

SENATE RESEARCH COMMITTEE (SRC)

December 14, 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 represents the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.]

[In these minutes: D2D Building; Fetal Tissue Research; Parental Leave]

PRESENT: LaDora Thompson (chair), Lisa Johnston, Daniel Habchi, Tucker LeBien, Nelson Rhodus, Bill Arnold, Logan Spector, Helen Ofstad, Hinh Ly, Joel Waldfogel, Frances Lawrenz, Rachel Bergerson, Jeffry Simpson, Michael Kyba, James Orf, Brian Herman, Suzanne Paulson, Philip Zelazo

ABSENT: Allen Levine, Lynn Zenter, Jeanette Gundel, Elizabeth Steinert, Murat Can Kalem

REGRETS: Bob Lewis, Gregory Cuomo, Claire Stewart, Jayne Fulkerson, Tasoulla Hadjiyanni, Bethanie Stadler

GUESTS: Professor Ellen Demerath; Barbara Shiels, senior associate general counsel, Office of General Counsel; Angela McArthur, program director, Medical School; Julie Tonneson, associate vice president, University Budget and Finance; Kathy Brown, vice president, Office of Human Resources

OTHERS ATTENDING: Deena Wassenberg, Randy Croce

Chair LaDora Thompson welcomed the committee and members introduced themselves.

1. D2D building on the state fairgrounds – Professor Logan Spector and Professor Ellen Demerath thanked the committee for inviting them. The University’s Driven to Discover (D2D) building is a research facility on the Minnesota State Fairgrounds. Faculty and student researchers are able to use it to recruit fair attendees to become research subjects. Spector said during the two year pilot project the use of the D2D building grew from 30 faculty groups to approximately 45. He said that there were 9,000 fair participants in 2014 and 17,000 participants in 2015. He explained that the goal for the D2D building is to become an ongoing feature of the fair. Demerath said the Office of the Vice President of Research (OVPR) funded the two year D2D pilot study. She said an Internal Service Organization (ISO) proposal was recently submitted, allowing the D2D building to be funded through user fees on a per-shift basis. Fees provide researchers from the University access to fair goers as potential research participants. She said a new building is being requested, as well.

Demerath said she is reaching out to various schools and departments across the University to ensure there is a firm understanding that the D2D building is available for use for a fee. Because the pilot phase is over, there is no more University financial support available, she said. Tucker LeBien, vice president, Research, asked if the ISO had been modeled to cover the costs of standard operation, independent of the physical structure changing. Demerath responded that

costs were kept separate because they felt the best way to keep moving the project forward was to use the current building. By keeping operating costs separate, other funding sources can be explored for building upgrades, she said. Professor Michael Kyba asked about the budget for the ISO and how many investigators would be involved. Spector responded that they had a budget of approximately \$150,000 a year and approximately 45 research groups participated in 2015. Billing will be done in shifts, with six hours per shift. Demerath explained the University is currently leasing the property the building is on. Spector added that the building is not insulated, but is available for use all year. Currently, the building has only been used during the 12 days the fair is open. Brian Herman, vice president, Research, said the question is whether or not the University should pay to make improvements on a building it does not own. He said that Pam Wheelock, vice president, University Services, has been tasked with assessing this question and the best way to move forward. He said an accurate cost estimate on proposed upgrades would be needed and then the University must negotiate an agreement with the fair.

Professor Hinh Ly discussed the prioritization of research space. He said as a professor on the St. Paul campus, he sees many antiquated buildings and research space needing updating. His concern was that funding a building for seasonal use is not the best way to invest funding and resources. Herman said the University feels the D2D building is a worthwhile endeavor, but many details need to be worked out. Spector said a facilities page has been created that can be included in NIH grant applications. He said he feels the building can be self-sustaining in the future. Spector said the lease is for the dates of the fair with a few extra days on each end for a cost of approximately \$5,000 a year. Demerath said there is an understanding that the building is the University's to use throughout the year as it sees fit.

Ms. Lisa Johnston asked how the research being performed each year would be presented back to Minnesotans. Spector said that in a new facility, there would be the ability to have dedicated space to the research performed the previous year. He said the plan is to present the results publically in an aggregate fashion each year. Demerath added that they seek to engage the public in the idea that research and great ideas can come from anywhere and that what is important to Minnesotans is important to the University.

2. Fetal tissue research – Thompson reported that the Faculty Consultative Committee (FCC) is looking for the SRC's position on faculty use of fetal tissue in research. LeBien said a video recently released pertaining to the process Planned Parenthood uses to harvest fetal tissue has spurred public conversation regarding the topic of using fetal tissue in research. He said the video drew concern from some legislators, which drew concern from some Board of Regents (BOR) members. The President charged Herman and Brooks Jackson, dean, Medical School, with initiating processes to obtain accurate information regarding the tissue, as well as policies related to fetal tissue research.

LeBien said the National Institutes of Health (NIH) funds approximately \$76 million in grants that use fetal tissue in some way. He said fetal tissue research tends to be most used in the areas of infectious disease, such as HIV; biology, such as heart and lung function; and, retinol function and diseases. He said he used fetal tissue in his research on the human immune system and a childhood form of leukemia. Fetal tissue is enriched with elements not present, or in very low amounts, in adult tissue. It is also has a high capability to replicate. He said there are no

counterparts for fetal tissue and what it offers a researcher. Fetal tissue is generally used because it is a resource that cannot be duplicated anywhere else, he said. LeBien explained there are seven researchers at the University that use fetal tissue; three in the department of medicine, two in surgery, one in neurosurgery, and one in pediatrics. He added there is an individual in neurosurgery potentially using a fetal cell line in phase one studies of spinal cord injuries. He said that in his role as vice dean of research in the Medical School he is supportive of the use of fetal tissue by the faculty where they deem it appropriate.

Ly asked if the Institutional Review Board (IRB) has jurisdiction over research done with fetal tissue. Barbara Shiels, senior associate general counsel, Office of General Counsel, responded that tissue used in bench research or animal studies, and is de-identified, is not subject to IRB review. Fetal tissue implanted into living humans is subject to IRB review, she said.

Shiels went on to discuss existing policies and the proposed changes to the policies. She said the University has a policy and set of procedures for human embryos and embryonic stem cells and human fetal tissue transplantation research. She said the University is not looking to change the embryonic stem cell research policies and procedures other than minor name changes. She said the policies are modeled after the National Academy of Science guidelines. She said the fetal tissue transplantation policy was developed because the University had research where fetal tissue was being transplanted into living recipients. She explained the previous focus of the policies was separating out types of funding to ensure no federal funding was used to conduct the research. Now, because of scrutiny over the issue of fetal tissue research, the University has moved to implement a more robust oversight structure. Up to this point, the procurement, disposal, and use of de-identified fetal tissue has been the responsibility of individual investigators with limited oversight.

She distributed and reviewed copies of proposed policies and procedures related to fetal tissue. The policies addressed procuring and using human fetal tissue in research for both transplantation and non-transplantation. She highlighted the policies require:

- Fetal tissue research be reviewed and approved by the existing stem cell research oversight panel.
- Procurement is through the Anatomy Bequest Program.
- Fetal tissue is only retained for as long as it is needed for the specific research performed.
- After research is complete, the Anatomy Bequest Program disposes of all tissue through its existing mechanisms of disposing adult deceased tissue, which is through cremation and burial in a shared grave space in a respectful manner.
- Articulation of prohibited types of research per a combination of state and federal law.
- The separation of roles; the researcher obtaining the fetal tissue has no involvement with the woman deciding to have an abortion. The researcher has no role in the decision making process.

Shiels discussed the clear nature of federal law versus Minnesota law, which is less comprehensive and less coordinated on the issue of fetal tissue research. She said Minnesota law is ambiguous and the purpose of the policies is to erase any potential ambiguity, she said. She

added that fetal tissue would not be procured from abortions or miscarriages in Minnesota, and suppliers are in agreement that they will monitor the sources of the tissue they provide to the University.

Shiels said the purpose of the meeting was twofold; one, to obtain a statement of support for fetal tissue research at the University from the committee, and to decide if the proposed changes to the policies are acceptable.

Ly asked how fetal tissue could be properly disposed of if the cell line is immortalized. Immortalized cells are forever replicating and ongoing. LeBien said researchers are responsible for the timeline of responsible use and disposal of fetal cells and tissue. As long as cells are being used for research, they do not need to be taken from the researcher and disposed of, he said. Angela McArthur, program director, Medical School, said it was her experience that researchers want to be responsible with the tissue they conduct research on. She said researchers are followed up with twice a year to check the status of the tissue, as well.

Shiels said the goal is to have the policies implemented by the time the legislature convenes in March. Thompson asked the committee if it was ready to take a position of support for fetal tissue research and the seven scientists currently using it. She also asked if the committee was in support of the proposed policy changes. Professor James Orf asked if other committees would be seeing the proposed changes after SRC. Shiels said the Academic Health Center (AHC), FCC, Council of Research Associate Deans (CRAD), and the University Policy Advisory Committee would be reviewing the policies next. Nelson asked if the committee could provide a general consensus about how it feels while a formal statement was being drafted. Nelson moved that the SRC's general consensus was that it supports both fetal tissue research at the University, as well as the associated, amended policies. All the members were in agreement, with none opposed. Thompson said she would draft a statement and distribute it to the members for final approval.

3. Parental leave – Thompson welcomed Julie Tonneson, associate vice president, University Budget and Finance and Kathy Brown, vice president, Office of Human Resources (OHR). Thompson explained Tonneson and Brown were in attendance to discuss the resolution SRC is drafting in regards to how parental leave is funded out of research grants as well as to address questions concerning funding parental leave out of the fringe pool.

Brown began by saying she understood the issue to be the inability of grants to afford time off for researchers taking parental leave. She explained University policy for all faculty and staff, at all levels of the University, is to provide two weeks of paid leave to anyone adopting or having a biological child. For women who give birth, an additional four weeks of sick leave is available, totaling six weeks of paid leave. She said the University does not differentiate how parental leave is paid (whether out of a grant or another part of the budget). She said sick leave is paid at the local level, which is the appointing authority (unit, department, center, or college). She said anyone on a grant who needs to take medical leave would receive payment from their appointing authority's budget.

The committee pre-submitted questions to Brown before the meeting, and in response to the question pertaining to the number of people affected by the parental leave policy, she said she did not have the information. Brown said parental, sick, or medical leaves are not paid by specific funding streams, so those affected by parental leave while on a grant cannot be separated out by their funding. Brown said the question is whether or not the University considers continuing to pay sick leave as it always has, or perform a major overhaul of the system to create a central fund to pay sick leave. She added the Federal Medical Leave Act (FMLA) allows for up to 12 weeks of unpaid leave while protecting the employee's job.

Kyba explained that the disruption of taking leave while on a research grant could be very disruptive, and disruptions could be avoided if leave was paid out of a central fund. He said parental leave is the most disruptive compared to other types of leave because of the length of time the researcher is gone. He said the initial intent with the resolution was to change the system to minimize disruption to research, as well as address the potential for gender discrimination since women take the longer parental leaves. He asked what needed to be done to minimize risk and disruption and about the cost associated with a change in procedure. Brown responded that a change in policy, a substantial change in financial practice, and a change in the OHR system would need to occur to recognize various funding streams for different types of leave. Tonneson said the University pays approximately \$12-17 million a year for various leaves. That amount would increase the fringe pool by approximately 2%. She said another option would be to create a funding pool that departments could apply for to assist them through funding difficulties associated with sick and parental leave. She said this would have to come up through OVPR as a research priority. She said there is no way to make a solution cost neutral without taking money from a different area of the University. Pamela Webb, vice president, Sponsored Projects Administration, said that if there is difficulty with funding parental or sick leave, the protocol is to take the concern up the chain of command in the department or college.

Johnston said she did not like considering parental leave and sick leave as gender neutral. She said taking the funding of a leave due to pregnancy up the chain of command was unfair because of the nature of pregnancy only occurring with women. Webb said the issue is not paying for leave, it is that absent researchers affect a grant's due date for completion and there is no backfill funding to replace the researcher to meet the completion due date. Kyba said gender is important to consider because of the potential for discrimination. Thompson said that other senate committee chairs were in attendance because of the concern for potential gender discrimination as well as a concern that current policies are not being implemented appropriately. Brown said such situations could come to OHR, the Office for Conflict Resolution, or the Office for Equity and Diversity. She also mentioned OHR offers supervisory training to help explain the policies and how to implement them.

Hearing no further business, the meeting was adjourned.

Avonna Starck
University Senate Office