

Minutes\*

**Senate Research Committee  
Thursday, October 29, 1998  
433 Johnston Hall  
3:00 PM**

Present: Len Kuhi, Chair; Vic Bloomfield, Lorraine Francis, John Finnegan, Burle Gengenbach, Scott McConnell, Eric Klinger, Richard Poppele, Marilyn DeLong, WinAnn Schumi, Mark Paller, Jesse Grenz, Peter Reichert, Albert Nakano for Barb Van Drasek

Guests: Christine Maziar, Nancy Hoyt, David Hamilton, Melinda Sewell, Ken Hannah

Regrets: Bianca Conti-Fine, Frank Cerra, Ed Wink

Absent: Norma Allewell

[In these minutes: Intellectual Property Policy, Cost Sharing Procedures, Year 2000 Project, Grants Management Update, Draft Policy on Research and Grants Management Education]

The University Senate Research Committee met at 3:00 PM on Thursday, October 29, 1998 in 433 Johnston Hall on the East Bank of the U of MN.

**APPROVAL OF MINUTES.**

The minutes from the Research Committee meeting held on Thursday, September 24, 1998, distributed to committee members via e-mail prior to the meeting, were approved as written.

**INTELLECTUAL PROPERTY POLICY.**

The October 27 draft copy of the Intellectual Property Policy was distributed to committee members at the meeting for their review. VP for Research Christine Maziar and Nancy Hoyt, Office of the General Counsel, presented to committee members additional revisions that were made to the policy since the Research Committee's last review of the policy in November, 1998. Professor David Hamilton asked that Ms. Hoyt observe the faculty governance consultation process by also presenting policy revisions to the Senate Committee on Faculty Affairs (SCFA) and the Faculty Consultative Committee (FCC). Ms. Hoyt and VP Christine Maziar agreed to do so and presented the following revisions to the Intellectual Property Policy:

Section I

- ◆ Section 1, Preamble, Subdivision 2. No longer covers visiting professors.
- ◆ Section 1, Preamble, Subdivision 3. Removed the possibility that faculty members would be covered under the new policy even if agreement had already been made under the old policy. In other words, if disclosure is made after this new policy is in effect, the new policy will apply.

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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 reflect the views of, nor are they binding on, the Senate or Assembly, the Administration, or the Board of Regents.

The Research Committee recommended that in Subdivision 3, which reads, "This policy is effective as of the date of adoption and applies to Intellectual property created or disclosed to the University thereafter," the words "created or" be eliminated since disclosure is essentially the final mandate.

#### Section II

- ◆ Section II, Definitions, Subdivision 2, "Intellectual Property." The definition of intellectual property was streamlined to follow the example of most universities.
- ◆ Section II, Definitions, Subdivision 3, "Net Income." Added out of pocket costs, legal fees, and other expenses associated with securing and protecting the patent.
- ◆ Section II, Definitions, Subdivision 4, "Regular Academic Work Products." Inserted the word "copyrightable" before work product to follow the example of most universities; the way in which the data are presented is copyrightable, but the data itself are not copyrightable.
- ◆ Section II, Definitions, Subdivision 6, "Work For Hire." The definition of "Work for Hire" has been tied to the copyright act.

#### Section III

- ◆ Section III regarding "Ownership" was restructured to define what the University does and does not own.
- ◆ Section III, Subdivision 2, a) iii, "Unrelated Work Products." The draft approved by the Senate last year addressed work done on faculty's own time, but since faculty do not have specific non-work time, it was viewed as an unnecessary qualifier and was removed.

#### Section IV

- ◆ Section IV, Distribution of Income. In the draft approved by the Senate last year, all income distribution information was in the procedures, but this new draft provides the information in the policy.
- ◆ Section IV, Distribution of Income, Subdivision I, iv). Added the point of 25-1/3% to the department/division/center unit which supported the creation of the intellectual property to be spent in support of the creator's research or other directly related University work.

One committee member asked if the money could be transferred to a faculty competitor doing directly related work when the department head doesn't like the creator. It was asked if the section could instead be phrased in a way that the money goes to the creator or, in lieu of the creator's presence, to any related works. VP Maziar agreed to consider the point, but noted that she would like to create some flexibility for administrators.

#### Section V

- ◆ Section V, Miscellaneous. Have not identified in detail the responsibility for the University itself other than to meet the goals of the preamble and procedures.
- ◆ Section V, Miscellaneous, Subdivision 2, b). Added the commitment to sign the University's Invention and Proprietary Information Agreement attached as Schedule B.

It was noted that it is nearly impossible for faculty members to retain the vast amount of knowledge required in Subdivision 2, c) which states that one should appropriately create, retain, and use Intellectual property according to the applicable local, state, federal, and international laws and University policies.

- ◆ Section V, Miscellaneous, Subdivision 3. In order to facilitate the process, the word "recommendation" was changed to "advice" of the Faculty Senate to adopt procedures to implement this policy.

Nancy Hoyt asked committee members to contact her at 4-4100 or [hoyt@mailbox.mail.umn.edu](mailto:hoyt@mailbox.mail.umn.edu) with any additional questions or concerns about the draft policy on Intellectual Property. The Research Committee approved the revisions presented on the Intellectual Property Policy draft with the comments made above. Professor Len Kuhi, Chair, recognized that the policy is a very important document and that the University needs to make certain that it is very clear.

### **COST SHARING PROCEDURES.**

Melinda Sewell attended the meeting for Ed Wink, ORTTA, and reminded members of the Research Committee that they approved revisions to the Cost Sharing procedures at its October 29 meeting. She added that the procedures were then taken to Pat Spellacy, University Policy Development, who recommended that formatting changes be made to the draft. Committee members made no comments on the reformatted Cost Sharing procedures since there were no substantive changes since its last review.

Ms. Sewell also distributed a copy of a document titled, "Types of Federal Reports and Responsibilities for Submission" to members for their information. The report included information related to the process, deadlines, and responsibilities of the disclosure of inventions as well as electing to retain title, progress of the patent utilization, and the result of patent application of invention progress reports.

### **YEAR 2000 PROJECT.**

Stephen Cawley, Office of Information Technology, and Ken Hanna, Integrated Systems Solutions, presented information to committee members related to the problems associated with the transition to the year 2000, specifically changes to databases, software, computer hardware, and research equipment for principal investigators. The dilemma is that researchers are pressed for time, research is decentralized, there is an institutional risk of non-compliance, and some granting agencies are asking for year 2000 assurances. Options of addressing the problem include surveying the faculty about their knowledge of the problem and how they plan to address it, or require some type of certification or disclosure. It was noted that at this point, PI's are either solving these problems on their own, are unaware of the problem altogether, or fall somewhere in between. In fact, one student representative noted that while graduate students are aware that the problem exists, they are not necessarily working on solving the problem at this point. In any event, it was agreed that the problems related to the transition to the year 2000 are critical and that the University is ultimately at stake for losing data.

Mr. Cawley and Mr. Hanna asked members of the Research Committee for advice and support in how to educate faculty across the University about the potential problems. Mr. Cawley informed members that there is a web site listing the programs used widely across the University and how to handle them at: [www.umn.edu/oit/year2000](http://www.umn.edu/oit/year2000). One committee member suggested that the year 2000 also be advertised on the University of Minnesota home page as a way of continuously informing users to address the issue (i.e., countdown to 2000). Concrete examples would also be very helpful, such as lists of the types of equipment in research labs that should be addressed. It was also recommended that the University communicate to faculty the importance of backing up their data.

The issue of granting agency assurance was also discussed. Although the requirement is now that any assurance goes through the Office of the General Counsel, a question was raised as to whether the

University should ask individual PI's to provide the assurance or whether it should require the college or University to have oversight. It was noted, however, that not all faculty have the technical sophistication required to handle this type of problem on their own. In fact, the average PI will probably not be comfortable with signing a disclosure form and taking on that type of responsibility.

WinAnn Schumi agreed to check on the emerging best practice of other universities at a conference she is attending over the weekend and will report back to the committee.

Mr. Cawley and Mr. Hanna thanked the Research Committee for their time and asked that the members provide any additional comments to them about how to communicate with the faculty about addressing this serious problem.

#### **GRANTS MANAGEMENT.**

Professor David Hamilton distributed two handouts to the members of the Research Committee: 1) List of Grants Management Project Presentations; and 2) Sponsored Projects Administration Transition Team.

The purpose of the Sponsored Projects Administration Transition Team is to:

- ◆ Develop commitment to the Grants Management Model by core staff, both centrally and locally.
- ◆ Define the SPA structure, job functions, responsibilities, and personnel required for implementation of the model.
- ◆ Key interfaces outside of SPA should also be identified and incorporated into the model.
- ◆ Develop an orderly migration path from the current structure to the new.

Professor Hamilton reported that the team hopes to provide VP Christine Maziar with a work plan by November 16, 1998; they would also like the Research Committee to review the work plan as well and provide the team with feedback.

#### **DRAFT POLICY.**

Professor Kuhi distributed an October 29 draft policy titled, "Education in the Responsible Conduct of Research and Grants Management." The draft policy was written by Peggy Sundermeyer at the request of Professor Kuhi and calls for a program to address the current and continuing educational needs of all personnel involved in externally and internally funded research, instructional, and public service activities at the University of Minnesota. Committee members were asked to review the draft carefully and to provide Professor Kuhi with comments for discussion at the next meeting scheduled for November 19, 1998.

Meeting adjourned at 4:35PM.