

Senate Research Committee (SRC)
October 9, 2017
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 represent the view of, nor are they binding on the senate, the administration, or the Board of Regents.]

[In these minutes: Fetal Tissue Policies and Review Committee; Discussion of Immigration and DACA Changes in Relation to Research; Vote on Request for an Exception to the Openness in Research Policy; Update on PETA; Minimum Wage]

PRESENT: Bill Arnold (chair), Sumanth Gopinath, Tasoulla Hadjiyanni, Diana Karwan, Leslie Kennedy, Boyd Kumher, Tucker LeBien, Allen Levine, Katsumi Matsumoto, Claudia Neuhauser, Julie Olson, Nicole Pilman, Teresa Rose-Hellekant, Nelson Rhodus, Catherine St. Hill, Jamie Van Etten, Harrison West, Philip Zelazo

REGRETS: Jennifer Franko, Jeanette Gundel, Vladas Griskevicius, Michael Kyba, Jeffrey Simpson

ABSENT: Carol Carrier, Claire Stewart, Gregory Cuomo, David Roberts, Logan Spector, Sidharth Gs, Amrit Vasdev

GUESTS: Angela McArthur, director, Anatomy Bequest Program; Barbara Shiels, senior associate general counsel, Office of the General Counsel; Frances Lawrenz, associate vice president for research, Office of the Vice President for Research; Scott Lanyon, vice provost and dean of graduate education, The Graduate School; Stacey Buachart, assistant director and head of the J Visa Program, International Student and Scholar Services; Mark Schneider, associate director and head of employment-based visas, International Student and Scholar Services; Marissa Hill-Dongre, director, Immigration Response Team; Julie Tonneson, associate vice president and budget director, University Finance; Brian Burnett, senior vice president for Finance and operations; Ken Horstman, senior director, Total Compensation, Office of Human Resources

OTHERS ATTENDING: Adi Penugonda, Dan Gilchrist, Pam Webb

Chair Bill Arnold welcomed the committee and the members introduced themselves.

1. Fetal Tissue Policies and Review Committee

Arnold began by explaining that the legislature questioned the University about fetal tissue research as a result of the Planned Parenthood 2015 undercover videos controversy, and new legislation was passed as a result of University reporting. Policies are now being updated to comply. The [policy revisions](#) will affect two fetal tissue policies and one fetal tissue procedure. Angela McArthur, director, Anatomy Bequest Program and Barbara Shiels, senior associate

general counsel, Office of the General Counsel, walked the committee through the main changes, which are:

1. Application process. When applying to use the fetal tissue from an elective abortion, researchers must justify the use of the tissue in their Fetal Tissue Research (FTR) or Institutional Review Board (IRB) application. Upon review, the FTR committee must consider if alternatives to human aborted tissue would suffice. The FTR then submits their decision to the IRB for final review regarding whether alternatives have been considered.
2. Required Reporting. The University is required to report fetal tissue research to the State House and Senate Higher Education Committees by January 15 of each year. Report requirements are outlined in the legislation.
3. Mandatory researcher training. New training required addresses respectful, humane, ethical treatment of fetal tissue in research.
4. Teaching uses. Language was added to the policy to make educators aware of the source of acquired tissue. This change was not mandated by law.
5. Tissue Transfer. Language was updated to align the FTR policy with existing policies at the University. This change was not mandated by law.

Arnold asked if there is ever an instance where non-transplanted tissue could go to the FTR without then going to the IRB. Shiels clarified that prior to the change in the state law, this would have been possible, but all applications will now go through the FTR and then to the IRB. The main point of the legislation, she pointed out, is to assure that the University is using tissue from elective abortions only when absolutely necessary for the research. The IRB was added as an additional review measure.

The committee asked what legal change the policy is responding to. Shiels explained that the FTR and IRB reviews for tissue alternatives, the required reporting, and the mandatory training are all changes in the law. The other changes were made by the University making a reasonable interpretation, but they are not mandated by law.

Arnold asked whether any students handling the tissue slides would need to be trained and Shiels clarified that it only applies to people engaged in research in the lab.

The committee also asked if the new law applies to private industry within the state. Shiels explained that it is a designated University of Minnesota law.

Jennifer Franko asked if the FTR has criteria for serious non-compliance, and whether the determination resides solely with them. Shiels explained that serious non-compliance is an IRB term, so the FTR would look to the IRB for guidance on how they evaluate serious non-compliance. She added that the FTR would determine non-compliance.

Arnold questioned if the compliance Franko asked about was part of what the legislature looks for in the annual reporting. Shiels clarified that the legislature asks for:

1. The number of fetal tissue proposals;
2. whether the research proposals involved aborted fetal tissue;

3. the action by the FTR or IRB in response to the proposals;
4. when each project was approved;
5. what the source of funding was; and,
6. the purpose of the project.

Arnold asked if the the reporting included the names of the PIs, and Shiels responded that the report does not include the name of the researchers or the location of the laboratory.

Philip Zelazo asked how often the University receives requests for data. McArthur explained that the University receives new requests about every month.

The presenters were asked if the University will be audited as planned. Shiels said that it is still a possibility. She noted that the legislative auditor was requested to complete a comprehensive review of the use of fetal tissue no later than one year following final enactment of the law. This step is not required, and the auditor still has several months to reach out before the year is up.

Following the consultation process, the policy revisions will go to the University Policy Advisory Committee for comments, and then the President's Policy Committee for final approval. The revisions are on track to be in place by the end of 2017.

Tucker LeBien went on record to thank McArthur, Shiels and Lawrenz for all of their work complying with the state's expectations while also honoring the faculty's rights.

2. DISCUSSION OF IMMIGRATION AND DACA CHANGES IN RELATION TO RESEARCH

Arnold welcomed Marissa Hill-Dongre, director, Immigration Response Team; Stacey Buachart, assistant director and head of the J Visa Program, International Student and Scholar Services; Mark Schneider, associate director and head of employment-based visas, International Student and Scholar Services; and Scott Lanyon, vice provost and dean, Graduate Education to discuss the impact of the travel ban and changes to the Deferred Action for Childhood Arrivals (DACA) program on research.

Travel Ban

Hill-Dongre said that as of September 24, 2017, eight countries are affected by the travel ban. The main issues are that (1) each country is subject to a slightly different combination of restrictions, and (2) the proclamation is indefinite. The biggest impact to the University will be on the Iranian student population.

Zelazo asked how many individuals are being affected. Schneider reported that for H-1B visas, six Iranians are either here or in the pipeline and one Yemeni student is affected. Buachart added that there are eleven Iranians currently on campus, one Iranian in the pipeline, and one Yemeni on J visas.

Schneider added that students who have already been given F1 or J-1 visas can still be admitted to the U.S. Getting work permission after graduation, changing visa status or obtaining

permanent residency doesn't seem to be affected, as of now. The issue is getting permission to enter the country or getting visas through the U.S. consulates. If they are already in the U.S., they are not affected by this proclamation.

Catherine St. Hill asked what happens if students leave the U.S. for personal reasons. Schneider explained that students are being advised not to leave. Hill-Dongre added that most Iranians are granted single-entry anyway, so they typically plan to stay once they are here. However, now there is a higher chance that their visas will not be renewed.

Arnold asked if there is a plan to track the effect this change will have on our admissions process. Lanyon said that there is a way to track, but the bigger question is what to advise faculty regarding whether to admit students as a result of the proclamation because immigration policy is in flux. He told the committee that he used to advise faculty to admit students as if the travel ban wasn't in place, but now questions that approach. There is now a real possibility that admitted students may not be able to come to the U.S. and even if they can, Lanyon pointed out that working under that uncertainty may not be the right thing to do for the student.

Lanyon added that students, especially Iranian students, are very stressed about the uncertainty, and advised that faculty talk to their students about what is happening and extend their support.

DACA

Hill-Dongre told the committee that DACA is a protection from deportation without lawful citizen status for people who were brought to the U.S. as children. The protection includes work authorization and each individual has a different expiration date. As of March 5, 2018, there will be no protection past the expiration dates unless congress passes new measures. Estimates say that 1,000 people a day will lose their DACA status over the next 2.5 years.

Regarding students, Hill-Dongre said that college admission is not dependent on immigration status. If a student can pay tuition, they can stay enrolled. However, if a student's DACA protection has expired, they cannot legally work in the US.

Jamie Van Etten asked how many students will be affected at the University. Hill-Dongre responded that there are no lists or numbers with that information, but that it is probably a relatively small number. She added that collaterally, there are students with family members that have DACA, so the effects are far-reaching.

Zelazo asked what options the University has to respond to the immigration changes. Hill-Dongre explained that the University response is an ongoing discussion. The Immigration Response Team was formed to help with that initiative. One thing Hill-Dongre pointed to was work with the undergraduate admissions office to make clear in the application materials that immigration status does not affect admissions status. They are also talking to graduate programs about how to financially support students that lose DACA while they are at the University.

Arnold suggested that the committee could draft a statement or bring something to the administration, if there was interest in doing so.

Nelson Rhodus announced that as the representative of the Research Committee on the Public Engagement Council, he could bring committee issues to the council. Zelazo asked if that would be an appropriate place to issue a stance on immigration. Rhodus answered that it would be an appropriate subject to bring to the council.

3. VOTE ON REQUEST FOR AN EXCEPTION TO THE OPENNESS IN RESEARCH POLICY

Arnold told the committee that this [exception request](#) was initially declined, and then the sponsors contacted Dr. Graham Candler telling him that they wanted to fund it. The change led to a need to act on the exception request more rapidly than usual because it was only a six month project. Arnold explained that the grant is for the missile defense agency and the data will be handled off site by Candler. He added that the research subcommittee will need to discuss and vote whether to approve, and pass on to Al Levine, vice president for research, for final approval.

Boyd Kumher asked if the Research Openness Subcommittee is in place to allow the University to keep their fundamental research exclusion or export control administration regulations. Pam Webb explained that it is not the only reason, but it helps with that purpose. The primary purpose, she added, is the academic freedom issue and the need to be able to publish.

Zelazo asked for input on what concerns the committee should know about before approving the grant. Arnold commented that if there was an assistant professor or students involved, then there might be more concern or grounds for objections. Zelazo clarified that if an assistant professor was involved, then it would seem to be up to them individually whether they wanted to do research off the record. Arnold agreed.

Pam Webb then explained that every time the committee approves a case, a precedent is set for other investigators working with that same agency. She said sometimes those precedents can be perfect for a given situation, but then cause downstream difficulties for other investigators who have a different set of circumstances. She added that when the committee reviews these types of cases, they ought to be able to look at them on a case by case basis.

With no other questions, Arnold called for a vote. All members approved the Request for Exception to Openness in Research Policy.

4. UPDATE ON PETA ACTIVITY

Levine reported that PETA recently took the top 20 recipients of NIH funding and requested reporting linked to the treatment of mice and rats. PETA is trying to get mice and rats covered under federal regulations as part of a broader campaign to get all animal research outlawed.

The University of Minnesota had the most self-reports of all 20 universities. Most reports were not significant issues, and all incidents were confirmed and resolved. Investigators have been put on alert about the uptick in PETA activity because there are sometimes cases of harassment. A message has also been sent to all members of the research community asking them to renew their commitment to do things appropriately as it relates to animal research.

St. Hill asked if any policies going forward will be changed for preventative measures. Levine answered no, and added that the University has strict guidelines in place already.

Harrison West asked if discrepancies are always self-reported by the researchers, and Levine explained that laboratory inspections are done in addition to a self-reporting measure.

St. Hill asked how the other 19 universities are handling their report issues. Levine answered that they are using the same process as the University of Minnesota.

Julie Olson asked if PETA will have enough push to move mice and rats into the USDA regulations and Levine pointed out that it is not likely with this congress.

Asked if individual investigators are provided with information on how to deal with PETA, Levine answered that there is no specific training, but the letter sent out to investigators explains who to reach out to if they have an incident.

5. MINIMUM WAGE

Ken Horstman, senior director, Total Compensation, Office of Human Resources, explained that the University is exempt from the state's minimum wage requirement because it is considered a government entity. The state index shows that the minimum wage will be set at \$10 an hour on January 1, 2018, and as of spring 2017 reporting, the University has seven employees under that wage out of approximately 24,000 employees. In 2022, when the \$15 an hour wage requirement takes effect, the University is projected to have 123 employees under the mark.

Zelazo asked why the University would consider not complying with the state requirement when there are so few employees below the threshold. Horstman explained that the small number of employees under \$15 an hour are categorized as labor negotiated contracts, so in order to change them, the University would have to renegotiate the contracts.

Tasoulla Hadjiyanni commented that her research students make \$10 an hour and she fears she will lose them because they can easily find a \$15 an hour job in the community.

Arnold asked how undergraduate research wages are set. Horstman explained that if wages are included in a student's work study, then there is a certain dollar amount that they can work to. Wages are also set by looking at federal and state minimum wage indexes. He added that University undergraduate employees are not considered employees; their wages are considered part of their financial aid package.

Horstman noted that the University is in the top two of the Big10 for pay rate of undergraduates .

With no further business, Arnold adjourned the meeting.

Bobbie Erichsen
University Senate Office