

FACULTY SENATE
Tuesday, March 27, 2012
3:30 – 5:15 pm
Senate Chamber, Old Capitol

MINUTES

- Senators Present: J. Adrain, D. Anderson, T. Anthony, I. Barbuzza, J. Brown, A. Budd, S. Clark, J. Cox, D. Cuning, W. Davies, E. Epping, E. Ernst, R. Ettinger, M. Fang, S. Gardner, F. Gerr, C. Getz, B. Gollnick, N. Grosland, W. Haynes, M. Hill, D. Jeske, Z. Jin, M. Johnson, S. Kurtz, B. Levy, K. Markon, B. McMurray, P. Muhly, D. Murry, J. Niebyl, N. Nisly, F. Nothwehr, J. Pendergast, C. Ringen, A. Rodriguez-Rodriguez, K. Sanders, J. Sessions, J. Solow, K. Tachau, A. Thomas, T. Treat, W. Vispoel, S. Vos, E. Wasserman, D. Wilder, S. Wilson.
- Officers Present: C. Bohannan, E. Dove, R. Fumerton, L. Snetselaar.
- Senators Excused: M. Finkelstein, K. Gerken, K. Kreder, S. Levy, J. Murph, B. Rakel, S. Schultz, R. Wachtel.
- Senators Absent: N. Andreasen, L. Ayres, J. Bertolatus, D. Black, D. Bonthius, W. Coryell, L. Fielding, D. Hasan, B. Hoskins, D. Katz, J. Kline, G. Lal, V. Magnotta, J. Murry, D. O’Leary, S. Seibert, P. Snyder, J. Wemmie, S. White, J. Wood, N. Zavazava.
- Guests: M. Cohen (Music/College of Education), P. Dolan (Rhetoric), D. Drake (Office of the President), D. Finnerty (Office of the Provost), J. Florman (Center for Teaching), G. Gussin (Emeritus Faculty Council), N. Malik (Emeritus Faculty Council), T. Mangu (Obermann Center for Advanced Studies/English), G. Martin (Office of the General Counsel), M. Mathew Wilson (Community Based-Learning Program), M. Mukoda, M. O’Hara (Psychology), T. Rice (Office of the Provost), A. Willard (Honors Program), J. Winet (School of Art and Art History/DSPH), L. Zaper (Faculty Senate).

- I. Call to Order – President Fumerton called the meeting to order at 3:30 pm.
<http://www.uiowa.edu/~facsen/archive/documents/Agenda.FacultySenate.03.27.12.pdf>
- II. Approvals
- A. Meeting Agenda – President Fumerton noted that there would be one item added to the agenda – Professor Cox would speak briefly about the budget situation at the University of Northern Iowa. Professor Solow moved and Past President Dove seconded that the revised agenda be approved. The motion carried unanimously.

- B. Faculty Senate Minutes (February 14, 2012) – Professor Tachau moved and Past President Dove seconded that the minutes be approved. The motion carried unanimously.
- C. Committee Replacements (Linda Snetselaar, Chair, Committee on Committees)
 - None at this time.

III. New Business

- *University of Northern Iowa Budget Cuts (Jeff Cox, UI Chapter of American Association of University Professors)*

Speaking on behalf of the UI Chapter of the AAUP, Professor Cox described the atmosphere at the University of Northern Iowa as “chaos” following the recent announcement of numerous budget cuts to academic programs there. Four tenured faculty members have been laid off as of next year, while others have been offered an early retirement package that consists of only one year of pay plus eighteen months of COBRA benefits. Many other faculty members remain unsure of their status. Students are also confused about the status of their academic programs. Professor Cox expressed the opinion that UNI President Ben Allen has no credibility. He stressed that it is not the cuts themselves, but the manner in which they are being carried out, that is the central issue. Professor Cox expressed his view that it is likely that the AAUP will censure UNI, and that he believes that would reflect badly on the other Regents institutions.

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

Professor Mangum indicated that she and Ann Ricketts, Assistant Vice President for Research, co-chair the Provost’s Advisory Committee on Publicly Engaged Arts, Research, and Scholarship. One of the committee’s activities has been to explore whether the university should pursue the Carnegie Engagement Classification. Professor Mangum explained that the classification is entirely voluntary. Therefore, instead of the Carnegie Foundation collecting and analyzing university data from national data sources available for all institutions, the university itself would collect its own data for presentation to the Foundation. Through this process, the university would become fully aware of the wide scope of engagement activities already being carried out by its faculty, staff, and students. She noted that while engaged learning and research are an integral part of some disciplines (in Public Health, for example), in other disciplines publicly engaged learning and scholarship may not be perceived as valued; therefore individuals who conduct such activities may not report or draw attention to them.

Professor Mangum provided the following definition of community engagement, “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.” She drew a distinction between community engagement and activities such as individual civic participation and volunteer work (such as an individual serving on a community board), service provision (such as dental students doing a rotation in an Iowa community), and campus outreach (such as students participating in a community clean-up project). She then cited some examples of community engagement already taking place on campus: a documentary film 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 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 one of the benefits that the university would acquire in seeking designation as a Carnegie Engaged Campus is greater knowledge of itself, particularly of those activities that have not previously been captured by institutional data because they have not been a priority. The university could then highlight community-engaged projects and the faculty, staff and students who conduct them. The university could also begin a conversation on whether community-engaged research should be counted for tenure and promotion. Guidance on this issue is readily available from other institutions and organizations around the country. Another benefit would be to encourage the university to define what publicly engaged arts, research, and teaching mean for UI. The UI would also be joining Iowa State University and the University of Northern Iowa, along with nine of our peers among the CIC institutions, which already have this designation. Additional benefits would include shaping reward structures that encourage new forms of collaboration to meet 21st-century challenges, fulfilling aspects of the university strategic plan, and improving undergraduate and graduate education. Next addressing costs of seeking this designation, Professor Mangum indicated that a faculty-led research project would be needed to collect all of the necessary data, as well as faculty committees to interpret the data. Once the university's definition of community-engaged teaching and scholarship is established, departments would be encouraged to discuss whether such activity is appropriate for them. Some departments would simply decide that it is not appropriate. And, there would need to be discussion of what types of community-engaged teaching and scholarship would be counted for promotion and tenure. Professor Mangum concluded by indicating that university applications would be due to the Carnegie Foundation on April 15, 2014, with classification results announced in January, 2015.

Professor Nisly declared her strong support for this effort, adding that it was an opportunity to demonstrate the value of the university to the taxpayers of Iowa. Professor Tachau asked who would make the final decision to pursue the classification. Professor Mangum responded that the final decision would be made by the President and the Provost. The President's Office would be the entity to register the university's intent to undertake the process with the Carnegie Foundation.

Professor Kurtz moved and Professor Nisly seconded that the Faculty Senate advise the President that pursuit of the Carnegie Engaged Campus Elective Classification is a worthwhile endeavor and that the university should move forward with it.

Professor McMurray commented that he supported pursuit of the classification and has conducted community-engaged projects himself; nevertheless, he expressed concern about the possibility of increased pressure on faculty to devote even more effort to such projects, leaving faculty with little time for basic research. Professor Mangum responded that it is the responsibility of the university to excel in its research and teaching; in some cases, community-engaged projects may be the best method to attain this excellence, while in others, excellence is best achieved in the classroom and via more traditional forms of scholarship. The classification

would simply be a means to identify engaged work already going on and rewarding it. Professor McMurray reiterated that he valued engaged research and teaching, but remained concerned about external pressure from such diverse entities as the National Institutes of Health and the state legislature to focus almost exclusively on these types of projects. Professor Mangum commented that in her view, the university's work is a mystery to most people. The value and purpose of engaged research and teaching, however, would be readily grasped by the public.

Professor Cox pointed out that one of the provisions of the Carnegie classification is that community-engaged scholarship would be considered for tenure and promotion; he commented that this issue requires more discussion. He asked, if the Senate votes to endorse this endeavor, would that then give the central administration the right to impose on departments new standards for tenure and promotion? Professor Mangum responded that, if the university decides to pursue classification, all the university would be required to do at this point is gather data and set some goals. Ms. Ricketts added that nearly all the CIC schools have pursued this classification. President Fumerton commented that an intention to change promotion and tenure requirements is not required for pursuit of the classification. Such decisions must always be left up to departments. There would also be no pressure on faculty members to do community-engaged work. He added that teaching students is also a form of public engagement.

The motion was approved with one dissenting vote.

- *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 the Conflict of Interest in Research policy is a section of the Conflict of Interest and Commitment policy. It was being brought to the Faculty Senate separately from the rest of the policy, which is also undergoing revision, because of changes to Public Health Service (PHS) rules that will necessitate updates to the university policy by August of this year. The revised Conflict of Interest in Research policy was closely reviewed and further revised by first the Faculty Policies and Compensation Committee and then the Faculty Council before being brought to the Faculty Senate.

Mr. Walker explained that revision to this policy was precipitated by the publication of new regulations by the National Institutes of Health and the U.S. Department of Health and Human Services that change some core elements of the university's Conflict of Interest in Research policy. The intent of the policy, however, remains the same – to promote objectivity in research, so that sponsors of the research have a reasonable expectation that the design, conduct and reporting of the research will remain free from bias created by a personal financial interest of an investigator. The management of such an interest occurs through disclosure by the investigator to the institution and the creation of a management plan for the purpose of having transparency, promoting objectivity, and allowing a third party to evaluate if bias has been introduced into the research. Quoting from the revised policy, Mr. Walker stated that the policy “applies to all persons at the University who meet the definition of INVESTIGATOR and applies to all University activities meeting the definition of research where the activity is funded or, if unfunded, where the work involves human subjects.”

Mr. Walker then referred the group to a chart summarizing the differences between the current and the new policy. He noted that currently, an *Investigator* is understood to mean the “principal investigator or any other person responsible for design, conduct, and reporting of research.” In the revised policy, however, the definition of *Investigator* has been expanded to include any person with the “authority to make independent decisions related to the design, conduct and reporting of research.” Regarding significant financial interests (SFI), patents and copyrights are no longer considered SFI’s until royalties are received. Also, for PHS researchers, any sponsored or reimbursed travel is now considered an SFI and PHS researchers must aggregate financial interests so it can be determined if those financial interests exceed certain thresholds and thereby become an SFI. Mr. Walker then drew attention to the most substantive revision in the policy. Currently, investigators make the determination whether they hold significant financial interests related to their research projects; if they determine that they do, then they disclose those SFI’s to the institution. In the revised policy, prior to initiating their research projects, investigators are required to disclose their financial interests to the institution. The institution will review those financial interests to determine if there is a significant financial interest and if so, to determine if the SFI is related to the research project. If the institution discovers an SFI related to the research project, a plan will be created to manage this financial conflict of interest. Mr. Walker went on to explain that in the revised policy a faculty review committee would still recommend a management plan to the Office of the Vice President for Research, which would send it to the principal investigator for agreement prior to initiation of the research.

Mr. Walker then pointed out some additional new requirements for PHS researchers, such as ongoing monitoring, ongoing assurances of compliance per project by subrecipients, retrospective reviews of the research project for bias in the event of an untimely disclosure of a financial conflict of interest and then a mitigation plan if bias is detected. Training will now be required for all investigators who submit disclosures; this training will be embedded in the electronic disclosure system. Addressing the issue of how investigators would know if they need to disclose, Mr. Walker indicated that when investigators submit grant applications or contracts electronically through the Division of Sponsored Programs, the routing system will check if there is a disclosure on file. If no disclosure is on file, the investigator will be notified that s/he must submit a disclosure prior to the grant or contract being submitted to the sponsor. For those investigators conducting human subjects research, the IRB application system will be tied into the disclosure system, so that those investigators who have not submitted disclosures will be prompted to do so. Mr. Walker referred the group to a flow chart detailing the disclosure process. Mr. Walker concluded his remarks by indicating that the revisions to the policy were primarily made to incorporate the new PHS regulations; otherwise, additional edits to the policy include a new section of definitions and a passage on unfunded research not related to human subjects research.

Professor Kurtz thanked Mr. Walker and Ms. Martin for their work in further revising the policy following input from the Faculty Council.

Professor Kurtz moved and Professor Solow seconded that the passage on unfunded research not related to human subjects research in section V.A.(1) *When an investigator not covered*

above reasonably concludes...the investigator must disclose that fact to the University's Conflict of Interest Officer, be deleted from the revised Conflict of Interest in Research policy.

Professor Kurtz commented that the Faculty Council had not had the opportunity to review this particular passage; moreover, he was unsure of the intent of this language. He explained that he envisioned the intent of the policy overall as managing financial conflicts of interest in the context of research funding that is funneled through the Office of the Vice President for Research. The passage in question, however, does not refer to a funded investigator as described in the first paragraph of V.A.(1). Not only is it unclear what kind of investigator is referred to here, but that investigator would need to make three judgments (is it a financial interest? is it a significant financial interest? is it a financial conflict of interest?) on his/her own; funded investigators do not need to make these decisions. If the unfunded investigator makes a mistake, then s/he is in violation of the policy. Professor Kurtz concluded by expressing concern about unintended consequences if this passage were left in the policy.

President Fumerton responded that this new passage was one of a number of edits made to the revised policy in response to concerns expressed by the Faculty Council. Secretary Bohannon stressed that the intention conveyed by this new passage in fact retained an aspect of the current policy that had been absent from the revised version of the policy (18.6 c. Disclosure of a significant financial interest in research. University of Iowa investigators holding a significant financial interest as defined above must disclose this interest *in writing prior to submission of a grant application or contract or, for non-sponsored research, prior to initiation of the activity.*) She explained that at the Faculty Council meeting there had been extensive discussion whether the PHS regulations applied to investigators in other disciplines. It was eventually determined that they did not. The Faculty Senate officers then worked with Mr. Walker and Ms. Martin to further revise section V.A.(1) in the version of the policy that had come before the Faculty Council. The first paragraph of that section spells out the obligations for those investigators covered by PHS regulations. To retain the broader coverage intended by the current university policy, however, the group added the second paragraph (the paragraph Professor Kurtz expressed concern about). To leave this out of the revised policy would be to change the policy in a way not required by PHS. Secretary Bohannon commented that most non-PHS investigators are likely unaware of this requirement in the current policy. She pointed out that the revised version of the policy only calls for disclosure of a financial conflict of interest, while the current policy calls for disclosure of a significant financial interest (a broader disclosure requirement).

President Fumerton commented that there had been debate over how to understand “research” vs. “funded research.” For example, if an Economics professor receives \$50,000 from the Obama Administration to write a book about the economic impact of “Obamacare,” this would intuitively be a case of conflict of interest that should be managed via full disclosure of the funding source. It might be argued that this situation does not fit the profile of “funded research;” however, the investigator is being paid to write the book by an outside entity and there is a significant financial interest. Under the current policy, even receiving \$50 to write an encyclopedia entry would count as unfunded research with a financial interest that should be disclosed. Although PHS is not concerned with non-PHS investigators, the university should have a more comprehensive policy. President Fumerton indicated that this issue reflects the

difficulty in writing one policy for all types of investigators on campus; while an investigator may not have the type of funding that must be routed through the Division of Sponsored Programs, it may still be possible for that investigator to be funded. Professor Kurtz commented that in his view, the policy is limited to funded research. Professor McMurray commented that in his recollection the Faculty Council had wanted the policy to address the ethical conduct of all research, funded or not. He pointed out that while the scope of the policy does seem to limit it to funded research, the title of the policy does not. Professor Cox observed that all research is funded to some extent, or else no one would do it. He added that there is a perception that research done in the humanities is “second-class” because it is “unfunded,” although it is actually supported by the university’s general funds. He did not view this policy, however, as applying to “unfunded” research. President Fumerton commented that the inserted passage would only apply to a few isolated cases; most of those faculty members doing non-PHS research would not even read the policy, but would also never be in violation of the policy.

Professor Sessions commented that, while she recognized the value of the policy in principle, she was still unclear whether the policy applied to her, an historian writing books for a scholarly audience, with limited expectations for royalties. Professor Gollnick observed that there is a difference between bias and conflict of interest, and that common sense would lead an investigator to distinguish between the two. Professor Gussin, of the Emeritus Faculty Council, took issue with the exclusion of income from patents (as a significant financial interest) from the revised policy. He commented that expectations of future earnings from patents might influence how an investigator conducts his/her research. He added that we do not need to change this aspect of the policy just because PHS has revised their rules on patents. Mr. Walker responded that few institutions consider patents obtained through the institution to be significant financial interests, especially since most patents do not earn money. Professor Gerr asked if the significant financial interest must be possessed by the investigator at the time the research is initiated. Mr. Walker answered that it must have been in the possession of the investigator during the previous twelve months. Professor Wilder asked whether pension funds are considered significant financial interests in the policy. Mr. Walker responded that they are excluded from the policy because the investigator does not have authority over those types of funds. Professor Ernst asked if reimbursed travel in connection with a non-profit specialty or interest group would need to be disclosed as a significant financial interest. Mr. Walker responded that it would, within sixty days and on an annual basis, and at any amount. He added that every year investigators would be requested to disclose their financial interests. In response to a concern raised by Professor Solow, Mr. Walker clarified that only PHS investigators who submit grants and contracts through the Division of Sponsored Programs would need to disclose reimbursed travel.

Secretary Bohannon stressed that the majority of the revisions to the policy were made in compliance with the new PHS regulations, while the inserted passage referring to the disclosure obligations of unfunded investigators was already a provision of the current policy. Removing this passage would involve changing existing policy. She reminded the group that terms such as *financial conflict of interest* and *significant financial interest* are clearly defined in the revised policy. Professor Jeske spoke in favor of retaining the inserted paragraph. Professor Pendergast advocated for retaining the paragraph, but also for expanding the scope of the policy to refer to

all research, not just funded or human-subject research. Then, the inserted passage would be read in the appropriate context. Speaking in favor of removing the paragraph, Professor Kurtz argued that the revised policy calls for a PHS investigator to disclose only a financial interest. Someone else, in negotiation with the investigator, will then determine if that financial interest is a significant financial interest and then if it is a financial conflict of interest. Non-PHS investigators, however, will need to make all these judgments by themselves, thereby putting themselves at risk of violating the policy. Mr. Walker commented that the current policy requires all investigators to make those judgments. President Fumerton commented that far more disclosures are required by the current policy than by the revised policy overall. Secretary Bohannon noted that the Faculty Council had appeared to be in favor of granting greater discretion to the non-PHS investigator regarding whether a financial conflict of interest existed; that is why the passage in question was added.

The motion was defeated in a voice vote.

There was discussion about removing references to “funded or unfunded” research found in section II Scope of Policy and also in section V.A.(1) of the revised policy, as these terms appear to cause confusion. However, since such language appears in the current policy, which has successfully been in effect for years, it was eventually decided not to make these changes, but to approve the revised policy in the form in which it was presented to the Senate. The issue of non-externally-funded, non-human subjects research could be addressed at a later time, if necessary. Professor Cox requested clarification of what counts as “funded” research for the purposes of the policy. Mr. Walker responded that, generally, funded research is that for which funding is funneled through the Division of Sponsored Programs.

Professor Gardner moved and Professor Pendergast seconded that the revised Conflict of Interest in Research Policy be approved. The motion carried unanimously.

IV. From the Floor – There were no items from the floor.

V. Announcements

- The next Faculty Council meeting will be Tuesday, April 10, 3:30-5:15 pm, University Capitol Centre 2520D.
- The next Faculty Senate meeting will be Tuesday, April 24, 3:30 – 5:15 pm, Senate Chamber, Old Capitol. Officer elections will take place.
- 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. Senators were sent an email invitation to this event. Please respond at the link given in the invitation by March 30.

VI. Adjournment – Professor Pendergast moved and Past President Dove seconded that the meeting be adjourned. The motion carried unanimously. President Fumerton adjourned the meeting at 5:25 pm.