

MINUTES*

Senate Research Committee February 15, 1991

Present: John Sullivan (Chair), John Basgen, Mark Brenner, Tony Faras, Neil Gault, Essie Kariv-Miller, Eric Klinger, Ken Reid, Dan Sargent, Jeff Weis, Albert Yonas, James Ysseldyke

Guest: John Thuente

1. **The Minutes** of January 11 were accepted with the addition of Eric Klinger to those present.
2. **Report of Subcommittee on Disclosure Policy**

John Thuente of the subcommittee distributed copies of the current policy with changes marked plus three sheets stating the changes. He then went through the changes with the committee.

There was discussion of the definition of "sponsored research" added on page 3, section 4d, in which it was noted that the issue is not simply whether the research is directly sponsored by a company or will benefit the company. Similarly on page 4, section 5 c and d, the deletion makes the same point. In the additions to "Operating Principles" on page 5, the committee suggested several changes. Mark Brenner noted one which had been phoned in to him by Tony Faras, which would delete "directly or indirectly," leaving "where the research may affect the COMPANY." John Sullivan suggested adding statements of legislative intent which would clarify that indirect affect is included but is not to be interpreted as a "trivial" affect. Albert Yonas observed that the word "may" covers the fact that the affect is possible. It was agreed that disclosure should be made when results of research are "formally reported."

Eric Klinger questioned whether the principles should be restricted to companies, giving the example of testimony regarding Amtrak which relates to research done on Department of Transportation grants. Tony Potami remarked that government agencies usually want to have their support acknowledged in any case and would favor disclosure. But it was further noted that the hope for further grants might influence testimony. Ken Reid suggested broadening the concept beyond financial benefit. The committee agreed that addition of a phrase such as "or other entity" would broaden the principles beyond financial connections with companies. Essie Kariv-Miller advised looking at what the government requires, so as not to state the policy in ways that conflict with the government's massive existing requirements.

Section i dealing with disclosure to the Human Subjects Committee. It was agreed that this should be stated in a way that would not require the Human Subjects Committee to interpret what constitutes "interest" or to monitor the research or treatment. It was suggested that a yes/no statement could be added which the principle investigator could check and which would automatically go into the C form in the protocol. Potami observed that every human experiment has to go through the HSC so that checking yes or no on their form would inform them. It was suggested that since many instances are

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possible in treatment using already tested drugs or devices in which the physician had some interest, a special statement may be needed for the Medical School. Potami suggested giving the statement to the Vice President for Health Sciences to work with and deleting reference to "treatment" from the present statement.

There was discussion of whether a similar principle was involved with regard to informing the Animal Care Committee of an interest where research animals are involved. It was generally felt that the University would have already been informed if the statement of interest is on the protocol, while the ACC does not meet often enough to deal with such matters.

It was generally agreed that the intent is to set up a procedure and have a mechanism to deal with potential queries and public relations problems, as well as to be prepared as the NSF proceeds quickly in requiring disclosure of interests.

The addition under Implementation on page 6 concerns disclosure of changes in interest that was originally reported on BA Form 23. It was suggested that the University should specifically ask about changes to avoid having researchers honestly forget to report changes. Potami suggested that a message on the form, combined with reminders in newsletters and bulletin boards would alert people. The change in interest has to be significant, not trivial, and the researcher will need to use judgment. Potami said that in the preparation of the original document there was discussion of including terms like "substantial," but these also require interpretation, and there is no simple way to monitor this. Having a statement on the BA 23 and relying on people's intentions and memories seemed the only solution. Sullivan suggested using the term "significant" in the legislative history and not in the document proper.

The proposed change on pages 8 and 9, replaces the establishment of a standing committee, which has not been justified by the number of cases to be addressed, with a statement that the Senate Research Committee or a subcommittee appointed by it will deal with issues concerning this policy, and lists categories from which a subcommittee could be drawn. It was observed that the original policy specified that disciplinary action for faculty be under the Tenure Code, but this may no longer be necessary, given changes in the Grievance Policy.

Reid observed that the changes and expansion of the policy render the title "Disclosure of Financial Arrangements with Industry" inaccurate. The title, "Conflict of Interest Policy" or "Disclosure of Conflict of Interest" was suggested. It was further suggested that the preamble be extended to include instances in which state agencies, foundations and private companies were involved. Mark Brenner said the intent was to ensure disclosure within the University when people are seeking funding from the University.

To expedite work on the changes, Sullivan asked for a motion to appoint a working group to implement the changes suggested by this committee. This was moved (Ysseldyke), seconded (Klinger) and unanimously carried to delegate Sullivan, Brenner, and Potami to make the changes and add a descriptive paragraph illustrating the situations of concern. They will circulate their work to the other Committee members, and the proposed policy will then be placed on the SCC agenda.

3. Space Rental Policy

Mark Brenner distributed copies of the February 14 version of the policy. He noted that having a defined policy is new; rental had been handled on an ad hoc basis. The goal is to facilitate adding needed space, without making it so easy that people simply pick up and move off campus based on a marginal increase in space needs. The policy therefore sets the conditions that the space must be needed for a new grant, the space applied for must be consistent with the Minnesota Facilities Model, and the investigators must have looked for space on campus first. He recalled the Research Committee has seen earlier versions and made comments. The present version is streamlined and leaves much to the collegiate deans with review by the Research Executive Committee if necessary. The Space Advisory Committee will be concerned in cases where leasehold improvements are involved. The policy will go to the Research Executive Committee, and it is up to the SRC to then decide whether to go through the Senate or treat the matter as administrative. Concern was expressed over the situation of a researcher whose granting agency will not pay for rental space. Brenner noted that other sources may be available through the dean concerned, for example from Indirect Cost Recovery funds held centrally by the dean.

The committee gave general approval with minor editorial changes. Brenner said he would accept suggestions by phone.

3. Response to the SRC Letter on the MRRC Resolution

Ken Reid reported that the response to the committee's letter expressing concern about the plan to close the Mineral Resources Research Center as part of the Restructuring and Reallocation Plan was a memo referring the committee to the official document (which had not been released at the time of the letter). He said that he now has a response which comments on points in the document and raises concerns not addressed in the reallocation plan, e.g., that MRRC operates with significant federal support and that action to close it would eliminate this funding grant as well as access to federal programs for research funding.

Reid said that he recognizes that the intent to treat the reallocation plan as a single entity may preclude removing MRRC from the list. However, he has been trying to contact each regent, and wants them to understand that the MRRC was a source of funds, not just a recipient of University funds. He requested that the Committee respond to the memo from Vice President Kuhl, explaining that the document, which was not available earlier has now been reviewed and raising the funding issues.

Sullivan suggested meeting with Warren Ibele to discuss the matter, rather than focusing too much on an individual item, meanwhile responding to the Kuhl memo, stating the facts and actions taken.

4. Update on Graduate School Research Funds

The issue of support for graduate school research was presented to this committee in January by Professor Weyhmann. Vice President Kuhl has responded to the committee's letter saying that the first priority for funding is set up money and secondary to that, money that is not absorbed in set ups in any given year goes to the Graduate School Research Fund.

Brenner said that the Grant in Aid Program is seriously under funded and there are many demands on it. Professor Weyhmann did a survey of the program over the past five years and demonstrated its success. The set up need is real, Brenner added. Packages need to be adequate so that

faculty won't need to seek a grant in aid during the first year, so it is necessary to fund fewer set ups completely rather than many inadequately.

Sullivan noted that the number of applications has increased and as the pool continues to grow, even the first year people are unfunded. He said that he sent a copy of the SRC letter to Vice President Hopkins, and the committee has received a response from her expressing support for the Graduate School Research Fund.

5. Other Business

Brenner reported that Purchasing is proceeding to develop master contracts and is looking for ideas for purchases for which they are appropriate. SRC members can contact Purchasing with suggestions.

Brenner also said that administrative procedures are in process for procuring radioactive isotopes. Investigators must purchase them through Environmental Health and Safety in order to get savings. A small amount will be skimmed off to cover administrative costs, but there will be gains in both savings and safety.

The meeting was adjourned at 10:10.

-- Catherine Winter

University of Minnesota