

Minutes*

**Senate Research Committee
Monday, October 10, 2005
1:15 - 3:00
510 Morrill Hall**

- Present: Steven Ruggles (chair), Mark Ascerno, Dianne Bartels, Christopher Cramer, Dan Dahlberg, Genevieve Escure, James Luby, Timothy Mulcahy, Mark Paller, Maria Sera, Virginia Seybold, George Trachte, Ed Wink
- Absent: Richard Bianco, Arlene Carney, Sharon Danes, Robin Dittman, Penny Edgell, Kathy Ensrud, J. Stephen Gantt, Paul Johnson, Thomas Schumacher, Charles Spetland, Michael Volna, Barbara Von Drasek, Jean Witson,
- Guests: None
- Other: Mark Bohnhorst (Office of the General Counsel), Professor Joe Konstan

[In these minutes: Update on Federal Demonstration Partnership, Overview of Export Controls]

1. Update on Federal Demonstration Partnership

Professor Ruggles convened the meeting at 1:20. He introduced Professor Joseph Konstan, University of Minnesota Faculty Representative for the Federal Demonstration Partnership, who presented an update of FDP activities. He explained the background of FDP, saying that it is a partnership of 98 research universities, 10 federal agencies and emerging research institutions, and is focused on reducing administrative burden associated with research grants and contracts. Universities provide administrative and faculty representation; agencies provide administrative and program representation. The FDP dates back to 1986, when it was the Florida Demonstration Project, and in 1988 became the Federal Demonstration Project. It has been renewed every six years or so into more advanced phases and with more participants on both the Federal and University sides. Over the past nine years approximately, University members have been providing administrative representation and faculty representation at the meetings and its committees. Major accomplishments include no-cost extensions, year-end carry forwards, rebudgeting authority, pre-award costs; substantial work on electronic research administration, cost sharing and effort reporting, among other things.

Professor Konstan described his role with the FDP: first, he is the faculty representative to FDP from the University, and was asked by David Hamilton to take on this role. Professor Ruggles asked if he was looking to make the role official. Professor Konstan responded that although he welcomed official endorsement from the committee, he felt it was more important that he have effective communication with the committee. Professor Konstan continued to describe his role, saying that he'd been elected the faculty representative to the FDP Executive Committee, which later made him the Vice-Chair of the FDP.

* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate; none of the comments, conclusions, or actions reported in these minutes represents the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.

Professor Konstan reviewed current issues and highlights of FDP. He described government-wide adoption of FDP terms and conditions for research grants. One issue with this standard set of terms is the question of how to improve these when there is not a separate set of terms. The next issue he described was the upcoming nationwide survey of faculty Principle Investigators (PIs) to assess administrative burden and its change over the last decade. In order to manage costs, the survey is limited to 20,000 PIs out of 100 institutions. They are working with a survey company to ensure they get a good cross-section of respondents. He pointed that some of the committee members may be getting a letter to participate or an actual survey. The point of the survey is to try to document the increase of time spent on administration which results in less time on research and teaching. He expected that preliminary results would be available in January, and final results in May.

Professor Konstan went on to describe a request from the Office of Management and Budget on behalf of the President's Office on Science and Technology Policy as well as the National Institute of Health (NIH) for input on recognizing multiple PIs in research, as there is no way to note co-PIs. He noted that the University of Minnesota had sent a response, and a consensus response was sent after the FDP polled major institutions. Professor Konstan went on to discuss significant concerns over deemed export issues and general issues of restrictions on foreign nationals, and said that national security issues are difficult for FDP to have an effect on.

Continuing on to NIH modular grant proposals, Professor Konstan said there had been a push to an NSF division for budgetless grant submissions with just-in-time budgeting. The idea behind this is to avoid spending time preparing detailed budgets only to have the grant returned proposing another amount, which in turn means preparing yet another budget. Konstan pointed out that there are two challenges: some reviewers and program officers prefer to see the budget, and other program officers say that reviewers are spending so much time looking at how much the PI makes that they're not focusing on the scientific contribution of the grant. He cited other university models, and said this committee should consider encouraging the University administration for supporting the idea that if the agency doesn't require a budget, the institution shouldn't either.

Professor Konstan talked about the attempt to clarify payroll certification requirements to provide effective support for a wider variety of mechanisms. He cited other institutions using new effort certification techniques with the approval of auditors. He felt this was a small step in a large problem. Professor Seybold inquired as to the motivation behind this, and Konstan pointed out the differences between the options and requirements in auditing.

Professor Konstan discussed the move to a common grant portal and the development of a standard government-wide investigator profile that can be used for all grants. The current effort focuses on getting one of the larger providers, such as the NIH, to agree to host the system for many institutions and thus provide an interface for all the information. Professor Konstan went on to discuss the standard form for grant submissions; testing and piloting (SF 424 + R&R). He said there was mixed reaction to this: many favor standardization but others are panicked that once the system is instituted it may fail at a crucial time. The concern is that the systems will be overwhelmed at deadline time, and he cited NSF as an example.

Professor Konstan went on to highlight an initiative which the faculty has started which considers the question of reducing faculty grant writing. They are exploring cases at other agencies and whether it would be possible to screen out those that will not be funded through an early peer review process. This would avoid putting in two or three weeks of effort into developing a comprehensive application if it is unlikely to be funded. Vice-President Mulcahy thanked Professor Konstan on behalf of the Vice-President's office, and pointed out that this is the committee's opportunity to know what's happening before it happens, and that ideas from faculty have been implemented through this forum. Professor

Ruggles suggested that the committee endorse Professor Konstan's role. Professor Dahlberg asked how faculty would know about these things and who makes the decisions. Professor Konstan said representatives from agencies are part of the process and that there's an iteration of discussion. Secondly, how does a designated group of faculty, one from each university, move to consulting more broadly with the faculty constituency that they're representing? Many ideas are communicated through the Research News Online; and other ideas are processed through channels such as this committee. Professor Konstan offered to send summaries of the yearly meetings sent to the committee, but felt that much of the information would be meaningless to the committee and hoped to act as "gatekeeper" for information that is relevant for the committee. Professor Escure asked if there was anything that could be done about grossly underfunded programs. Konstan pointed out that sometimes it is effective for different disciplines might be tied to an application area where the funding exists. Professor Ruggles asked how often FDP meets; Konstan replied there are three meetings a year, January, May and September. Professor Ruggles then asked if some results from the survey might be available after January's meeting and Konstan said that was likely. The committee voted to endorse Professor Konstan in his role with the FDP.

2. Overview of Export Controls

Professor Ruggles introduced Mr. Bohnhorst who presented an overview of Export Controls. Referring to a handout he distributed to the committee, he said there is much information condensed in the overview and pointed out that export controls not only apply to items but to technological information that is not in the public domain. Most research conducted at the University of Minnesota qualifies for the public domain "fundamental research" exclusion from export controls over information. He then went on to elucidate certain types of projects that could be subject to export controls over information or items. These include certain publication restrictions. For instance, if the employee or the University has agreed to restrictions on publication of research results, other than normal patent delays, the fundamental research exclusion does not apply. Disclosure of information resulting from the research to any non-resident foreign persons (students, post docs, collaborators and the like) would then be considered an export to the person's home country, and thus "deemed export" rule applies. He went on to explain that this becomes very difficult in terms of identifying and restricting access for foreign students and post docs.

In terms of confidential or non-public information, if confidential technical information to conduct the research, such as product, design or equipment information or source code that a company has provided under a non-disclosure agreement is being used, that information may be subject to export controls. Disclosure to non-resident foreign persons is treated as an export to that person's home country. Sending materials or equipment used or developed in one's research outside the U.S. to conduct research are actual exports that could require an export license. For example, GPS equipment used in such diverse fields as earth science, conservation biology, landscape architecture and archeology is subject to controls. With limited scope of export controls, export controls apply to items and information developed for a uniquely military or security purpose, and dual-use items which are used for both civilian and military purposes, such as GPS. With blanket restrictions, very broad export controls apply to transaction involving certain boycotted countries, such as Cuba, Iran, Sudan and North Korea, and certain entities involved in nuclear activities in China, India, Israel, Pakistan and Russia. This also applies to individuals and entities identified as a lengthy list of supporters of terrorism.

Vice-President Mulcahy explained that licensing for export controls is reviewed and approved, and Mr. Bohnhorst pointed out that licenses have conditions. Vice-President Mulcahy inquired as to the length of the licensing process, and Mr. Bohnhorst replied that for one license the University of Minnesota will be receiving soon, the application was submitted in May so there can be considerable delay. There was a discussion of these how these restrictions affect foreign graduate students and research at the University, with Professor Escure expressing concern that it also affects what professors

teach students. Mr. Dahlberg asked if there was a filing fee for licensing, and a discussion ensued about where the funds for the \$10,000 fee come from (Indirect Costs). Professor Cramer asked for clarification in the matter of a laptop computer and whether that might be subject to controls. Mr. Bohnhorst said that that would be classified as "tools of the trade".

Mr. Bohnhorst and Vice-President Mulcahy discussed the University of Minnesota's obligation and efforts to make people aware of the issues. Their goals were make research faculty and administrative staff familiar with the concept of export controls. It was reiterated that it was especially important to provide training for those faculty who are most likely to encounter these issues so that they would know to seek additional information and assistance. The goals also include providing easy access to assistance and information on export controls, and to ensure that faculty with export control issues comply with regulations.

Mr. Bohnhorst highlight implementation procedures, which included an announcement about the export control website in Research News Online and the Vice-President for Research website. Educational material will also be included in RCR Classes and education sessions will be provided for certified approvers and department grant administrators. For faculty most likely to encounter export control issues, there will be education sessions for all IT departments and education sessions for departments identified by SPA annual program assessment. In order to provide easy access to assistance and information on export controls, the website will contain further information, phone numbers and links to regulations. To ensure that faculty comply with export control regulations, there will be new questions on the Proposal Routing Form; SPA contract review; PTM material transfer agreement review; and a mandatory workshop for researchers and their staff who have a project subject to regulations.

Mr. Bohnhorst also referred people to the Office of the Vice-President for Research website (www.research.umn.edu/regulations/export_controls.html) which has links to more in-depth discussions of export controls in the university setting.

Professor Ruggles adjourned the meeting at 2:35 p.m.

-- Mary Jo Pehl

University of Minnesota