

Minutes*

**Faculty Consultative Committee
Thursday, March 18, 1999
12:45 – 3:00
Room 238 Morrill Hall**

- Present: Sara Evans (chair), Kent Bales, Linda Brady, Mary Dempsey, Marilyn Grave, David Hamilton, M. Janice Hogan, Marvin Marshak, V. Rama Murthy, Matthew Tirrell
- Absent: Gary Davis, Stephen Gudeman, Roberta Humphreys, Michael Korth, Leonard Kuhi, Judith Martin, Fred Morrison
- Guests: Vice President and Dean Christine Maziar; President Mark Yudof; faculty members from the Assembly Committee on Intercollegiate Athletics
- Other: Vickie Courtney (University Senate); Maureen Smith

[In these minutes: outcome of the intellectual future discussions; NIH status; technology transfer; intellectual property; basketball allegations]

1. Outcomes of the Intellectual Future Discussions

Professor Evans convened the meeting at 12:50 and began by inquiring of her colleagues what outcome(s) they wished to see from the discussions of the intellectual future of the University that the Committee has been having. Professor Evans commented that they have enhanced considerably the interactions with central administrators because they are meetings that allow participants to look at the bigger picture, away from the business at hand or the crisis of the moment.

It was agreed that (1) there should be some written product, something distilled from the discussions; that the discussions should continue (two such discussions have been scheduled for the Committee for 1999-2000) and (2) somehow a broader group of faculty should be involved in the discussions (e.g., including this as a topic of discussion with junior faculty at the dinners being planned, involving the McKnight and Regents' Professors). It is not clear how action items might be generated--or even if they should be.

2. Discussion with Vice President Christine Maziar

Professor Evans now welcomed Vice President Maziar to the meeting.

Dr. Maziar distributed copies of a report on a recent meeting of University representatives with NIH, and said the meeting had been very positive. She noted the projected budget for grants management for 1999-2000, which Professor Hamilton described as a "wish list," but virtually all of which Dr. Maziar said were "must haves" in order to meet the corrective actions plan the University and NIH have agreed

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upon. There will also be an NIH site visit on June 8-10, which will include a joint seminar on the proper conduct of research and an informal review of steps the University is taking in grants management.

Professor Hamilton said it was important that FCC endorse the seminar, and that faculty turn out for it. Professor Evans commented that "anyone who has received money, or expects to receive money, better be there." Dr. Maziar added that graduate students are also very interested in the topic.

Dr. Maziar next handed out copies of a report she used for a presentation to the Board of Regents on technology transfer. This is, she emphasized, a work in progress, and the University is open to adopting the best ideas from other organizations; she is not wedded to any particular approach.

Dr. Maziar explained that she is very concerned that the University develop an understanding of what it is trying to accomplish with commercialization of technology. Much of what the University does as a research university--disseminates knowledge--can be seen as technology transfer. This has always been part of the business of the University. The more restricted definition in this context, the commercialization of technology, is the transfer of technology to the commercial sector which leads to new or enhanced products or processes. It is important to understand, she said, that this is NOT about "selling the University"; the idea is grounded in core institutional values.

The University has actually done a better job in the commercialization of technology than it typically receives credit for (such as in national rankings). She noted the University's ranking in a number of areas (e.g., total sponsored research, industry-sponsored research, licenses and options, license income, patent applications, etc.); in all but one of the 11 measures, the University ranks in the top 15-- and was 16th on the other one. There is an expectation in the state (both among the public and the faculty) that the University should do better in fostering the move of ideas from the University to the commercial sector.

Professor Tirrell commented that Dr. Maziar was certainly correct in her view that technology transfer is linked to institutional values; it includes not only work products but also providing educated people to the private sector. Dr. Maziar agreed that the most effective vehicle for technology transfer is students; major corporations in the state understand that because they hire many of the University's graduates. It may be slightly harder for smaller businesses to see that University role, because they do not hire in the same way.

Professor Murthy wished Dr. Maziar well in educating the public that providing students is a means of technology transfer. Most, he said, think that means building a better mousetrap, not providing students. Dr. Maziar responded that the Minnesota High Tech Association is trying to articulate this view, and noted that the University hears continually from the legislature about the need for an educated workforce.

Professor Tirrell also pointed out that schools that have been more successful in technology transfer do NOT have fewer barriers in terms of administrative structures or rules; what they have is a good way to FINANCE their activities. There is probably no perfect system which, if fine-tuned, would eliminate complaints. Most of the venture capital available to such institutions comes from outside. When institutional funds are involved, Dr. Maziar added, they must be made available with a "hands off" approach. She also agreed that there is no one best structure; if there were, everyone would copy it.

Professor Marshak recalled seeing data which suggested that the amount of venture capital available in Minnesota was declining, compared to the rest of the country. He suggested that there are also different cultures involved; unlike at some institutions, Minnesota students may think more about going to work for an organization rather than starting their own company. It may be midwestern culture; students do not seem as savvy about the possibilities of start-up companies. The latter issue is one the University COULD address, he said. Venture capitalists usually want to quintuple their money in five years (they do not always do so, which is why it is called venture capital); students should be taught that they could produce a business plan and try to achieve that kind of goal.

Dr. Maziar reported that there is an effort underway by the University Committee of the Minnesota High Tech Association to develop a pre-venture-capital fund for early investment in University technology. One problem is that it is tough to raise such money when the stock market is doing so well and when the return on the investment is years down the road. She agreed that the Blandin Foundation invests in early development of University technology, but its target is outstate Minnesota.

Professor Evans said that one possibly disturbing element in venture capital is that this kind of investment in research could mean someone else is deciding what research gets done; it raises questions of allegiances, academic freedom, the flow of information, and investigation in to questions people may not be interested in. Dr. Maziar observed that the same problem exists with respect to federal funding; federal agencies bring pressure to bear by what they choose to fund. Her view as an electrical engineer, she said, was that she was free to study whatever she could get funded. She said she did not believe industrial dollars would substitute for federal funding, but that industrial funding allows work in "translational" areas. She observed that it is exciting to see an idea that one has had transformed into something that someone uses.

This is a question that the faculty must always keep "on the screen," Professor Evans said, so it always notices choices and priorities.

At places where commercialization of technology is successfully done, Professor Murthy said, the success depends on an entrepreneurial faculty leadership. At Minnesota, such faculty are ostracized; they do not fit in the Minnesota culture. He said he has seen efforts by other institutions to recruit such faculty as leaders or administrators. Dr. Maziar noted that it is both her handicap and her strength that she has not been involved in those events and is not conditioned by them.

Dr. Maziar reported that in part because of support from the President for more interaction with industry, intellectual property disclosures are up by 50% at the University. If that continues, the University will achieve this year what she had thought it would be in five years. Unfortunately, there is not in place the staff to keep pace with this level of activity, and there is a responsibility for the University to deal with these matters in a timely fashion.

What some do not understand, Dr. Maziar said, is that what the University does in its agricultural extension activities cannot be replicated across the intellectual spectrum. In agricultural extension, one major thrust is to share best practices; if one did that in high technology fields, it would eliminate the competitive advantage that companies depend on. At the same time, Professor Marshak recalled, the usual complaint is that someone calls the University with a problem (e.g., my machine needs grease), and they cannot get the information they need. One hears this in many forms, and it is hard to respond to short of pointing out that the University would need 500 technology extension agents to field such

requests. And what happens, Dr. Maziar added, is that people feel their problem has been discounted when told it is not a research question, rather than being told that the University does not have the expertise in the area. Sometimes, Professor Grave said, just being responsive is positive--just trying to help, even if the University does not have expertise in everything.

Professor Evans thanked Dr. Maziar for providing an update to the Committee, and asked that she continue to do so as progress occurs.

Dr. Maziar then told the Committee that the working group dealing with a revised intellectual property policy had done a tremendous job and that there is agreement on most major points. She complimented the efforts of Professor Chomsky and the Committee on Faculty Affairs to draft language that people could understand, and said she owed them a debt of gratitude.

Professor Evans said she was glad to hear things were moving forward, and said it could be an example of how faculty and the administration can work together on policy development. Dr. Maziar said that she and Professor Kuhl would be making a presentation to the Board of Regents in April on the framing principles for the document. Professor Evans said that the Regents' concerns must be taken into account before any final document is prepared. Dr. Maziar agreed.

Professor Evans thanked Dr. Maziar for joining the meeting.

3. Miscellany

Professor Evans next asked that the Committee approve the draft schedule of meetings that had been distributed. It did so by unanimous vote.

Professor Evans next asked for approval of a proposal to change the way in which Senate and Assembly bylaws are changed: instead of requiring only a majority vote of all filled seats, the alternative of a majority vote of those present and voting at two consecutive meetings also be allowed as a way to approve changes. This proposal, if approved by the Committee, would then be suggested to the students as a compromise. The Committee voted unanimously for the proposal.

4. Basketball Allegations

Professor Evans now welcomed President Yudof and a number of the faculty members of the Assembly Committee on Intercollegiate Athletics (Professors Fred Amram, Norman Chervany, William Flanigan, Geoffrey Maruyama, Katherine Sedo, and Mariah Snyder) to discuss the University's response to the allegations concerning the men's basketball team. She asked for and received a unanimous vote to close the meeting. Some points would be reported, it was agreed.

The discussion with the President included the steps the University would take, relations with the legislature, and the tasks to be completed. The President emphasized that the independent investigation would provide a factual report, after which time normal University processes would be invoked. There will also be a look at structural issues.

It was generally agreed that the governance committees would take no action until the independent investigation had been completed.

Professor Evans said that quite apart from athletics, she would like to see faculty think about academic rules and academic dishonesty, because she is unsatisfied with what now occurs. This is an issue which the Educational Policy committee should take up, she suggested. The system should not be based on outliers, the President commented.

Asked what else faculty could do, the President said that anyone should give evidence if they have it; a number to call will be provided. Professor Evans urged that faculty not fight about this issue through the media. Professor Sedo encouraged people not to speculate until the facts are known, because it is destructive to speculate or place blame before the facts are known.

Professor Evans thanked the President for joining the meeting.

After minor editing, the members of the two Committees then voted unanimously to adopt the following statement:

The Faculty Consultative Committee (FCC) of the University Senate, the elected representatives of the University of Minnesota faculty from all campuses, makes the following statement about the recent allegations concerning the Twin Cities men's basketball team. The faculty members of the Assembly Committee on Intercollegiate Athletics (ACIA), the Twin Cities campus committee charged with oversight of intercollegiate athletics, also endorses this statement.

The FCC and ACIA are firmly committed to defending the academic integrity of the University of Minnesota. As faculty with primary responsibility for teaching and learning, we are deeply concerned about the charges that have been made concerning the men's basketball team. We are gratified, however, by President Mark Yudof's swift response to the allegations and we endorse the President's decision to retain an outside firm to conduct an investigation. When the independent investigation is complete, we will work closely with the administration to define and implement any necessary actions to affirm and strengthen the educational process.

5. Academic Appointments Subcommittee

Professor Bales next distributed copies of a proposed scheme for faculty appointments. The Committee deliberated for some while with him, making various comments and suggestions to clarify and improve the categories proposed.

Professor Evans adjourned the meeting at 3:00.

-- Gary Engstrand