FACULTY CONSULTATIVE COMMITTEE (FCC)
May 5, 2016
Minutes of the Meeting

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.

[**In these minutes**: Updates on Decanal Review Ad Hoc Subcommittee and a Joint Task Force on Student Mental Health; Intellectual Futures Discussion Topic; Debrief from April 25, 2016 Unionization Forum; Legislative Update; Next Steps for Free Speech Statement; FCC Liaison to Alumni Association; IT Governance; Compliance Review Report; Search for New Director of the Office of Institutional Compliance]

PRESENT: Colin Campbell (chair), Jigna Desai (vice chair), Catherine French, Linda Bearinger, Dan Feeney, Gary Gardner, Kathleen Krichbaum, LaDora Thompson, George Trachte, Susan Wick, Janet Ericksen, Greta Friedemann-Sanchez, Joseph Konstan, Karen Mesce, Jean Wyman

REGRETS: Heidi Barajas, Dale Carpenter, Chris Uggen

GUESTS: Office of Information Technology representatives Donalee Attardo, interim associate chief information officer and manager, Academic Technologies; KT Cragg, end user support, OIT End User Support Services; Amy Phenix, chief of staff, Office of the President

1. **Updates**: Professor Campbell convened the meeting and welcomed those present. He then proceeded to provide the committee with the following updates:
   - A number of FCC members have volunteered to serve on the Decanal Review Ad Hoc Subcommittee. The goal is to meet yet this spring and early summer and come up with recommendations for Provost Hanson to consider regarding changes to the decanal review process.
   - Provost Hanson has been informed about the FCC's interest in forming a Joint Task Force on Student Mental Health. Professor Wick has volunteered to chair this task force. The next step will be a meeting with Provost Hanson, her Chief of Staff Deb Cran, Professor Wick and himself to talk about membership on the task force and the charge. Given that a lot of work has already gone into this issue, the goal will be to not duplicate efforts.

2. **Intellectual futures discussion topic**: Professor Campbell said he was motivated by Professor Feeney's pointed question to Regents Johnson and McMillan at the April 7 FCC meeting about the long-term, financial viability of the institution and, therefore, suggests this as the topic for this year's intellectual futures discussion. He then solicited members' feedback.

In Professor Konstan's opinion, this is a wonderful topic, but he does not think that most faculty care about the financial viability of the institution, which is part of the problem if there are to be any structural changes in the budget model. The discussion should include the

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structural obstacles to rethinking how the institution could continue to exist using a different business model. Professor Wyman said she does not necessarily agree that faculty do not care so much as they are unaware and have not been educated on the budget and how it impacts what they do. While Professor Konstan said he does not want to assume the University needs to make a radical budget model change, he is not optimistic that small tweaks will solve the University's structural deficit.

Professor Bearinger said this discussion brings up two other issues:
- The need for periodic summary reports from the FCC members who chair Faculty Affairs, Finance & Planning, Educational Policy, Research and the AHC FCC to the FCC about key issues their respective committees are addressing.
- The need for information about the degree to which faculty know about finances within their own school.

Professor Desai said there is a lot of discussion about this issue nationally and cited The Lincoln Project from the American Academy of Arts and Sciences (https://www.amacad.org/content.aspx?d=22174) as an example. She suggested members review this report, and include it as part of the intellectual futures discussion. In order to have an informed discussion about this topic, the FCC will need to do its homework on this topic. Professor Konstan suggested having a candid debriefing with Vice President Pfutzenreuter before having this as the intellectual futures discussion topic.

To conclude, Professor Campbell said it sounds like members are in agreement about the topic for this year's intellectual futures discussion and thanked members for a good conversation.

3. **Debrief from April 25 informational unionization forum**: In Professor Campbell's opinion, the forum went well enough and was fairly well attended with several people viewing online (https://www.youtube.com/watch?v=ydbGRiG73Uk). After sharing his opinion, he asked for other member's thoughts.

Professor French said she has heard concerns from faculty about the union (Service Employees International Union – SEIU) having paid staff to campaign for unionization, but for faculty who just want more information, it is hard to get unbiased information. She noted that the University of Washington has a website that outlines the pros and cons of unionizing (http://www.washington.edu/informedchoice/unionization-faq/), which is what a lot of people would like to see here. Professor French said she has concerns that the University of Minnesota may unionize simply due to complacency on the part of faculty. She also questioned whether the University's research ranking could be affected if there is a vote to unionize. While the forum was great, Professor French said she would like to see even more discussion about what unionization would mean and its impact, and without more discussion she is concerned that unionization will just happen. In response, Professor Campbell indicated it is the administration (who is paid) that actively represents the University's point of view regarding unionization. This does not mean, however, that there should not be another neutral party because in reality neither SEIU nor the University administration is neutral.

Members spent a few minutes talking about the forum and they all agreed that overall it was a success. The conversation then segued into a discussion about what unionization would mean for faculty governance to which there were no definitive answers. Professor Campbell volunteered to take it upon himself to look into this further and report back his findings.

4. **Legislative update**: The meeting was closed for the legislative update by Professor Gardner.

5. **Next steps for free speech statement**: Professor Campbell reminded members that 30 minutes has been carved out on today's University Senate docket for a discussion on the provisionally approved free speech statement.

6. **FCC liaison to Alumni Association**: Professor Campbell noted that Professor Wyman, the current FCC liaison to the Alumni Association, will be stepping down from this position and the FCC needs to find a replacement for her. He asked Professor Wyman to say a few words about what serving as the FCC liaison entails. Professor Wyman said she very much enjoyed serving as the FCC liaison to the Alumni Association's Board of Directors, which meets quarterly. New members are given an orientation, which is helpful. It is interesting to learn about the Alumni Association and all the programming they do for their members. Professor Wyman also noted that besides the quarterly meetings, on occasion, she would meet with the Alumni Association president and staff individually to talk about how the board could work more closely with faculty.

Professor Campbell clarified that the FCC liaison does not have to be a FCC member so even current FCC members who are rotating off the FCC can volunteer to fill this seat. Ideally, said Professor Campbell, he would like this seat filled by a FCC member or a recent FCC member, if possible. He then asked Renee Dempsey, Senate staff, to send out an email to members to solicit a volunteer who would serve in this role.

7. **IT governance**: Professor Campbell welcomed Donalee Attardo, interim associate chief information officer and KT Cragg, information technology liaison, who asked to come before the committee to get feedback from members on their information technology priorities. Before beginning, Professor Campbell called for a round of introductions. Following introductions, but before soliciting input from members, Ms. Attardo provided some context for the discussion, and said that each spring representatives from the Office of Information Technology (OIT) meet with various groups on the Twin Cities campus as well as the system campuses to solicit input on technology needs and priorities. Once this data is collected, it is synthesized, and project teams, called formal Communities of Practice (fCoPs) - https://it.umn.edu/governance/communities-practice, are formed and IT priorities are set. The priorities are selected through this IT governance process and are based on input that has been solicited from various groups across campus. She then shared examples of things that have come out of this process in the past.

Moving on, Ms. Attardo solicited input from members on their IT needs and priorities. As mentioned earlier, the input received from this conversation will help inform the fCoP themes for the coming year. Members' suggestions included:

- Update and maintain classroom technologies such as converting all classrooms to High-Definition Multimedia Interface (HDMI). Additionally, classrooms still need more power outlets, adapters/dongles at podiums and student tables as well as older technologies such as DVD and VCR players.
- Increase cell phone coverage in dead zones, e.g., Weaver Densford Hall, Alderman Hall.
- Do more to promote and communicate course and media production services that IT offers for emerging technologies - https://it.umn.edu/academic-technology-support-services.
- Create user groups to learn about best practices that already exist.
- Provide support for instructional spaces and technology support.
- Complete the integration of the AHC into the Google platform.
- Improve speed of getting technology support when there is a problem.
- Reconfigure active learning classrooms in Bruininks Hall so the technology/console tables do not block views and also make it so when the double sized rooms are cut in half that the instructor can see the screens.
- Provide laminated instruction sheets for the technology in each classroom.
- Provide technical support on non-University owned equipment so people's personal devices can interface with their work equipment.
- Reduce and coordinate the number of points of contact for support.
- Provide big data computation and storage capabilities.

Professor Campbell asked whether duplication of services that had existed between central IT and AHC IT have been eliminated. Ms. Cragg said a lot more collaboration is happening between central and AHC IT.   For example, central and AHC IT are working together to create a Health Insurance Portability and Accountability (HIPAA) Center of Excellence.

Hearing no further suggestions, Ms. Attardo and Ms. Cragg thanked the committee for their time.

8. **Compliance Review Report**: Professor Campbell welcomed Amy Phenix, chief of staff, Office of the President, to provide information about the changes that were made to the Compliance Review Report that was first brought to the FCC in February of this year. Ms. Phenix noted that since she and Gail Klatt, associate vice president, Office of Internal Audit, first brought this report to the FCC, input has also been solicited from the Board of Regents as well as senior leaders and vice presidents who have compliance functions in their areas. The goals of the review were to look at how the University's compliance program is structured, to strengthen the compliance program where needed, and to improve and strengthen an ethical culture at the University. The feedback that was received focused on minimizing administrative burden, making sure to appropriately calibrate risk, ensuring vice presidential accountability, providing ethics programming with an emphasis on making sure there are no redundancies, and improving employee compliance training and tracking.

Ms. Phenix then turned members' attention to the revised report that had been sent out along with the agenda, and highlighted the changes that were made based on the feedback received

from the FCC. She noted that this is intended to be the final report and it will now be given to President Kaler.

9. **Search for new director of the Office of Institutional Compliance**: Ms. Phenix announced that the search for a new director of the Office of Institutional Compliance (this person will also be the chief compliance officer) was launched this week. Professor Michael Oakes and Assistant Vice President Lisa Warren will co-chair the search committee. Ms. Phenix then distributed copies of the position description for information.

Professor Feeney asked about the timeline for implementing the report and whether it would be yet this fall. Ms. Phenix said it will probably take awhile. With that said, it is likely that one of the chief compliance officer's first duties will be to scope the ethics programming, which will take time; however, it is feasible that this person would be able develop ethics programming recommendations in his or her first year. Similarly, with regard to compliance training and tracking, the new person will need to work with others across the University and identify the best way to track this information.

Professor Gardner said he hopes the issues addressed by the Consortium on Law and Values and the human subjects work can be coupled. Ms. Phenix agreed, and said to the extent that there is ethics programming that already exists, it will be important not to duplicate efforts.

Are there models for ethics programming that really work, asked Professor Konstan? He said his impression is that every place that has major ethical scandals also has a robust training program, and policies in place. Will more training and tracking really lead to better ethical outcomes? According to Ms. Phenix, compliance training is separate from developing an ethics program. In her opinion, ethics is about the culture and the tone at the top. In response, Professor Konstan said the institution never recognizes or celebrates anyone who forgoes success in the name of ethics. Ms. Phenix said the recommendations are not focused on new compliance training, but a better way of tracking existing training for those who have compliance responsibilities. In terms of ethics, this is not about ethics training, instead it is about ethics programming.

Professor Konstan noted that the job description talks about legal compliance, but it does not talk about the ability to lead a culture change or effective communication, which probably should be included in the essential qualifications if the person is going to succeed in this role. The job description seems to be looking for a person to manage compliance as opposed to someone trying to shift the University culture toward compliance. Ms. Phenix said she believes the University has a strong ethical and compliant culture. For that reason, the right person for this job will not need to be a wholesale change agent. The person will, however, need to be a visionary leader, have the ability to exercise sound judgment, have exceptional written and verbal communication skills, etc. This is not a command and control position, but rather a collaborative position.

Professor Campbell commented on an article that Professor Desai recently distributed to the committee – *Sexual harassment training may have reverse effect, research suggests* from The Guardian (http://www.theguardian.com/us-news/2016/may/02/sexual-harassment-training-

failing-women). The article makes the observation that sexual harassment training may actually have a perversely opposite effect on the behavior of serial offenders. He noted that there is no doubt that it is hard to change behavior, and, if the research is credible then someone needs to be looking at this carefully.

Professor Campbell asked Ms. Phenix to speculate on if she thinks anyone at the University will push back on the suggestion to minimize administrative burdens on low-risk work. Ms. Phenix said she thinks the University is a risk-adverse organization yet, despite this, the University administration has been criticized for not having adequate oversight and training. The University environment is interesting in that people want accountability. The vice presidents who have compliance responsibilities regularly have to make decisions about resource allocation, etc. Having said that, an easy default for achieving accountability is to have people fill out more forms, and other activities, which create administrative burden.

Professor Thompson, chair, Senate Research Committee, said she sat on an advisory committee to Vice President for Research Herman, which looked at a faculty survey, the Survey of Organizational Research Climate (SOuRCe) - http://ethicscenter.csl.illinois.edu/sorc/. This survey instrument is designed to measure the climate of research integrity in academic organizations. The data collected from the survey is used as a baseline to determine if training has an impact. As Ms. Phenix mentioned earlier, said Professor Thompson, just because someone goes to training, does not mean they are getting trained.

In response to a comment from Professor Konstan about seemingly unnecessary policies, Ms. Phenix said the Operational Excellence (http://president.umn.edu/about-operational-excellence) leadership team continues to look for opportunities to work smarter, reduce costs, etc., including advancing policy changes. In addition, Ms. Klatt, Office of Internal Audit, has her finger on the pulse when it comes to identifying nonsensical policies. In the course of doing audits, she sees where there are problems, which usually involves non-compliance.

Professor Bearinger asked about whether the chief compliance officer will have an external role in terms of dealing with the public and the legislature. Ms. Phenix said that historically this position has had an internal focus. While naturally the person will have connections with other compliance officers both nationally and locally, the position has more internal responsibilities; it would be the vice presidents who have responsibility for compliance that would talk with policy makers.

Hearing no additional questions or comments, Professor Campbell thanked Ms. Phenix for her time.

Lastly, Professor Campbell said he appreciated being re-elected as FCC chair for the 2016 – 2017 academic year. If members have suggestions for how he can do a better job, he welcomed their input.

10. **Adjournment**: Hearing no further business, Professor Campbell adjourned the meeting.

Renee Dempsey
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