion.

There is a set of expenses that comes with employing people, Professor Konstan related, and some of those expenses can be more of a problem for people who are funded through sponsored research, such as parental leave and accrued vacation (the latter of which is earned while working and paid out later). Would it be more manageable and more responsible for PIs if the University built these costs into the fringe benefit rate? So the fringe benefit pool would pay when a staff member on a grant goes on leave?

Professor Thomas said she has been told that she could \*not\* pay for a parental leave with grant funds because she could not meet effort-certification requirements if she did so, so the department had to

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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.

pay for the costs of the leave. Associate Vice President Webb said that the charge should have been acceptable as a direct charge but it might have required a manual effort statement.

Professor Vaughan said that the problem is somewhat larger. For him and those he employs who are 100% time on NIH grants, for example, activities like this meeting are not covered. Associate Vice President Webb said that individuals should not charge 100% of their time to a grant; a department can fund a small part of someone's time. There should be a fraction (5-10%) that should not be direct charged to a grant but to some other fund sources, unless the non-grant work is truly de minimus.

Professor Fulkerson recalled that she hired an experienced University staff member for a grant who had accumulated considerable vacation time that she could not afford. Ms. Tonneson pointed out that vacation accrual is now covered by the fringe benefit pool and paid centrally for any University employee.

Professor McIvor said he could add to the problems: he had to lay off an employee who had been at the University a long time because of a decline in research funding. The person had the option to take severance pay, and the only place the money could come from was direct costs. That is a problem he would also like to see dealt with. Ms. Webb said if the person is a P&A staff member on an annual contract, he or she is entitled to termination pay, the amount dependent on the years of service, and that cost is not part of the fringe benefit pool.

Ms. Saunoi-Sandgren asked what the Committee's responsibility is. This sounds more like a moral issue around the University; people likely have families and the question is how to treat employees. This is not purely a Senate Research Committee question. Professor Konstan said that SCFA took up the related issues already; this question is about what to do when a PI faces unexpected direct costs rather than the University and if the fringe pool can pay for them. He said that SCFA would like to see a resolution from this Committee to the administration asking it to fix the problem.

Professor Kyba said these kinds of expenses continually come up and should continually be paid for so that the employer is not subconsciously choosing applicants on the basis of needing a fringe benefit; right now the issue enters the considerations. Or one does not hire someone from within the University who carries a substantial severance obligation, Professor Konstan added.

Professor Orf said he has employed people from other departments and colleges and asked those units to pay any obligations that existed at the time he hired them. But the question of parental leave has not come up and that is worth talking about as a university.

What are the drawbacks, Professor Thomas inquired?

Ms. Tonneson said that her office would need to do an analysis of the potential cost; they do not know the annual expense of people on leave, and the benefit would have to be available for all University employees. Professor Gini asked what percentage of the vacation cost is in the fringe pool; Ms. Tonneson said she believed it is less than \$5 million, so it has only a small impact on fringe benefit rates.

Professor Orf asked if there are some agencies that restrict fringe benefits. There are, Ms. Webb said, but the practice is rare. Can they be negotiated, Professor Orf asked? They try, Ms. Webb said, but not successfully; the agencies say that it is their policy not to pay all fringe benefits. These are usually

voluntary, non-profit organizations that only pay for certain benefits. Can the benefits be paid from non-sponsored funds, Professor Kyba asked? They can, Ms. Webb said. It is not likely that organizations will see leaves in the fringe rates but they will if anyone asks for special consideration; most funding agencies do not delve into fringe rates.

Professor Orf asked if SCFA endorsed the idea of including the cost of parental leaves in the fringe rate. Professor Konstan said that the SCFA consensus was that this is more a research issue, perhaps affecting smaller departments more, and that it is not purely a faculty issue—because they are not the ones who typically are paid for leaves. SCFA would be pleased if this Committee would carry the issue forward. The Faculty Consultative Committee, if it wishes, can endorse a statement later.

Professor Gini said the Committee needs to know the costs as well as the pros and cons. One concern, Professor Konstan said, is that any such change could involve millions of dollars in PeopleSoft re-programming.

Professor Orf moved that the Committee request Human Resources and Budget and Finance to look into the costs as well as the pros and cons of the proposal (including parental leave, severance, and any other unexpected fringe-related costs that could come for PIs). The Committee voted unanimously in favor of the resolution.

Professor Gini thanked Ms. Tonneson for joining the meeting; Professor Konstan remained for the next item.

## **2. Exempt Research and the IRB**

Professor Gini asked Professor Konstan to introduce an issue the Committee might wish to take up later.

Professor Konstan said that he encountered another issue but that it does not come from SCFA, it comes from human-subjects research. He discussed with the (federal) Office of Human Research Protections lawyer why exempt research goes to the IRB. The lawyer told him that the rules do not require that exempt research go to the IRB, and while it is not best that the PI make the judgment about whether or not research is exempt, the center or department director could. Almost no university has taken advantage of this option, however, and virtually all send all research proposals involving humans through the IRB process, so there is the required paperwork. Professor Konstan said one should not blame the Office of Human Research Protections and that this is not an IRB decision; it is a University administrative decision, most likely in the hands of the Vice President for Research or the President.

This question comes up with many courses, Professor Konstan said. Would it work to train instructors so that they could determine which student research is exempt? That would make life easier for many, but it could require training so that instructors know what "exempt" means.

Associate Vice President Lawrenz said that the University's IRB tells people when an IRB review is not needed and has course protocols that indicate what research is exempt. Professor Konstan agreed but said that the requests still have to go to the IRB staff, who must approve them. Theoretically, he could go to his department head and ask if research is exempt, and his department head can tell him to proceed with the research.

Vice Provost Carney said that Professor Konstan's suggestion would not work well for promotion and tenure: individuals making the judgment is not right, and the current process does not take a lot of effort. Dr. Lawrenz added that the IRB office staff do the work without trouble and they know what to do.

Ms. Saunoi-Sandgren said that she teaches a class where students must file for IRB approval and they talk a lot about the process. There is human-subjects research that must go through the IRB and there is research with humans that does not require IRB approval, and there is some research with humans that is exempt. Which category is being talked about? Professor Konstan said there is a multi-step decision process in determining whether research must go to an IRB. The first question is whether it is human subjects research. This is narrower than all research that involves people in it. It must be research (i.e., a systematic investigation to generate generalizable knowledge), it must involve human subjects (living individuals about whom researchers obtain information that is identifiable and private, or about whom researchers obtain information through intervention or interaction with the subject). Many studies simply aren't human subjects research, such as an oral history that is not part of a systematic investigation of some generalizable issue, such as studies that are not *about* the subjects interacted with e.g., using people to evaluate usability of websites, or such as studies that analyze public data about a living human e.g., analyses of Twitter posts. If a study is human subjects research, the second question is whether it is exempt from IRB review.

There are several categories of exemption, Professor Konstan said, including research on normal educational practices in generally accepted educational settings, research involving educational tests and surveys (unless identifying information is stored and could place subjects at risk if disclosed), and others. If the study is not exempt, it must be reviewed by an IRB. Research that is not human subjects research does not need to be submitted to the IRB at all (though the University's IRB has a new determination form to make that determination in cases where the investigator is unclear).

The issue being raised relates to the exempt research. The regulations do not require that exempt determinations be made by an IRB, but OHRP strongly recommends they be made by someone familiar with the regulations and not conflicted with the research. Most institutions require exempt determinations to be made by the IRB. Professor Konstan agreed that the IRB staff is quick, but the process is nonetheless slowed down about a week (which is a significant improvement over the 3-4 weeks it took a number of years ago). There is still a lot of paperwork for something the University is not required to do. The University could ask about this and whether the IRB staff should spend time on it.

Professor Fulkerson said she believes it is important that students know about the IRB process and she requires her students to complete an IRB proposal even if it is only seen by her; it is an important part of learning research processes. However, the IRB has instituted a new Determination Form that students can complete in collaboration with their faculty adviser. They have to answer a short series of questions about their research and submit the form to the IRB. The IRB then determines if the study needs further review or not.

Ms. Saunoi-Sandgren said even when one must go through the exempt process, one must think a lot about what one is doing. She said she would be concerned if the process were decentralized and people never really dealt with the issues. She also worried about the costs and benefits; it may be that efficiencies would be gained but much else could be lost.

Professor Konstan said that IRBs have a set of things they are mandated to be involved with, and some IRBs are charged more broadly and become involved in other questions. That is not invalid, but he tends to be a minimalist. Some over-reach (although not at Minnesota). He said he believes it should be a conscious decision to add the extra step and that he would like to see discussion between this Committee and the IRB. It might be right to change the process, or it could be retained if the burden is low, but he said he does not like to see a process in place because there was no decision that it was not needed.

Professor Ly said he is in the "if it ain't broke, don't fix it" camp. Colleagues elsewhere had a lax IRB process and got slapped, so the institution tightened their processes—and now the faculty are complaining about it. Here the process works, it is efficient, and he believes it better to provide the proposals for IRB review rather than just having a PI make the decision. He said he preferred retaining the current system.

Professor Gini asked if the Committee wished to discuss the topic at a future meeting. Professor Thomas suggested that it should if there are faculty members who see the process as impeding their work; who is affected? She said she would feel better if the Committee had a discussion.

Professor Gini thanked Professor Konstan for joining the meeting.

### **3. Publicly-Engaged Research**

Professor Gini now welcomed Associate Vice President Furco to the meeting to discuss publicly-engaged research.

Dr. Furco began by noting that he is charged to oversee the office responsible for seeking to integrate public engagement in the teaching, research, and service missions of the University. He reviewed the development of the Public Engagement Council (PEC) [[http://www.engagement.umn.edu/public\\_engagement\\_council](http://www.engagement.umn.edu/public_engagement_council)] and the issues that have come before it, which include a few that are of interest to this Committee (indirect cost recovery, protection of human subjects, intellectual property, conflict of interest). He provided copies of web material entitled Human Subjects Protection and Community-Engaged Research. The PEC is a consultative body to help move questions forward to the appropriate governance groups; it is primarily internal and includes both administrators as well as faculty members, and includes a representative from the Senate Research Committee (Professor Fulkerson is the 2013-2014 Committee representative to PEC).

The PEC has dealt with about 20 different issues over the last three years, Dr. Furco related; issues come to him and he decides if they are appropriate for the PEC (i.e., are they campus-wide and can they be addressed through policies or guidelines?). They try to understand the issues and then put them in front of committees for action.

Professor Orf said that agricultural colleges have an extension service with a number of functions that involve people outside the University; are that considered to be community-engaged work? It definitely is, Dr. Furco said; community engagement includes relationships with other organizations. Professor Orf said that he does work in developing varieties of soybeans and works with farmers interested in them as well as working with them on selections that work on their farms; how does that fit

in? Dr. Furco said it is also definitely a form of community engagement that occurs around the state. Professor Orf said that the farmers make selections of plant material, but they are not research subjects, and there are forms involved. There is also generally payment for use of land where plant research is taking place, but it could be in-kind payment. Could the PEC discuss a way to streamline the process so that it is not burdensome to the researchers or the partners? Dr. Furco said he could only say what he hears from the General Counsel's office: "it depends." In essence, each situation is different and therefore there are no universal rules of principles regarding what counts as community "partnership."

Vice President Herman said he would be concerned about any University employee providing University resources to an outsider without understanding the structure of the arrangements. While it is understandable that people do not want to fill out a lot of forms, there are rules around intellectual property, etc., that require the University to understand what is occurring. The University wants to be a good citizen and wants to help community partners, and these arrangements have to be presented in the right way. He suggested that Professor Orf talk with Mr. Schrankler (Office of Technology Commercialization) and Associate Vice President Webb about what he is doing so that he can be sure everything is done appropriately. Professor Orf agreed.

The issue that comes up most, Dr. Furco said, is that the community partner does feel its voice is represented. Professor Orf said they provide as much information as possible to the farmers.

Professor Hellekant recalled that at the last meeting he brought a motion from faculty members in the Medical School at Duluth, a group that does research with Indian nations. There is a certain problem they would like to see resolved or alleviated and that they would have a representative on the PEC (there is no one from Duluth). How are the members chosen? The PEC is system-wide, Dr. Furco said, and has system-wide representation; the Duluth chancellor was a member for two years but has been succeeded by the chancellor at Rochester. The members are selected by the provost and by senate committees such as this one. Professor Hellekant asked how he should inform his colleagues about a voice on the PEC. Dr. Furco said he would be hesitant about appointing to the PEC people who had specific research interests focused on particular populations. It may be that the University might form a community advisory group that has broad-based representation from different communities. A representative from this group might then serve on the PEC and represent a broad array of issues from across communities. Professor Hellekant said this is an important issue for research at the Duluth Medical School and that he would pass along information about how to address the questions his colleagues have.

Dr. Wahlstrom asked if Dr. Furco's office keeps a list of the people and groups with whom the University is engaged. They do, Dr. Furco said, and have been for several years; there are about 200 units across the University that are doing community-engaged work. Each summer they bring together directors and managers to share their experiences; they also have courses with a community-engagement designation, and so on. They are trying to aggregate information—but one issue is trying to figure out what counts as "community engagement". Does it matter if money is exchanged, Dr. Wahlstrom asked? Some grants involve money, others do not; does he care about that? It helps to understand if money is involved, Dr. Furco said, because that can help us understand the investment of and benefits to the University and the community. Keeping track of the different units of the University that do community engagement is important in that it helps avoid groups and units at the University from bumping into one another. Also the more information the University has, the better it can tell the University's story about the ways in which the University's research and teaching are key societal issues

Professor Vaughan said that his department has workshops for people from around the world and center grants with a public mandate; does that count? It does, Dr. Furco said, and there are levels of community engagement: to, for, in, and with the community. Community is defined as any external entity (government, business, faith-based, state, national, international).

Professor Gini said people may do community-engaged research but don't think about it that way and don't know about his office. Dr. Furco said they want to support those who want to do community-engaged research and provide networks that help them thrive. There is also pressure from the federal government (e.g., more community engagement focus in NIH and NSF grants) and the state; they can help respond appropriately as well as assist in seeking grants. They have workshops for faculty who wish to pursue research support to turn their community-engaged work into scholarship. If they can be helpful, they want to be, but there is no expectation that everyone is going to do or should do community-engaged research.

Vice Provost Carney said that Dr. Furco's office has awarded funds to departments to cultivate community-engaged departments around the University, of which there are 22. It can be hard for faculty to understand community engagement if they do not have discussion about the difference between “outreach” and “community engagement”, about what aspects of community –engaged work meet the standards for scholarship, and so on. She has told probationary faculty members that just because they are engaged in the community does not mean they are doing scholarly work.

Dr. Furco concurred with Vice Provost Carney's assessment and said that his office has great examples of how research can be enhanced by community engagement. He stressed that the goal is not to do community-engaged work. But rather, the goal is to use community engagement as a vehicle to enhance teaching, research, and scholarship—if it makes sense.

Professor Gini asked how they deal with intellectual property; does his office help with that? They have been considering it, Dr. Furco said, and it is still in progress. They will try to develop guidelines on how to manage intellectual property, and it may be that policy will be needed down the road. Professor Vaughan said that would be helpful.

Professor Gini asked if community-engaged research puts a restraint or delay on publication. That is a concern for some faculty members, Dr. Furco said. Community-engaged work requires building trust, which takes time to cultivate; the product of the research also takes time to develop. He has heard that junior faculty are told they should not do community-engaged work until they have tenure. Dr. Carney said she has provided probationary faculty members with guidelines on how they could start, such as defining the issues and develop a research instrument, and work with community leaders, but suggest they not try to carry out the research during their probationary period. (Probationary faculty members, for example, cannot claim they will need to wait 10 years before they can have results.)

Committee members spoke briefly about a few other issues related to community engagement, after which Professor Gini adjourned the meeting at 3:45.

-- Gary Engstrand