

EXECUTIVE COMMITTEE MINUTES

Present: Guevara, LaCost, Purdum, Reisbig, Rinkevich, Schubert, Shea, Woodman, Wysocki, Zoubek

Absent: Anaya, Lindquist, Ruchala

Date: Wednesday, April 11, 2012

Location: Faculty Senate Office

Note: These are not verbatim minutes. They are a summary of the discussions at the Executive Committee meeting as corrected by those participating.

1.0 Call to Order

LaCost called the meeting to order at 3:04 p.m.

2.0 Associate Vice Chancellor Hamernik and Director, Research Compliance Services Conrad

2.1 Chances to Draft Conflict of Interest Policy

Associate VC Hamernik reported that the draft policy sent to the Executive Committee for approval or suggestions for further revisions is a result of two independent actions. The first was a change in the University's Conflict of Interest Policy by the Board of Regents. She noted that the Board, in addition to approving a University-wide policy, directed each campus to create its own Conflict of Interest Policy. She reported that the UNL effort began in 2009 when the Chancellor appointed a committee to work on the document. At that time former Associate to the Chancellor Poser was chair of the committee, but she left to become Dean of the Law College. Former Associate VC Espy then became chair of the committee however she left before a draft policy was completed. Director Conrad took up the task of writing up a draft which the committee reviewed. She noted that the Executive Committee was given a copy of this draft during the fall semester and made recommendations for revisions. Director Conrad reported that she tried to incorporate all of the changes suggested by the Executive Committee into the draft document that is now before the Committee.

Associate VC Hamernik stated that the other change that precipitated the need for a new Conflict of Interest Policy were changes made to Health & Human Services regulations. She noted that these changes included definition of significant financial interest, training, public accessibility of the policy, and increased transparency for reimbursement of travel expenses.

Associate VC Hamernik reported that the most recent draft was approved by the Chancellor and Vice Chancellors. An announcement in UNL Today several months ago reported that the document is on the web at <http://research.unl.edu/orr/conflict.shtml> and that there will be two faculty listening sessions to hear faculty member's concerns on the policy. She pointed out that final changes must be made to the document and it needs to

be approved so a training course can be implemented. She noted that Health and Human Services are requiring institutions be in compliance by August 24. Woodman asked if the listening sessions were well attended. Associate VC Hamernik reported that only a few people were in attendance. Shea suggested that such a document should be sent directly to the faculty. He noted that the assumption is that if a document goes to the deans and directors that it will filter down to the faculty, but this is not always the case. Associate VC Hamernik stated that she tried to have it sent out to the faculty but was told that it would need to go through UNL Today.

Associate VC Hamernik stated that a major change in the UNL Conflict of Interest Policy is that the Board of Regents directed that the Chancellors must oversee the reporting process and submit the campus processes and procedures to the President for review and approval. As a result, a management plan has been developed that will help faculty be in compliance with the Conflict of Interest Policy more easily.

Associate VC Hamernik pointed out that the Conflicts of Interest Policy applies to all employees of the university, not just employees engaged in research. She reported that the policy addresses covered people and a covered person is defined as a university administration employee with delegated signature authority, purchasing or contracting authority, a university employee engaged in outside employment or other activities, and university employees, volunteers, trainees, students, contractors, and other persons under the direct control of the University of Nebraska, whether paid by the university or not, who participate in sponsored research, and includes indirect personal financial interests such as those of a covered person's: immediate family, business relationships, fiduciary relationships, or investments. She stated Appendix II of the document covers institutional conflicts of interest.

Woodman asked if the Conflict of Interest Policy would cover faculty members who require textbooks for their courses that they authored. Associate VC Hamernik stated that there was some discussion about this and Director Conrad noted that requiring the chair to approve a textbook in a course was removed from the Policy. Woodman asked if there was currently an existing policy. Director Conrad said that no current policy exists. Guevara asked if the Conflict of Interest Policy would supersede department bylaws. Director Conrad stated that any new policies or bylaws at the department or college level related to the Conflict of Interest Policy cannot be less restrictive, but they can make it more restrictive. Woodman pointed out that restricting a faculty member from using a book that they wrote in a course would contradict academic freedom. Wysocki asked about other teaching materials. As an example, certain kind of equipment that may be manufactured by a faculty member and this faculty member requires that students in his/her course must use the equipment. Associate VC Hamernik stated that this could be viewed as a conflict of interest and the faculty member would need to get approval for using the equipment. Shea pointed out that a faculty member could challenge this on the grounds of academic freedom and this is probably why no current policy exists. He noted that UNL has chosen not to overly impose campus-wide policies.

Guevara asked if a faculty member would have to disclose the income from textbooks if over \$5,000 worth of the books is sold. Director Conrad stated that the income would have to be disclosed on a recording form. Guevara asked who would be responsible for generating the recording form, the faculty member or the chair. He pointed out that if the university does not have a policy regarding the use of one's own textbooks in the classroom it could make authors of these books and the department more vulnerable to lack of compliance. Woodman stated that authors of books could choose to have the income go to the department rather than themselves.

Associate VC Hamernik noted that one of the other major changes from HHS is that all key personnel must complete training prior to submitting an application for HHS funding. She noted that approximately 120 people apply for HHS grants and she thinks in the long term that other federal agencies will adopt these training requirements. Wysocki pointed out that since the Conflict of Interest Policy applies to all employees, they should all need to go through training. Associate VC Hamernik agreed but stated that it is surprising to see how many faculty members do not want graduate students to go through the training. Shea noted that often the faculty criticizes what the administration does but in cases like this it seems that faculty members should be responsible for having their graduate students go through the training. Zoubek suggested that requiring new employees to go through the training would be a helpful start to get employees trained. Reisbig questioned why the training can't just be mandated from the administration. Associate VC Hamernik pointed out that it would be hard to mandate it because there are no penalties in place if an employee didn't go through the training. Shea pointed out that the university controls the paychecks of employees. Reisbig stated that even if there is no way to hold everyone accountable, the training could still be a mandate. Shea pointed out that the sexual harassment training was supposedly mandatory, but he doesn't think everyone has taken it. Woodman asked if someone can submit a grant to HHS without the training. Director Conrad stated that the training is a requirement for submitting a grant.

Associate VC Hamernik reported that the last requirement of HHS is having increased transparency for travel reimbursement. She stated that this refers to sponsored travel relating to an investigator's institutional responsibilities. She noted that this refers to sponsored travel from industries outside of federal, state, or local government agencies. Wysocki asked if this would apply to a faculty member who is invited to speak to a university overseas. Director Conrad stated that she does not think this travel would have to be disclosed but she will verify it. Wysocki asked if travel paid for by a conference organizer would have to be disclosed. Director Conrad stated that this travel reimbursement would be exempt unless it is paid for by a company or corporation.

Schubert asked about situations where a faculty works with a private sector company after a grant has been cleared, but the faculty member travels to a corporation and they pay the faculty member travel expenses to engage in potential research. Associate VC Hamernik stated that this expense would have to be disclosed. She stated that this currently does not happen very often but there is the possibility it will occur more frequently with the development of Nebraska Innovation Campus.

Schubert asked if training is only required for people applying for HHS funding. Associate VC Hamernik stated that training is required for anyone applying to HHS and any of its agencies for funding.

Purdum asked if the standard disclosure form that has been used is no longer applicable. Associate VC Hamernik reported that a new form is being developed that will have four additional questions. If any of the questions are answered yes it will automatically trigger further questions. Director Conrad noted that the changes are meant to cover outside consulting activities. She pointed out that they are trying to simplify the form as much as they can. LaCost asked if entity is defined as a private agency providing remuneration. Director Conrad stated that this is correct although there are some companies that have their own non-profit agencies. Purdum asked if she has to report it if she does research work for a company and they ask her to give a presentation. Director Conrad stated that it would have to be disclosed but once approved it should be okay. Purdum asked if there is a time period for having to disclose information. Associate VC Hamernik stated that it is done for a period of a year. Director Conrad noted that this is from the time you first submitted the disclosure form.

Associate VC Hamernik noted that the flow chart provided shows the management process. She stated that the reporting forms will be reviewed by staff in the Compliance Office and people will be notified if there are any problems with the form.

Shea stated that he is not sure that everyone has studied the Policy and asked if a compiled list of suggestions and concerns can be submitted. LaCost noted that the Executive Committee reviewed the policy during the fall semester and recommended some changes. Purdum stated that the Policy should be sent out to the Senate for comments. She noted that a motion to approve the Policy can be presented to the Senate as an emergency motion since the April 24 Senate meeting is the last meeting for this academic year. Schubert noted that the campus needs to be in compliance by August 24, and if necessary, the Executive Committee, which acts on behalf of the Senate during the summer, can vote on the Policy. Shea stated that the Senate is not really being given a chance to make additional changes. Purdum suggested giving the Senate two weeks for additional comments. Griffin pointed out that the Senate can vote electronically on a motion. Director Conrad noted that issues with content should be recommended but they want to avoid wordsmithing if possible. LaCost asked what comes next once the Senate approves the Policy. Associate VC Hamernik stated that the Chancellors will need to approve the Policy and they have already been made aware of the timeframe.

Shea stated that he does have some concerns with some specifics in the guidelines, particularly with the appointment of committee members. He questioned why the Office of Research appoints everyone on the committee and suggested that the Faculty Senate should be able to make some of the appointments. He noted that the faculty would be more comfortable if they were more actively involved in the process. He said he will send his suggestions to Associate VC Hamernik.

Schubert asked if Associate VC Hamernik could attend the April 24 Senate meeting to address any questions that may arise about the Policy. Associate VC Hamernik stated that she can attend this meeting.

3.0 Announcements

3.1 Meeting with Director of Parking & Transit Services

Griffin reported that the Executive Committee will meet with Director of Parking & Transit Services, Dan Carpenter sometime this summer. She noted that he has not yet received the final report from the consulting firm that reviewed parking on campus and requested that the meeting be later when he has had the opportunity to review the recommendations of the report.

4.0 Approval of 4/4/12 Minutes

Wysocki moved for approval of the minutes as revised. Rinkevich seconded the motion. Schubert suggested that the minutes include the link to the current policy on computer uses that Griffin provided to the Executive Committee. He stated that he would like to see some of the discussion about the policy included in the minutes. Griffin stated that she would include language regarding the policy in the minutes and will send the changes to Schubert for his review and approval. Shea stated that the Executive Committee can approve the minutes with the understanding that the suggested changes will be made and approved by Schubert. The Executive Committee approved the minutes with the addition of the requested language.

5.0 Unfinished Business

5.1 Draft Comments on Campus Blueprint

LaCost asked if there were any changes to the draft memo she sent out on the Executive Committee's comments and concerns with the Campus Blueprint. She stated that if anyone has further comments they want included they should send them to her. Schubert suggested that the memo be sent to SVCAA Weissinger and VC Green as well as to Dean Cerveny and Associate VC Goodburn.

5.2 Update on Survey of Non-Tenured Track Faculty Members

The Executive Committee reviewed the responses that have been received to date. The Committee agreed that SVCAA Weissinger and VC Green should be notified that the survey is being conducted. Schubert pointed out that the Executive Committee needs to follow up on the survey soon. Purdum agreed and stated that follow up with the non-tenure track faculty members is crucial. She suggested that the analyzed results should be presented at a Senate meeting.

The Executive Committee agreed that an email message reminding non-tenure track faculty members of the survey should be sent out and that a closing date of April 27 be listed in the memo.

6.0 New Business

6.1 Agenda Items for SVCAA Weissinger and VC Green

The Executive Committee identified the following topics for discussion with SVCAA Weissinger and VC Green:

Campus Blueprint

Why are there no increases in student enrollment figures for next year

What strategies are in place for using the VSIP money

Notification of a survey being conducted of non-tenure track faculty members

How do extension positions fit within the return of investment criteria and how do we position ourselves

Update on Dean of Extension search

Targeting urban versus rural students

Discussion on evaluation processes and evaluating faculty members who work collaboratively with other faculty members.

International Housing Issue

The meeting was adjourned at 5:12 p.m. The next meeting of the Executive Committee will be on Wednesday, April 18 at 3:00 pm. The meeting will be held in the Faculty Senate Office. The minutes are respectfully submitted by Karen Griffin, Coordinator and Pat Shea, Secretary.