

SENATE RESEARCH COMMITTEE*
Minutes of the Meeting
February 18, 1993

PRESENT: Paul Sackett, Albert Yonas, Signe Betsinger, John Basgen, Sara Evans

REGRETS: Eric Klinger, Essie Kariv-Miller, Daniel Feeney

ABSENT: Robert Jones, N. Gault, Anne Petersen, Tony Potami, Susan Markham, V.S. Mangipudi, Khahn Nguyen

GUESTS: Mark Brenner, Fay Thompson, WinAnn Schumi

The minutes of the last meeting were approved as corrected. Page one, fifth paragraph it should read that....At one point it was based on predominance - for example, if your primary funding is engineering and technical then your review regarding the allocation of indirect cost would take place in that area.

The Committee welcomed Richard Bianco, Chair, Animal Care Committee. Professor Sackett asked Mr. Bianco to provide an overview of the activities of the Animal Care Committee and asked that members listen, and ask questions.

Animal Care Committee

Mr. Bianco began by explaining that the University Animal Care Committee is a University-wide committee appointed by the President. The Committee reports its findings to the Assistant Vice President for Health Science, Dr. Jacott. The Committee has oversight of the care and use of all animals used by the University, including teaching, research and public display. The Committee reviews research proposals, referred to as BA22 forms (animal usage forms). The Committee judges the appropriate care and use of the animal. He pointed out that this committee is not a peer review of the proposal, but judges appropriate use. He said that the members of the Committee look at all animals on all campuses at least twice a year. The program is also reviewed on a semi-annual basis he added. This includes the training of personnel and other issues that might come up as part of the inspection process.

The Clerk of the Senate is the contact person for all complaints, internally or externally. This notice is posted at every animal care facility. He said that they try to guarantee confidentiality but sometimes that is difficult.

The Committee meets every other Thursday and for approximately four hours. Currently there are approximately 2,000 active protocols throughout the system, Mr. Bianco reported. There are fourteen members on the Committee, representing all aspects of the University, as well as representatives from the community. He went on to discuss the issue surrounding open/closed meetings. The public insists that the meetings are open and the attorney's position is that this is a data privacy issue and that the animal usage forms are confidential to the investigators. Around the country courts have ruled 50/50 to support that

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contention, he added.

Mr. Bianco said that earlier in the day he participated in a federal accreditation process for the vet sciences area. This process is very key to funding, he said. It gives assurance that you are in compliance with all federal regulations.

Mr. Bianco opened the floor for questions. One member asked what the most frequent complaints are, he responded that it usually involves the husbandry of animals - if someone feels that an animal has been mistreated. When such complaints are received a member of the Committee will go and look at the specific situation immediately, he said. The other issue is an organized issue where through freedom of information have received copies of grants and disagree with the whole protocol, usually involving primates. He sees this more as a policy issue and not about care. Other concerns might include an investigator not following protocol or letting an animal suffer unnecessarily. These things are dealt with immediately.

Another member asked if complaints are logged and tracked. Mr. Bianco responded that if the request is confidential, it becomes tricky - there is a paper trail but it is tightly controlled. He said if there is a serious issue a subcommittee is formed comprised of appropriate individuals and a veterinarian. This will be documented and the resolution will go into the official files. If a project is suspended, the regulations require the federal government (the Office for Protection for Research Risk) to be notified.

One member asked if the amount of paper work required was out of balance with the magnitude of the problems the Committee deals with. Mr. Bianco responded that he did not think so and that the burden of the law and the University regulations are not overly burdensome. It is one area where there are very good reasons for the rules and we are not over regulated, he said. He added that the members of the Committee are vastly overworked but the PIs are not. He said that it is very important that the central administration has empowered the Committee, under responsible guidelines, to be very careful on how they proceed. He said he does not see many abuses. The lack of public problems in the last few years is evidence that the new regulations are appropriate.

One member asked if they actually go out and look at each and every animal. Mr. Bianco said yes and that by federal law two members and a veterinarian are required to inspect every animal twice a year. As a point of clarification, he said that agriculture is not under the Committee's jurisdiction. Its jurisdiction is biomedical research. This may change in the future.

Are visits to facilities announced or unannounced, asked one member? Mr. Bianco said that he does unannounced visits periodically but they usually have an idea that he is coming. He said that they are not police body.

Professor Yonas said that he thought that the University ought to get the word out to the public in general about the work of the Committee and the amount of effort involved in safeguarding the welfare of the animals.

Mr. Bianco talked briefly of the security issue involved around animal care. He said that security is a problem. He said that he would like to work with Paul Tschida, Assistant Vice President for Safety and Health, to develop a proactive plan should a security issue arise. He added that we need to be ready to support the faculty immediately and that these people are working in compliance with regulations and that their work is supported.

One member asked if security has improved in the last couple of years. Mr. Bianco responded that security has not improved. The cost for security is high. Members agreed that Mr. Bianco ought to talk to Mr.

Tschida.

Professor Sackett asked for additional information on whistle blowers. Mr. Bianco referred to the posting at each facility states that.... if you have any concerns regarding animals in the facility, you can confidentially call the Clerk of the Senate and the number is given. All inquiries will be kept confidential, if you wish. Often people call him.

Fay Thompson commented that there is an enormous amount of effort put in by the Animal Care Committee and the Radiation Committee and how these efforts might be recognized. Mr. Bianco responded that there is a tremendous amount of time invested but it is also very rewarding.

Professor Sackett asked if there was any University procedure for a review in the agricultural area. Mr. Bianco said there is no parallel system. He indicated that the application for that area is anticipated.

Ms. Betsinger inquired about the research project conducted on cows (to do with nutrition). Mr. Bianco said that they would be required to submit a BA22 form. He added that some of the herd production have been going on for years and are not initiated as a new project - new projects now have to come through the Animal Care Committee.

Ms. Schumi asked Mr. Bianco to explain Dr. Manning's position. Mr. Bianco said that he is the attending veterinarian for the entire University. He said that he interfaces with Dr. Manning almost daily. A vet is required to be at every meeting. There is a formal and informal relationship with him. Either Dr. Manning or Dr. Gillett accompany the committee members on their inspection visits. Animals are purchased through Dr. Manning or Dr. Gillett.

Professor asked Mr. Bianco if there was anything that the Research Committee might do. Mr. Bianco said that there were two issues: 1) recognition for those members going off the Committee; and 2) security of the animal facilities and the personnel involved.

Professor Sackett thanked Mr. Bianco for his time and informative presentation.

University Policy Regarding Access to Research Data

Professor Sackett moved on to discuss University policy regarding access to research data. He provided an outline of the chronology of the activities relative to this issue. The issue regards a conflict between the Minnesota Data Practices Act and current University procedures. He briefly described the incident: it involves an ongoing research project that involves the City of Minneapolis and CURA (University Center for Urban and Regional Affairs). It involves an evaluation study of the civilian review authority procedure that the Minneapolis Police Department was putting into place. The issue was to monitor citizen complaints two years before and two years after implementation of the civilian review procedure. This is a long term ongoing data collection effort where researchers at the University are actively collecting data and waiting for the four year window to end. In the meantime, Demmers, a writer for the Twin Cities Reader, wants to do a follow up regarding police misconduct. Demmers wants the raw data. University procedures, titled Faculty Research Information as Public Data, reads as advisory, is not a policy, rather serves as operating procedure, Professor Sackett said. He went on to read the following....Occasionally faculty may receive requests for all data gathered while conducting a research project that is still in progress or contained in a proposal submitted for funding. These requests violate academic standards necessary for the appropriate conduct and reporting of research and as such should be denied. University attorney and ORTTA will support faculty who decline to release information....There appears to be threat of legal action. The University attorney's office advise that the ORTTA document contradicts the Minnesota Data Practice Act. The principle at stake is critically

important, commented Professor Sackett. We need to resist turning over data, especially in this particular case.

Professor Sackett asked the Committee the following: 1) What shall we do about this particular incident and 2) what could and should the University do to try to influence change in the State Data Practice Act?

Professor Sackett referred to the document regarding General Nonpublic Data 13.37 b(3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use. He said that one could construe virtually any research activity at this University within this framework.

One member commented that certain kinds of data, if released, could invalidate the patent.

Another member commented that if anyone could walk in and say, "I want all your files, or your note cards," then somehow this is a form of theft. It is very different than saying after research has been done the data on which it is based must be available in some way as part of peer review - that is a part of accountability, she continued. Before it is completed there is a form of property right, she concluded.

Professor Brenner commented that this is a very important principle that they feel they totally have to go to the wall for. The Attorney's Office fully agrees, he said, and that there is no question that we need to try to exploit section B of the General Nonpublic Data. Switching gears, Professor Brenner said that they have not been asleep at the wheel on this - Barb Shields is drafting proposed change in language to be submitted to the legislature for consideration and Donna Petersen has had a series of meetings with legislators about the inclination on the legislature's part to change the language. The new General Counsel is being very appropriately proactive to represent our rights, Professor Brenner commented.

Professor Sackett inquired how the Committee wished to proceed. The Committee agreed that they ought to go on record stating that they want the administration to vigilantly pursue the integrity of the privacy of data until it is published. Professor Sackett said that he will draft the letter expressing the sentiment of the Committee to Vice President Anne Petersen with a copy to Mark Rotenberg, General Counsel.

Professor Brenner commented that the Integrity Committee is discussing the need for a data policy within the institution. The Misconduct Policy states that the data belongs to the University but we haven't really defined that - there is a host of questions regarding data that need to be addressed, he said.

Professor Sackett returned to the first agenda item - Animal Care Committee. He asked if the members had any additional comments. Should the Committee take an active role in pursuing the security issue? Members requested minutes of the Research Committee from the last three years that talked about animal research before taking any action.

Fay Thompson said she would follow up with Paul Tschida regarding the security issue.

Professor Brenner requested time on the agenda at the next meeting to discuss guidelines for research centers.

Meeting adjourned.

- Vickie Courtney

University of Minnesota