SENATE COMMITTEE ON FACULTY AFFAIRS (SCFA)
September 23, 2014
Minutes of the meeting

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 represent the views of, nor are they binding on, the Senate, the Administration or the Board of Regents.

[In these minutes: Research Data Management Policy, Sabbatical Update, Changes to the Faculty Retirement Options, Overview of COACHE Survey, Update on Administrative Response to the Faculty Caregiver Resolution]

PRESENT: Joseph Konstan (chair), Christina Bourland, Joe Price, Kathy Brown, Phil Buhlmann, Allen Levine, Theodor Litman, Teri Caraway, Tabitha Grier-Reed, Robert Kudrle, Frank Kulacki, Monica Luciana, Peh Ng, Lori Rhudy, George Sell, Daniel Skaar, Brett Colson

REGRETS: Scott Lanyon

ABSENT: Teresa Kimberley, Sophia Gladding, Nicholas Poggioli

OTHERS ATTENDING: Ole Gram, assistant vice provost, Office of the Senior Vice President for Academic Affairs & Provost

GUEST: Claudia Neuhauser, director, University of Minnesota Informatics Institute, Office of the Vice President for Research.

1. Professor Konstan convened the meeting, welcomed those present and called for a round of introductions. He then welcomed Claudia Neuhauser, director, University of Minnesota Informatics Institute, Office of the Vice President for Research, who requested to come before the committee to provide information on the Research Data Management Policy. Professor Konstan said the policy is an attempt to clarify and outline responsibilities associated with the archiving and handling of research data. Copies of the draft administrative policy, *Research Data Management: Archiving, Ownership, Retention, Security, Storage and Transfer* had been distributed to members for review prior to the meeting as well as FAQs and the procedure for transferring research data.

Dr. Neuhauser began be providing some background information and noted that work on the policy began in June 2013 after an internal audit of the University of Minnesota's research data storage uncovered a number of essential findings, but the two most critical were:
1. Identify a strategy to capture research data management needs (particularly storage needs).
2. Determine who has authority over and is responsible for data management.

The audit revealed a lot of people did not know who is responsible for data management and who has authority in making data management decisions.

In May 2014, Vice Presidents Herman and Studham charged a committee, which Dr. Neuhauser chaired, on developing a policy that would address the concerns of the audit. The goal was to develop a data management storage policy that would clarify roles and responsibilities around data storage.

Dr. Neuhauser outlined the composition of the committee and explained about the process that was used to develop the policy. Highlights from her presentation included:

- While data management is the joint responsibility of all employees at the University, four offices in particular have primary responsibility 1) the Office of the Vice President for Research, 2) the Office of Vice President and Chief Information Officer, 3) the Office of the Vice President for Health Sciences and 4) University Libraries.
- The research data definition in the policy is the same definition used by the federal government but was expanded to include research of scientists <u>and</u> scholars. This was done to make it clear that the research data management storage requirements are not just for federally funded research.
- Most of the data covered by the policy is digitally recorded, but it also includes laboratory notebooks, etc. The policy does not include laboratory samples. Physical objects are treated separately.
- The PI is defined as anyone responsible for research, e.g. an individual, group of individuals. Decisions about who will be responsible for the research data need to be made before the project begins.
- While the University owns the data, the PI is the steward of the data and controls who has access to the data. The PI is also responsible for determining what data should be preserved and destroyed. PIs that encounter a situation where they are uncertain about how to store data should talk to their college and if the college is uncertain it needs to be escalated to central administration.
- Students own the data if it is part of their academic work unless an exception applies, e.g., if the student is employed by the University, if the student uses substantial University resources in their research, or if another agreement was made. For example, if a student is employed by the University or uses substantial University resources in doing their research, the University would own the data.
- The Vice President for Research, the Vice President and Chief Information Office, the Vice President for Health Sciences and the University Librarian/Director of Libraries (depending on the campus) appoint a Use Case Categorization Scheme (UCCS) committee. This committee is advisory to the aforementioned group who appointed it.
- Solutions for securing research data may differ by college depending on their capacity to do so.

Members' comments and questions:
- What portion of the indirect cost formula is allocated to this activity? Dr. Neuhauser said this is not covered in the policy. Discussions around this issue are continuing.
- Have there been any disagreements, disputes or hot issues coming out of this draft policy? No, said Dr. Neuhauser. The committee had broad representation and consulted extensively on the policy.
- Who decides what "use of substantial University resources" means? This was addressed in the Copyright Policy and that language has been put into this policy. Dr. Neuhauser said if it is a resource that typically other people would not have access to then this would be considered use of substantial University resources. Both this policy and the Copyright Policy avoided trying to quantify this in terms of dollars.
- Consider developing a template for agreements between faculty and students to make it clear who owns the data. Dr. Neuhauser appreciated this suggestion and will look to the Office of the General Counsel for assistance in drafting something to ensure it is enforceable.
- The language in the policy is highly specific to students and faculty but does not take into account the in-between. Therefore, instead of referring to students, the suggestion was made to use the term trainees, which would include post docs in training. While there are post docs who are hired as trainees, there are also post docs who are on fellowships, and, therefore, are not on the University payroll. The more clear the policy the better.
- The policy seems geared toward big data. Are faculty who have interview notes as part of their research required to store their notes? The policy, said Dr. Neuhauser, defines research data but it is up to individual faculty members to clarify if their notes, for example, meet the criteria. Generally speaking, preliminary analyses, drafts of scholarly or scientific work, plans for future research, peer reviews, and communications with colleagues and physical objects are excluded. Ownership and sharing of data are two separate things.
- The language in the policy that talks about the PI being responsible for sharing research data unless specific terms supersede this agreement should be clarified to "the PI determines whether and with whom research data will be shared." Dr. Neuhauser appreciated this suggestion.
- What happens if the University employee is also a federal employee, does this person follow the University policy or the federal policy? Dr. Neuhauser said that situations like this would be handled on a case-by-case basis.

Professor Konstan thanked Dr. Neuhauser for consulting with the committee on this draft policy. He asked if members were interested in endorsing the policy and said the committee has three options:
1. Support and enthusiastically endorse the policy.
2. Oppose the policy.
3. Agree the policy seems reasonable but not to the level of enthusiastic endorsement.

The sentiment of the majority of committee members, reported Professor Konstan, was that the policy seemed reasonable and there were no strong objections to it as presented.

Professor Konstan thanked Dr. Neuhauser for her presentation and asked her to share her thoughts on the policy. She said she enjoyed working on it and believes it will be useful for faculty to have a policy that clarifies and outlines the responsibilities associated with archiving and handling of research data.

2. Professor Konstan introduced the next agenda item, faculty development leaves, and provided some background information on this issue. Many faculty feel they cannot take advantage of the sabbaticals offered under the current plan for a variety of reasons, e.g., reduced pay, however, departments are sending faculty strong messages that in order for them to stay continuously vital, it is good to refresh and step away from their day-to-day activities. He turned to Professor Ng, chair, SCFA Subcommittee on Faculty Development Leaves, to facilitate the discussion on this topic. Professor Ng, began by providing some history on the issue. She noted a preliminary report was initially discussed at the December 3, 2013 SCFA meeting and has since been revised to include feedback from members and other members of the University committee interested in the issue. Professor Ng highlighted the revised report's recommendations:

- Limit competitive single semester leaves to tenured and tenure track faculty.

- Require faculty who take a leave to file a report that addresses the results of the work they did while on leave. Summary reports are not required under the current policy.

- Reduce the 100% salary rate for single semester sabbatical leaves to 80%, or, alternatively, increase the two semester sabbatical payment to 65% versus 50%. Additionally, eliminate the centrally funded sabbatical supplement program from the Provost's Office, and give individual colleges, units, campuses the option of providing up to an additional 15% of the faculty member's recurring base salary.

Professor Ng said she plans to reconvene the subcommittee and would like others who are interested in the issue to consider serving as well. Professor Konstan noted that members who would like to serve on the subcommittee should email Professor Ng, himself or Renee Dempsey, Senate staff.

Professor Konstan asked Ole Gram, assistant vice provost, Office of the Senior Vice President for Academic Affairs & Provost if there was anything he would like to add to what Professor Ng said. Assistant Vice Provost Gram shared information on what precipitated the proposed recommendations coming out of the subcommittee. He noted Provost Hanson came from an institution with a more typical system for awarding sabbaticals to faculty. When the University looks at its peer and other aspirational institutions, typically they offer one-semester sabbaticals at full pay and full-year sabbaticals at half pay or some other percentage. The single semester leave and the sabbatical systems that the University has are virtually non-existent outside the

University. The goal is to simply the benefit because the current system creates strange incentives and disincentives. He said he worked with Linc Kallsen in Budget & Finance this past spring to model the financial consequences of changing the faculty development leave benefit. There are huge differences across colleges in leave participation rates. Any changes to the current structure would have to be cost neutral. Some of the data they collected has been presented to Provost Hanson. While overall she was supportive of the changes, there still is a lot of consulting that needs to be done on it.

Professor Konstan took a few minutes and wrapped up the discussion and outlined the major reasons why faculty take leaves. What he hopes will come out of this effort is a system that will encourage faculty to take leaves without overly disadvantaging one group over another.

Professor Ng requested when the subcommittee's recommendations get vetted with the deans and other senior leadership that Vice Provost Levine let her know if they are being met with resistance.

3. Professor Konstan called on Vice President for Human Resources Kathy Brown to address the following topics:
- Changes to the retirement options for tenured faculty and continuous appointment P&A.
- Service Employees Internal Union (SEIU) and the unionization process.
- Office of Human Resources agenda for the 2014 – 2015 academic year.

Vice President Brown began by walking members through a handout outlining the three new proposed retirement agreement options:
1. Tenure trade (faculty member remains active).
2. Terminal agreement (faculty member terminates).
3. Phased retirement (faculty member terminates).

Two of these options, terminal agreement and phased retirement, already exist, but in a different form. The tenure trade option is new and was created because deans wanted their faculty to have more options as they start thinking about retirement.

Professor Sell asked if the proposed options are final or still the in the consultation phase. Vice President Brown said she came to SCFA last spring to talk about the proposed changes to the retirement options and got member feedback. Then, in early summer, the proposals were brought to the President's Policy Committee. While not yet final, the proposed changes are in the 30-day public comment period. Professor Sell said that most faculty he has spoken with know nothing about the proposed changes. Professor Konstan encouraged members of the committee to bring this matter to the attention of their colleagues, and, if they do not like what they see, to comment. SCFA will not vote on this, but it is being brought to the committee again for information.

Has a financial analysis been conducted on possible impacts of the options based on current retirement rates, asked Professor Kulacki? No, said Vice President Brown, no

financial analysis has been conducted because it would impossible to know how many people would choose each option. She added that these options are at the discretion of the department head/chair or dean, and are not entitlements.

On a semi-related note, Professor Kulacki asked about the success of the 2010 Transitions Phased Retirement Program. How did this program impact retirement and what was the financial impact? Vice President Brown said she did not have any statistical information on how many people took advantage of this program. Generally speaking, the phased retirement program is the most popular and the terminal agreement program (when it was at 100% of base salary) was rarely used.

With all these options, commented Professor Ng, the cost is born by the department. Professor Konstan said the policy is clear that it is up to each dean's office to finance and decide, which options they will offer. Vice President Brown emphasized there is not a central pool of money for these retirement options.

Moving on, Professor Konstan asked Vice President Brown to comment on the unionization movement that has started. Vice President Brown reported there was an article in the Pioneer President last Sunday (http://www.twincities.com/News/ci_26568909/University-of-Minnesota-union-drive-underway) and another in the Minnesota Daily on Monday (http://www.mndaily.com/news/campus/2014/09/21/labor-group-urges-faculty-union) about the SEIU contacting faculty and asking for their signatures on representation cards. The University unit that must be organized under state law in Minnesota is the Twin Cities per the Public Employment Labor Relations Act. The SEIU has successfully organized adjunct faculty at Hamline University, attempted to organize faculty at University of St. Thomas but were defeated, and also attempted to organize faculty at Macalester College, but withdrew their petition so a vote was never taken. On the Twin Cities campus, the SEIU by state law is prohibited from organizing only adjunct faculty. The state statue requires the whole of the faculty to be organized. In order to hold a representation election, the SEIU is required to have signed cards from a minimum of 30% of faculty. As of right now, there is no way to know how many faculty have signed the cards, and the only way to know will be when the SEIU files a petition for a representation election with the Bureau of Mediation Services.

Member questions included:
- Can faculty who are not interested in unionization ask the SEIU organizer to stop contacting them, and, if so is it enforceable? Vice President Brown said faculty have the right to decline to speak with them, and, if they persist, faculty can contact the police, or, alternatively, contact her, and she or a member of her staff would contact the SEIU on behalf of the faculty member.
- Would it be appropriate to organize a departmental discussion on unionization? Yes, said Vice Brown, under the 1st Amendment, people have the right to freedom of speech.

Hearing no further unionization questions, Vice President Brown reported the Office of Human Resources has been busy working on the Enterprise System Upgrade Project (ESUP) and the Job Classification System Redesign (job family study). There will also be a second Employee Engagement Survey coming out in mid-October. She encouraged members to complete the survey and also requested they encourage their colleagues to do the same. With a second year of data, the Office of Human Resources will have good information that will be helpful in understanding what is and is not important to University employees. The Office of Human Resources has been working with Vice Provost Levine to make sure the results align with the Collaborative on Academic Careers in Higher Education (COACHE) Survey. In terms of the University's Strategic Plan, the goal will be to use the data to help change the culture, e.g., work on leadership/talent development. She added she would be happy to come back to a future meeting to discuss this further and get member input on meaningful programs the University could offer to faculty and staff.

4. Professor Konstan turned to Vice Provost Levine for an overview of the 2014 COACHE Survey data, which had been distributed along with the agenda. Vice Provost Levine walked members through the survey results and highlighted the following:

- Eighty-one institutions (out of 200 in the consortium) participated in the 2014 COACHE Survey, not all of which are like the University of Minnesota.
- There were 13 survey themes: nature of the work
- The five peer institutions in the mix that the University chose to compare itself to are Purdue University, University of Arizona, University of California Davis, University of North Carolina – Chapel Hill, and the University of Virginia. Not every university participates every year, in part, because of the cost associated with participation.
- The University of Minnesota had a 37% response rate, probably due, in part, to survey fatigue because there were a lot of surveys going on at that time.
- While the University does well in most categories, there were some questions around departmental collegiality, engagement and leadership. While the results are for the entire University, it is important to point out there are major differences amongst colleges. There are plans to further parse out the data and bring it back to this committee as well as individual colleges so they know where they stand.

Members' comments and questions:
- While not drastically negative, the University rates below its peers in interdisciplinary work. Vice Provost Levine commented he is not surprised by this and pointed out that institutions with more money (the privates) tend to do better in this category.
- What actionable topics can this committee work on to help with the survey data results? Vice Provost Levine said he would like to have discussions with the committee on how to engage faculty in not only development but a commitment to perhaps making a career out of being a leader, and how to deal with an environment that is more collegial.

- If the survey results show that the more collegial, successful and happy departments at the University are ones where faculty are regularly doing something together, it might be worthwhile to reshape the notion of what it means to be a department, e.g., are some departments too big to have a collegial environment, are some departments too small. It would be interesting to parse out the high and low outliers, and invite faculty from these areas to have a discussion about the culture in their respective departments.

Hearing no further questions about the COACHE Survey, Professor Konstan asked Vice Provost Levine to provide an update on the administration's response or plans for a response to the Faculty Caregiver Support Resolution. Vice Provost Levine said the administration needs more time to calculate the costs of making the proposed changes, take an inventory of nearby childcare facilities, look into what policies are already in place, etc. He added he would like to have further discussions with the committee about the resolution. To date, only cursory discussions have taken place. There is a lot of complexity around this issue.

Professor Konstan thanked Vice Provost Levine for his presentation and the update. He suggested continuing the Faculty Caregiver Support Resolution and parental leave policy discussion at an upcoming meeting, and inviting representatives from the Women's Faculty Cabinet to participate because parental leave is a big issue for them.

5. Professor Konstan reviewed the topics/issues that committee members decided at the last meeting they would like to take up this year, e.g., sabbatical revision; clinical/contract/non-tenure track faculty, Post-Tenure Review (PTR); graduate education, etc.

He went on to provide an update on a couple questions/issues that were raised at the last meeting having to with the Office of Conflict Resolution (OCR):
- Regarding the question of access to the Office of Conflict Resolution (OCR), there is no policy or practice that denies any employee access to OCR, but, on occasion, it is the practice of that office to convene a special panel if it is thought a regular panel would not be effective. When a conflict is sufficiently complex and involves substantial issues, it would warrant a special panel.
- In terms of the jurisdiction question, apparently it is not uncommon for a lawyer to take the position that OCR does not have jurisdiction.
- About the issue of the Office of the General Counsel representing faculty who have filed a grievance, the University policy is that it would only represent an employee if the accuser has indicated they will be represented by an attorney.

Regarding the questions that were raised about the Minnesota Foundation and their policies and procedures concerning gifts and accounts, a representative from that office will be scheduled to attend a future meeting to answer these questions. Depending on the answers, there could be some policy matters that come out of this conversation that SCFA may want to weigh in on.

Lastly, Professor Konstan reported being contacted by the chair of the Senate Committee on Finance and Planning (SCFP) to see if Faculty Affairs would be taking up the issue of a faculty pay plan this year. He asked members if consistency and/or transparency around a faculty pay plan is an issue the committee is interested in taking up or not. Members weighed in on both sides, and, after a show of hands, it was decided that this would not be a priority issue for the committee this year. Professor Konstan said he would contact Professor Cohen, chair, SCFP, to let him know that SCFA will not be looking at this issue.

Hearing no further business, Professor Konstan adjourned the meeting.

Renee Dempsey
University Senate