Minutes[*]

Senate Research Committee
Monday, June 14, 1999
300 Morrill Hall
3PM

Present: Len Kuhi, Chair; Bianca Conti-Fine, Burle Gengenbach, Eric Klinger, Mark Paller, Ed Wink, Barbara Van Drasek, Albert Nakano

Guests: Christine Maziar, Vice President for Research and Dean of the Graduate School; David Hamilton

Regrets: Lorraine Francis, Scott McConnell, Marilyn Delong, Richard Poppele

Absent: Amy Levine, Vic Bloomfield, John Finnegan

[In these minutes: Update on Junior Faculty Dinners with FCC/AAUP, Enforcement Model, Intellectual Property Procedures, NIH Policy on the use and dissemination of research tools, Grants Management Update]

The Research Committee met at 3PM on Monday, June 14, 1999 in 300 Morrill Hall on the East Bank of the University of Minnesota. The minutes from the meeting on May 6, 1999 were approved as written.

UPDATE ON FCC/AAUP DINNERS WITH JUNIOR FACULTY.
Professor Len Kuhi, Chair, reported representatives from the FCC and AAUP held dinners with junior faculty at the University of Minnesota. One of the main concerns expressed by junior faculty was that ORTTA was more often a hindrance than a help. Professor David Hamilton noted, however, that the office is currently in the process of improving service to the faculty who should notice a difference in the near future.

ENFORCEMENT MODEL.
A question was raised about the status of the Enforcement Model. Professor Kuhi responded that although the Research Committee reviewed and approved it earlier this year, SCFA expressed concerns about the wording of the title and recommended that the title be changed to the "Compliance Model." Vice President Maziar noted that even the NIH thought that the word "enforcement" could be problematic on campus because it has very negative connotations. It was agreed that the members of the Research Committee be sent an e-mail following the meeting asking for their suggestions for a new title for the model.

PROCEDURAL ISSUES FOR THE INTELLECTUAL PROPERTY POLICY.
An e-mail outline drafted by Professor Carol Chomsky was distributed to committee members at the meeting that listed some of the procedural issues for the Intellectual Property Policy. Vice President Maziar stated that the same representatives from SCFA and the Research Committee who worked on the policy revisions this year will also work on the procedures subgroup to maintain continuity. In addition,

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it is important that the subgroup also consist of other individuals who have hands-on knowledge of the process. Vice President Maziar reported that the Intellectual Property Policy will go to the Regents at their September board meeting, and that the subgroup, appointed first thing this fall, will meet throughout the fall semester to draft the procedures.

Some of the issues identified by Professor Chomsky and discussed by members of the Research Committee included the following (this list is not exhaustive):

♦ Specifications for the manner for reporting the creation of intellectual property that must be disclosed to the University.
♦ Specifications of method for reporting and resolving disputes and answering questions about, e.g., who the creator of particular intellectual property is, whether a particular unit should share in income (a point of law).
♦ More precise definition of what kind of software will and will not be considered regular academic work product.
♦ Preparation of template documents: a) for use in identifying specially commissioned work, b) for assignment of intellectual property to the University, and c) to be used to specify intellectual property rights for and with visitors.
♦ Further specification of the method for the University to request delay in publication to protect intellectual property rights.
♦ Provisions outlining the assistance the technology and transfer unit should give to faculty.
♦ Specification of process for consideration and decision by VP-Research on items committed to her discretion.
♦ Mechanism for oversight of implementation (the need for an avenue for the University community to register complaints about the execution of the policy).
♦ Specification of which categories of employees will be asked to sign the acknowledgement form.
♦ Directions for reporting infringements of intellectual property rights.
♦ May indicate expressly that deductions from gross income will not be made for the operating expenses of the technology and transfer unit.
♦ Might specify that if royalty payments are small, VP-Research may determine that all payments should be made to creator rather than divided four ways.
♦ Ensure continuing flow of information so creator will know when actions are taken with respect to the intellectual property s/he created (responsibility of the Patent, Technology & Marketing Group).
♦ One version of the procedures had a provision allowing a bonus to be shared with an employee who created a specially commissioned work if the work produced substantially more income than anticipated in the original agreement.
♦ One version of the procedures contained a provision about "U equity interests" (equity in terms of income, not royalty).

VP Maziar asked the Research Committee to consider these issues and others that might be addressed in the procedures for the Intellectual Property Policy over the summer. She added that she will appoint a representative from Extension to sit on the procedures subgroup as well.

NIH POLICY.
A statement titled "NIH Research-Tools Policy Published for Comment" was distributed to committee members by e-mail prior to the meeting for their review. The statement announces the availability for comment of a policy on the use and dissemination of research tools in response to recommendations from the NIH Director's Advisory Committee. It was noted that the full text of the policy can be found at

www.nih.gov/welcome/forum, and comments must be received by August 23, 1999. VP Maziar commented that this may not just be a policy for NIH, but a template for other agencies. In essence, NIH is soliciting input on the policy from the research community and provides a background report for reference on the web page as well as the policy, which needs to be downloaded on most computers.

VP Maziar agreed to write a paragraph for the July edition of the *Research Review* explaining the issue to faculty, and requesting that they review the policy and submit comments directly to NIH. In August, a summary of the Research Committee's comments as a group will be circulated to faculty as well with requests for further comments (comments from the Research Committee will be solicited by e-mail from Kate Stuckert during the summer).

GRANTS MANAGEMENT.
Professor David Hamilton announced that exit interviews revealed that last week's NIH site visit was very successful. He noted that NIH representatives were very impressed with what the University of Minnesota has accomplished regarding grants management, and that they will return on October 11, 1999. Professor Hamilton warned committee members that getting of exceptional designation status too soon can slow the process and put the University right back where it started; in essence, the University has not passed the critical point in the implementation. Although NIH saw a major change in the perception towards compliance at the University, there is still much work to be done, particularly in the area of training. Vice President Maziar expressed a great deal of pride in the University faculty participation and good will during the NIH visit.

ANNOUNCEMENTS.
♦   Members of the Faculty Consultative Committee (FCC) and others will devote a meeting to the discussion of the intellectual future of the University of Minnesota on January 27, 2000.
♦   One committee member asked if there was a policy on appropriate research projects for students at the University of Minnesota; it was suggested that this be a future agenda item for next year.

The meeting adjourned at 4:45PM.