

SENATE COMMITTEE ON FACULTY AFFAIRS (SCFA)

September 29, 2015

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: 2015 – 2016 SCFA Priorities and Next Steps; Individual Conflicts of Interest Policy]

PRESENT: Scott Lanyon (chair), Christina Bourland, Joe Price, Teresa Kimberley, Allen Levine, Theodor Litman, Sophia Gladding, Tabitha Grier-Reed, Robert Kudrle, Monica Luciana, Peh Ng, Lori Rhudy, Juanjuan Wu, Aks Zaheer, Leah Reinert

REGRETS: Christine Blue, Teri Caraway, Joseph Konstan

ABSENT: Kathy Brown, Phil Buhlmann, Ken Horstman, Ruth Okediji

GUESTS: Jon Guden, associate program director, Conflict of Interest Program, Office of Institutional Compliance; and Lynn Zentner, director, Office of Institutional Compliance

1. **Call to order:** Professor Lanyon called the meeting to order and welcome those present.

2. **SCFA priorities and next steps:** Professor Lanyon reviewed the list of topics members discussed at its last meeting that the committee plans to work on this academic year:

- Twenty-five percent rule for academic appointments with teaching functions - The Senate Committee on Academic Freedom and Tenure (AF&T) is taking the lead on this issue, but SCFA will be a full participant. Professor Lanyon said that he and Leah Reinert, Graduate School fellow, will serve as the SCFA liaisons on the subcommittee that was established to address the issue.
- Post-tenure review (PTR) best practices – While the current policies are fine, the implementation and effectiveness of PTR is highly variable across the institution. Professor Lanyon suggested forming a SCFA subcommittee to identify best practices across the institution and then working with the Office for the Vice Provost for Faculty and Academic Affairs to develop a plan for increasing the number of units using best practices. Professor Lanyon reported that he has asked Ole Gram, assistant vice provost, last spring to look at the data from last year's COACHE (Collaborative on Academic Careers in Higher Education) survey on department culture and addressing substandard performance issues and identifying departments that had the most favorable responses in an effort to identify best practices. Vice Provost Levine explained that the reason this information is so slow in coming is because the person that was in the Office of Institutional Research working on this left his/her position. Professor Lanyon asked for three volunteers to serve on a subcommittee to collect best practice information and to work with Vice Provost Levine's office on communicating this information to department chairs/heads. Professor Luciana volunteered to work on this subcommittee. Hearing no other volunteers, Professor Lanyon requested members think about it and

email him if they are interested. He noted that if he does not hear from members that he will assign members to the subcommittee. In terms of a timeline, Professor Lanyon said he would like the information to be collected by the end of the fall semester and to spend spring semester developing a plan for distributing the information.

- The next three issues are currently in the hands of the administration:
 - Faculty Sabbatical and Developmental Leaves Policy.
 - Reorganization of post-baccalaureate education.
 - Development of a partner accommodation resource.

Professor Lanyon suggested writing a letter to Vice Provost Levine inquiring into the status of each of these issues. Regarding the Faculty Sabbatical and Developmental Leaves Policy, Professor Ng asked that in addition to asking for an update that she would like to know what kind of feedback Vice Provost Levine has heard from the Council of Deans regarding this matter. Professor Lanyon asked Professor Ng if she would be willing to write some verbiage for this portion of the letter and she agreed.

- Salary equity – SCFA would like the Office for Faculty and Academic Affairs to report annually to SCFA on salary inequities and what is being done to address them. Professor Lanyon said he would also include this request in the letter he plans to send to Vice Provost Levine.
- Faculty surveys – Professor Lanyon on behalf of SCFA has requested Vice Provost Levine’s office for an update on how the COACHE survey results are being used to influence decisions and actions, and will ask the Office for the Vice President for Human Resources for an update on how the Employee Engagement survey results are being used to influence decisions and actions. Depending on the nature of these updates will determine whether SCFA will issue a statement on the utility of continuing these surveys. Professor Lanyon will contact the Office for the Vice President for Human Resources regarding this request.

Professor Lanyon asked for a volunteer to craft a statement to summarize SCFA’s position on faculty surveys. At the last meeting, the committee talked about COACHE being a valuable survey for faculty, but that the Employee Engagement Survey was less helpful for faculty; however, this does not mean the Employee Engagement Survey is not helpful to the institution as a whole. There is a limit as to the effectiveness of the COACHE survey if faculty are asked to complete too many surveys. With this said, Professor Lanyon said it would be helpful to have a formal statement from SCFA endorsing the COACHE survey and encouraging faculty to complete it, and encouraging the administration to not have multiple other surveys of faculty because it diminishes the utility of COACHE. Professor Gladding volunteered to write the statement.

- Enterprise System Upgrade Project (ESUP) as it relates to faculty productivity – Vice Provost Levine suggested inviting Sue Van Voorhis, associate vice provost, Academic Support Resources, and/or Bob McMaster, vice provost and dean, Office of Undergraduate Education, to an upcoming meeting to summarize the issues they have heard and what is being done to address them.

Before moving on, Professor Lanyon said the point was raised at the last meeting that it would be good to talk about the effectiveness of faculty governance and he brought this to the attention of the FCC where it was well received. He recommended asking the various administrators with

whom faculty governance works about the impact faculty governance has had on them and the decisions they have had to make. Professor Grier-Reed said she would also like to hear from administrators about how they view the role of faculty governance and if that role is/has changed over time. Professor Lanyon said while he agrees, he is not sure how many current administrators have the longevity/duration to provide the historical context. Renee Dempsey, Senate staff, suggested inviting Vice President Pfutzenreuter from University Budget and Finance to share his thoughts given he has been at the University for some time.

Lastly, Professor Lanyon said three other topics were mentioned at the last meeting but not a lot of time was spent on them so he did not know how to proceed with them and these were:

- Non-tenure track/clinical faculty issues.
- Health care costs.
- Caregiver support.

After a brief discussion regarding non-tenure track/clinical faculty, Professor Lanyon proposed that SCFA hold a listening session or two with contract faculty and ask them to share their issues.

Regarding the other two issues, said Professor Lanyon, health care costs and caregiver support, which were raised by Professor Konstan, it is not clear what Professor Konstan meant by these topics. Vice Provost Levine reported that the caregiver support issue has to do with a faculty member who goes to a conference and brings a child along that the faculty member could use grant money or another funding source for daycare services. He added that it is his understanding that caregiver support has been handed off to the administration and is in the Controller's Office. Professor Lanyon said he would follow up with Professor Konstan about the health care cost issue he raised.

3. Individual Conflicts of Interest Policy: Professor Lanyon welcomed Jon Guden, associate program director, Conflict of Interest Program, Office of Institutional Compliance; and Lynn Zentner, director, Office of Institutional Compliance and called for a round of introductions.

Ms. Zentner began with an overview of the policy review process and history. She noted that typically this policy is reviewed every four years, but because the final report of the external review team on the University's Human Research Protection Program (HRPP) was not issued until last spring, the review was delayed slightly. In addition to routine policy changes for clarification purposes, explained Ms. Zentner, other policy changes were made due to regulation changes imposed in the 2012 Public Health Service requirements for individuals involved in research as well as recommendations from the Implementation Team. The proposed changes to the policy are being vetted through the SRC, SCFA, FCC, AHC FCC, University Senate (November 2015 and March 2016), and the President's Policy Committee.

Following Ms. Zentner's opening remarks, Mr. Guden walked members through the proposed policy changes, which had been sent to them along with meeting agenda. Member questions/comments included:

- Please provide information about the policy’s procedures, requested Professor Zaheer. Mr. Guden explained three procedures are being proposed 1) reporting 2) review and management, and 3) retrospective reviews.
- Why doesn’t this policy refer to the Request for Outside Consulting (ROC), asked Vice Provost Levine? Mr. Guden explained that ROC is not part of this policy, but it is part of the Outside Consulting and Other Commitments Policy (<http://policy.umn.edu/operations/outsideconsulting>).
- Can a faculty member assign students to read a textbook that they have written, asked Professor Zaheer? Mr. Guden explained that the Individual Conflicts of Interest Policy cross-references to the administrative policy that addresses this issue, which is the Educational Materials Conflicts of Interest Policy (<http://policy.umn.edu/education/educationalmaterials>).
- Please expand on how accepting personal income from a company while conducting related research with human participants protects human subjects, asked Professor Kimberley. Ms. Zentner explained that previously there was a \$5,000 threshold when it came to accepting personal income from a company while conducting research, but now the Implementation Team is proposing that individuals not receive any personal income or honoraria from a business entity while serving as an investigator or study staff on a human participant project. Mr. Guden added that for purposes of conflict of interest, the focus is on whether an individual earns money from the company sponsoring the research; there does not need to be a link between what is being consulted on and the study.
- Professor Luciana asked whether a business sponsor can give a faculty member a grant and part of the faculty member’s salary effort be written into the grant. Does this count as income? Ms. Zentner explained that as long as the business entity pays the University and not the faculty member directly this would be acceptable. Mr. Guden noted that there can be no external consulting income outside of a research grant. Faculty can have a business entity sponsored grant and earn income off the grant.
- How did the \$5,000 significant financial interest amount come about, asked Professor Kudrle? Mr. Guden said that this figure is in Public Health Service (PHS) regulations and applies to all investigators conducting PHS-funded research, and employees engaged in clinical health care. For all other covered individuals, the monetary value is more than \$10,000, which was set by the National Science Foundation.
- Professor Gladding said regarding the use of the terms “investigator” and “study staff,” the IRB recently redefined who they are and their responsibilities so it would be nice to align the policy’s definitions with the IRB’s definitions.
- In Professor Zaheer’s opinion, the policy should specify that personal income cannot be salary support. Ms. Zentner said for clarity purposes this would be a good thing to do.
- Professor Kimberley said in her opinion these policy changes have the potential to decrease research at the University. Mr. Guden said he has heard comments like this from others.
- For employees who are purchasing on behalf of the University, asked Professor Ng, are they able to use their personal Amazon Prime account or not? Mr. Guden asked if this example would benefit the employee or the University to which Professor Ng replied one could argue it could benefit both. Mr. Guden said he would check with Tim Bray, director, Purchasing Services, on this question.

- Getting back to the issue of accepting personal income from a company while conducting related research, said Professor Kimberley, the policy hinders a faculty member's academic freedom because it stops a faculty member from doing additional work for a company. Ms. Zentner said this regulation has been in the policy since before she came to the University. If a faculty member gets money from a company for doing research that is above the threshold, a management plan goes into effect.
- Professor Luciana agreed that the revised policy does seem restrictive and could have an impact on research as Professor Kimberley mentioned. She added that she would like an exception built into the policy that would allow research with appropriate oversight.
- How do other institutions handle conflict of interest, asked Professor Curdle? Ms. Zentner said that the University is inline with other institutions when it comes to managing conflicts of interest.
- Professor Lanyon said the most difficult part of the policy change for him involves large company such as Medtronic that has a lot of different divisions. If these divisions were split up into different companies, there would not be a conflict for the faculty member because it would be dealing with a different entity altogether. The policy as drafted discourages research with big companies.
- The study duration is another issue too, said Professor Kimberley, because the policy as revised does not allow faculty to start additional research with the same company until they have published their findings. Professor Grier-Reed agreed that the duration of 'until publication' is too long. In theory, she said if a faculty member has a large enough data set, he/she could potentially publish off of it for years. Ms. Zentner said this raises a good point. While the external report talks in terms of exceptions, noted Mr. Guden, the goal is to identify a clear timeframe. Professor Kimberley said it seems like there would be more protections for the faculty member if the policy were less rigid and allowed for more nuance related to the person's role in the study by having a management plan. She added that she sees an advantage to having a management plan that would include reporting. Ms. Zentner commented that the Implementation Team was aware of the University's conflict management plans, but the Implementation Team wanted to go to the next step.
- Has the Academic Health Center (AHC) had the opportunity to weigh in on the changes that are being proposed, asked Professor Zaheer? Ms. Zentner reported that there will be a meeting with the AHC FCC as part of this vetting process. In addition, there are faculty from the AHC on various conflict of interest committees and they are thinking about and discussing the impact of the policy changes.
- Professor Luciana asked if the University feels competent to monitor compliance and non-compliance of the policy given it is significantly stricter than the previous policy. Mr. Guden replied that currently for physicians there is the Sunshine Act (<http://www.ama-assn.org/ama/pub/advocacy/topics/sunshine-act-and-physician-financial-transparency-reports.page?>), which requires drug manufacturers, medical device and biological manufacturers that participate in federal health care programs to report certain payments and items of value that are given to physicians and teaching hospitals and this information is public. The University will be able to go in and confirm what has been reported on this site matches with what was reported on the REPA. Unfortunately, the University does not have a similar mechanism for non-physicians who also do human subjects research.

- Vice Provost Levine asked whether there was any discussion on conflict of commitment as it relates to this policy. He said he mentions it because someone might bring it up.

Professor Lanyon thanked Mr. Guden and Ms. Zentner for bringing the proposed policy changes to the committee for input. Ms. Zentner said if questions arise after the meeting about the policy to contact her and Mr. Guden.

4. **Adjournment:** Hearing no further business, Professor Lanyon adjourned the meeting.

Renee Dempsey
University Senate