

Minutes\*

**Faculty Consultative Committee**  
**Thursday, February 19, 2004**  
**1:15 – 3:00**  
**238A Morrill Hall**

- Present: Arthur Erdman (chair pro tem), Gary Balas, Jean Bauer, Susan Brorson, Charles Campbell, Tom Clayton, Gary Davis, Dan Feeney, Emily Hoover, Fred Morrison, Jeff Ratliff-Crain, Martin Sampson, Carol Wells
- Absent: Judith Martin, John Fossum, Marc Jenkins, Marvin Marshak
- Guests: Senior Vice President for Academic Affairs and Provost Christine Maziar; President Robert Bruininks; Senior Vice President Frank Cerra
- Other: Kathryn Stuckert (Office of the Chief of Staff); Sandra Ecklein (Office of the Senior Vice President for Academic Affairs and Provost)

[In these minutes: (1) legislative issues (legislative auditor's report on salaries, stem cell research); discussion with Senior Vice President Maziar (academic freedom, University Plan, Performance, and Accountability Report, central administration reorganization, strategic planning); (3) discussion with President Bruininks (IT classroom building, biennial request working group, fund-raising priorities, changing the University's overhead/budget model, stem cell research); (4) stem cell research]

**1. Legislative Issues**

Professor Erdman convened the meeting at 1:20 and reported that Professor Martin was out of town. He turned to Professors Morrison and Sampson to lead a discussion of legislative matters.

Professor Morrison said there were three issues: the capital appropriation, the Legislative Auditor's report on salaries at the University, and the proposed legislation concerning stem cell research.

The Legislative Auditor's report generally confirms what the University has been saying, but does call for a comparison group for the professional/administrative employees and says that the salary comparison groups for the Crookston and Duluth campuses are not right. Professor Morrison noted that the report used last year's data, which showed that the University is 1-7% below its peers, and that were the report replicated next year, after the salary freeze here, it would likely show the University in a worse position. The net result, however, is that this is not an issue out of which anyone is likely to be able to make political hay. It does show that the University needs funds for salaries.

The bill concerning stem cell research originally called for cutting off all University funding; that will be modified. This will be an issue for the University, Professor Morrison said; the sponsors include legislators who can exert influence over what happens to the appropriations for the University. Professor

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Erdman noted that there has been a draft statement for the Committee to consider; he also distributed a summary of his own views. After reviewing other events that involved a consideration of more than simply what the law or the rules required, he wrote that they

illustrate instances where the letter of the law is not the only consideration that helps form an important decision. I have not fully decided what my own stance is on embryonic stem cell research because there has not been enough time in the last week to fully study and discuss this complex topic with others. Saying that, I have attempted to inform myself and begin dialoging with many in the community. At least I can say that the University has placed itself dangerously close to the "Thou Shall Not" line. I am not challenging academic freedom. I'm saying that the recent University decision is so close to the edge, that with only the most diligent review and oversight would I begin to feel that someone would not cross that line, intentionally or unintentionally. If that event occurs, then the potential consequences of this action overwhelm the possible benefits of research results improving human health care.

There needs to be an open dialog on this topic. I know that Senior Vice President Cerra agrees with the need to have public discussions based on the facts surrounding embryonic stem cell research. Surely there will be some that fully oppose any kind of activity in this area. Some of this group may have opinions based on misinformation while others will be steadfast in their beliefs. Given that individual researchers have the right to conduct research that does not violate the law or University policies, there is still a need to facilitate public discourse on this important issue.

Professor Morrison said that there is a spectrum to consider with stem cell research: at one end, the individual faculty member's decision to pursue such research, in the middle the institutional decision about the research, and at the other end a legislative choice about such research. Senior Vice President Cerra's position, reported in the newspaper, is that if the legislature wants to prohibit such research, it should make it illegal, not target the University. That would create the situation where only the University could not do such research, but other agencies and private sector organizations could. Professor Morrison said he would **STRONGLY** oppose that kind of legislative action.

When it comes to the other two loci of decisions, will the institution make a decision or leave the matter up to individual faculty? He said he would welcome a discussion on that point. Professor Erdman, who had made his concern known with his statement, said he agreed with Professor Morrison; this debate comes down to the academic freedom of the institution and it should not be dictated by the legislature.

If this issue gains any traction, Professor Feeney warned, and if the legislature starts to dictate in this area of research, where will it stop? Will the ethics of religion be prohibited? Particle physics? Or will research using animals be banned, Professor Wells asked? Or will research for the military be prohibited, Professor Balas asked? And the next step, Professor Bauer said, will be legislative decisions on who can be hired. This "really scares me," Professor Balas said; he said he was shocked and concerned for the entire state. If the legislature adopts this proposal, the University will see a mass exodus of all those faculty who are doing cutting edge research--in stem cells and many other fields.

Professor Feeney maintained that the Committee should come down firmly on the position that the legislature should not dictate University research or decide what will be legal or not; if it assumes that

role, this will no longer be a research university. Professor Ratliff-Crain agreed that the Committee must be clear and strong on this issue; the potential chilling effects are scary. Professor Balas said that the University must be firm about the rights of individual faculty as well as of the institution; he pointed out that stem cell research is legal and that there is federal law that says so, signed by President Bush.

Today it is research, tomorrow it will be what is taught in the classroom, Professor Bauer suggested. Any statement from the Committee should be targeted at academic freedom. And it must also be close to the issue at hand, Professor Balas said; it cannot be an abstract statement.

Dr. Maziar had joined the meeting. She said she was glad that the faculty leadership was speaking to the issue of preserving the full range of research and scholarly topics at the University. She suggested that the Committee consult with Associate Vice President Peterson, the University's lobbyist, on the timing of any statement it wishes to make. Professor Morrison cautioned that the Committee must also not alienate its own constituency; it cannot sit quietly and say nothing about this if the Committee is to remain credible. Dr. Maziar suggested that the Committee consult with the task force on academic freedom, which has been thinking hard about the issues; it may have language that is useful. She repeated what Senior Vice President Cerra has said elsewhere: it is important that this work be done in a PUBLIC university, where there will be oversight and accountability, which may be less true in non-public organizations.

[Note: this discussion continued when Senior Vice President Cerra joined the meeting later, and the President also made a couple of brief comments; see the end of item 3 and item 4 of these minutes.]

## **2. Discussion with Senior Vice President for Academic Affairs and Provost Maziar**

Professor Erdman turned to Dr. Maziar for a discussion of several items.

Dr. Maziar complimented Professors Martin, Morrison, Sampson for the outstanding job they did in representing the faculty during discussions of the Legislative Auditor's report on salaries. The report will help provide the basis for the University's biennial request. Professor Erdman said he has heard complaints that the report did not make strongly enough the point about how consistently far behind University salaries have been. Dr. Maziar said the statement would probably never be strong enough for the University, but the report contains a powerful graphic demonstrating how University of Minnesota salaries are below those of the other public institutions as well as the private universities. Professor Morrison also brought home the point that the data were for last year, before the budget cuts; the same study next year would show how the competition has moved ahead.

Dr. Maziar next distributed copies of the University's Plan, Performance, and Accountability report and thanked Sandra Ecklein in her office for the contributions she had made to the report. This is a move forward in accountability at the University; it is much easier to read and contains data by campus as well as a self-assessment scorecard at the very front that the Regents had requested. In most measure, she believes the University is improving vis-à-vis its peers, but there is ambiguity about human resources (because of compensation concerns) and on academic quality (because of the budget cuts). Professor Balas noted that a decline in the number of doctoral degrees could be a GOOD thing; Dr. Maziar agreed and said she told that to the Board of Regents. In many programs, for quality reasons, they have decided to concentrate their funding on fewer students. The report also helps to convey an understanding that the University is not just undergraduate programs, Professor Balas commented. Dr. Maziar agreed and said

that it highlights the fact that the University must compete nationally for students in graduate and professional programs.

There will be a web version of the report that is continuously updated, Dr. Maziar said, but because they are required by statute to produce the report annually, a hard copy will be produced once per year.

Professor Erdman asked about the reorganization of the central administration. Dr. Maziar said she would respond to questions. She did tell a DAILY reporter that she was looking forward to the shift in her portfolio. She said she intends no offense to the coordinate campuses, but it will help to have the student affairs function report to her, and to have a greater focus on the Twin Cities campus, which will allow more synergies between the in- and out-of-class experiences for students on the Twin Cities campus.

Professor Campbell asked about the strategic planning function. Dr. Maziar said it has been and will continue to be a shared responsibility of the executive team, faculty governance leadership, and the deans. She said she believed the Twin Cities campus is due to develop a formal strategic plan that will lay out the core drivers for institutional improvement. These kinds of plans at other universities have focused on such things as infrastructure or rebuilding strength in core areas. There is a need to think about how to welcome a new generation of scholars as the current faculty begin to retire in large numbers; it may be possible to this in an evolutionary way but because the numbers will be large, something different may be needed.

Professor Erdman thanked Dr. Maziar for joining the meeting.

### **3. Discussion with President Bruininks**

Professor Erdman welcomed the President to the meeting. The President said he had several items he wished to touch on: the capital request, tuition, post-campaign (capital campaign) priorities, the budget overhead model, and curriculum review.

With respect to the last item, the President mentioned that he has been exploring the possibility of putting the new (mostly IT) classroom and technology building on the site of the Science Classroom Building, which sits across Washington Avenue from the Weisman museum, if it would make academic sense. This is part of the curriculum question, he said, in terms of how the location would affect students, the unseen impact on the budget if there is lost productivity because of mediocre facilities; he has realized more fully how everything is connected to everything else as he has considered the factors in locating the facility.

The President said he plans to appoint a biennial request working group to rethink the University's strategy. It would deal with questions about the retention of and increase in state support for the University. The President said he would like the Senate Committee on Finance and Planning to think about the questions that should be in the charge to the working group. He said he would also ask Finance and Planning as well as this Committee for suggestions for members of the working group. He wants the group to be "small, agile, and quick" but it could bring in outsiders. It will need to keep an eye on other states as well as on tuition trends and other financial issues.

Professor Morrison said that there could be a complete change in the way the state thinks about public education, including higher education. The University has taken for granted its land-grant mission; now, however, all seem to be oriented to an "every tub on its own bottom" approach. It must confront this view and not assume it will go away.

There is a tuition group that is tracking some of these longer-term issues appointed by Provost Maziar.

In terms of post-campaign priorities, the President spoke about the need to raise matching funds for fellowships, scholarships, and need-based aid as the first priority for the next two years, while continuing to support academic priorities, in particular interdisciplinary activities. He said he would like to develop matching funds for private support of students. If the University decides to seek funding for a stadium, he would like to simultaneously ask donors for funds for the academic parts of the University as well. Professor Ratliff-Crain said he applauded this approach but said there is confusion about where scholarship funds would go--would they only be for the Twin Cities? The Twin Cities campus has more visibility and will be able to attract more money; he said he hoped it would be possible to avoid intra-University competition for the funds. And dollars do affect where students go to school, he pointed out. The President said that each campus will prepare its own plan; if the University receives an institutional grant, it will be treated as system dollars and divided appropriately. The effort will be both system and campus and they are trying to identify and raise the amount of matching funds to assist all campuses.

The President next said that he hoped the Senate Committee on Finance and Planning would start thinking about the University's budget and overhead model. IMG assumed a continued increase in state funds, which did not happen, so the administration had to impose internal taxes to pay for many overhead expenses and common goods. That system needs to be revisited; he said he would like to get more overhead costs into the core University budget (e.g., ongoing support and depreciation of technology systems and infrastructure). Professor Morrison said the University will need to rely on the business community and the accountants to tell it it must have depreciation accounts and they must be built into the budget. He was involved in the creation of IMG, Professor Morrison recalled, and commented that "mules don't reproduce." There are two kinds of budgets: one that is centrally-directed or one in which there is cost-accounting for everything and with everything charged to all units. If one creates a hybrid, it will work for awhile but it will not reproduce. If the internal taxes (the IRS) had been a full cost accounting, the system would have worked. If the entire budget were centrally-managed, that also would have worked. The President said he would return to this subject and that he would like to have changes in place by July 1, 2005.

The President said he would also like to return to the land-grant mission question at the next meeting.

Professor Erdman thanked the President for joining the meeting.

#### **4. Stem Cell Research**

Professor Erdman next welcomed Senior Vice President Cerra to the meeting to continue the discussion of stem cell research and a possible Committee statement; he provided copies of his own statement and the draft Committee statement to Dr. Cerra.

The Committee discussed the need to go off the record; Dr. Cerra said that was not necessary because he has been completely open on this issue; how would the Committee like to approach the subject, he asked?

Professor Feeney said there needs to be discussion about how the Committee will react in order to maintain the credibility of the institution and of the faculty governance system and the administration. If they do nothing, he said, that leaves the door open for outsiders to set the research priorities of the University. They must address the stem cell issue, but if the University loses this battle it loses the war and it will have outsiders dictating what it can do. Dr. Cerra agreed and said he would put it this way: There are two core issues at hand. One is the question of science: Why use embryonic human stem cells? There are about 1,000 researchers at the University who are working in areas that they believe require human stem cell lines and find that the available lines (approved by the federal government) are inadequate. The issue is that this institution operates under principles established in the Regents policy on research and faculty determine the research agenda of the University. If research is legal, is within regulatory bounds, if the University has the ability to support it (with personnel and equipment), and (in this case) if faculty are willing to accept the appropriate oversight, they can do the research.

It is the position of the author of the legislation concerning stem cell research that the University should have asked the legislature for permission to conduct it. His testimony has been around this point: from an institutional perspective, faculty want to perform research for reasons of science.

There is a third issue, Dr. Cerra told the Committee. This is a university; it provides hope and opportunities for many people. A university provides free, open, unfettered discussion of issues and insists on tolerance of different points of view while that debate is occurring. They have gone through three years of consulting on stem cell research; he personally has written to 300 leaders in Minnesota about it and all have been kept informed. The issue has nonetheless received people's attention. The University should provide a forum to discuss the research and it will, in a variety of venues. But all of this debate must take place in an environment of tolerance of opinion, he said.

Dr. Cerra noted that the University did not put out the article in the newspaper about stem cell research; a reporter has been tracking the issue for some time and chose to write it. He has presented about 24 hours of testimony at the legislature and has not received one question about stem cell research. He has received about 60 emails on the subject, 3 of which opposed the research and the rest supported it. Several who wrote asked for an opportunity for discussion. The Board of Regents is 100% behind the decision to allow the research, as is the President.

The statement from the Committee would be helpful, Dr. Cerra said. He has visited with about ten organizations (such as the Minnesota High Tech Council) which are supportive--not of stem cell research specifically but of the position that the University should be able to decide its own research agenda. He added that the issue will not just go away, so a statement from the Committee would be appropriate.

The Committee discussed the language of the statement and the points that should be made. After some email exchanges in the day following the meeting, the Committee agreed on the following statement (to be sent to the Senate Research Committee for further consideration and action):

#### STATEMENT ON UNIVERSITY RESEARCH

The Faculty Consultative Committee [and][the Senate Research Committee] of the University of Minnesota Faculty Senate urge the members of the legislature to respect the freedom of research and scholarship at one of the nation's great research universities and to take no action that would affect public funding for the University based on the research directions the faculty choose. We are deeply troubled by the proposition that the state legislature, or any other political body, should dictate what topics the faculty of the University should pursue in their research. We fear that other research topics could fall under the political microscope.

We support the University's policies governing the conduct of research in general and the additional safeguards established for stem-cell research, which have emerged after long discussion and a great deal of thought, including careful review by the appropriate faculty committees.

We concur with the briefing provided to the Board of Regents: "A public university such as the University of Minnesota is precisely the place where research such as this should take place. In fact, there is no more appropriate location for discussion and debate--even argument--around tough ethical, legal, medical, and policy issues than a public university. Precisely because we are a public institution, dedicated to the free an open pursuit of ideas, is the reason this research should take place here." There are approximately 1,000 researchers involved in research that can be advanced by use of stem cells. If the legislature adopts restrictive legislation, we worry--indeed, we predict--that the University will see the exodus of a considerable number of its premier scholars. The state's aspirations in the biomedical sciences will likely have been dealt a blow from which they will not recover.

Research at the University is driven by the faculty. Appropriate policies have been put in place to ensure that this research is conducted with care and without the use of public funds. As Senior Vice President Cerra has said: "As long as that research is legal, which this is, is regulated, which this is, has the necessary approvals, which if we ever do this kind of research, they will have, and it's an area of faculty interest, and the institution has the equipment and space to support it, we do the research. That's the way it's always been, and then we're publicly accountable for the research we do."

[Note: a revised statement was adopted by the Senate Research Committee and endorsed by the Faculty Consultative Committee and appears in those minutes.]

Dr. Cerra said that there are two additional safeguards in place for stem cell research. First, the investigator must submit to a stringent accounting and oversight system because no public money can be used--and that includes heat, light, waste removal, and so on. Second, the research must be registered with the Office of Research Compliance, which will visit the research site to make sure that the rules are being followed. What is perhaps difficult for people who are not involved with research using human subjects to understand is that it is HIGHLY regulated, monitored, and relies on highly-trained staff for oversight. If not, the federal government would shut down the research within a day.

All policies and procedures have gone through the Senate Research Committee, Professor Balas noted, and they asked tough questions. It was all in the open. He said he applauded the fact that it was a long process and that the University has done so much to get to the point where it now is.

Professor Wells wondered if a Committee statement might not contribute fuel to the fire, and that perhaps people should just go about their work. A statement could be harmful. Dr. Cerra agreed that was a possibility but said that there WILL be testimony on this issue and statements from groups like this Committee will be helpful.

Professor Erdman thanked everyone and adjourned the meeting at 3:45.

-- Gary Engstrand

University of Minnesota