Minutes[*]

Faculty Consultative Committee
Thursday, October 21, 1999
1:00 – 3:00
Room 238 Morrill Hall

Present: Fred Morrison (chair), Susan Brorson, Mary Dempsey, Richard Goldstein, Stephen
               Gudeman, David Hamilton, Mary Jo Kane, Leonard Kuhi, Marvin Marshak, Joseph
               Massey, Judith Martin, Paula Rabinowitz, Jeff Ratliff-Crain

Absent: Linda Brady, Les Drewes, Roberta Humphreys, V. Rama Murthy

Guests: Associate Vice President Richard Pfutzenreuter; Associate Dean Virginia Seybold
               (Graduate School) and Professor Amos Deinard (AHC); President Mark Yudof

Other: Maureen Smith (Institutional Relations)

[In these minutes: review of the capital plan; education in the responsible conduct of research; discussion
of various issues with the President]

1.   Review of the Capital Plan

       Professor Morrison convened the meeting at 1:00 and welcomed Associate Vice President
Pfutzenreuter to review the capital planning process. Mr. Pfutzenreuter noted that this meeting took place
on a momentous day, the anniversary of the invention of the light bulb.

       [This presentation parallels, with less detail, the presentation to the Senate Committee on Finance
and Planning on October 19, 1999, and will not repeat it except where FCC members offered comments.]

a)   What peer review occurs at the precinct level, Professor Hamilton inquired? Who sets the
priorities at the local level? The Capital Improvement Advisory Committee still exists, but Mr.
Pfutzenreuter said he did not know how much consultation takes place in a college. Professor Hamilton
speculated that for any given space, he could convince someone that there should be a building there,
without any priority being determined at the local level.

       Who is doing precinct planning, Professor Morrison asked? In the arts precinct, for example, Mr.
Pfutzenreuter reported on the individuals who were involved, from Master Planning and the University
Architect and a dean.

       Professor Hamilton pursued the issue: how do the faculty figure into setting the priorities?
Professor Kane followed with additional inquiries: what are the precincts and who are, in effect, the
"precinct captains"? And who determines who those people are? Mr. Pfutzenreuter said it would be
useful to return to the Committee to discuss those issues, because the administration will be reporting to

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the Regents on planning in the arts and the athletics precincts. A report on the process should be made to the Committee. It would be useful to have information on reporting lines and consultation and participation in the precinct planning process, Professor Morrison said; the arts precinct might be a useful example, and since Dean Rosenstone is joining FCC next week for another purpose, perhaps he could speak to this matter as well. Professor Morrison said he would contact Dean Rosenstone.

One criticism he has of the master plan, operating at 60,000 feet, is that it does not provide much. It lays out building footprints, but does not suggest what would be in the buildings. Or, Professor Hamilton added, if the buildings were needed. Mr. Pfutzenreuter agreed, and continued. A dean or vice president or provost comes along with a project, which leads to frustration in the capital planning process because the project does not take into account contiguous buildings or programs or infrastructure. Each project is a silo unto itself. The precinct planning attempts to bridge that gap.

Do the precinct planners have any power, any major role in setting policy, Professor Kane asked? Or do they simply fulfill a role in having a process? Does anyone listen to them? Mr. Pfutzenreuter said that since no precinct plan has been completed, it is difficult for him to answer; the process is too new. (He drew the attention of Committee members to one page in a handout which identified the precincts. It is difficult to draw lines without gerrymandering, to some extent.)

b)   Of the list of proposals that totals about $1.2 billion, not all of which have been approved for pre-design, who writes the proposals, Professor Kuhi asked? Where do they come from? The precinct committees are only getting started, Mr. Pfutzenreuter said; the list was prepared by the Capital Improvements Advisory Committee last year. The items on the list are local unit priorities, Mr. Pfutzenreuter said, but they may not make it on to the six-year capital plan. The proposals come in from the deans and the vice presidents, and also from the President. Professor Speaks is a member of the CAIC, Mr. Pfutzenreuter noted.

Professor Gudeman inquired if the CIAC makes the definitive list of priorities or if it makes recommendations; Mr. Pfutzenreuter said it makes recommendations. There have been questions about the actual priority list; what is the process that occurs after the CIAC makes its recommendations?

The resource acquisition phase of the capital planning process is in large part the capital request to the legislature--most of the $231 million with approved pre-design. The site, program, infrastructure costs are all known. In order for a project to move from "planning and feasibility" to the "resource acquisition" phase, and become part of the capital request and approved for implementation, a pre-design document must be prepared. That document is used in order to avoid surprises; in those instances where the University has gotten into trouble with a project, it almost invariably did not have a pre-design. A few of those are in athletics; something went wrong, and the University has a problem.

The "planning and feasibility" stage consisted of the $1.2 billion list. It was reviewed by the senior management of the University, after the President provided guidelines. Drs. Bruininks and Cerra reviewed the list, and there were conversations with the chancellors; after that the priority list of projects was developed, for a total of $371 million in projects approved to begin the pre-design process. To move further in the process, to become part of the capital request in 2002, the pre-design will have to be finished and approved by the President.

Professor Kane inquired who appoints the CIAC? Professor Morrison explained that it consists largely of administrative officers, with perhaps one faculty member and one dean, out of a total of 10. He said he believed the Senate Committee on Finance and Planning appoints the faculty member, who serves until he or she leaves. He appointed Professor Speaks, who has served for some time--and who has expressed concern about the meager faculty representation.

The "planning and feasibility" as well as the "resource acquisition" list came out of the CIAC, Mr. Pfutzenreuter said, which was developed from proposals from student housing to the Medical School. The CIAC does advise on what it believes priorities should be. The senior officers, however, make the decisions.

This is an administrative committee, not a Senate committee, Professor Morrison pointed out, so there is no appointment structure. They came to Finance and Planning and asked for a faculty member. That is how Professor Speaks was selected. This is a major driver of the University's budget, Professor Gudeman observed; there is one faculty member on it. From that committee, the decision goes to the administration. The question being raised whether there should/could be more faculty participation. This is a MAJOR determinant of the University budget and directions the institution will take.

It is important to look at the various decision-making steps in the capital planning process, Mr. Pfutzenreuter commented. The point was made earlier about the precinct planning; he said he hoped that as that process gets going, it can be a key place to provide the administration information on the priorities and how they fit together. The University spends too much time on each building and not enough on the places around it.

Professor Kane said she was only asking because it appears the people who make these decisions have enormous power over a great deal of money. She said was disturbed that there was only ONE faculty member in a group of 10-12 people. This should be looked into. Professor Morrison concurred, and said it should be raised with Dean Rosenstone next week when the budget process is discussed.

Professor Martin said there is clearly a mechanism in place that drives thinking about the capital budget, but it appears there is no similar mechanism for decision-making about faculty salaries or student activities--the human side of the institution.

Professor Hamilton inquired if this might not be an instance where the faculty-administration partnership paradigm might be applied? It is correct that there is a paucity of faculty in the process. There are not many deans involved, either, Professor Morrison added. There is not a great deal of academic leadership on the administrative side, either; it is mostly physical plant and financial leadership.

Mr. Pfutzenreuter noted that the capital planning process has been built around the pre-design document. Faculty should look carefully at projects authorized to proceed to pre-design, because that is a place where faculty views are critical. What are the academic programs that will be in those buildings? What will it be like? That is a place where the administration works with the faculty and deans; there are pre-design groups. It is a place faculty need to stay actively involved, beyond involvement in deciding what projects are authorized.

Professor Gudeman asked what makes a convincing argument for a building? What carries weight in these decisions? That would be useful to know. Mr. Pfutzenreuter said that as staff people,

they are looking for or watching two things: someone must tell them what the academic priorities are, and in terms of which projects get done, the age and health/life safety conditions of the building. Some things just have to be done; the Art building is a mess, and it is also an academic priority now, so the President said he wanted it done.

c)   It is ultimately the President who determines the order of priority of items in the capital requests, Professor Kane asked? Presumably after consultation with senior administrators and the CIAC? The CIAC provides technical advice, and has not set priorities, Mr. Pfutzenreuter responded. It may let the administration know what it believes priorities should be, but ultimately the President decides, because he is accountable for the decision. The priorities in the 2000 request changed between last spring and this fall, based on decisions by the President.

Professor Morrison said he believed it within the scope of what this Committee customarily does (or the Committee on Finance and Planning, or both committees) to make recommendations that one project or another should be a higher priority.

Professor Kuhi observed that the place of the remodeling of Physics has been moved back two years and also put in question. It is changes such as that that prompt questions about how decisions are made.

Professor Morrison thanked Mr. Pfutzenreuter for his presentation.

2.   Education in the Responsible Conduct of Research

Professor Morrison welcomed Drs. Seybold and Deinard to the meeting, and asked them to introduce themselves.

Last year the Senate passed two policies on education in the responsible conduct of research, Dr. Seybold recalled. One dealt with Principal Investigator eligibility; the other was Education in the Responsible Conduct of Sponsored Research and Grant Management. She said she was recruited by Professor Hamilton and Vice President Maziar to implement the policies; she is a professor in Neuroscience and a member of the Senate. She distributed copies of a report provided to NIH on these matters.

This appearance before FCC is a progress report on the policies; the leadership of the Committee is also important to the implementation of the educational program. There must be faculty participation in the educational program, and Committee views on University-wide activities.

In terms of the educational program, the curriculum represents the consensus of three different University committees--one in the Graduate School, one in Grants Management, and an educational leadership group that she assembled from across the University. The list of modules were supported by all the committees, while recognizing that they are only a subset of what constitutes professional conduct. There was also a consensus that it was important for all faculty to have an understanding of all the University policies and procedures that govern the different kinds of research that are conducted--whether in the social or biological or physical sciences: faculty need to know there are regulations that govern in many areas. In some cases, faculty need only general knowledge, rather than detailed knowledge, depending on the nature of research being conducted.

A curriculum has been prepared that will be part of a web-based resource being developed by the Graduate School. Also featured will be University and federal policies that relate to different topics.

The point of implementation has been reached. Among the important considerations are that new members of the University be aware of the local culture and requirements early in their academic careers so they abide by them. The plan is for an educational program during a faculty member's first year of appointment. NIH also requires continuing education; this also serves the University in terms of maintaining the visibility of the institutional commitment to ethical conduct. It will be important that there be a variety of venues for this education, and a variety of issues be aired in order to faculty to provide their insights and experiences. There will also be web-based modules, to provide an alternative method of access to the material.

There will be University-wide forums, one each semester, for continuing education. These would be very important to increasing the visibility of the importance of ethical conduct and the normative values of the University. They must be interesting, so people attend. The topics, however, are engaging, and relevant to faculty; one might be on intellectual property; another might be on whistle-blowing. Credible faculty leadership will be important to delivery; so will support from deans and department heads.

There is a need to monitor compliance with the policies, for PI eligibility. The Center for Human Resource Development will keep track of faculty compliance with the policies in order to govern the release of sponsored funds.

Dr. Seybold solicited the views of committee members.

Professor Massey noted that the case studies are not subject to copyright and they need to be solicited. At present they are heavily biased to medical fields; the entire faculty needs to be solicited. Dr. Seybold recalled that there are three committees working on this, of which Professor Massey is a member of one. There is a call out for case studies across disciplines that can be put on a web site with educational materials. The web site is www.grad.umn.edu/ethics/resources. Professor Hamilton said the site has a wealth of information and urged that people use it.

The question of when monitoring for compliance with policies (e.g., faculty have completed the continuing education requirement so funds can be released) will depend on when Human Resources puts in place the database, Professor Hamilton said. There is a PeopleSoft module on tracking training which might be used. Tracking will likely start early in the spring.

The education programs will be centrally based, with people from various academic disciplines, Professor Kane inquired? Who is creating the knowledge base specific to a discipline? Humanities professors for the humanities? These resources need to be developed, to make them discipline-specific, Dr. Seybold said. Materials for graduate students have been developed.

There will be certain modules that will be required, because of federal agency rules, before funds can be released on a grant, Professor Hamilton reported. But that same mandate cannot be expected for every person doing research. Nonetheless, there is a Senate policy that requires education in the proper conduct of research. To put a scale on it, there are close to 20,000 people involved in research at the

University at any one time; there has to a strategy to get the information to those people. It will not be accomplished by having a course; the information has to be moved down. This process is about decentralization, he said.

Professor Kane encouraged those responsible to work with chairs and deans to ensure that these kinds of issues are part of merit reviews. How much are faculty participating?

Professor Morrison said that his one concerns is that there will be web site and the course modules, but no one will pay a lot of attention to them. The Graduate School will be off the hook because they made the material available and the faculty member can check the box. There are 3,000 PIs (active) at the University, including P&A staff and postdocs, but there are many departments with no PIs. How will this material be gotten to them? Much of this doesn't have anything to do with them (federal funding rules, for instance), but the general ethical standards do.

Professor Deinard pointed out that Sponsored Project Administration can withhold funds if someone has a sponsored project, but anyone on campus doing research needs to know about the IRB or the animal care policy, and academic misconduct. Professor Morrison agreed; how are those to be communicated without much more institutionalized instruction? Professor Kane said that department chairs will have to be given responsibility for these matters. Even though these materials are oriented to sponsored research, there is need for more conversation about ethics and plagiarism and so on in the humanities and social sciences--as the University puts more pressure on assistant professors to obtain money, what happens if someone finds misbehavior? She supported Professor Morrison's notion that the effort must be at the grass-roots level.

That is why the emphasis on new faculty, Dr. Seybold said, but agreed that there is a need for University-wide communication on some issues. She related how faculty are involved in graduate program education, and how the education program is being evaluated. Education does not always lead to a change in behavior, but the effort is worth the try because there have been no general discussion of the expected behavior across the University. The discussions that have been held are engaging and people have gotten involved. They must be, she said, or faculty will not attend.

Professor Hamilton related that he had been at a meeting of research administrators and spoken on a panel with representatives from Stanford and the University of Washington. Those two have had a mandate from the president that requires EVERYONE involved in research to undergo training in compliance and ethical behavior. Had the President here mandated such training, the reaction would have been worse than the tenure fight.   It must be grass-roots; it is a faculty-driven effort that must be brought to faculty more generally.

The implication is that new faculty need to be trained but those who have been around here already know all this, Professor Rabinowitz said--when in fact the problem is about people who have been around here. There is no grandmother/father clause in the process, Professor Hamilton pointed out; those faculty already here will be subject to the same rules as new faculty. What is being said is that "there are certain ground rules at the University, and here's what they are."   Her goal, Dr. Seybold added, is that this will be part of a broader development program for junior faculty. The University does not do a good job of bringing in new faculty and educating them.

Professor Rabinowitz agreed, and said programs vary in their commitment to faculty development. If the effort is broader, about integrating people into the profession and institution, it will be useful. If it is to issue warnings, it will not be. It is not the latter at all, Professor Hamilton said.

Professor Morrison suggested that they should think about putting this effort together with other new faculty programs, and hiring new faculty to come a week earlier to go through these programs at a kind of "camp" before school starts. In addition, there is need for a module to train administrators to train in this field. Again, there should be a "camp" for department heads. There are programs, but in the evenings and so on. This all needs to be put together as information for new administrators, and include not only the policies but also how to support education of faculty.

Professor Ratliff-Crain noted that many undergraduates are engaged in research; how is this educational effort being brought to that level? He said he has seen a lot of accidental ethical breaches in undergraduate research that is a classroom experience. Part of this is teaching, Dr. Seybold said, which has not been discussed as part of the project. Independent undergraduate research projects have, and there has been discussion about how to bring undergraduates and research staff into the training programs.

Professor Morrison thanked Drs. Seybold and Deinard for joining the meeting.

3.   Discussion with President Yudof

The Committee and the President discussed a number of items:

--   The capital campaign (of which about half is in the bank already). The most important goal, for the faculty, is to increase the size of the endowment. He cautioned that donors often have firm ideas about how they want their money used, but said the University would try as best it can to route funds to areas of need (e.g., social sciences and humanities). He also pointed out that when a donor makes a multi-year pledge, the benefits of the donation may be several years in the future. Some of the money from the Glaxo settlement will be used as a challenge grant for graduate student assistance, across the campus. He also said that the campaign will probably take him off campus more than has been the case in the past. How the capital campaign will be financed was also discussed (assessments against endowments, such as 1/4% of the value of the account), as was the ways that the money could be used once raised. The President mentioned the need for more flexible endowments that could be used in significant part to increase faculty salaries. Any supplement should become part of the base salary, in his judgment, he said. The base of faculty who have endowed support must be increased.

--   The President reported on a proposal he has made to the McKnight Foundation for chairs.

--   The whistleblower/financial or operational mismanagement cases. They take too long, and setting a series of deadlines may be needed, along with intake offices. Similar deadlines should be considered for sexual harassment cases, because victims feel more and more victimized as time passes with apparently nothing happening. The goal is to get the cases resolved in a reasonable period of time. The need for a uniform policy, or uniform deadlines, was raised, as was the need to differentiate between misdemeanors and felonies and to not wait until every issue is settled before disclosure, where statute permits it.

--   The NIH visit; Professor Hamilton reported on what had occurred. It was exhaustive and exhausting, and very thorough. They met with about 70 people, all told. NIH anticipates having a response on the University's status no later than January 1, 2000. Professor Morrison said that the faculty members and department heads who participated in the NIH review should receive a letter of thanks; the Committee so voted unanimously. Professor Hamilton said he would get a list to Professor Morrison.

--   The President said he believed Professor Morrison was doing a good job of providing wide consultation on the athletic situation. The question of early sanctions was raised. Nationally, there appears to be some movement to a separation of athletics from academics, and increased involvement by criminal agencies (in a wide range of activities far beyond athletics, including in grants management). Other elements of the athletic situation were discussed, including the President's support for the Vanderbilt proposal to reduce the number of athletic scholarships for a team if students who leave a sport are not in good academic standing and the question of freshman eligibility.

--   There was a presentation on academic health centers at the AAU; there are 42 AAU AHCs, and they are almost all losing a lot of money. Most appear to be behind the University in thinking about restructuring.

4.   Reports from Committee Chairs

Professor Kuhi reported for the Senate Research Committee that the intellectual property policy was approved by the Regents, so a working group will be needed to draft procedures. Many points were purposely left for the procedures.

Professor Hamilton said that the policy will not take effect until the President has approved the procedures.

Professor Goldstein said that the Committee on Faculty Affairs was looking at several issues, including post-tenure review, but that no specific actions were coming.

Professor Morrison thanked Professors Kuhi and Goldstein, and then adjourned the meeting.

-- Gary Engstrand

University of Minnesota