

Minutes*

Faculty Consultative Committee
Thursday, April 18, 2002
1:15 – 3:00
238A Morrill Hall

Present: Joseph Massey (chair), Muriel Bebeau, Susan Brorson, Arthur Erdman, Daniel Feeney, Marti Hope Gonzales, Candace Kruttschnitt, Marvin Marshak, Judith Martin, Scott McConnell, Mary McEvoy, Paula Rabinowitz, Jeff Ratliff-Crain, Charles Speaks

Absent: Wilbert Ahern, Les Drewes, Richard Goldstein, Marc Jenkins, Leonard Kuhl

Guests: Professor W. Andrew Collins

Other: none

[In these minutes: (1) UMC issues; (2) capital projects subcommittee; (3) Benefits Advisory Committee appointments; (4) exception to research secrecy policy; (5) campus security and accountability; (6) petition for reinstatement to the Senate; (7) Faculty Academic Oversight Committee on Intercollegiate Athletics; (8) FCC retreat; (9) use of Senate email lists and mailing labels; (10) interviews of faculty who left the University for another academic institution]

1. Crookston Issues

Professor Massey convened the meeting at 1:15 and welcomed Professor Collins to discuss the report of the Crookston Study and Review Committee (June, 2000). The Committee voted unanimously to go into closed session.

It was agreed that Professor Massey would send a letter to Vice President Carrier, Professor William Peterson at UMC, and UMC Chancellor Donald Sargeant asking for their perspectives on the extent to which the recommendations of the Study and Review Committee had been implemented.

2. Capital Projects Subcommittee

Professor Speaks reported that the Capital Projects Subcommittee has been appointed, is chaired by Professor Marshak, and has had its first meeting. Recommendations will at some point be forthcoming, to the Finance and Planning Committee and then to this Committee.

3. Benefits Advisory Committee

The Committee agreed on the names of two faculty members to be submitted to Professor Morrison to fill one position on the Benefits Advisory Committee.

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Professor Brorson explained, in response to a query, that the Benefits Advisory Committee has three subcommittees working on health insurance, dental insurance, and fitness for life coverage; the subcommittees review the proposals from providers and set priorities in the coverages that will be provided.

4. Exception to the Research Secrecy Policy

Professor McConnell next reported on the actions of the Senate Research Committee (SRC) with respect to requests for exceptions from the Regents' policy on secrecy in research.

-- The SRC and the Senate considered two requests for exceptions earlier this spring. The process was partly inductive; they had to learn as they went along. The SRC considered another request this week. All three requests came as a result of research contracts with the Army Research Laboratory, but Vice President Maziar has warned that other agencies could start imposing restrictions (e.g., NIH might do so with respect to any research on infectious diseases). As a consequence, the number of requests for exceptions could grow. One suggestion from the SRC is that there is an obligation to inform faculty about these potential restrictions so they know of the risks and how they might best allocate their time in applying for grants. In the current example, the faculty member invested a lot of time in negotiating a continuing grant, only to be confronted with restrictive language, and wants to know if she should request an exception for such research in the future.

-- In the case of the most recent request for an exception, the SRC unanimously recommended that it be approved. The SRC also is trying to articulate principles that it will use when considering these requests. It makes clear that it does not want to receive these requests and does not like them, but identifies proposed necessary conditions that must be met and the considerations that the SRC will then use in reaching a recommendation. These principles will be provided to Professor Kruttschnitt's ad hoc committee examining secrecy in research for consideration.

-- One issue is what to do when requests come in the summer. Mr. Bohnhorst from the General Counsel's office was kind enough to provide an analysis that identified three options:

1. Have the SRC and the Senate meet to act on any requests, in order that both bodies can make recommendations to the President, as called for in the Regents' policy.
2. Allow subcommittees of both groups to make such recommendations to the President, if the full bodies cannot be convened.
3. Allow the President to make the decision without advice from the two groups.

The first is probably not possible and the third is undesirable, Professor McConnell said; the second option is a middle ground and the SRC is ready to appoint such a group if the need arises. Professor Massey said that the Senate Consultative Committee could also meet and act on behalf of the Senate; the SRC subcommittee could make recommendations to SCC, Professor Martin said.

Professor Rabinowitz noted that in the case of the first two requests for exceptions, the SRC approved them, SCC did not, and the Senate did. The disposition of this third request is not known. She said it would be better to have more discussion, even if it does not go anywhere, since the SRC appears

inclined to approve these requests. Professor Gonzales said that the responsibility lies with the SRC and the Senate; she would be uncomfortable delegating to a committee (SCC) the responsibility for advising the President and even more uncomfortable delegating the responsibility to a subcommittee; she preferred that at least SRC and SCC be the groups that act.

Professor Bebeau said that the articulation of principles and conditions helped a great deal in clarifying what the SRC is doing.

The Committee discussed the particulars of the most recent request and how research is funded prior to signing a contract and receipt of funding. Professor McConnell observed that there is a problem in the summer. A faculty member will spend a lot of time seeking a grant and may receive it in the summer; the department may set up a CUFS account to be used, but there is a problem if the contract cannot be approved. There was discussion about a PI being obligated to use start-up funds to pay for the costs of the research if the contract was not signed. The grant is to the institution, not the individual, Professor Kruttschnitt pointed out, and even if a PI leaves, the grant stays at the institution. If the funds are not forthcoming but a department has approved expenditures from a CUFS account, the expenses should not be charged to the individual faculty member or the department. Sponsored Projects Administration must face up to its responsibilities, she said, and perhaps ICR funds should cover these costs.

Professor McConnell said that the SRC had noticed all of the requests for exceptions came from contracts with the Army Research Laboratory (ARL) and asked if Sponsored Projects Administration had alerted other faculty that contracts with ARL might be a problem. They had not. Vice President Maziar has been involved in national advocacy efforts to get rid of the restrictions, but as the University learns other agencies may impose restrictions, it must let faculty know about them.

Professor Rabinowitz said she was "absolutely opposed" to approving any exceptions to the Regents' policy. She said she was concerned that no one would review any requests in the summer, that the procedures are the procedures, and that if necessary there could be a meeting with telephone connections to multiple cities. It may take time, but that is too bad. If the University believes in the policy, it must be made clear to everyone that this is the policy and that some agencies are not conforming to it. Faculty have to be told that they cannot do certain kinds of research (that is, research that carries with it restrictions on the publication of results or use of foreign graduate students) if they are at the University of Minnesota. This problem will not go away and the Committee should push Sponsored Projects Administration to publish a list of agencies that are in violation of University policy.

Professor Feeney agreed that with the appointment of the ad hoc committee chaired by Professor Kruttschnitt and the procedure set out by the Regents' policy, no other procedures for dealing with exceptions were needed. He said he was also struck by the fact that these requests seemed to typify the sentiment that it is easier to obtain forgiveness than permission: people are spending money they do not have because a contract has not been signed. In his field this is forbidden. He said he was sympathetic to the faculty but the integrity of the University is on the line.

Professor Feeney said he has also discussed this issue with Vice President Maziar. The University must stay both competitive and reputable. It will be up to Professor Kruttschnitt's ad hoc committee to determine the balance between the two, and it may not be possible to be both, he said.

Professor McConnell said he wished to clarify the issue of spending money. Under the University's grants management system there are two choices. One can receive a grant, sign the contract, receive the money, and start the research. Or the research can start coming even though the contract is not signed and the funds have not started, in which case the department is financially responsible if the contract is not finally signed. He said he has not heard of an instance where faculty set-up funds are on the line if a contract is not signed, which is reportedly the case in the request that came to the SRC this week. The intent of this practice is to give the decision to the people who have the best information; in this case, it was thought that the PI and the department chair would know best if the contract could be signed.

A number of universities grappled with this issue before the Vietnam War, Professor Marshak said, and what they did was set up separate research institutes. With the Vietnam War, the institutions were pressured to get rid of the institutes because the walls between the universities and institutes was breached and they were not independent--so the institutes were spun off. Now the universities must start over again; will they do off-campus research institutes and eventually spin them off? Universities have been here before; it is to be hoped they can do better this time, he concluded.

There is a national dialogue going on, so the University is not struggling with this issue alone, Professor Martin asked? There is, Professor McConnell affirmed.

The University will lose the argument with the federal government, Professor Marshak observed. Professor Rabinowitz agreed but said it must still fight so that when it looks back in 20 years it can say that it kept its integrity. Professor Marshak agreed.

It is reasonable that faculty be warned that seeking certain kinds of funding has implications, Professor Martin said. Professor McConnell agreed but said there are inconsistencies in federal law. A memo from Condoleezza Rice says fundamental research should be published; some funding agencies, however, seem not to be following White House policy. This is about incremental changes, Professor Rabinowitz said, and going in a direction the University does not want to go. There should be a talk with Vice President Maziar about taking a more aggressive position so that all universities do not take funding with restrictions. Some Committee members, however, said that this would not be practicable.

It was agreed that the normal procedures should be followed in the summer.

In terms of directives to department heads and faculty, Professor McConnell pointed out that the decision remains a local call. Professor Rabinowitz asked to whom Sponsored Projects Administration reported (Vice President Maziar) and if there was any faculty oversight on its decisions (there is not). She said there should be. Professor Kruttschnitt noted that Dr. Maziar is on the ad hoc committee; Professor Rabinowitz said these issues need to be addressed.

Professor Marshak said it will be difficult to stop the process of approving funding to start research, pending a contract, and then hit start-up or other funds if the contract is not signed. This comes back to Sponsored Projects Administration, Professor Kruttschnitt said, which is why she brought up SPA in the first place.

In some instances the faculty member should know about the potential problems and get stuck for the costs if he or she chooses to ignore the risk, Professor McConnell said. In other cases, however, it

would be odd for the faculty member to be stuck with costs because there is a change in the political situation. That's what "insurance" is for, and there might be some kind of pool of funds for faculty members who get "stuck" in this way. The other dilemma, Professor McConnell said, is under what conditions is one prepared to question the ability and motivation of faculty members? The risks there are extraordinary, too. When the issues came to the SRC, it did not try to second-guess faculty members.

It was agreed that Professor Massey would write to Vice President Maziar to ask her to look into how faculty can be alerted to funding sources that may pose a risk in terms of potential violations of the University's research secrecy policy. The Committee also wished a report back from her.

5. Campus Security and Accountability

Professor Feeney said he had asked that this item be on the agenda. The Committee has talked about accountability; what happened with the post-game riot after the NCAA championship game in men's ice hockey? It seems like there was a lot of finger-pointing and no one accepts responsibility. This goes back to the issue of people and processes are in place but nothing happens. This Committee is responsible for being concerned about these situations: if the University becomes a place where people do not want to send their children to be students, the Committee has failed. He suggested that the Committee invite Vice President Jones and Assistant Vice President Aylward to a meeting to talk about the event. Is this, he added, a forerunner of what will come if there is a Gophers-Vikings stadium on the campus? (Several Committee members expressed a view that it may be.)

Professor Martin said the important issues are "who is responsible?" and "what are the lines between the University and the City of Minneapolis?" Professor Marshak said he wanted to know "what was the plan?" There should have been one; if there was not, why? Professor McEvoy said her question is "what will the University do in the future?" She noted what had happened at Maryland after its men's basketball team won the NCAA championship; College Park "was a mess." What will be done in the future to prevent it from happening again?

Committee members also expressed concern about the role played by the Minneapolis Police.

The Committee agreed with Professor Feeney's suggestion that it hear from Vice President Jones and Chief Aylward.

6. Petition for Reinstatement in the Senate

A faculty member of the Senate who had been removed because of absences from Senate meetings petitioned to be reinstated. The Committee approved the petition 10-1.

7. Faculty Academic Oversight Committee for Intercollegiate Athletics

The Committee identified the names of two individuals who would be asked to fill an expiring term on the Faculty Academic Oversight Committee for Intercollegiate Athletics.

Professor Rabinowitz, referring to a comment from Professor Massey that he had made many calls for FAOCIA but had been turned down, said the Committee needed to recognize that FAOCIA had been set up in response to the basketball scandal but that no one wanted to serve on it. What is the point

of having committees if people do not want to serve on them? Does anyone know if FAOCIA is effective? Or would people be better off spending their time elsewhere?

Professor Erdman said that FAOCIA has an important function; for one thing, it reviews transcripts. It was also noted that when there are surveys of faculty interest in committees, the athletic committees have typically received among the most expressions of interest.

8. FCC Retreat

Professor Feeney said he had also asked that this item be on the agenda. He noted that it has been the tradition for FCC to hold its retreat at the Morris or Crookston campus but wondered if the practice had been effective. FCC has had little time to talk to faculty on the campuses but also little time to actually meet; if it thinks there is a problem on another campus, it should send a subcommittee to visit, he suggested.

He has also invited Regents Reed and Bergland to the retreat, and would like to make it reasonably easy for them to attend.

The Committee agreed that it should hold its retreat closer to the Twin Cities.

9. Use of Faculty Email and Senate Mailing Lists

Professor Massey noted that the Senate office had received a request to use the faculty email list to encourage faculty to help with Staff Day. He noted the protocol that FCC had adopted a few years ago about when the faculty email list would be used; the protocol restricts it to governance business. It was agreed that this request should be directed back to Human Resources.

Professor Martin inquired why Staff Day cannot be held at another time of the year, instead of late spring, when everything else is also winding up and everyone is overly busy?

The Committee also agreed that Senate mailing labels should not be used except for items that come from a committee or unless approved by the chair of the Senate/Faculty Consultative Committee.

10. Exit Interviews

Professor Feeney noted the agenda item for the Faculty Senate, which calls for the administration to conduct exit interviews of faculty who leave the University to go to other academic institutions. Such interviews have not been conducted routinely, he reported, and when women faculty and faculty of color leave the University in disproportionate numbers, the reasons need to be known. The idea is also to wait three to six months after individuals have left, so they have some perspective on their departure.

Professor Kruttschnitt wondered what useful would come of the interviews; faculty leave because of better offers, she surmised. It was noted that the Faculty Development Working Group had obtained information from faculty who had left the University; the results suggested that salary was not always the reason someone left.

These interviews should be the first step in learning how to improve things at the University, Professor Rabinowitz said. The Committee on Faculty Affairs, in its motion, has asked for an annual report on the results of the interviews, Professor Feeney noted, so could react to them.

Professor Massey adjourned the meeting at 3:15.

-- Gary Engstrand

University of Minnesota