

## SENATE RESEARCH COMMITTEE\*

September 27, 1996  
Minutes of the Meeting

PRESENT: David Hamilton, Chair; Len Kuhi, Phil Norcross, Mark Snyder, Burle Gengenbach, Dorothy Hatsukami, Ed Wink

ABSENT: Joel Eisinger

REGRETS: Susan Hupp, Robin Dittman, Kathryn Rettig, Mark Brenner

GUESTS: Mark Bohnhorst, General Counsel's Office

OTHERS: Fay Thompson, Frances Lawrenz, Win Ann Schumi, Marilyn DeLong

These minutes contain the following: Discussion by Mr. Mark Bohnhorst on the NIH Compliance Agreement; Agenda items for the 1996-97 academic year.

Welcome and Introductions were given by Chair David Hamilton. He introduced guest speaker Mark Bohnhorst of the University General Counsel's Office, who agreed to discuss the Compliance Agreement being negotiated by the NIH and the University. At this time the meeting was turned over to Mr. Bohnhorst.

Mr. Bohnhorst began by giving a brief history of the actions of the negotiations of the last few months. The University has been exchanging drafts with the NIH for the last several months on the Compliance Agreement which was one of the preconditions set forth in the August 14th letter from NIH designating the University as an exceptional organization. A draft was received from NIH in May, and the University sent back a partial redraft in June. The University received a draft back from them in August, and sent them a draft this week, he said. The purpose is to specify the items we need to complete in order to be removed from the special designation and to get our expanded authorities reinstated from NIH; and to specify ongoing collaborative relationship with NIH to ensure enhanced compliance with grant management standards for several years to come.

Mr. Bohnhorst reported that Mark Brenner was at NIH on September 26th and met with the two NIH officials who were responsible for negotiating this on our behalf. Dr. Brenner indicated to him that the discussion had been productive and frank and felt very positive about our abilities to move forward and get to an agreement. Mr. Bohnhorst added that Dr. Brenner indicated there were really two issues: the label "exceptional organization" and the withdrawal of the expanded authorities, which restricts researchers' flexibility. Mr. Bohnhorst said he felt it was important for the University and faculty to know what was going on in regards to the compliance agreement, and that he did not feel the document was confidential, but he elaborated that none of the documentation had been distributed outside the committee as yet.

Mr. Bohnhorst defined several issues raised by NIH:

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- 1) Definition of roles and responsibilities. NIH has indicated the University needs to clearly define everyone's roles and responsibilities. This is something that had been brought to the University's attention by Arthur Anderson in January of '95, well before NIH became involved, and is already being dealt with.
- 2) Follow-up: NIH wants to see our policies and procedures and make sure they comply with Federal law.
- 3) Training and Education: The university first issued a fairly comprehensive manual in 1965. Revisions were done in 1972 and again in 1980. There hasn't been one since then, so it's clear that another is due.
- 4) System Adequacy: PIs have major responsibilities for monitoring what's going on with their grants, but they don't have current useful information. A PI report system has been developed on the Web, and anyone can gain access to it with identification. It doesn't replace shadow systems in the departments because there is some delay. There is also the GEMS project in which Dr. Win Ann Schumi has been very instrumental. It has involved the development of a Web-based BA23 coupled to the development of NIH forms, so that all forms can be generated and kept electronically so when the government can actually accept electronic applications, they can be automatically sent. In the meantime they can be printed out.

In addition to this minimum, Mr. Bohnhorst stated the NIH is requiring that the University enter into a longer-term compliance agreement, the details of which are not clear right now. A major piece of this will probably be on-going training.

Dr. Len Kuhl asked why the University of Minnesota was picked out for this status. Mr. Bohnhorst replied that in the course of the investigations that initiated in the Department of Surgery, the administration discovered some serious problems in some grant management issues, and had to report them to NIH. The University decided they were pretty significant, so Arthur Anderson was hired to identify weaknesses. In January, 1995, the Anderson report suggested areas that needed attention. By being publicly accountable, Mr. Bohnhorst indicated, the University perhaps set itself up as a target. The designation was imposed on the University without prior consultation, which was unusual.

Hearing no more questions, Professor Hamilton noted that the issue would be visited again in the future, and thanked Mr. Bohnhorst for attending the meeting.

Agendas for 1996-97:

Professor Hamilton distributed a list of possible agenda items to the committee members for review, and noted that one thing about the research committee was that in an avowed research institution, the Senate Committee on Research has no seat on the FCC. He stated that perhaps the Chair of the Research Committee should have a place on the FCC.

Members agreed. A motion was made, seconded and passed. Chairman Hamilton will draft a rationale of why the Research committee should have representative on the FCC and forward it to the Clerk of the Senate and the Chair of FCC.

Committee members discussed items to be discussed in the coming academic year. They include, but are not limited to the following:

ICR: Chairman Hamilton noted three areas that should be discussed.

1) How the ICR rate is developed, how the ICR rate is negotiated, and what components go into it. 2) How ICR money is distributed at the University of Minnesota. Who makes the decisions. 3) What are the external influences over which the university has no control that dictate how ICR money is used? Doyle Smith will talk on the first issue, Francis Lawrenz on the second, and Ed Wink on the third.

Resource Center Management: The name has been changed to Incentive Center Management (ICM). A document on RCM has been distributed.

- Environmental Health and Safety issues
- ORTTA Grants Manual
- BA 23 changes in certification
- How to provide continuous updating and upgrading.
- Systems Redesign
- Technology Transfer
- Libraries
- Bennett Bill--Professor Hamilton will get specifics
- Information Technology

Additional issues for discussion were brought up before adjournment.

Professor Hamilton brought up the topic of Information Technology and asked Francis Lawrenz to explain briefly what implications it had for research. She also discussed what the attorneys said about the intellectual property issue and what could and could not be talked about with regard to the Cease and Desist order. Regents policies on the matter are all on the Web.

Research on Biological Mechanisms for Pain was discussed briefly. Researchers have received death threats, so special glass has been installed that will withstand gunfire, it was reported.

The meeting was adjourned at 2:30 PM.

Respectfully submitted,  
Dana Swanson

University of Minnesota