

**FACULTY COUNCIL**  
**Tuesday, March 6, 2012**  
**3:30 – 5:15 pm**  
**Seminar Room (2520D), Old Capitol Centre**

**MINUTES**

Councilors Present: D. Black, S. Clark, S. Gardner, B. Gollnick, N. Grosland, S. Kurtz, B. McMurray, J. Murph, N. Nisly, J. Pendergast, K. Sanders, S. Schultz, J. Solow, K. Tachau, E. Wasserman.

Officers Present: C. Bohannan, E. Dove, R. Fumerton, L. Snetselaar.

Councilors Excused: S. Wilson.

Councilors Absent: D. Bonthius, E. Ernst.

Guests: D. Drake (Office of the President), D. Finnerty (Office of the Provost), L. Larson (University Communication and Marketing), G. Martin (Office of the General Counsel), T. Rice (Office of the Provost), J. Walker (Office of the Vice President for Research), L. Zaper (Faculty Senate).

I. Call to Order – President Fumerton called the meeting to order at 3:35 pm,  
<http://www.uiowa.edu/~facsen/archive/documents/Agenda.FacultyCouncil.03.06.12.pdf>.

II. Approvals

- A. Meeting Agenda – Professor Kurtz moved and Professor Black seconded that the agenda be approved. The motion carried unanimously.
- B. Faculty Council Minutes (January 24, 2012) – Professor Black moved and Past President Dove seconded that the minutes be approved. The motion carried unanimously.
- C. Draft Faculty Senate Agenda (March 27, 2012) – Professor Black moved and Professor Wasserman seconded that the draft agenda be approved. The motion carried unanimously.
- D. Committee Replacements (Linda Snetselaar, Chair, Committee on Committees)
  - None at this time.

III. New Business

- *Carnegie Engaged Campus (Teresa Mangum, Director, Obermann Center for Advanced Studies)*

President Fumerton indicated that Professor Mangum co-chairs the Provost's Advisory Committee on Publicly Engaged Arts, Research, and Scholarship. This committee may soon bring a recommendation to President Mason that the university should seek designation as a Carnegie Engaged Campus. Professor Mangum began her PowerPoint presentation by

reminding the group of the task forces that had been formed several years ago to facilitate strategic planning. She had served on the Task Force on Public Outreach and Civic Engagement which had submitted a report that can now be found on the Office of the Provost's website, [http://provost.uiowa.edu/work/strategic-initiatives/docs/tfreports/SITF\\_Outreach.pdf](http://provost.uiowa.edu/work/strategic-initiatives/docs/tfreports/SITF_Outreach.pdf). The task force had discovered that many individuals on campus are already involved in a variety of outreach and engagement projects, but that these individuals are usually not aware of each other's work. Moreover, such individuals often don't report these projects to administration because of a perception that such work is not valued. Efforts to document these projects would serve, first, to honor the valuable outreach and engagement work done by members of the campus community and, second, to acquaint individuals involved in outreach projects with each other. The latter would be helpful to individuals working on projects in the same location.

The Provost's Advisory Committee on Publicly Engaged Arts, Research, and Scholarship (co-chaired by Professor Mangum and Ann Ricketts, Assistant Vice President for Research) was formed to identify ways to implement the recommendations put forward by the Task Force on Public Outreach and Civic Engagement. The committee has determined that pursuing the Carnegie Community Engagement Elective Classification would give the university the opportunity to acknowledge on a national level the engagement work done on campus. Part of the application process for this voluntary classification requires that universities document the engagement work their campuses are already doing. Professor Mangum went on to provide the Carnegie Foundation's definition of engagement: *Community Engagement describes the collaboration between institutions of higher education and their larger communities (local, regional/state, national, global) for the mutually beneficial exchange of knowledge and resources in a context of partnership and reciprocity.*

Professor Mangum explained that engagement differs from outreach and volunteerism. Examples of volunteerism include individual activities such as serving on community boards or supporting a political candidate that are precipitated by an individual's personal interest. Outreach could include service activities such as dental students' rotations through Iowa communities or faculty members' paid consulting work in their areas of expertise – activities that could be considered a natural extension of one's education or work. Other examples of campus outreach would be a presentation by a faculty member to a Rotary Club or participation by students in a community clean-up project. Professor Mangum explained that engagement, on the other hand, requires a more active sense of reciprocity and collaboration with community partners. She cited several examples of engagement already taking place at UI. Working with local schools, an art professor has designed an art education project for her students, enabling them to test principles of art education in a classroom setting. A graduate student in health demographics worked with a community to map incidences of cancer in an Iowa county, resulting in the production of maps and educational materials for the community. Engagement projects can also turn into longer-term campus/community partnerships. For example, graduate students in Urban and Regional Planning are working with the city of Dubuque on a series of urban projects. The students will then write case studies on these projects. In another example, College of Public Health faculty and students were invited to a small Iowa town to establish health initiatives leading to improved health services for the community.

The committee had been surprised to learn the extent to which faculty members were already deeply engaged with communities across the state. Professor Mangum briefly cited numerous examples of engagement: documentary films on copyright issues created for dissemination to the public, the establishment of a community/prison choir, bus tours of Iowa communities undertaken to focus on environmental issues and leading to collaborative projects, social science research projects designed with the active involvement of local communities, flood mapping conducted with community involvement, the previously-mentioned collaboration of Urban and Regional Planning graduate students with Iowa communities such as Dubuque, and the creation of a living-learning community focused on sustainability. All of these activities have led to research and/or learning opportunities for UI faculty and students.

Professor Mangum commented that the designation of the university as a Carnegie Engaged Campus is, to some extent, secondary to the benefits that the university would acquire by undergoing the application process. That process would authorize the university to compile and share information on engagement projects already taking place on campus, thereby highlighting these projects for internal and external audiences. These positive stories of university activity could be disseminated throughout the state. Collaboration and leveraging of resources across campus would be encouraged. Other benefits would include causing the university to define what publicly engaged arts, research, and teaching mean for UI; identifying campus leaders already involved in publicly engaged work; and encouraging students to learn more deeply while serving communities. Iowa State University and the University of Northern Iowa, along with nine of our peers among the CIC institutions, have obtained this designation. Professor Mangum added that, in her view, perhaps the most challenging task for the university in the application process would be to determine how to design the “reward structures that encourage the collaborative, publicly engaged approaches to and forms of creativity, scholarship, research, and teaching we need to meet 21<sup>st</sup>-century challenges.” A final benefit would be translating the public outreach and civic engagement goals of the university “from ambition to action.”

Turning to the issue of costs, Professor Mangum indicated that the time of one full-time faculty member would be needed to organize the data collection. She noted that this type of work is usually done by an office of institutional research on other campuses. Several research assistants most likely could also be supported by this effort. Discussion within colleges and departments would need to take place to determine what types of engagement, if any, would be most appropriate for their missions. And, the university would need to show willingness to support and reward publicly engaged projects. Professor Mangum indicated that university applications would be due to the Carnegie Foundation on April 15, 2014, with classification results announced in January, 2015. Professor Mangum concluded her presentation by commenting that in her experience overseeing a week-long program for graduate students on publicly engaged teaching and research, there is a strong and growing interest among graduate students in contributing to solving the world’s problems through their work. Professor Mangum has also noted a similar desire among junior faculty she encounters at professional conferences. These junior faculty, however, are often reluctant to discuss this with their mentors, for fear of publicly engaged teaching and research not being valued by academic departments.

Professor Pendergast asked for clarification about the data to be collected for the application. Professor Mangum answered that universities were to collect data about their own engagement activities. She added that grant-funded engagement activities could be included in the application. Professor McMurray observed that Professor Mangum appeared to be advocating for a broader change at the university, not just for the collection of data. Professor Mangum responded that she was advocating for faculty to begin having conversations about what might be considered public engagement within their disciplines. The next step would then be for departments to consider if and how to reward faculty members who conduct publicly engaged scholarship. Professor Mangum indicated that when she has approached her department chair about evaluation of her own publicly engaged scholarship, she has been told to consider it as service, when in her view this was not always the most appropriate designation.

Professor Kurtz commented that it appeared that Professor Mangum was advocating for publicly engaged work to play a role in tenure and merit pay decisions. If this was so, then he urged that she state this directly in her future efforts to raise the profile of publicly engaged work at the university. Professor Gollnick asked if the reward structure referred to in Professor Mangum's presentation was part of the criteria to receive the designation. Professor Mangum referenced Carnegie materials that indicated that publicly engaged teaching and scholarship and their effect on promotion and tenure practices were generally addressed by recent applicants in one of two ways. Either traditional forms of research were expected along with the publicly engaged activities, or the activities were considered as service that may or may not have a scholarly approach. Nevertheless, the Carnegie Foundation strongly encourages institutions to have serious and sustained discussions about the reward structure for publicly engaged teaching and research. Professor Kurtz commented that those Regents and CIC institutions that have already obtained the designation could be a source of information for UI as it addresses the issue of reward structures. President Fumerton added that, if the university received this designation, faculty would not be forced to do publicly engaged teaching and scholarship, nor would colleges and departments be forced to change their promotion and tenure standards. Professor Nisly commented that many minority faculty members have a tendency to perform a high level of community-engaged service; unfortunately, this service is often under-valued by their academic departments. She noted that the Strategic Initiative task forces on diversity and student success had also considered this issue. She urged that we take this opportunity to re-evaluate such service contributions. President Fumerton commented that President Mason will look to the Faculty Senate to express a sentiment about whether or not faculty view pursuit of this designation favorably.

Professor Kurtz moved and Professor Tachau seconded that the topic of the Carnegie Engaged Campus designation be moved to the Faculty Senate for further discussion and possible endorsement of support for pursuit of the designation. The motion carried unanimously.

- *Report on Annual Meeting of Coalition on Intercollegiate Athletics (Richard Fumerton)*  
President Fumerton explained that Professor Michael O'Hara, the UI representative to the Coalition on Intercollegiate Athletics (COIA), had recently attended that organization's annual meeting and would make a presentation at the March 27 Faculty Senate meeting. Professor O'Hara had been unable to attend today's Faculty Council meeting, but had distributed several

documents from COIA for the Council's review. The Council decided to defer discussion of these documents until the March 27 Faculty Senate meeting.

- *Conflict of Interest in Research Policy Revision (Jim Walker, Associate Vice President for Research, Regulatory Affairs and Grainne Martin, Deputy General Counsel)*

President Fumerton indicated that federally-mandated changes needed to be made to the university's Conflict of Interest in Research policy by August. He added that the Research Council and the Faculty Policies and Compensation Committee are also reviewing the revisions. Mr. Walker explained that the U.S. Department of Health and Human Services has issued new Public Health Service regulations intended to update existing regulations regarding conflict of interest in research. These regulations were issued in August 2011, and universities have one year from that time to implement these changes. Mr. Walker further explained that the most important thing about the new rules is that there must be a connection between the individual researcher and his or her financial interests, and the sponsor of the research. The underlying principle of conflict of interest rules is that an individual's particular financial interest will not compromise, or create the appearance of compromising, that individual's objectivity in his/her research. Anything that falls outside of that connection, also falls outside of these rules. The rules consider an investigator to be the individual (faculty, staff, or student) who is responsible for the design, conduct, and reporting of that research. The definition of investigator also includes the investigator's spouse and children, so that the investigator's financial assets cannot be shielded under the names of his/her spouse or children. Mr. Walker then indicated that, under the policy, disclosure is nothing more than making transparent a financial interest and how that financial interest ties in to an investigator's institutional activities.

Mr. Walker then directed the group to a comparison chart of the current with the revised policy. There are important subtleties in the new rules, prompted by an attempt by the National Institutes of Health (NIH) to capture less-obvious financial relationships that have been identified by sponsors over the years. In terms of applicability, under both versions of the policy, the rules apply to research, with additional rules applying to human subjects research in the current version of the policy. In the new version, rather than disclosing a significant financial interest relating to a project, each investigator (meaning those individuals with a sponsored project, collaborative agreement or contract routed through the Division of Sponsored Programs) would be obligated to disclose his/her financial interests. That is the premise on which the new rules have changed. Rather than disclosing that financial interest on the routing form during that project, investigators would be obligated annually to disclose their entire portfolio of financial interests that relate to activities associated with an entity for which there is a financial relationship. For example, an investigator has stock in a company, and that company sponsors research conducted by that investigator. Professor McMurray observed that the Institutional Review Board, even for non-sponsored projects that do not come through the Division of Sponsored Programs, checks for conflicts of interest by asking investigators to provide information about potential conflicts. He asked if this practice would now end. Mr. Walker responded that it would not.

Mr. Walker went on to indicate that in the new version of the policy, the definition of *investigator* has been expanded to include not only those with the title of principal investigator or co-investigator, but other individuals who have the ability to make independent judgments in

their participation in the research. Previously, the investigator disclosure obligation occurred on a per-project basis; in the revised policy, investigators will be required to disclose annually. Those disclosures will then be evaluated by the Conflict of Interest in Research Office. When an investigator submits a grant or contract through the Division of Sponsored Programs (DSP), a verification will be made that there is a disclosure in effect for that investigator. The disclosure must be in place before that grant or contract can be submitted to the sponsor. Professor Solow brought up an example from his field, economics: a professor of macroeconomics receives a grant from the National Science Foundation to conduct research; in theory, if that research were successful, it might cause the economy to improve and raise the value of stocks widely. Would that professor be required to disclose all of his/her stock holdings prior to conducting the research, even though the connection between the research and individual companies seems rather vague? Mr. Walker responded that since there is no one-to-one connection between the investigator and the companies in this situation, disclosure would not be required.

Professor Kurtz observed that in the Definitions section (IV) of the revised policy, *entity* is defined as a **for-profit, non-UI organization, whether public or private**. He expressed concern that *entity* could not also be understood to mean a *non-profit* organization, as it was in the original policy. Mr. Walker clarified that the definition included non-profit organizations if the investigator was conducting Public Health Service research. Professor Kurtz asked why the UI policy was not expanded to require disclosure of income streams from non-profit companies for all researchers; for example, a researcher may be on the payroll of a trade association. He stressed that conflicts of interest can arise with non-profit organizations just as easily as they can with for-profit entities. Mr. Walker explained that the revised policy incorporates the federally-mandated regulations. If the institution wishes to move beyond these regulations to write a stricter policy, then that is the institution's prerogative. Professor Kurtz noted that the current policy would seem to imply that disclosure of an income stream from a non-profit organization was required (although the policy does not explicitly mention non-profit organizations). Professor McMurray observed that in his experience working with a non-profit organization, disclosure was required. Professor Kurtz stated that he did not find there to be a principled basis for excluding non-profit organizations in this way from the revised policy.

Professor McMurray, noting that management plans are required for disclosed conflicts of interest, asked if management plans for all potential conflicts of interest would need to be developed before a grant application is submitted to a sponsor, even if the faculty member has no conflict of interest with that particular sponsor. Mr. Walker responded that a management plan would not need to be in place in this situation. He added that annual disclosures would be required in the first months of every year. Only the disclosure, not a management plan, is required to be on file at the time of grant submission. He explained that the electronic system through which grant applications are submitted to the DSP will retrieve the investigator's disclosure form at the time of grant submission and ask the investigator if any of the items in the portfolio of disclosures pertain to the grant being submitted. If the investigator responds that they do not, then no further response from the investigator is needed. If the investigator responds that they do, then the investigator will be required to develop a management plan at some point after submission of the grant application but prior to the awarding of the grant. Professor McMurray commented that this seemed to be a smooth and efficient process, but

nevertheless expressed concern about further burdening faculty members with additional bureaucratic tasks during the already stressful time of grant preparation and submission.

President Fumerton returned to the issue raised by Professor Kurtz about excluding non-profit organizations from the definition of *entity* (except for Public Health Service investigators) in the revised policy. Mr. Walker explained that, in altering this aspect of the revised policy, he had tried to be responsive to faculty concerns about regulatory burdens. He had taken the strictest possible view of the university's obligations under the new regulations. It is the university's choice whether or not to broaden the policy. Professor Kurtz advocated for broadening this aspect of the policy. He added that it troubles him when external forces focused on the university's research mission drive the development of university policy. He understood and supported the need for compliance; however, he thought that the broader view contained in the original policy was more appropriate on this question. He hesitated to make a motion to reinstate the excluded language, though, because he was unaware of the effect that might have on other portions of the policy. President Fumerton suggested that instead of a motion to make this edit, this potential revision be brought to the attention of the Faculty Senate for further consideration. After brief discussion the group decided that the phrase *For PHS INVESTIGATORS* at the beginning of the second sentence of that paragraph could also be removed as unnecessary if the first edit were made.

Professor Kurtz then drew attention to section b.(4) of the original version of the policy, in which *significant financial interest* can be associated with *A position giving rise to a fiduciary duty, such as director, officer, partner, trustee, employee, or any other position of management*. He noted that this did not appear in the revised policy. Mr. Walker responded that this omission had been pointed out by others and that it may be reinstated.

Secretary Bohannon commented that there is a gap between the definition of *significant financial interest* and what is required to be disclosed initially, and the definition of *conflict of interest*. The investigator is required to disclose significant financial interests, defined as interests that reasonably appear to be related to the investigator's institutional responsibilities. The determination of a conflict of interest, however, relates to situations in which *The significant financial interest could directly and significantly affect the design, conduct, or reporting of the research* (lines 178-9). Secretary Bohannon expressed the opinion that the requirements for what is disclosed are too broad when viewed against the rather narrow range of possible conflicts of interest that the policy was designed to detect. She then contrasted lines 178-9 with lines 173-6, commenting that the former would necessarily seem to include the latter. Mr. Walker responded that this language reflects Public Health Service language. He added that if an investigator has a financial interest in an outside activity, then that must be disclosed. That disclosure will be evaluated to determine if it is a significant financial interest, according to the definition given in the policy. If a significant financial interest is detected, then it will be evaluated to determine if there is a connection between it and the research project itself. If a connection is discovered, then the significant financial interest becomes a financial conflict of interest and a management plan will need to be created.

Professor Kurtz asked if, for example, he had published a book with a certain publishing company and received royalties from that company in the past year, would he be required to disclose those royalties upon signing a contract with the publishing company to write a new edition of the book? Mr. Walker responded that he would have to disclose those royalties because they constitute a financial interest related to his institutional responsibilities. Secretary Bohannon observed that this financial interest, however, could not possibly form a conflict of interest. Mr. Walker added that it is the principle of the revised policy to take the determination of conflict of interest away from the investigator and put it in the hands of the institution. Full disclosure by the investigator is necessary for this determination to be made by the institution. Professor Kurtz commented that he did not see the connection between the information required to be disclosed and the conflicts of interests that were of concern to the university. Ms. Martin indicated that under the current version of the policy, since Professor Kurtz' book was not sponsored research, no disclosure was required. She went on to observe that the revised Public Health Service regulations were more rigid than previous regulations. In her view the decision was made to apply those more rigid regulations only to Public Health Service investigators, except for two items: one is the disclosure requirement and the other is the training requirement, because it would be too difficult to apply separate sets of rules to PHS and non-PHS investigators on the same campus. Secretary Bohannon suggested crafting an exception for the type of situation proposed by Professor Kurtz in the paragraph starting on line 98, but Mr. Walker responded that the language in that paragraph came from PHS.

Professor Nisly observed that the revised version of the policy sought to make the university compliant with federal regulations so that federal funding of investigators is not impeded, while Councilors were expressing concern about specific potential situations and an overall need to maintain the quality of research on campus. She did not find these two positions incompatible and suggested that language be added to the policy to address Councilors' concerns. Professor Gollnick commented that the types of research performed on campus differ widely and that while conflicts of interest are a serious issue in public health, they are not so important for other fields. Professor Solow concurred and cautioned against letting one set of issues heavily influence policy written for the entire university.

Mr. Walker resumed his comparison of the requirements of the current policy with that of the revised policy. He noted that the amount of money that constituted a significant financial interest was lowered to greater than \$5,000 (in the current policy that amount is greater than \$10,000). Also, royalties from the UI Research Foundation would now be excluded from significant financial interests, whereas previously they were included. Sponsored or reimbursed travel is now considered a significant financial interest. Currently, the principal investigator makes a determination of the significant financial interest and its project relatedness; in the future the institution will make that determination. The management plan procedures would remain the same: a faculty-based committee recommends a management plan to the Vice President for Research, who establishes the plan and obtains the agreement of the principal investigator to the plan before research funds are released. The revised policy now calls for ongoing monitoring for Public Health Service research and for subrecipients to provide assurance of compliance. The latter includes subrecipients outside the university. Subrecipients will also be monitored under the revised policy.



A new provision in the revised policy calls for a retrospective review for PHS research if an untimely disclosure of a financial conflict of interest occurs. The research will be reviewed for bias; if bias is discovered then a mitigation plan will be developed and submitted to NIH. Currently, disclosed financial conflicts of interest are part of the personnel file and therefore confidential to the extent allowed by law. In the future, for Public Health Service research, upon request, information on disclosed financial conflicts of interest held by senior or key personnel on the research project must be released within five business days. No changes were made in the revised policy to the sections of the current policy on the final management plan, the appeal of the management plan process, or consequences for policy violations. The revised policy now requires training for all investigators; this training is embedded in the disclosure system. Regarding reporting requirements, only initial notification to NIH that a conflict was managed, reduced or eliminated is required currently. In the future, the initial notification must include detailed information about the conflict and the management plan. The initial notification must be followed by ongoing reports to NIH. The current policy's record maintenance requirements were retained in the revised policy.

Observing that, since the investigator is not the person who determines what constitutes a significant financial interest, Professor Solow asked if it is necessary for the investigator to disclose all financial holdings, which may then become public information. Mr. Walker responded that only financial holdings that are related to the investigator's institutional responsibilities must be disclosed. Professor Solow said that all of his research was related to his institutional responsibilities. Mr. Walker said that then there must be disclosure; however, the routing form will ask the investigator whether the disclosed items are related to the research. He added that there must be some relationship between the financial interest and the research. Professor Gollnick observed that a problem only arises if it is discovered later that a conflict of interest that should have been disclosed was not. Until that point, we are concerned only with compliance. Professor Pendergast commented that, although Mr. Walker was stressing that a financial holding should have a direct relationship to the research, the revised policy itself does not appear to clearly state this. She urged that additional language be added to the policy to clarify this. President Fumerton requested that Councilors bring language to the Faculty Senate to modify the sections of the revised policy that they found confusing. He reminded the group that a revised policy must be in place by August, in accordance with federal regulations. Professor Kurtz stated that he intended to oppose this policy at the Faculty Senate meeting because it was unclear what the underlying policy goals were; was the purpose of the revision simply to encompass the new regulations for sponsored research, or to broaden the scope of the current policy? President Fumerton commented that it appeared to him that there were only a few sections of the policy that were unclear and that those could be revised to address those concerns. Mr. Walker concurred and urged those with concerns to offer suggestions for new language.

IV. From the Floor – Professor McMurray expressed grave concern that the Faculty Council and Senate were spending too much time editing policies instead of governing the institution. He recognized the need to review policies but he urged that another way be found to do this, so that more time could be spent at Council and Senate meetings discussing the larger issues facing the university. President Fumerton indicated that he was open to suggestions for how to move

these important policies more quickly through meetings. He noted, however, that there was an established procedure for policies to move first through the Faculty Policies and Compensation Committee, then through Faculty Council and then through Faculty Senate, with neither the Council nor the Senate apparently being willing to defer to the body before it.

V. Announcements

- The next Faculty Senate meeting will be Tuesday, March 27, 3:30-5:15 pm in the Senate Chamber of the Old Capitol.
- The next Faculty Council meeting will be Tuesday, April 10, 3:30-5:15 pm in the Seminar Room (2520D) of the University Capitol Centre.
- The annual Tenure Workshop, sponsored by the UI AAUP, Faculty Senate, and the Provost's Office, will be held on Wednesday, April 4, 6:30-9:00 pm, in room W401 of the Pappajohn Business Building. The workshop will provide practical advice on how to be successful in obtaining tenure. Please encourage your tenure-track colleagues to attend.
- President Mason will host her annual reception for Faculty Senators on Thursday, April 5, 5:00-6:30 pm at her residence, 102 Church Street.

VI. Adjournment – Professor Solow moved and Professor Gardner seconded that the meeting be adjourned. The motion carried unanimously. President Fumerton adjourned the meeting at 5:28 pm.