Minutes[*]

Present: Richard Goldstein (chair), Josef Altholz, Carole Bland, Roland Guyotte, Darwin Hendel, Roberta Humphreys, Nan Kalke, Cleon Melsa, Tom Walsh, Carol Wells

Absent: Kent Bales, Carol Carrier, Daniel Feeney, William Garrard, Neil Graf, Robert Jones, Harry Savage, Wade Savage, George Seltzer, Timothy Wiedmann

Guests: Assistant Vice President David Hamilton, Linda Raab (Office of the Vice President for Research)

[In these minutes: (1) AREPA forms for outside consulting; (2) various items: electronic privacy, evaluation of administrators, evaluation of teaching, grievance procedures, start dates for faculty on 9-month appointments, review of KIOSK and BRIEF]

1.   **AREPA Forms**

        Professor Goldstein convened the meeting at 3:10 and welcomed Dr. Hamilton to the meeting. He recalled that concerns were raised about the process of filling out the AREPA form, something required of all faculty at the University. [AREPA is the acronym for *A* *R*eport of *E*xternal *P*rofessional *A*ctivities, reporting on outside consulting.]

        And all P&A staff, Dr. Hamilton added. He introduced Linda Raab from his office, who, he said, has done most of the business analysis work on the electronic AREPA forms. Dr. Hamilton distributed copies of slides and then walked the Committee through the workings of the AREPA forms.

        The rationales for the AREPA are several. Human Resources has a regental mandate to report yearly on faculty and staff outside activities. Second, up until 1999, paper forms were filed in different places, did not flow to Human Resources, and the data had to be compiled by hand for about 8,000 employees. That is why Vice Presidents Carrier and Maziar said there needed to be a better way to collect information, one that did not rely on a paper form.

        A third rationale--one important to faculty and P&A staff--is that if activities are not disclosed, the University cannot (and will not) protect faculty and staff when conflicts of interest arise. If potential conflicts are disclosed and a management program is in place, the University will back the employee; if not, it cannot.

        Other considerations: The University as a public institution has the obligation to disclose and manage potential conflicts of interest (so they do not turn into ACTUAL conflicts of interest) Moreover,

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federal and state governments are very interested in how the University manages potential conflicts and require that it have a policy and effective management of the policy. Dr. Hamilton said he has visited many federal government websites; all require a conflict of interest policy and enforcement. He concluded, from looking at the Health and Human Services study of conflict of interest compliance, that the policies, enforcement, and where the forms are filed "is a hodgepodge," like the University before it developed AREPA.

The problems with the current form are that it has a "confusing, unintuitive user interface" and is difficult to use, Dr. Hamilton said--and added that he does not disagree with this characterization. There were glitches in 1999-2000, which they have worked very hard to resolve, but the form still gives the perception that there is no value added. The solution is a complete redesign, workflow analysis, and usability testing; they have been looking at it over the past year. Last time the form was designed there was not enough user participation; Dr. Hamilton said that would not be the case this time.

Some things have already been accomplished. Demographic information is taken from the PeopleSoft data base so name, appointment, and college can be put on the form automatically. Reporting in fractional days is now permitted. There is automatic routing to the dean's office approvers. The latter is because of extraordinary effort by Ms. Raab, Dr. Hamilton said; to provide this service is VERY complicated. The list changes randomly every year, as people change positions or new people come in--maintenance of the tables of information is difficult. Putting in the department heads, so individuals would not have to identify to whom to send their report for approval, would require a table 8000 lines long; the change each year could reach 25-30%.

There is also email notification when a form is approved. The forms can be returned if a department head believes there might be a conflict or if more information is needed before approval.

In terms of the forms returned, 81% are "no" and "no" to the two initial questions on the form ("1. During your term of appointment this year, did you provide more than three days of professional services related to your area of employment at the University to an outside agency?" and "2. Do you, a member of your immediate family, or an associated entity (e.g., a trust): a. have a financial interest in a business equal to or exceeding $10,000 per year from that business (including but not limited to royalties, equity interest and/or consulting income) which draws on your University expertise or background, OR b. regardless of compensation, hold a board position in any entities that support your University research or hold an executive position in any entities that engage in commercial or research activities which draw on your University expertise or background?"). Units with large numbers of forms to approve are overwhelmed if they must approve each form separately, so now there is batch approval. The dean can approve the "no-no" forms all at once. If, however, they know something should be in a form, they can make exceptions.

What does approval mean, Professor Goldstein asked? It means the dean agrees with what has been written on the form, Dr. Hamilton said. It does not imply knowledge of the activities; they must trust that individuals are honest. Why would a form be returned, Professor Goldstein inquired? If the dean does not understand what has been written or if more information is needed in order to make a decisions about a potential conflict of interest.

There were about 4,000 AREPA's in 2001, which represents about 50% compliance, Dr. Hamilton said. They expect between 8,000 and 10,000.

What happens if someone does not submit a form, Professor Goldstein asked? Dr. Hamilton explained that they have developed a report for units that shows who has and has not filed an AREPA, so units will know. There is, now, no penalty for not submitting the form, he said, but the University will not stand behind an employee faced with a conflict of interest charge if he or she has not filed the form.

Does anyone look at the forms that are filed, Professor Goldstein asked? They do, Dr. Hamilton affirmed. One question raised by this Committee earlier was "who can see the forms?" There is a precise list of people who can review the forms: Vice Presidents Carrier and Maziar, head of the conflict resolution committee (Victor Bloomfield and, for the AHC, Richard Bianco), plus a short list of others.

Dr. Hamilton reviewed with the Committee a flow chart for the AREPA forms and a prototype web page describing what someone needs before trying to complete the form. In the past, there was a difference between academic/professional commitments and consulting, Professor Goldstein recalled. That is still part of the policy, Dr. Hamilton said; activities that constitute regular academic work product do not need to be reported. The web page containing the explanation of the need for the AREPA should include this distinction, Professor Goldstein suggested.

In terms of the web page with the two general questions (cited above), if the answers are "no" and "no," they want people to be able to be done as quickly as possible, Dr. Hamilton said.

One problem is that people do not know the definition of "approver," Professor Wells said. There are also certified approvers, but they cannot approve the AREPA form. If the approver is the department chair, that should be said in the web information. Dr. Hamilton said it was not that simple; identifying the "chair" is not easy across the entire University. He said he would report a solution when they find one.

Will he also be working on effort reports, Professor Goldstein asked? They are, Dr. Hamilton said; the effort has temporarily come to a stop because they were using Arthur Andersen.

In the past there was a pre-consulting agreement required, Professor Goldstein said. It is still required (the ROC), Dr. Hamilton said; they have not started re-doing it out, although it can be filed on the web. They will do so and will go through a review process with users. Professor Bland said she thought the University was getting away from prior approval. Prior approval is required.

Professor Bland said her response, if she never hears anything back after filing the AREPA form with her chair, is to assume everything is acceptable. Dr. Hamilton said one cannot so assume; there is an institutional email notifying an individual the form has been approved.

Professor Hendel said that one question often heard revolves around interpretation of employment: does that mean area of expertise? Dr. Hamilton said it is a good question; he interprets it as the area of his expertise: teaching and research.

Dr. Hamilton asked that Committee members provide him information about whatever seems confusing about the form and whatever they wish could be improved. He said they would try to make filling out the form as easy as possible. He noted that it is possible to have a staff member fill out an AREPA for someone.

Professor Hendel said the electronic improvements are wonderful but as the faculty develop a mindset about what "approver" means, and possible confusion with other processes that use the same term, it is important to make the new system less complex than the old paper system. Dr. Hamilton agreed. His charge is to integrate systems, he related, and it is obvious that definitions vary by system even though the words are the same. To a certain extent the University has backed itself in to a corner with use of the term "approver."

The deans and department chair/heads should be responsible for letting faculty know who their approver is, Professor Goldstein commented. Some do not believe they need approval for self-funded research, Professor Altholz said. Dr. Hamilton agreed that words are important and do incite reactions.

Professor Goldstein thanked Dr. Hamilton for joining the meeting.

2.   **Committee Business**

--   Can someone outside the University ask to see AREPA forms, Professor Goldstein asked? They cannot. Professor Walsh, apropos the privacy issue, reiterated that he has been told that the Office of the General Counsel is not there to turn away requests for information but instead to process the requests.

Later in the meeting there was a brief discussion of electronic privacy. Professor Altholz said the faculty do want something from the administration: that it will not initiate an intrusion into files or emails. But the administration could reasonably take the position that an inquiry is coming and it should be "proactive" and collect information, Professor Walsh responded. It may want to do so; it can request information, Professor Altholz said. Professor Goldstein recalled an instance where a web master would look into accounts and tell people they were wasting their time--there are people who can do that, he observed. Most people who use a system assume there is an electronic postmaster, Professor Walsh said-- but there is a real person in each case. It should be said that anyone who has the ability to intercept emails or gain access to electronic files but who does so without authorization violates University ethics and employment rules, Professor Goldstein said. This, he said, may be a bigger problem than any with the General Counsel.

--   Professor Hendel reported on two matters. There was discussion about the processes in place for evaluating administrators in colleges and departments and the compliance with those processes. He has collected materials from the colleges; some of it appears outdated, so a request will be made to obtain more recent documents for some units. He is looking at the details of college constitutions and will contact the deans to ask questions about what has happened. He will provide a summary of what happens in the colleges vis-à-vis what the colleges say they do. He is doing this in consultation with Professor Goldstein, he noted; there is no subcommittee and it is a time-limited task.

Second, there is a subcommittee on teaching evaluation, which he chairs, Professor Hendel recalled. They need to identify the issues they intend to address. They may (or may not) complete their work this year. He said he will report to the Committee and seek its guidance as the work progresses.

Professor Walsh reported that in some cases, student comments appear on a web site. In many cases, like email, students write from passion rather than reflection. He said he knows it is not policy to keep these comments, but wondered if that is in fact what happens. One of the concerns of the subcommittee, Professor Hendel said, is with comments that are unrelated to instruction; in particular,

comments directed to female faculty unrelated to instruction, Professor Goldstein added. The Committee discussed paper versus web filing of comments as well as who receives or sees the comments students write.

Professor Walsh also noted that the results of the student evaluations all look the same; they are not bimodal distributions and one can question whether they have any discriminatory power at all. Instructors at the University are like the children of Lake Wobegon, Professor Goldstein observed; they are all above average. Except for a few who are really bad, Professor Walsh said. Professor Hendel agreed that summaries across the University put departments within a few points of each other, and the results of student evaluations have not changed very much in the last five years. The subcommittee will have a number of issues to discuss, he concluded.

--   Professor Goldstein distributed copies of the draft grievance procedure revisions and urged Committee members to review them. They were brought to FCC and generated considerable concern and confusion. FCC was not happy with one key item that generated much discussion last year, access of emeriti faculty to the procedures.   The Committee will talk with Vice President Carrier about the procedures.

--   Professor Goldstein also distributed copies of a draft of the next ten years of start dates for faculty on nine-month appointments. He noted that about every five years, faculty who support themselves with summer research funds will need an extra week's salary because the summer is an extra week long.

The proposed start/end dates are as follows:

2002-03	8/26	to	5/25
2003-04	8/25	to	5/23
2004-05	8/30	to	5/29
2005-06	8/29	to	5/28
2006-07	8/28	to	5/27
2007-08	8/27	to	5/25
2008-09	8/25	to	5/24
2009-10	8/31	to	5/30
2010-11	8/30	to	5/29

--   University Relations has asked for faculty participation in reviews of BRIEF and KIOSK. It was agreed that Professor Goldstein would ask Professor Bland to represent the Committee, inasmuch as she played a role in the establishment of KIOSK.

Professor Goldstein adjourned the meeting at 4:15

-- Gary Engstrand

University of Minnesota