

Minutes\*

**Faculty Consultative Committee**  
**Thursday, January 7, 1999**  
**12:30 – 2:15**  
**Room 238 Morrill Hall**

Present: Sara Evans (chair), Kent Bales, Linda Brady, Gary Davis, Mary Dempsey, Marilyn Grave, Stephen Gudeman, David Hamilton, M. Janice Hogan, Roberta Humphreys, Michael Korth, Marvin Marshak, Judith Martin, Fred Morrison, V. Rama Murthy, Matthew Tirrell

Absent: Leonard Kuhl

Guests: President Mark Yudof; Professor John Adams; Judy Kirk (University of Minnesota Foundation); Thomas Etten (Office of Federal Relations); Executive Vice President Robert Bruininks

Other: Maureen Smith (University Relations)

[In these minutes: a capital campaign; federal law undermining the privacy of research data; IMG principles; Rochester; doctoral programs in MnSCU institutions]

**1. Discussion with President Yudof**

1. The Capital Campaign

Professor Evans convened the meeting at 12:30 and welcomed President Yudof, Professor Adams, and Ms. Kirk. President Yudof made a few comments about the upcoming legislative session, and then turned the discussion to the capital campaign. The Committee discussed with the President, Professor Adams (the faculty representative on the campaign steering committee) and Ms. Kirk various elements of the campaign, including the ways in which the funds raised in the campaign would be used.

Professor Evans remarked that the faculty are willing to play a role in the campaign, when it would be helpful. Professor Adams suggested that because many initiatives in the campaign will come from the colleges, faculty will need to pay a lot of attention in order to keep the campaign coherent. It was agreed that the college case statements, and the University case statement, would be provided to the Committee, after which time it would raise any concerns it might have. Ms. Kirk expressed appreciation for the willingness of faculty to participate and to help articulate the goals of the campaign.

2. Research Data Privacy

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Professor Evans next welcomed Thomas Etten, Director of Federal Relations, to the meeting to discuss recent federal legislation that has caused considerable alarm in higher education. Mr. Etten distributed copies of the statute, and told the Committee that it greatly expands federal authority to require research information under the Freedom of Information Act if the research is being conducted with federal funds. The federal government, or any member of the public, may demand information at any time during a research project. The change was included in a 4,000-page bill and few realized it was there.

Mr. Etten explained that the Office of Management and Budget (OMB) would soon be proposing regulations to implement the legislation, and the process for comment on the proposal. It may be that OMB will try to modify the legislation or make it less onerous. There are at present no Congressional hearings scheduled, but he has been told there will be legislation proposed to rescind it.

There will be an institutional response to the legislation from the President, Mr. Etten reported, and it will be sent to all members of the Minnesota Congressional delegation. The Minnesota representatives will also be asked to co-sponsor repeal legislation. He urged faculty members to tell OMB how the legislation will affect their research. He has heard from many individual faculty members of their concern, and one faculty member (a past chair of this Committee) was denied a research opportunity because the confidentiality of data could not be guaranteed under the provisions of the new law. One Committee member said that the legislation, if interpreted strictly and enforced, could mean the end of his discipline.

Mr. Etten reported that the national higher education organizations are on top of this issue and understand its seriousness.

Professor Morrison observed that OMB is required to make a rule, and that it can be sued if it does not do so. The long-run solution is to get the legislation repealed. Mr. Etten agreed, but pointed out that if OMB, during the comment period, is overwhelmed with protests about the legislation, that can provide powerful ammunition for it to go to Congress and advise that the legislation is bad.

Professor Marshak inquired if the Freedom of Information Act itself did not have provisions concerning the confidentiality of data. Mr. Etten said he would explore the matter. He added that it was bothersome to have to waste a lot of time and energy on this, rather than on the issues of importance, but this is the fire that needs to be put out, and said he believed it could be resolved satisfactorily. It is important, however, that as many faculty as possible make known to OMB their objections.

It was agreed that a resolution adopted by the Senate Research Committee should be quickly taken up by FCC and then brought to the Senate for action in February.

Professor Morrison commented that he believed this legislation is related to the tobacco issue, because the tobacco companies wanted information but were told that research data belonged to the grantee, not the federal government, and was not available under the Freedom of Information Act. This legislation reversed that finding.

Professor Evans thanked President Yudof and Mr. Etten for joining the meeting.

## **2. Discussion with Executive Vice President Bruininks**

Professor Evans now welcomed Dr. Bruininks to the meeting. Dr. Bruininks began by touching upon several items.

-- He thanked FCC members for their involvement in discussions about the Campus Club. He expressed the hope that the outstanding issues could soon be resolved.

-- He distributed to the Committee a draft statement on the philosophy and operating principles for Incentives for Managed Growth, as has been requested by the IMG Oversight Subcommittee. The paper will be taken to the Senate Committee on Finance and Planning for discussion, but asked that Committee members review it and send him comments or suggestions.

-- Per legislative directive, MnSCU is consulting with the University about metropolitan higher education, and there is movement to establish a metropolitan consortium or working group that includes MnSCU, the University, private higher education, and the K-12 system. The objective is to determine what needs to be done to meet metropolitan needs, especially the needs of under-prepared students, the percentage of whom are going on to post-secondary education has dropped slightly. Dr. Bruininks said this is NOT a move to make the University an open access institution, but it can help to enhance outcomes elsewhere. The effort is also an incentive for the University to examine the many programs it runs in the area; there is a committee examining the programs to see if they can be made more effective, and the results will be reported to the Senate Committee on Educational Policy.

-- The Committee spent about forty-five minutes talking with Dr. Bruininks about the University Center in Rochester.

-- The legislature has asked the University and MnSCU to assess the need for professional doctoral degrees, especially in outstate Minnesota. The University has prepared a report on this issue that will be submitted to the legislature next month. Dr. Bruininks said it is his firm view, which he has made known, that it would not be a wise use of state funds to expand doctoral degrees in other state universities. The analysis indicates that there is not sufficient demand to justify such programs, and that the population of Minnesota is not large enough to justify the case of offering doctoral degrees at all the 4-year MnSCU institutions. He said he believed doing so would place a strain on the resources for higher education. This is also a national issue of mission creep.

The possibility of working with the University to offer selected doctoral programs in partnership with MnSCU universities may be a possibility, Dr. Bruininks concluded.

Professor Evans thanked Dr. Bruininks for joining the meeting, and adjourned it at 2:15.

-- Gary Engstrand