

Minutes*

Senate Research Committee
September 13, 1999
2:00 - 3:30
Room 300 Morrill Hall

Present: Leonard Kuhi (chair), Victor Bloomfield, Daniel Brewer, John Finnegan, Scott McConnell, Mark Paller, Richard Poppele

Regrets: Bianca Conti-Fine, Lorraine Francis, Eric Klinger

Absent: Phillip Larsen, Amy Levine

Others: Win Ann Schumi (Grants Management), Ed Wink (Sponsored Projects Administration)

[In these minutes: intellectual property policy, principal investigator policy, grants management and NIH; new allegations; issues for the year]

1. Introductions and Approval of the Minutes

Professor Kuhi convened the meeting at 1:00 and called for a round of introductions at this first meeting of the 1999-2000 academic year.

The Committee then unanimously approved the minutes from the June meeting, with one minor change on attendance.

2. Intellectual Property Policy Update

Professor Kuhi recalled the evolution of the current Intellectual Property policy. The first revision was reviewed and endorsed by Senate committees and then changed by the General Counsel's office in ways that made it unacceptable to the faculty. Vice President Maziar then appointed a new group, including a representative from the General Counsel's office, which drafted a revised policy (largely authored by Professor Carol Chomsky). The Senate passed the new policy, and, Professor Kuhi reported, he and Vice President Maziar presented it to the Board of Regents last week. Presumably the policy will be approved by the Regents at their October meeting.

He noted that the wording in the revised policy was VERY carefully worded, in order to meet the needs of both the lawyers and the faculty.

The Committee will soon begin to work on procedures for the Intellectual Property policy, and those procedures will need to contain much. Professor Kuhi reflected that he is serving on a committee to prepare a manual to instruct faculty on what they need to know to conduct research responsibly. That committee has talked about the meaning of the various policies, and it is clear that much from those

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discussions must be incorporated into the procedures. The procedures will be developed by the same core group that developed the policy, but will be brought early to the Committee for feedback.

3. Principal Investigator Policy Update

Professor Kuhi reported that the Principal Investigator policy had been approved by this Committee as well as other Senate committees. Then the Regents' office felt there were changes needed, because there was too much procedure in the "policy." The President disagreed and restored the committee-approved version. There are discussions underway at present, Professor Kuhi said, but it is to be hoped that the committee version will be approved soon.

The Principal Investigator policy will also need procedures, but those will be taken up once the language of the policy itself is settled.

4. Report from Grants Management

Professor Kuhi next noted that the Committee receives a report from Grants Management at virtually every meeting, and that under the leadership of David Hamilton, and with contributions by members of the Committee, there has been an enormous effort to improve the University's handling of grants. The intent is that the policies and procedures lead to the more responsible conduct of research and removal of exceptional status by NIH.

NIH representatives will visit the campus October 12-15 for a review and decision about removal of exceptional status. The representatives visited the campus in the spring and were encouraged by what they saw. Professor Kuhi turned to Ms. Schumi for an update.

Ms. Schumi reported, in connection with the October 12-15 NIH visit, that NIH would drive the meetings, not the University, and they will decide whom they wish to see and speak with. Ms. Schumi distributed copies of Vice President Maziar's letter to NIH detailing the University's response to the NIH Corrective Actions Plan for review by the site visit team. She explained that it is not quite done, and that the plan tried to address grants management across the University, not simply issues raised by NIH, and that information provided to NIH provided the total picture. This same information is going to the Twin Cities deans as well.

Asked if there are areas where concerns remain, Ms. Schumi said there are. First, they are very concerned about the code of conduct. There was no code before 1995, and NIH wanted a lot of information in it about expected behavior. The University code, however, is more general, with much more contained in supplemental policies (to which there are hyperlinks in the web version of the code). The concern is whether faculty and staff are aware of the code, and that if they have signed the proposal routing form, they are certifying they have READ the code. This will be an issue President Yudof takes up in his State of the University address. There will also be a letter from the President, Vice President Maziar, and possibly others about the need to be aware of the code of conduct.

One Committee member said there is a tension in this interaction with NIH because the focus is on compliance. It is like signing a mortgage; one promises much. He encouraged the University to tell NIH that it will try to meet the model set out, with plans and contingencies to educate people when they do something either wrong or right. What is done in this respect is more important than updating codes

and policies and hyperlinks. A faculty member can be confident that the University now has the resources to tell him or her how to do something; the system is designed for compliance. It is true, it was agreed, that there has to be a system of policies on which to base education and training.

Another worry, Ms. Schumi related, is not whether everything is fully in order when NIH arrives, but whether NIH is aware of some problem or problems of which the University is not. No system is foolproof, observed one Committee member, and what happens here will be a guide for every other major research university. Ms. Schumi agreed, and said that the University's Corrective Actions Plan has been distributed at national meetings as something that NIH is looking for. It was suggested that the University sell its grants management plans and programs; it may do that, Ms. Schumi said, but right now time must be directed to getting the University's house in order.

An additional concern is that if the University's exceptional status is removed, people will think the matter is done and will return to the status quo. The matter is NOT done, she emphasized, and there is a long way to go in implementing the model. The University wants its expanded authorities returned, but it would be best if the University were asked to report regularly on whether the colleges are using the tools made available in grants management. Training is also a big element of the report, and it will be set up for all who are involved in a research project. It is necessary to keep attention on this for awhile. At the same time, Ms. Schumi agreed, the message should not be that the University has not done well in its efforts. The point is to keep attention on the issues and to be sure the system works. (For example, Mr. Wink explained, the preparation and use of certified approvers is now being tested.)

Any questions about the Corrective Actions Plan should be directed to her, Ms. Schumi concluded.

Ms. Schumi then noted that the University is moving to electronic Form 14 and Form 15 (the Request for Outside Consulting and the Annual Report of External Professional Activities, respectively). She asked for volunteers from the Committee to help test the new system.

5. New Allegations

Professor Kuhki referred to the allegations contained in the DAILY concerning Professor Polla, and asked that the Committee go off the record for a discussion of the situation.

The topics discussed included the audit process, notification to agencies about the existence of the audit, the need for audits to be conducted in a way that is thoughtful, honorable, and respectful of all parties, the extent to which these allegations could be used as a case study of implementation of the grants management system (or what would have happened differently had the new grants management system been in place), and the need to use the experience positively.

6. Issues for the Year

Several issues were suggested for the Committee for the year:

- future directions of the research university
- how to deal with interdisciplinary centers (a proposal will come from Vice Provost Bloomfield)

- the relationship between the University (its research) and the needs of the community, and the marketing and transfer of technology (Professor McConnell will develop a draft statement)
- Grants Management will continue as a standard report; feedback will be needed on how tools work and what changes are needed, and the roles and responsibilities document will need changes
- institutional mechanisms to help faculty put together more complex programs and project grants, to make the University more competitive in collaborative grants
- public relations and impact on NRC rankings (one could argue that if there were money to invest, it would be wise to put it into publicizing what the University does rather than in new activities; the University does not get information out like some do, and faculty need to work more at national meetings to become national leaders in their fields). It is also necessary to see that the best candidates are nominated for national awards, which creates reflected glory for everyone. These activities take faculty time, and there needs to be attention to what faculty work is considered valuable.

Professor Kuhi ascertained there was no further business, so adjourned the meeting at 3:25.

-- Gary Engstrand

University of Minnesota