

SENATE COMMITTEE ON SOCIAL CONCERNS
MINUTES OF MEETING
MAY 2, 2005

[In these minutes: Openness in Research Policy, Board of Regents' Investment Social Concerns Policy, Committee Business Updates, Mount Graham]

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

PRESENT: Ken Heller, chair, Ruth Taylor, Peter Hiniker, Elizabeth Richardson, Susan Von Bank, Amelious Whyte for Gerald Rinehart, Greg Schooler, David Fox, Julie Pelletier, Mani Subramani

REGRETS: Jennifer Oliphant, Lauren Gilchrist, Julie Sweitzer, Susan Craddock, Katherine Fennelly, Abby Bar-Lev

ABSENT: Sandy Ulsaker Wiese, Lonnie Bradford, Frances Doherty, Kara Ferguson, Elizabeth Fuerst, Leonard Roy

OTHERS: Gary Balas, Ola Cassadore Davis, Michael Davis, Percilla Garrigan, Roxanne Gould, Joel Helfrich, Alex Lundberg, Dwight Metzger, Larry Rudnick

I). Professor Heller called the meeting to order.

II). Professor Heller called on Professor Gary Balas, Senate Research Committee (SRC) chair and Research Secrecy Subcommittee chair, to provide the committee with information on proposed changes to the Research Secrecy Policy. Professor Balas highlighted the following:

- Since the Research Secrecy Policy was adopted, two requests for exemptions to the policy have come forward. At the time these exemption requests came to the SRC there were no formal procedures in place for granting exemptions, and, as a result, a subcommittee was formed to look into this matter. The subcommittee later issued a report recommending procedures be established to clarify mechanisms for granting exemptions and to determine exemption criteria.
- The Research Secrecy Subcommittee worked with the administration to draft a revised policy. Professor Balas distributed copies of the revised policy for members to review. He noted that the name of the policy was changed from Research Secrecy to Openness in Research. The goal of the revised policy is to have more openness in research and to limit the number of exemptions that get processed.
- Proposed changes to the policy include:

- A change in the delegation of authority for granting exemptions. Instead of having the President approve exemption requests, give this authority to the Vice President for Research.
- A requirement that all Principal Investigators (PI) adhere to specific procedures when requesting an exemption.
- Establishment of a ten working day timeframe for responding to exemption requests.
- The SRC, rather than the Faculty Senate, will provide governance consultation into the process as needed.

Questions/comments from members:

- What were the two exemptions that were requested? One exemption had to do with the University's Homeland Security contract and the other exemption was associated with the Geology Department.
- Have there been any requests for exemptions related to drug research? No. According to Professor Balas, oftentimes drug research is treated more as a trial than as research.
- Are the proposed changes intended to be neutral in terms of the restrictiveness on PIs? Yes, the intent is to learn from past exemption requests and codify this information.
- Are pharmaceutical company's drug-testing results conducted at the University confidential? Professor Balas noted that the Openness in Research policy does not deal with testing restrictions/requirements. There is a distinction between testing and conducting research on a product. In terms of drug testing/research, the FDA and NIH have their own guidelines, which he admits to having limited knowledge about.

In closing, Professor Balas noted that a final draft of this policy would be brought to the SRC and the Social Concerns Committee for approval this fall. From there it will work its way to the SCC for information and be put on the fall Faculty Senate agenda for action.

Professor Heller thanked Professor Balas for providing this information to the committee. He instructed the committee to review this information over the summer so that when it comes back in the fall members are prepared to act on it.

III). Professor Heller reported that the Board of Regents' Office is in the process of reviewing all of its policies. The purpose of this undertaking is to make the Board's policies more or less umbrella policies, intended to guide the administration in carrying out the minutia of its policies. A Board of Regents' policy impacting the Social Concerns Committee is the Investment Social Concerns Policy. No substantial procedural changes were recommended for this policy, instead only minor cosmetic changes to make the policy consistent with other Board policies.

A motion was made to approve the revised/updated Regent's Investment Social Concerns Policy. Because there was not a quorum at today's meeting, the vote will be conducted over email.

IV). Ongoing committee business updates:

- Susan VonBank volunteered to contact Renewable Energy Subcommittee members, Kara Ferguson and Brian Wachutka, to determine how they plan to proceed with the Renewable Energy Resolution, which had been brought to the Senate for information in September 2004. At this same meeting, the Senate Committee on Finance and Planning (SCFP) brought forward an opposing resolution.

Professor Heller reported that since last fall he has spoke with Professor Chuck Campbell, SCFP chair, regarding these opposing resolutions. Professor Campbell mentioned the possibility of appointing a small SCFP subcommittee to collaborate with the Social Concerns Renewable Energy Subcommittee to draft a mutually acceptable resolution.

- Professor Heller reported that since the committee's last meeting, graduate assistants voted not to unionize. While the committee's interest in this matter may seem like a mute point now, he stated that it may be worthwhile to encourage the administration to clarify the language in the *Guidelines For Management & Faculty Working With Graduate Assistants* as it relates to who is and who is not management.
- Professor David Fox recommended the committee continue to look into the feasibility of having the administration appointment a committee, similar to the Institutional Review Board (IRB), to evaluate the social impact of research that is being conducted at the University. Such a committee could help researchers think through the social ramifications of their research and possible alternatives to their research design. This idea was the by-product of the difficulties, which arose as part of the Mount Graham astronomy site. Professor Fox volunteered to stay involved with this undertaking and recommended that in the fall a working group be convened to pursue the issue further. He also suggested there be collaboration with the Senate Research Committee (SRC) and the Office of the Vice President for Research as well as other interested parties related to this initiative.
- Professor Heller announced that the Senate unanimously passed the Academic Freedom Resolution, which the Social Concerns Committee brought forward.

V). Professor Heller introduced the next agenda item, Mount Graham, and asked that all committee members and guests introduce themselves. Several handouts related to Mount Graham were distributed to members for review.

Members listened as Apache elders, Ola-Cassadore Davis and Michael Davis, described the impact the Mount Graham Large Binocular Telescope (LBT) has had on their religion

and culture. They also reported on their ongoing struggles with the University of Arizona (U of A) and its deceptive practices when dealing with the Apache on this matter.

Professor Heller turned members attention to a letter from Associate Vice President of Multicultural and Academic Affairs Avelino Mills-Novoa who was unable to attend today's meeting. In the letter Dr. Mills-Novoa acknowledged that while there are still several issues that need to be resolved relative to Mount Graham, a great deal of progress has been made over the past year. Dwight Metzger, however, believes Dr. Mills-Novoa's letter fails to accurately represent the sentiment expressed by the chairman of the White Mountain Tribe and the Apache Tribal Council.

Mr. Dwight Metzger noted that since the Social Concerns Committee issued its position report in March 2002, there have been new developments surrounding Mount Graham. The following information was shared with members:

- Through written correspondence the University of Arizona promised the Apaches that there would be a moratorium on any new telescope construction on Mount Graham. Then, shortly before the April 1, 2005 Apache Summit, U of A crafted new language, which contradicted its previous position. The new language stipulated that there would be no new telescope construction discussions for 18 months. This, in part, led to the cancellation of the Summit by the Apaches.
- Additional construction, beyond what Congress ratified in 1988, is being proposed for the mountain. Mr. Metzger believes any additional construction should go through the Federal process, which would allow the Apache to provide written comment. Mr. Metzger referred members to the packets of information in front of them, which contains the Apache's position on this matter. Mr. Metzger encouraged members to review these materials as it provides a clearer understanding of why the Apache consider construction on the mountain a desecration and how it interferes with their religion.
- The telescope project is behind schedule, lacks funds to complete and its credibility is questionable.
- The University of Minnesota Board of Regents stipulated preconditions for the University's participation in the Mount Graham project:
 - A grievance process for the Apache people would be created. To date, no such process has been established.
 - The University would financially compensate the Apaches for their land. The University of Arizona has inaccurately reported the Apaches willingness to accept financial restitution. In fact, the Apaches have no intention of accepting remuneration.
 - Inclusion of an escape clause in the contract. An escape clause written into the contract allows the University to pullout of the project if the telescope is not completed by June 30, 2005 and recover all of its capital investment. Currently, there is no definite date as to when the telescope is expected to be complete.

Mr. Metzger asked committee members to reflect on the University of Minnesota's role in this project. He believes that compelling evidence has been brought forward today for the University to reconsider its involvement in this project.

Professor Heller called on Department of Astronomy Professor Larry Rudnick to respond to the issues raised today. Professor Rudnick stated that since he was unaware of many of the issues presented today until just now, he is not prepared to adequately respond. He noted, however, that the letter from Associate Vice President of Multicultural and Academic Affairs Avelino Mills-Novoa, referenced earlier, depicts a very different picture from what was shared today. He acknowledged that very sensitive negotiations, which are impacting people's lives, are taking place around the Mount Graham issue.

Professor Rudnick added that, to his knowledge, some of the statements that were made today are simply not true. For example, there were a couple references to the University's public relations plan relative to Mount Graham. As Interim Head of the Astronomy Department Professor Rudnick is unaware of any such public relations plan.

He suggested that if the Social Concerns Committee wants to reopen the discussion on Mount Graham, all the facts need to be put on the table and speakers need to be brought in representing different perspectives on the issues.

The Mount Graham issues raised today were summarized as follows:

- A technical dispute concerning the credibility/viability of the telescope.
- A time to completion issue.
- Additional construction on the mountain, above and beyond what was initially agreed to.
- Lack of a systematic consultative process to facilitate communication between parties with a vested interest in the project.
- The University's failure to meet the preconditions set forth by the Board of Regents before entering into the LBT contract with the University of Arizona.

Professor Heller stated that if the committee decides to take up this issue in the fall, he would hope it would take a directed, positive approach. In light of time, Professor Heller thanked today's guests for updating the committee on the Mount Graham issue.

VI). Hearing no other business, Professor Heller adjourned the meeting.

Renee Dempsey
University Senate