

Minutes\*

**Faculty Consultative Committee**  
**Thursday, March 27, 2003**  
**12:00 – 2:00**  
**4300D Carlson School**

Present: Dan Feeney (chair), Gary Balas, Susan Brorson, Tom Clayton, Gary Davis, Arthur Erdman, Marti Hope Gonzales, Fred Morrison, Jeff Ratliff-Crain, Martin Sampson, Charles Speaks

Absent: Muriel Bebeau, John Fossum, Marc Jenkins, Mary Jo Kane, Candace Kruttschnitt, Marvin Marshak, Judith Martin

Guests: Interim Vice President David Hamilton

Other: none

[In these minutes: (1) many items of business; (2) discussion with Interim Vice President for Research David Hamilton on many items of business related to research]

**1. Many Items of Business**

Professor Feeney convened the meeting at noon; he and others reported on numerous items of business.

-- Professor Laura Cooper, chair of the Grievance Advisory Committee (the group that reviews the functioning of the grievance process for University employees) will be on leave next year; this Committee must identify a new chair. He said the individual should be someone experienced in conflict resolution and asked Committee members to provide suggestions by the meeting on April 17.

-- There is need to replace one of the three faculty members on the President's Student Behavior Review Panel (which serves as the appellate body for recommendations concerning University action in responses to findings of student violations of the University's conduct code). Again, Professor Feeney asked for suggestions by the April 17 meeting of the Committee.

-- He met earlier in the day with Associate Dean Anne Taylor of the Medical School to try to develop additional language for the governance policy that would accommodate the needs of units that have faculty members who perform all three of the University's missions, and are evaluated on their performance of those missions, but who do not have tenured or tenure-track positions (but who in most cases probably would otherwise hold tenured or tenure-track positions but for funding constraints). There will be no changing of the tenure code and the core principles of the policy as it was adopted will not be compromised. He said draft language would be circulated to the most recent ad hoc group that developed

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the policy that was adopted and then it would be presented to this Committee for review and approval before being submitted to the Faculty Senate as amendments to the policy.

-- Professor Morrison, one of the legislative liaisons, reported on the budget situation at the Legislature. Presentations by several faculty members to the two higher education budget committees last week were very positive. Each House will make preliminary allocations to higher education and other broad subject-matter areas by April 3.

-- Nominations of faculty for the Advisory Committee on Athletics have been forwarded to the President.

-- Professor Feeney, along with Professors Speaks and Morrison, commented on the discussions with the administration about the development of the 2003-04 budget. There may be recommendations concerning benefits that will need to be heard by this Committee before the April 17 meeting.

-- Preliminary work on a reorganization of the Senate has begun. A proposal will be brought to the Committee in the next few weeks.

-- Letters from Professor Feeney and Executive Vice President Maziar have been sent appointing the two working groups, one on academic freedom and one on the instrumentalization of the University. The members of the groups have been drawn from the Regents' Professors, the Distinguished McKnight Professors, and the members of the Academy of Distinguished Teachers.

-- The Tenure Committee is looking at issues surrounding "drift" in departmental 7.12 statements (which are to set forth the standards for tenure and promotion) and its effects on productive long-term faculty.

-- The Committee approved unanimously an amendment to the bylaws of the Senate providing that the chair of this Committee remains an ex officio the year after his or her service is completed, whether or not his or her elected term of three years has ended, in order to provide advice and continuity. Professor Feeney noted that at the end of the 2003-04 academic year, the elected terms of both Professor Martin and Professor Erdman, the chair and vice chair, will end. He assured the Committee that he would prefer that the amendment take effect at the end of the 2003-04 academic year so that it does not appear that he is seeking to extend his own term.

-- The Committee took up a proposal to bring the membership requirements of the Senate and its committees into alignment (they are now slightly different). The new provision would bar from membership (except in ex officio status) anyone--faculty or professional/administrative staff--who "hold a position carrying as any part of its title president, vice president, chancellor, provost, executive director, counsel, attorney, or chief of staff" as well as anyone who is a dean. However, "individuals with less than one-third-time appointments as assistant or associate deans may serve as voting members of Senate committees" or in the Senate. The rationale is that people who are vice presidents, provosts, etc., deal with issues at the central administrative level that can come before Senate committees. Deans are seen as executive officers. Part-time assistant or associate deans (individuals who are 2/3 or more time faculty), however, are seen to be primarily faculty members who should be eligible for membership. The original proposal called for assistant or associate deans with less than a 50%-time administrative appointment to be eligible; after brief debate, the Committee voted to change the requirement to one-third (thus reflecting

the definition in the tenure code of full time faculty: 67% time or more) and then approved the amendment unanimously. It was agreed that any appointments now in place that would otherwise violate this new bylaw requirement should be allowed to continue to their natural expiration.

-- The Committee unanimously endorsed several revisions (mostly editorial) to the protocol governing participation of Senate committees in searches for central administrators. The two changes of substance are that this Committee (and the Student Senate Consultative Committee) are to be involved in searches for the chancellors of the coordinate campuses and the Senate Research Committee will be involved in any search for the Dean of the Graduate School (who also serves as vice provost for research).

-- Based on responses to a request for expressions of interest in a meeting between department chairs/heads and this Committee (overwhelmingly in favor), the Committee agreed that at least two dates for such meetings should be set.

Later in the meeting, the Committee dealt with two more items:

-- When the Committee is involved in searches for central or other senior administrative officers, it wishes to make its assessments of the candidates known as a Committee, not by individual responses/evaluations provided to the hiring authority. The search protocol will be amended to reflect this wish.

-- The Committee concluded it did not wish to change the prohibition on the members of the Faculty Academic Oversight Committee for Intercollegiate Athletics (FAOCIA) receiving tickets to athletic events or any other favors on invitation from the athletic program or director. For such benefits to be approved, the President must extend the invitation and this Committee must approve them. (There was some confusion about whether the prohibition on such benefits extended to the Advisory Committee on Athletics; Professor Morrison, who drafted the existing bylaws, said that it does not and that the members of the Advisory Committee are expected to be involved in events and athletic activities. The FAOCIA, however, reviews transcripts and evaluates academic performance and is to be insulated from the athletic program--even though everyone now has great confidence in the athletic director--so that there is no undue influence on decisions about eligibility and the like.

It was agreed, however, that approval of provision of benefits to FAOCIA should be by the Faculty Assembly Steering Committee (the Twin Cities members of this Committee), not the full Assembly Steering Committee (which also includes students).

## **2. Discussion with Interim Vice President Hamilton**

Professor Feeney now welcomed Vice President Hamilton to the meeting for the period discussion between the Committee and the Vice President for Research. Vice President Hamilton provided the Committee information and updates on a large number of items.

-- He described management issues in some of the units that report to his office.

-- Effort certification will be on-line, hopefully by the end of the calendar year. The manual nature of the effort certification process has been an audit finding for a number of years. There are >8000 cards submitted each quarter that are processed manually, a process that is fraught with inefficiencies and the

possibility of mistake. A nationally-respected group will be used to consult on the process; the actual programming will be done internally. How will the researcher see a difference, Professor Erdman asked? They will see a tickler on their web site to which they must respond, Dr. Hamilton said. Once per month, Professor Erdman asked? No, Dr. Hamilton said, at present effort is certified quarterly. This process currently costs the University about \$2 million per year; by being on-line there should be a significant reduction in costs. The federal regulations only require effort certification once per year, which is what he also would prefer. The entire effort will be brought to the Senate Research Committee for review, he promised.

-- His office has been looking at contracts. For clinical trials, they propose to develop a template for pharmaceutical companies that they can in turn modify and the University can accept or reject the modifications. The process will go faster and avoid getting stopped in the lawyers' offices. For small companies that do not have the legal resources to examine long contracts, the University should have a 2-3-page contract that the company can understand and get legal advice on quickly. Dr. Hamilton said he was not sure he could accomplish this second goal; the Office of the General Counsel is very concerned about protecting the University, which it does well, but with a substantially longer document.

Putting in conditions that are most favorable to the University also scares small companies, Professor Erdman commented. The major emphasis in any revised contracts would be that the University will not give away publication rights and deciding who owns any intellectual property.

-- There is a new software product going into use--EGMSi--that will be internal and that investigators will never see. It will intersect with the Sponsored Financial Reporting system and automate what people have done by hand in Sponsored Projects Administration. It will automatically set up accounts once an investigator has accepted conditions on an award and will have them ready by the next day.

-- On the portal system, they are also building a "Fed-Ex"-like tracking system so that investigators can keep track of where their grants are in the queue. Information about reporting to the sponsoring agency and on grant balances will also be provided on the portal.

-- The material transfer agreements (used mostly with biological agents) processes will be streamlined. These are used by both Sponsored Projects Administration and Patents and Technology Marketing.

-- The Responsible Conduct of Research tracking has been shifted to PeopleSoft, along with the continuing education requirement. They have moved to decentralized offerings at the behest of the units because many participants said the materials were not relevant to them (e.g., what is pertinent in the Medical School may not be so in CLA). Professor Ratliff-Crain commented that the decentralization has led to a dramatic improvement on the Morris campus.

-- The Research Subjects Protection Program has gone through a lot of study. The outcome has been very good; one big change is that there is now a panel of the Institutional Review Board (IRB) that will deal only with student research protocols, which should speed up the process considerably. Professor Ratliff-Crain commented that the panel will take a more pedagogical approach rather than simply tell those who make proposals what they have done wrong. He said he was very optimistic about the change.

Dr. Hamilton said he has met with the staffs of all of the offices that report to him and has impressed upon them that they are service units and must meet the needs of the faculty, staff, and students.

-- The survey of those who have used the IRB process is ready to go out. The Committee agreed it did not need to see the survey instrument again.

-- The University is on track to go through IRB accreditation. This is a high priority for the Association of American Universities (AAU) because there has been a threat by Congress that if universities do not accredit the process, Congress will--and that is an alternative universities wish to avoid.

-- A host of things are happening in electronic grants administration. EGMS (Electronic Grants Management System) is being redesigned by the same designer that designed the REPA (Report of External Professional Activities) form, which has been highly commended. In terms of the REPA, use of the PeopleSoft database has demonstrated that a number of people have been appointed incorrectly (the discovery came because people who should not have been were informed that they needed to fill out the REPA). About 8600 people at the University must file the REPA; over 6000 have been filed and the University will come close to 100%.

-- The University has received a grant to integrate its compliance databases: it is tied to the PRF form and the system will check to learn if one has filed a REPA form, and whether other compliance issues have been met. The system will flag any potential conflict of interest and ask whether a management plan has been prepared and approved. This can be used in a lot of compliance areas.

-- All policies that touch research are being reviewed and new ones are being developed. He is in the early stages of developing an institutional conflict of interest policy as well as a conflict of commitment policy. Dr. Hamilton related that he, Professor Martin, and Mr. Schumacher (Director of the Compliance Office) attended a CIC meeting in Chicago on conflict of commitment--and all three of them came out taking the same position: this is something the University needs (it does not now have one). Dr. Hamilton said he believed such a policy can be adopted and that he would work with the Committee and the Provost's Office (through Professor Bloomfield) to map out a process to adopt it.

The individual conflict of interest policy also needs to be rewritten, Dr. Hamilton said, because it does not conform to practice and the policy needs to be separated from the procedures. The conflict of interest policy also includes the ROC, but it is not handled well in the policy or the procedures.

-- There has been a lot of hard work on the HIPAA requirements by Ross Janssen and his colleagues in the AHC. The Executive Committee has approved the University's policies and they are now in force. Of the 20,000 who are required to take the HIPAA training, about half have done so--and the deadline is March 31.

Dr. Hamilton emphasized that all he has talked about has been accomplished by other people, not him, and they all deserve the credit. Professor Feeney said it was satisfying to learn that comments made by this Committee or others are taken seriously and acted on.

Professor Speaks asked Dr. Hamilton how he felt now about the separation of the offices of the Vice President for Research and the Dean of the Graduate School. Dr. Hamilton said he was very positive about it. He attends meetings of the Dean; the Dean attends his meetings, and some things they are doing together. He cautioned that this may work as well as it does because of the two individuals involved; two others might not work so well together.

Professor Erdman said it sounds like the various policies being considered are a mix of those internal to departments and those that must go through the governance system. Dr. Hamilton said most will go through the governance system and to the administration (and Board of Regents if appropriate). Does his analysis include the appropriate committees or is there preliminary work to do first, Professor Erdman inquired? There is preliminary work first, Dr. Hamilton said; then the issues will be brought to the appropriate committees. The Senate Research Committee and the Senate Committee on Faculty Affairs will be two of the main venues for discussion.

Professor Feeney asked that the minutes reflect the favorable sentiment of the Committee about all that Dr. Hamilton, Mr. Bianco, and others have done. It is a tribute to him and his colleagues that things can get done and that faculty can bring issues forward. Dr. Hamilton repeated that the praise must go to the people who have done all the work. Professor Feeney thanked Dr. Hamilton for his report.

Following the completion of a few items of business noted in the earlier section of these minutes, Professor Feeney adjourned the meeting at 2:00.

-- Gary Engstrand

University of Minnesota