

**SENATE RESEARCH COMMITTEE\***

**November 13, 1991**

**Minutes of the Meeting**

**PRESENT:** Irwin Rubenstein, Sara Evans, Essie Kariv-Miller, Paul Sackett, Jonathan Wirtschafter, Albert Yonas, Signe Betsinger, Neal Gault, John Basgen, Mark Brenner, WinAnn Schumi (for Tony Potami)

**ABSENT:** Eric Klinger, Nick LaFontaine, Kenneth Reid, Danita Carlson, Robert Jones

**REGRETS:** Dan Sargent

**GUESTS:** Fay Thompson, Paul Tschida

The minutes of the last meeting were approved.

Fay Thompson, Director of Environmental Health and Safety and Paul Tschida, Director of Safety and Health Management, met with the Committee to review the document on Centralized Purchasing and Receipt of Radioactive Materials, November, 1991. The factors involved in the Department of Environmental Health and Safety's (DEHS) decision to add a \$10.00 surcharge to the purchase of radioactive materials are outlined in the document. Dr. Thompson reported that today, November 13, the Executive Research Council recommended that ICR funds cover the annual \$50,000 charge, therefore eliminating the \$10.00 surcharge.

Dr. Thompson pointed out that the rationale for the 11:00 a.m. deadline to receive orders is a cost saving mechanism. This is done by putting together a single large order rather than several small ones.

The Committee was informed that a memo will go out to departments notifying them of the most recent decision.

Mr. Tschida apprised the Committee of the new structure in Finance and Operations. The Department of Safety and Health Management reports to the Vice President for Finance and Operation. The following areas report to Mr. Tschida: Environmental Health and Safety, Police Department, Emergency Management, and Code Compliance. All of these areas relate to safety and health.

Mr. Tschida informed the Committee that he is responsible for making the recommendation to declare a snow emergency. In the future, the decision to declare a snow emergency will be done in concert with the appropriate officials by way of a conference call.

Dr. Thompson offered to meet with the Committee in the future to discuss OSHA regulations and NIH guidelines that are relative to research. The Committee agreed that this might be beneficial.

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\* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate or Twin Cities Campus Assembly; none of the comments, conclusions, or actions reported in these minutes represent the views of, nor are they binding on, the Senate or Assembly, the Administration, or the Board of Regents.

Professor Mark Brenner brought before the Committee the November 13, 1991, Working Draft of the University of Minnesota Policies and Procedures for Dealing with Misconduct in Research and Scholarly Activities. Professor Brenner walked the Committee through the outline of changes that have been made in the document. Professor Brenner pointed out that concern has been expressed regarding the Resolution in the document that states that no culpable conduct was committed, but serious research, scholarly, or artistic errors were discovered during the investigation. The concern is that this statement could be the intent for an investigation and used as a witch hunt for sloppy research. Mr. Brenner stressed that this was not the intent, but rather it was intended to be used as an outlet for the panel to come to a conclusion. Considerable discussion was given to this issue. Members agreed that Resolution #2 should be eliminated.

Other items discussed relative to due process included the role of the Senior Administrative Dean relative to the inquiry and investigative process; the role of the respondent in having the opportunity to attend sessions and question the expert witness, with the approval of the panel; and, the opportunity for the Senior Administrative Dean to conduct a preliminary investigation prior to the start of the inquiry panel's investigation.

The committee agreed in general that the only grounds for a challenge of the process is if there is information regarding a conflict of interest. In this case, the respondent ought to have five working days to bring the issue to the attention of the Senior Administrative Dean. If the Senior Administrative Dean found reason to stop the process, a written report will be submitted to the Senior Vice President for Academic Affairs.

Bill Donohue, University Counsel, has reviewed the document for legal implications. The Consultative Committee, Civil Service, and Coordinate Campuses are scheduled to review the document. At this time, the document has not received the endorsement of the Research Executive Council. Tentatively, the document will proceed through the governance structure and to the Senate in February, 1992.

Professor Rubenstein informed the Committee that Senior Vice President Jim Infante will review Indirect Cost Recovery Funds at the December 4 meeting.

In preparation for the meeting with Vice President Infante, Professor Brenner provided an overview of the materials relative to Indirect Cost Recovery.

The Committee was informed that the 1990 Research Support Policy, currently used, is scheduled for review by the Research Executive Council.

Professor Brenner dispersed data relative to the Indirect Cost Recovery Funds (ICR) income since 1985 and, the projected income for 1992. Professor Brenner pointed out that there will be approximately a 3.5% decline for funds in 1992. The reason for the decline is because the indirect cost recovery rate was negotiated down by the Health and Human Services auditors. This represents a \$3 million loss.

The data indicates that the state offset represents 16% of the available funds - \$6.5 million. Professor Brenner pointed out that the managing areas such as the Gray Freshwater Biological Institute, Cedar Creek, and St. Anthony Falls Hydraulic Lab operations retain half of the indirect cost they generate

because they are responsible for the operation of the facility. Those funds amount to approximately \$1.3 million.

Professor Brenner informed the Committee that we do not collect indirect cost on state-sponsored research within the University. We do collect the indirect cost to cover the cost of debt service and building operation costs through federally-sponsored research.

Professor Brenner walked the Committee through the data relative to Formula Distribution and the Allocation for Formula Funds. The Formula Distribution relates to the percentage of funds that go back to the units that is related to their last three years of ICR earned. The data relative to the Allocation for Formula Funds shows that funds were cut by 12%. Professor Brenner noted that Vice President Infante had indicated earlier that if the projected income began to rise more than expected, this would be the first area for restoration.

Allocation of the Research Support Funds requires the vote of all the members of the Executive Research Council.

Members will have the opportunity to ask Vice President Infante questions relative to Indirect Cost Recovery Funds at the December 4 meeting.

The next Research Committee meeting will be December 4, 1991, 238 Morrill Hall (Regents Room), 3:00 - 4:30 p.m.

[-- Vickie Courtney]

University of Minnesota