
R. Martin attended for J. Brubaker.

Parliamentarian Ferald Bryan was present.

ABSENT: Akinyemi, Banks, Boughton, Castle, Freedman, Gupta, Jaffee, Johnson, Lukacher, Mogren, Morris, Richmond, Robertson, Schneider, Schols, Seaver, Stephen, Tollerud, Venaas, Vohra, Watson,

I. CALL TO ORDER

President Peters: Let me call the University Council Meeting of Wednesday, October 7, 2009 to order.

The meeting was called to order at 3:07PM

II. ADOPTION OF THE AGENDA

President Peters: Our first order of business is II, Adoption of the Agenda. I call your attention to a walk-in report that goes under VI, G, Resources, Space and Budget Committee. It said “no report” but now we have a walk-in report. That is the only addition that I have.

A. Rosenbaum: We have a New Business item.

President Peters: And we have an item under New Business which we’re going to have an announcement and a discussion about some new NSF requirements for ethical training with respect to the funded research that we need to get some information out. So Vice President Erman will be talking about that with the Provost under New Business. Anything else? All right, then a motion to adopt the agenda? Second? All those in favor? We have an agenda.

Thu made the motion; Henry was second. The Agenda was approved as amended.

III. APPROVAL OF THE MINUTES OF THE SEPTEMBER 9 sent electronically)

President Peters: Approval of the minutes of September 9, sent electronically. You can’t vote electronically though. Are there any additions or corrections? Brigid?

B. Lusk: I’d just like to mention that I said – it would be on page 2 of the minutes just before ---

President Peters: Page 2 of the minutes?
B. Lusk: Yes, just before the paragraph that starts with Brian Hemphill that I, Brigid Lusk, volunteered nursing students could help give immunizations for H1N1.

President Peters: Yes?

B. Lusk: So I’d sort of like that in the minutes; it’s not there.

President Peters: All right, can we get that? We got that; we will add that.

B. Lusk: Thank you.

President Peters: --- as an addition. I saw someone with their hand up here for? Did we have a motion?

P. Henry: I just wondered, is it supposed to be called minutes or transcript?

A. Rosenbaum: They’re incorrect.

President Peters: That’s being corrected, all right? Now can I have a motion? Second? All those in favor say aye. We have an agenda – or we have approved the minutes.

Henry made the motion; Lusk was second. The minutes were approved as amended.

IV. PRESIDENT’S ANNOUNCEMENTS

President Peters: All right, a few things I want to talk about. I want to give an update to the community about MAP and I think the Provost will also be talking a little bit about the students’ role in the fight to restore MAP funding. There has been a concerted effort on the part of the coalition, a loose coalition; it’s certainly not a vanguard coalition but it’s a spontaneous coalition of students and faculty and representatives of community colleges, public universities, even the Chicago public schools are in the act, to try to make the case to the Legislature and the Governor to restore the MAP funding which was cut by 50%. Most of you know the details; I won’t go over that. You know, since we have met, the Governor has been on campus on Friday and see some of the students who were there and the Governor of course is going around the state. He’s been at UIC, he’s been here and he’s going to be at Champaign/Urbana. He’s going to a lot of community colleges. He’s going to be in Carbondale trying to help make the point. Most of the legislative individuals that I have talked to, everyone is supportive of that but yesterday I heard a story that I think kind of sums it up. It occurred at the University of Illinois, Chicago and during the question and answer period, a student from UIC, could have been UIC, could have been one of ours, raised her hand and said you know, everybody is for it, the Governor is for it and the Legislature is for restoring it – but then she said, show me the money. Well, that’s really what it’s about. Everybody is for it but we need to get the money restored and there’s been a lot of editorializing on it; a lot of editorial boards have taken up the, you know, the cause and most are supportive but it does get down to how they’re going to fund it. The next – so therefore, I’m pleased to say that that’s working. I did get a letter from Alan Rosenbaum here, our fearless leader in his capacity of President of the Faculty Senate and it was a letter to me and the Illinois Higher Board of Education joining the cause and I did deliver that formally to the Illinois Higher Board yesterday so it is well recognized with the importance of this so we will see.
Now I want - Ray Alden, the Provost, has sent a message recently to faculty about the role of students and faculty participating in the rally which is October 15. Ray, go ahead.

**R. Alden:** You probably, if you have instructional responsibilities or if you supervise people with instructional responsibilities, you probably saw an e-mail today. I just wanted to give a little bit of background. The IBHE sent that out because the Student Advisory Committee asked them to distribute it to the universities requesting that students attending the rally be given excused absences. The Faculty Advisory Committee was going to distribute it to faculty but I figured I would try to get it out since it’s only a little over a week away. It’s a week from tomorrow. In that message, I just wanted to let faculty or instructional staff know that we support it and we are going to have a bus of students going down but not tell them that they have to provide excused absences. We just wanted to let them know in advance so that if they decide to do something, they can announce it to classes whether they are or are not going to do it; something with respect to that. Or, do nothing. That’s acceptable too. We understand the concept of academic freedom but we did want to get that request out since IBHE sent it to us and that is what generated that e-mail. I spoke to Alan yesterday and we decided the best way to get it out was just let everybody know and let them decide. Again, it’s probably going to be less than 60 of our students in the official delegation so it’s not going to effect every class but just in case somebody is participating in that and they don’t just assume they are excused because it is an important to all of us sort of activity, but it’s not mandated; it’s not required that those absences be excused. We just figured that faculty would probably want to know ahead of time rather than after the face. So that’s what generated that particular e-mail and we support the students in their efforts to try and get the MAP funding reinstated.

**President Peters:** Okay, very good. The organizers of this rally, and there are many, again, it’s a loose coalition, expect a couple of thousand students to be there for that day. I know I will be there and a coalition of, you know, the presidents presenting community colleges, independent colleges, public universities, and the private universities will be attempting to visit many legislators that day and especially the legislative leaders. So we’re hoping for the best. You in November, we begin to send out our award letters with the new packaging of financial aid for our MAP students, our 5,024, something like that, and that’s when the notifications will come that – zeroing out MAP funding for the spring and that’s why it’s important that the Legislature and/or the Governor act that day. So that’s my report on that. It’s got everybody’s attention and I’ve not heard, with maybe one or two exceptions, any legislator or public official be against this. So it’s just, again, going back, you know, to the clarity of youth – show me the money.

Okay, speaking about money, let me give you the 30,000 feet up view of where the state budget is and that’s all it is and it’s a snapshot at 30,000 feet and at 30,000 feet it doesn’t look too good but, you know, we’re just entering into a veto session and then we will, you know, begin to – in January, to deal with the next year’s budget, the ’11 budget, but here are a few things that, you know, you should be aware of. It is obvious to everyone that the state in the current budget cycle is four months behind in its payments and its disbursements to various vendors whether they’re hospitals, doctors, universities, you name it, they’re four months behind and the figure is 2 billion. That’s 2 billion dollars. I think they still have a little residual left over from the last fiscal year that has been accommodated. So that’s not a good thing, you know, the state is out of cash and I don’t know how much further that can go until there’s a real crisis. So that’s one thing. At the Illinois Higher Board of Education, they had kind of a budget overview that I thought was pretty interesting that looked at the state budget as it relates to higher education and all its entities and they took a snapshot of what happened last year and then they were looking about what happen in the future. When they looked at public universities, you know, the nine of us who are a group. You know, University of Illinois, SUI, Western, us – you know, the nine of us,
collectively on our general revenue budget, we showed an increase of about 34.8 million dollars but there’s an asterisk on that because that’s federal stimulus money and that plugged a gap in the budget so it showed a positive. The community colleges, they showed about a 6.8 million dollar increase and that was because of stimulus funds. You know community colleges are funded like school districts, with a property tax base and then, you know, they have some state money. It’s not at the level of ours because they have a property tax base but most of the community college presidents I’ve talked to, they had an added concern because, you know, properties are being re-evaluated and then that plugs into their – that’s a big part of their budget and they are very nervous about that devaluation, massive devaluation, that is now taking place. I know that’s happening all over the country. School districts are in the same situation. Of course we know, again looking at the state portion for higher education, we know that ISAC was cut by about 209 million dollars. That was about half – about 40% of their total budget. They got a 40% whack this year and in addition to MAP money, they have a whole range of programs, not as big as MAP but veterans’ grants, grants to minority students, grants for nursing and many of those were just flat zeroed out; 100% not just half of them. They put most of their money into funding half of MAP. You know, the IBHE used to have this wonderful grant program and every year they would announce the millions of dollars that we would be getting for specialized grants that you would put in. Well, that thing has been whacked this year but 3 million dollars. There’s virtually – there’s very little left in the IBHE grant program. So this year even when you net that all out including the federal position, the higher education budget lost about 170 million dollars but it shows a big positive. The reason is the state had to put in 280 million dollars into SURS to make the payment. So think about that for a moment. I mean, we often don’t – we think about pensions as part of the state budget but it is and the state, given the pension system, put in 280 – I don’t know if they made the payment or not – that’s what the bill was, put in 280 million. Now if we look at, just let me put this in perspective for a moment what’s happened to us since FY02, you know, the same categories, if we looked at what, you know, I always called the disinvestment in state investment in us? For public universities since FY 2002 to FY 2010, 109 million has come out of our base budgets. Not NIU, but everybody together, all right? So we’re off 109 million in our GR budget since 2002. Community colleges about 26 million. Of course you know ISAC is down about – they were getting steady, small increases over that time but then the bottom dropped out and they’ve lost 200 million. The grant program, the IBHE programs, have lost 90 million. There used to be 100 million in grants that did a lot of good. That’s all pretty much wiped out. So that’s about 420, almost half a billion dollars taken out of the higher ed budgets since FY 2002 but 450 million went into SURS. So 450 million dollars went into the pension programs. That kind of gives you an idea of where we are. All right, so the state is having trouble paying its bills; that’s for sure. For us there’s about 4 million dollars give or take half a million that we received in federal stimulus that is our budget that disappears, that if the state doesn’t put it back, we have to cut our budget going into 2011 and then the state is facing these huge problems. So when you add that all up, you know that without some measure action on the part of the Governor and the Legislature to get some other form of revenue raising capability including cost cutting, expenditures in state government, the state is in pretty bad shape going into this fiscal year. Now what will happen we don’t know. We’re optimistic so we’re just going to have to wait and see. I will tell you that, you know, we have budgeted very prudently. We have cut back temporarily on expending on major equipment. We’re holding things back so that we can deal with this if we have to and I’m confident that we’re going to be okay but we’ll just have to wait and see. One problem at a time and right now our focus is our MAP because that has an economic consequence to us. You know, 5,029 MAP students and that brings in a base of about 11 million in a semester and also most MAP students bring in a PELL grant and a Stafford Loan and room and board and all that other stuff so it has an economic impact.
All right, let me talk a little bit about capital and I think we all know that after a long period of time – you know, since 2002 I think there was only one year where there was a capital budget for higher ed and I think that was 2006. There was about 100 million dollars that was put in but since then, we’ve been zeroed out; all of higher ed. This year there has been an authorization that includes, you know it well, Cole Hall and Stevens and planning money for a computer science and technology building. There’s a little renewal money in there for the physical plant.

Apparently, you know, the idea always was for the whole state capital, there’d be a 3-year roll-out plan on how they would all be funded. Now it has to be funded. It is anticipated that during the veto session there will be some discussion about the appropriate, the release of funds, for a first round of shovel ready building projects. But this is all – none of that information is authoritative. It is kind of ear-to-the-ground, you know, yeah, they’re getting a list together and I don’t know what the size of it will be. You know, the bond rating of the state is not good and you have to float bonds to do this. They have two or three ways they can do this. Of course they were expecting there would be a revenue stream for some of the measures that they put in place to fund this like video poker and there was a local option with video poker. If a community wanted to opt out, they could opt out and I think several communities have opted out because they didn’t view that as the kind of revenue raising device they’d like in their community. So it doesn’t have the actuarial potential that it did when it was passed so anyway, we’re watching all of that.

Some of the challenges that were identified by the IBHE that the state faces and I thought it was a pretty good list and I’m just going to, you know, read them off. It’s obvious in terms of spending pressures, you know, in addition to the revenue side there are spending pressures. Pension funding is a major issue that the state will have to deal with. I know we’ve been actively involved. Our Annuities Association is involved to make sure we protect our pensions but yet it looms in the minds of the public and the public officials as a major issue because it keeps on growing and it has – I think it’s one of the worst – it’s one of the most under-funded pension plans in the country. There are five of them and we’re one of them and ours happens to be the most solid (SERS). Medicaid is a looming issue and other health care. K-12 funding looms as a very large problem. Now it’s a double whammy because of this evaluation base of property taxes. You know, the unmet needs that are out there. MAP, social services, prisons, I mean there’s a whole list of them and there’s a problem that lurk like the way the state the past few years has been meeting its budget is by borrowing short-term. You know, floating their bills and they’re just about out of – they’re out of duct tape and band-aids here; they can’t borrow anymore. So they’ve got to pay back their short-term borrowing that they used to plug the FY 2010 budget so they owe that. They got to pay down on the backlog of bills; it’s getting to be impossible. We’re going to lose the stimulus funds. They have to make pension payments from general revenue and they borrowed 3.5 billion in FY10 to do that so they borrowed to pay the pension obligation and there’s a huge group health insurance shortfall. Do you want anymore good news? Okay. So you want to run for office? So they’ve got to buckle down and they’ve got to solve this. They’ve got to. This is serious. They’ve got to cut costs and they’ve got to figure a way of closing the revenue gap. So, I don’t want – but that is sort of the state of affairs. You know, it’s – if you travel to your conventions and so forth around the country, it’s not a happy time out there. I know that, you know, in California systems they’re required to cut 20% of their faculty in some years by next --- I don’t know how you do that but they’re under all of these orders. I just want you to know that we’ve been pretty clear-eyed about this for 3 or 4 years and I’m not saying it won’t be difficult for us but we’re up to this challenge if we have to and we’ll work together but right now there’s no sense in over-reacted to a very fluid situation and I am optimistic that during this legislative cycle, many of these things will be addressed. I mean I don’t know what’s at the end of it and certainly it’s not going to be a one or – it may be a two or three year situation, but I know we’ll be up to the challenge.
All right. Provost, would you like to talk a little bit about the baccalaureate review process?

R. Alden: Yes, we had the task force produce what I thought was a very good draft document on baccalaureate goals and they are asking for everybody’s input now. You’ve probably seen the request for surveys. I think they’ve created a fairly concise document looking at the kinds of skills and competencies that we want all graduates of any of our baccalaureate programs to have and they need your input so please take a little time to look at the surveys and complete them. We also have the First Year Experience group doing a similar thing I believe. Is that correct Brian? With the groups that have been working on the nine different areas of the university and wanting to have input down the line about how do we improve our first year experience and these two items are clearly part of the student success and curricular transformation components of our Strategic Plan. A lot of people have thought hard about this and put a lot of time and effort in it and what we’re trying to do is vet these various issues and make sure everybody feels like they know what they are and would have input into them so please take a little time when asked to input your ideas and your feelings. I’ve read many of these items and I feel like they’ve done an excellent job and we’re off to a good start on all of these programs.

President Peters: Okay, Jeff?

J. Kowalski: Speaking as a member of the Undergrad Baccalaureate Experience Steering Committee, I would like to second that; sort of urging for faculty, staff and students to look at that link on the home page of NIU. It’s right on that page; a link to these reports. Read them because I’m already getting feedback from colleagues about things that they think could be improved, things that they see perhaps could be clarified and made better. This is the opportunity that we have worked to provide for faculty, some of who were involved in focus groups, students who were involved in focus groups, staff and constituencies but this is sort of another phase where we want as much input and feedback as we can get so that when we take a final look at crafting this document, we’ll have as much good advice from as wide a field of constituencies and people as possible. Thanks.

President Peters: Right, okay.

Finally just a few odds and ends. You will notice that last week we introduced to the campus and the community our Forward Together Forward Memorial. It was quietly introduced. Walk by and what a beautiful and serene memorial it is and, you know, you want to go and visit that when you can as you walk by.

The other thing is, you know, some things that have just been fantastic recently. A week or so ago the College of Liberal Arts had its 50th anniversary party where it honored fifty outstanding graduates from the decades and if I were an outstanding graduate, I’d be in the oldest decade. It was fantastic at our, it wasn’t our homecoming game, it was the previous game. The College of Business announced its Endowed Professorship, the K – I always get the letters wrong – the old Pete Marwick firm – and that was a wonderful half a million dollar gift so we continue to make progress in this rather difficult time and I’m very, very proud of what everybody’s been doing.

All right, how about some questions on any of that? I didn’t want to monopolize that that’s what I’ve been doing. All right? Here we go.

V. CONSENT AGENDA
A. **Proposed changes to Bylaw 16** – see attached from Terry Bishop – refer to Rules and Governance. (Pages 3-4)

**President Peters:** The Consent Agenda. Is there a motion to accept the Consent Agenda or to change it? Motion? All right, so moved. Second? All those in favor of adopting the Consent Agenda? All right.

Thu made the motion; Kowalski was second. The motion passed.

**VI. REPORTS FROM COUNCILS, BOARDS, AND STANDING COMMITTEES**

A. **FAC to IBHE – Earl Hansen** - [report](#). (Pages 5-7)

**President Peters:** All right, let’s move into reports. Earl do you have a report from the Faculty Advisory Council to the IBHE?

**E. Hansen:** I do. It’s page 5, 6 and 7 in your publication there. The points that were stressed down there were bullet 2 when they talked about the University of Illinois, Champaign/Urbana and the situation down there. The other two items of probable interest to you would be the IBHE members were called out by some people that knew them, no names were mentioned, but they talked about that these people were not necessarily advocates or spoke-persons for high education in general that were sitting on this. I’ve only been to one IBHE meeting and I didn’t see that. I saw a totally different perspective when I was at DePaul with President Peters which is an entirely different perspective from what I got on it. There is a position that is available on the Illinois Board of Higher Education for one faculty member from one of the two or four year institutions within the state of Illinois and they’re discussing how we would get somebody from one of these institutions on the IBHE. That was discussed.

The MAP issue took up most of the meeting time even though it’s only about 10 or so lines in the report. But a lot of discussion; a lot of discussion that has gone on here today was discussed down there too, especially trying to get student involvement back into the communities as well as the faculty members going back to their communities and talking to their legislators as well.

The last bullet again talked about different concerns that they had and one was the concern on the federal law on textbooks and the purchasing of textbooks now. The issue that was brought up, and we had no idea of how to address it, was that a lot of times books can be bought on-line considerably cheaper than they can be bought through a bookstore and a lot of these students will be required to buy their books at the bookstore if they’re on some type of grant and there’s – I don’t have any solution for it and no one had one down there and if we’re on campus – they’re coming in the night of the 15th of this month to meet here at NIU and we’re the 16th probably from around 8:30 to around 3:30 in the afternoon; 8:30 in the morning to 3:30 in the afternoon and if you’ve got any questions or anything – you might want to meet any of these other people from other campuses, let me know. I think we need to be – I think one of the things we’re trying to do is to get and – John, you’re the first one – the presidents to address the concerns that the presidents see in relation to higher education in general and specifically to their institutions as opposed to coming in and blowing bugles and waving flags and banging drums as to how good their institution is and what wonderful things there are. There’s nothing wrong with saying that but we’re more interested in getting a perspective across
the board from the community colleges and the private four year institutions as well as the state institutions as to what – where is higher education in Illinois and I think John’s been very candid about it. I’ve been on this committee for three years now and I find it refreshing. John, from my position I thank you. That’s all I’ve got unless you’ve got questions for me.

A. Rosenbaum: Earl one of the things that came up after your report at the Faculty Senate meeting was this item bullet point 2 on page 6 that talks about there being a statute that requires a faculty member to be on the IBHE and it sounds like from reading this that you’ve discovered that this is a law and yet there’s no member. So, are they in fact not in compliance with the law and why is it a trick to get a faculty member on that board given that there’s a statute?

E. Hansen: That’s what we’re trying to find out. There’s no position open on the Board for a faculty member so when a position opens, we’re going to push for it. The other question is should that faculty member come from the Faculty Advisory Committee or should it come from at-large across the state or what and that was discussed in brief down there at Spoon River College but no consensus was really drawn upon it. I wanted to come back and see what people here felt about that and we can’t put a person in a position until one opens and this was just discovered last month that we were supposed to have a faculty person from one of the institutions of higher education in the state of Illinois on the IBHE.

President Peters: Jeff?

J. Kowalski: I don’t know the statute that applies to this but if there’s a statute that stipulates that a faculty member is supposed to be on the IBHE then how can there be no position available. It seems contradictory but maybe we can get an explanation; we need one.

President Peters: Other than it’s Illinois. I think their gubernatorial and appointments with senate approval and I know there are at least two members of the current crop that are emeriti from public universities. There’s also a requirement that one of them be a sitting trustee on one of the governing boards. That’s Frances Carroll now from the U of I. She sits on that and it’s supposed to rotate every year but she’s been rotating for six years now. So, you know, maybe there is, I don’t know, we’d have to have – Barbara and I – we’d have to get into political science stuff and figure out – look at the – you know, I think it’s up to the Faculty Advisory Committee to look into that. All right? Thanks Earl.


E. BOT – Alan Rosenbaum – report. (Page 8)
President Peters: Now, we have no report on BOT. We do have a report from BOT from Alan and I think you have a written report. Right?

A. Rosenbaum: Yes. The written report is on page 8 and I really don’t want to go through this in too much detail because you’ve heard a lot about this. President Peters has already discussed a lot of this. Some of the high points of the meeting were the Board acknowledged our readiness to deal with the H1N1 anticipated epidemic. John Castle, one of the co-chairs of True North, spoke about the success of that program. He spoke about the faculty/staff initiative which many of you now have heard about. They were informed about the new Student Advising Center and invited to go on a tour and probably one of the more important points, the internal budget for the university was approved. The capital budget request was approved. That’s headed by the new Computer Science and Technology Center and so those are all items that were approved by the Board. You can read those all for yourself.

President Peters: All right, questions?

F. Academic Policy Committee – Kendall Thu, Chair – no report.

G. Resources, Space and Budgets Committee – Barbara Jaffee, Chair – report – walk-in

President Peters: Let’s move to G which is the walk-in report on Space and Budgets submitted by Barbara Jaffee who is not here. I’m speed reading.

A. Rosenbaum: It’s pretty straight forward. They can read it.

President Peters: All right, any questions? Any space questions? Okay.

H. Rules and Governance Committee – Rebecca Butler, Chair – no report.

I. University Affairs Committee – Carol Thompson, Chair – no report.

J. Elections and Legislative Oversight Committee – Abijit Gupta, Chair – no report.

VII. UNFINISHED BUSINESS

President Peters: Any Unfinished Business?

VIII. NEW BUSINESS

President Peters: All right, New Business and I’m going to call on Vice President – or the Provost. How are we going to do this?

R. Alden: We have another item under New Business. I didn’t know if you wanted to cover that first. The holidays. We could go forward.

President Peters: Yeah, go ahead.

A. Proposed University Holidays for 2010 (Page 9)
B. NSF Requirements for Ethical Training (Walk-In Item)

R. Alden: I would like to call on Jim Erman to give the background about what I would like to propose for your consideration as a process to deal with a federally mandated issue with policy on ethical conduct of research and so Jim, could you give the background on NSF and NIH and he whole issue?

J. Erman: I have two informational items; one from the National Science Foundation and one from the National Institutes of Health, both dealing with the responsible conduct of scholarship or research. Last week NSF posted a revised version of their proposal and award policies and procedures guides and one of he new item in the guide and I’d like to quote this “An institution must have a plan to provide appropriate training and oversight in the responsible and ethical conduct of research to undergraduates, graduate students and post-doctoral researchers who will be supported by NSF to conduct research.” Institutions must certify to this effect and it’s required for each proposal. So what this – this policy will go into effect on January 4, 2010. What that means is that for each faculty member that submits a research proposal to the National Science Foundation, the university will have to certify that there is a training in the ethical conduct of research and also maintain oversight. NSF is actually fairly flexible and we’re in a good position to comply with that mandate. We do have a research integrity policy, an intellectual property policy. We have policies on the use of human subjects in research, animals in research, bio-safety concerns. The Responsible Conduct of Scholarship Committee met on September 28 to consider this mandate and what they are recommending is that each faculty member that applies for NSF funding must certify that students that will be supported by the grant will receive the appropriate training. We’ll actually have on-line modules that the P.I. can access for student training and this will also allow us to maintain oversight so we do have a solution for the NSF mandate.

The second piece of information is that NIH will probably announce similar guidelines in February of next year but they will be more heavily weighted toward conflict of interest policies and our current conflict of interest policy is undergoing revision based on NIH guidelines and is not complete yet and it’s anticipated that we’ll have to be in compliance by the end of the academic year, say May or June of 2010, in order for our faculty to continue to apply for NIH funded grants. I think Ray some suggestions on how to go forward.

R. Alden: Since this is a fairly time critical issue and I know the university level conflict of interest policy is very complex and is, as Jim mentioned, still under review by the Office of General Counsel, we thought to have an expedited process that we wanted to propose as just to get a consensus today of how people feel about it. Not a formal action because the formal action comes when you adopt the policy but we thought in order to meet the spirit of both the NSF and particularly the NIH issue, we would have to address a conflict of interest as it applies to research and scholarship and so the process I’d like to propose is that the Office of Research and Graduate Studies and the Office of the General Counsel get together, take the current draft policy for the larger university-level conflict of interest and extract those sections that have to do with research and create a draft document, working with my office, and then bring that document to the Responsible Conduct of Scholarship Committee, a committee that was formed actually to look at a lot of these issues that Jim has mentioned. All the training modules that have been developed have been largely produced by the Faculty Development and Instructional
Design Center based on the input by this group and so they would form kind of an editorial review board if you will to review the draft policy and bring it for vetting to the Graduate Council and then from the Graduate Council to the University Council and hopefully, we can do this in a fairly expedited process to meet the deadlines so no one’s proposal is turned down simply because we don’t have an official policy and training program. So I would like to have just the opportunity for discussing if anybody has a problem with this approach. I’ve talked with Jim fairly extensively about that because he works with this Responsible Conduct of Scholarship Committee and I met with both he and Ken Davidson and I think we can expedite this to the point that by the end of this semester, we could potentially have a draft policy in place ready for this body to approve and then work during the spring to develop the training modules so that they would be available to all faculty, post-docs, graduate students, students who may be working with funded research and I say funded research because I hope the policy doesn’t just look on those projects funded by NSF or NIH. I think we ought to apply a policy for responsible conduct of research or scholarship to any project that requires funding, whether it’s internal, whether it’s state, whether it’s private sector, or whether it’s from one of these agencies. So that’s the philosophy I’d like you to consider and, unless there’s some major problems today, that’s the way we’ll pursue this.

**President Peters:** So the bottom line is failure to act an adopt the policy with respect to research protocols *(TAPE TURNED OVER HERE).*

**President Peters:** Dean McCord?

**C. McCord:** Ray asked if anybody had a major problem, I want to make clear I’m not speaking up because I have a major problem with what you’re proposing to do.

**President Peters:** Yeah, I’ve heard about that.

**C. McCord:** But a couple of questions. One is it your sense that the current conflict of interest policy when you go through and do this sort of extraction, that you’ll be largely there — that is we largely have a sort of a nascent policy just waiting to be extracted?

**R. Alden:** Yes, I think that one of the problem with the existing draft is it is so complex that it takes what should be a streamlined and straight forward policy and makes it extremely complex and so I think by extracting so it’s only focused on conflict of interests on funded research simplifies it greatly because, you know, there are in a university as complex as ours, there are so many places where conflict of interests could arise in so many of the different divisions that if we could just focus now on funded research. I think that will make it much simpler and Jim has this policy and he could speak to how much tinkering it would take to get it down to a streamlined policy to address these federal mandates so I’ll turn the mikes over to him.

**J. Erman:** Yes we do have an 11 page conflict of interest draft at the moment which encompasses all employees of the university including those that are not in academic affairs. It’s a conflict of interest policy globally for the university. So Ken Davidson has actually been looking at this policy and beginning to do some editing to reduce this to areas related to research and especially funded research that would make us in compliance with the NIH guidelines. The NIH actually did publish some guidelines for their requirements in about 2002 and a lot of the material that has gone into this was
developed because of that. NIH stepped back and didn’t require the implementation of the policy but now the indications are they will next year, early next year.

President Peters: Yeah, follow up.

C. McCord: I have another question which was you indicated that it made sense to have a policy that didn’t just apply to those requiring, NSH, NIH, but to all funded research. The policy certainly makes sense that it ought to apply globally but I want to clarify whether you intended – the requirement for the training modules would only apply where an agency requires the training modules.

R. Alden: I would hope the training would be part of any funded research project because if you consider conflict of interest, whether someone is using departmental funds or NSF funds and they somehow cut a contract with their brother-in-law’s firm, it doesn’t matter where the source of funding comes from and I think the treatment of animals, the IRB issues, I think any student, any graduate student, any post-doc, or any faculty or staff member dealing with any of those issues, shouldn’t use ignorance as a reason why they didn’t do something that later on becomes a problem so I think a holistic policy – it’s much like when you develop an indirect cost rate, you try and apply it to all parties so that nobody is discriminated against one way or another. I would say the policies for the responsible conduct of scholarship as well as the training should apply to all funded research. Now obviously, scholarship doesn’t in many disciplines require any funding. It is a faculty member and a student working together on something that doesn’t involve any of these issues and we’ll just have to leave the flexibility or the decision making to the faculty member to say well this falls under the policy or it doesn’t. But I just believe to just develop something for federal funding is bore sided and it meets the letter of the law but not necessarily the spirit of what we would hope we’d have at the university as a responsible research policy.

President Peters: Okay, yeah?

K. Thu: I serve on the Institutional – one of the two Institutional Review Board at the university for human subject research and we know that NSF or NIH or other federal funding sources that involve human subjects, P.I.s are required to have certificates of competence in dealing with human subjects so my understanding then that – would that satisfy the certification process for researchers getting federal funding involving human research subjects?

J. Erman: In the NFS guidelines, it specifically deals with students, postdoctoral students so it doesn’t deal with faculty members and P.I.s but with these initiatives coming both from NFS and NIH, the Division of Research and Graduate Studies would like to contact all the departments that do have research and have them revisit how they provide ethical training in research and at our last Responsible Conduct of Scholarship Committee meeting we talked about this. Several departments do have this type of training in their methodology courses whereas many other departments depend upon one-on-one mentoring between the faculty member and the student. Whether that happens or not, there’s oversight; there’s no determination of whether it actually occurs so ---

K. Thu: I will point out that on the Institutional Review Board we look very carefully at both investigators and students, graduate students and undergraduate students, to ensure
that they have at least some kind of training although we don’t go back out and check to see whether that training occurs but it does occur as a part of the IRB review process.

President Peters: All right. Very good. Now what we’re after here if I – is a sense of are we in the right direction here? I hear some cautions and some clarifications. Yeah?

P. Henry: Just one clarification and it’s how would faculty input get to these committees if there is such that needs to be happening.

R. Alden: Well, obviously both this ad hoc Responsible Conduct of Scholarship Committee – it has representatives from a number of different departments, so if you want really to get in with the sausage making or the, you know, but in terms of vetting, the Graduate Council has representatives from every unit, every college so, you know, if you have any concerns you can contact your Graduate Council representative and they can provide that liaison function before it gets to this level and of it course it has to be vetted and approved at this level as well so you will get several bites at the apple so to speak.

President Peters: All right, I think we’ve had a good discussion and I think move ahead and there’ll be all sorts of participation and we look forward to some sort of an interim report at the end of the semester as we move towards spring where we work on training. All right. Okay.

Let’s back up a minute and under New Business, it’s the University Council’s responsibility to approve the university holiday schedule and on page 9 you will see the proposed holiday schedule for 2010 which is always developed in consultation with employee groups and other aspects of shared governance. So we need a motion to approve that holiday schedule for 2010 and I know Steve Cunningham is here who is the expert on holidays. Is there a motion to approve this? There is a motion; is there a second? All right, now discussion?

P. Henry: Isn’t the Wednesday before Thanksgiving considered a holiday?

D. Jarman: No, not for ---

P. Henry: Not for – this is just ---

President Peters: Now you remember that it has to do with classes and students and not employees.

P. Henry: Oh, that’s right. Classes.

President Peters: So students get to celebrate earlier than we do. Right? Remember? The fear at the time is that people would interpret that as a day off so no. Okay? All right. All in favor of this schedule say aye. Opposed? Abstain? All right, we have a holiday schedule.

Baker made the motion; Thu was second. The motion passed.

IX. COMMENTS AND QUESTIONS FROM THE FLOOR
X. INFORMATION ITEMS

A. Alternate Policy (Page 10)

**President Peters:** Then the other item is the alternate policy. Alan do you want to enlighten us on that? That is on page (10).

**A. Rosenbaum:** This is just an informational item. I don’t think we have to vote on this or anything. It’s just the names of the people who are the alternates for University Council and I think the notion is that if you are not going to be at a University Council meeting for some reason, these are the people that you can contact to stand in your place and we already have some people who are doing that as we have University Council members who are on sabbatical. So the instructions for doing this are on the back page so you should just keep that for your records.

**President Peters:** All right, for your information. The only other item I can think of is last week, we think we had a very successful site visit for our ten year re-accreditation by the NCAA which is as intense as the Higher Learning Commission’s ten year re-accreditation of the university and a lot of people put a lot of work for well over a year in preparing for the site visit and, you know, knock on wood, I think we came through quite well and I want to thank everyone who was involved in that and it’s a cast of thousand so we won’t really know – there’s several steps; you know how accreditation works – we probably won’t know finally until April, you know, what the result is by which time we will have forgotten about the whole thing. All right, any comments from the floor? Anything for the good of the order?

XI. ADJOURNMENT

**President Peters:** Enjoy Indian Summer. We’re adjourned.

The meeting adjourned at 4:05PM.