

Northwestern University
Minutes of the University Senate Meeting
May 9, 2005

The University Senate held its second meeting of the 2004–2005 year on May 9 in Hardin Hall on the Evanston Campus. President Bienen called the meeting to order at 3:30 PM.

I. The minutes of the November 18, 2004 meeting were approved unanimously without changes.

II. General Faculty Committee Chair Eva Redei reported on the work of the Committee during 2004–5. By way of background, she reported that the GFC was authorized by the Senate in a resolution adopted April 22, 1939. The resolution was presented by an elected special committee which reported its belief 1) that the paramount question is the provision of a standing Committee from the faculties to represent the several faculties and the Senate before the Trustees; 2) that this Committee should be democratically elected by the several faculties from the four upper academic ranks; 3) that this Committee should take up the problem of the revised statutes and the most effective organization of the University Faculty. The closing section specifies the duties of the GFC. It shall be empowered to consider any matters of general University policy on its own initiative when matters are referred to it by the faculty of any of the separate schools, by individual members of the faculty, by the President, the Dean of Faculties, or by the deans of the schools.

The GFC today is the steering committee of the Faculty Senate, consisting of nineteen representatives from all Schools. All member slots are currently filled. The year of 2004–2005 has been a productive year for the GFC. The major achievement of this year has been the continuation of the research issues initiative and the establishment of the General Faculty Forum Blog. Both of these initiatives aimed at improving communication with the faculty and boosting participation in university governance.

The GFC is organized into subcommittees, each led by a GFC member, with additional members elected from the faculty at-large. The mission of any subcommittee is open to revision as circumstances require in the near future.

The Budget and Policy Subcommittee, led by Deborah Lucas of Kellogg, continues to explore ways to become better informed about the budget process. Specifically, it looks for ways the Administration could make budget information available to the broader faculty in an accessible and reasonably up-to-date form. Another issue under discussion is whether compensation for administrators is sufficiently competitive because of its potential impact on the quality of support for Northwestern faculty. The issue of grants will come under discussion in the near future.

The Benefits Subcommittee, chaired by Abraham Haddad of McCormick, is concerned with working with Human Resources on long-range plans for health care in the face of rising costs. This will help to set parameters for 2006 and the five years to follow. Meetings were held with the NUSAC benefits subcommittee. They continued to explore the demand for other voluntary insurance programs and to establish a smooth curve to compute health care premiums.

The Faculty Development Subcommittee has not met this year and will need to develop a more defined mission for the future. However, its chair, Martin Mueller of WCAS, made major strides to launch a General Faculty Forum Blog, a weblog hosted by the Library at which faculty can access and comment upon issues. The blog topics are selected from the minutes of the GFC or from correspondence of the faculty to GFC members. Currently on the second round, the blog has faced and unearthed some issues. First is the question whether this faculty communication should be anonymous or not. Several faculty members expressed their wish to have remained anonymous when discussing issues regarding faculty existence. This question will be further explored in the next topic on the Senate agenda, namely the establishment of an office for the ombudsman.

The Education Subcommittee, led by Bruce Wessels of McCormick, is focused on intercollegiate athletics and its role in education. They have worked with the Coalition On Intercollegiate Athletics (COIA), an alliance of over forty-five NCAA Division IA faculty senates. This year the coalition addressed questions of admissions, scholarships, curricular integrity, time commitment, missed class time, and scheduling of competitions, policies concerning the office of academic advising for athletes. The Coalition developed a document in consultation with representative members of the faculty governing bodies. A working document was developed at a meeting of the Coalition at Vanderbilt University in January which Bruce Wessels attended on behalf of the GFC. A final document was submitted to the Coalition for a vote in March. The executive summary of the document is given on the GFC web site. The Coalition members voted 30–1 in support of the document, with Northwestern voting in favor. The Coalition is now working with the NCAA leadership about some of the proposed rule changes. The Coalition is also discussing issues with a faculty athletics representatives (FAR) working group. A number of best practices are under discussion. In the future the Coalition and its steering committee will have opportunities to meet with various outside groups to discuss issues of financial management and cost control in intercollegiate athletics, and the appropriate principles to guide commercial engagement. The Coalition leadership expects to be learning more about these issues from a national group of athletic directors. Most significantly, the steering committee has been told that we will have opportunities to interact with the finance subcommittee of a new NCAA presidential task force on athletics, and later in the summer with the task force itself. The GFC through the Education subcommittee expects to continue to be an active participant in Coalition activities on financial management and cost control in intercollegiate athletics.

The Research Subcommittee, chaired by Professor David Buchholz of the Weinberg College of Arts and Sciences, reported that the subcommittee continued to research the issues “hotline” which was initiated late last academic year. This hotline allows faculty to communicate their research issue concerns to the administration via the subcommittee who also monitors the response. This is another path for communication between faculty and administrators. There were some initial start-up problems as we learned how best to get messages to the appropriate administrators. There have been two bulk mailings to the faculty urging them to send their comments and concerns to researchissues@northwestern.edu. In both instances, the number of comments peaked soon after the mailing and then decreased. We will continue the mailings as a technique to keep the awareness of this service higher. This process is completely independent of the recent EthicsPoint “hotline” process established by the administration using an outside company.

During the present academic year, administrators have responded to the majority of the issues raised by faculty. Some issues were not specific enough to warrant an administrative response while others were of too local an interest to pursue at the top administrative level. For the most part the administration has been quite responsive and helpful.

A major concern discussed in committee and in messages from faculty is the role of the Institutional Review Boards. The issues raised include questions of procedure, uniformity, consistency, and responsiveness of the boards. Other issues discussed included the management of institutional vouchers, compliance issues with effort reporting, the evaluation of limited submission proposals, availability and quality of support services, and comments about the research office itself.

The GFC dealt with other issues not summarized above, but reported in the monthly minutes of the meetings that are posted on the web site.

III. GFC Chair Redei then presented arguments for establishing an Office of Ombudsperson. The establishment of the office of the Ombudsperson, she argued, is ever more important in the current milieu as there is an increasing regulatory environment in the everyday life of the university. This increase in regulations translates to more paperwork for the faculty and a more threatening environment.

The rules are fulfilled by establishing reporting avenues, such as the whistle-blower policy for animal concerns (this is how it is referred to at inspections and during any discussion of the animal protocols), the EthicsPoint hotline that basically centralized all other reporting and serves to solve problems with potential legal consequences. The reporting follows a predetermined pattern, having a paper trail that can be accessed and used during later discussions. These reporting mechanisms have no human component, no mediation and are very threatening in nature. Redei read some comments she has received from colleagues at Northwestern regarding the hotline method. "Encouraging anonymous reports makes the problem worse and creates an impression that such transgressions are common for a part of our culture." "The need for such a site doesn't make us look very good [and] creates a culture of suspicion." Regarding the commercial EthicsPoint site, "What percentage of cases submitted this way have been found to be actual violations? What percentage are frivolous? We have no information." "We need to follow these things through; we need to provide legal representation to faculty who are falsely accused." "We have lost the basic right to face our accusers. That is serious. There is no reason why we should have adopted an anonymous system." This is a tiny sample of the responses. There is no human face on the other side of this coin, and this is one argument for establishing an office of ombudsman.

The ombudsperson, in contrast to the existing impersonal hotline, has a long and honorable history as a human means of protection against improper treatment, unfairness, and bias. The Office of the Ombudsperson maintains confidentiality; it can be breached only if there is a danger of imminent bodily harm to either the visitor to the ombudsman's office or to another. There is a standard vocabulary used by the association of ombudsmen, with concomitant rules and ethics. An ombudsman assures anonymity: the records of the ombuds office are accessible

only to the members of the staff of the ombuds office. Documents with the names of visitors should be shredded regularly. Such an office also maintains independence. The ombudsman, appointed by the president and usually reporting to the provost, is independent of all existing administrative structures of the University. This structure maintains impartiality: the ombudsperson works toward resolution of problems based on principles of fairness, regardless of the parties involved. The ombudsperson does not take sides. The rights and interests of all parties will receive equal consideration. For access to information, the ombudsperson has access to official files and information that is required to fulfill his/her functions. Any request from the ombudsperson must receive the highest priority from every member of the community. An ombudsman's tasks include listening to and discussing questions, concerns and complaints; assistance in evaluating possible options; explanation of the University and School policies and procedures; referral to appropriate individuals or offices; coaching individuals to resolve problems on their own; informal facilitation of meetings between individuals in conflict, but only at the request or with permission of the visitors; mediation of conflicts; referrals to formal grievance when informal processes have been exhausted. The role of the ombudsperson does not include adjudication or participation in formal grievance processes, testimony in any court-initiated proceeding, administrative or academic decision making for others, determination of guilt or wrongdoing of anyone involved, investigation of a formal nature, providing legal advice, or psychological counseling or therapy.

For example, a graduate student thinks that the advisor is asking him or her to reproduce findings of the advisor that cannot be reproduced and therefore must be forged. If the student makes a formal complaint, there will be a complete paper trail following the complaint and the investigation will determine whether the student is right or wrong. However, both the student and the advisor will suffer in the process. An ombudsperson can discuss the options with the student, including suggesting that the student carry out the experiment together with the advisor or ask the collaboration of another faculty to carry out the specific experiment without discussing the suspicion.

In another possible situation, a faculty member is claiming that his/her discovery was plagiarized by another faculty member. Using the current system, it will require an investigation from the beginning. Using the ombudsperson, the two faculty members may start to discuss the disagreement in the safety and confidentiality of the office of the Ombudsperson.

In conclusion, Redei argued that the time has come to consider appointment of an ombudsperson at Northwestern. The office has a long tradition at many universities across the U.S. and Europe, including institutions of a rank similar to Northwestern's.

President Bienen commented that while this is a move with good precedent, it may be asked whether Northwestern wants to add another set of appointments, expenses, and layers of administration. The paucity of responses to Redei's request for comments could reflect a feeling that members of the faculty do not perceive a major problem. The hot line that has been established in response to Sarbanes-Oxley Act of 2002, not as a mandated response but as a precaution suggested by a Trustees' committee. This has happened not just here but at many universities. Consequently, Northwestern now has a compliance officer who has considerable independence. There is an auditor who reports to the President but also has a direct line to the

Board of Trustees. A legal office also exists for the resolution of problems. There are therefore several places at which both information and grievances can be brought before the University. The President himself gets numerous anonymous letters, usually accusing staff members or faculty of misconduct. As they are anonymous, he cannot respond to them, and there is little he can do beyond turning them over to the legal office, the compliance office, or the auditor to do whatever investigation is possible. As for being unable to face one's accuser, Bienen remarked that he would like to know who feels he/she has been somehow abused or unfairly accused at Northwestern. He would need some sense, he said, of how many people feel themselves victims of unfair treatment before he is eager to undertake the expense of an ombudsperson and the necessary office and secretarial support, which could run into hundreds of thousands of dollars when so much money is already being funneled into research administration. There are already so many channels of appeal of so many kinds that we should know who has used those appeals and still feels unfairly dealt with. University Counsel Thomas G. Cline commented on the EthicsPoint hotline, established in part at the suggestion of the audit committee in response to the Sarbanes-Oxley mandate for an anonymous intake mechanism for complaints of fiscal improprieties at publicly traded companies. The point of this provision is not to prevent people from confronting their accusers, but to ensure that people who might not otherwise come forward with their concerns will be encouraged to do so. EthicsPoint serves only as a central reporting system; complaints that come in are still being sent on to various portions of the University that are charged with reviewing complaints in a particular area, whether it is sexual harassment, academic misconduct, research noncompliance, etc. The procedures that we employ require that people to confront their accusers: we cannot go forward with most complaints where the accuser refuses in the end to stand behind the accusation. That basic right is not lost because we have established an initial mechanism. Other institutions have set up ombuds programs; but in the programs Cline has seen, the ombudsperson serves chiefly in the role of a traffic director, referring matters to the appropriate office rather than settling complaints directly and in person. A critical point to keep in mind is that an ombudsperson does not necessarily ensure some form of confidentiality. Courts are divided on whether such a privilege exists. If anybody feels an adjudication system in the University works unfairly, that should be investigated. But the ombuds system does not afford a panacea.

Redei commented that she does not envisage a solution as such. As the regulatory requirement becomes stronger, we are being moved under a microscope. Any deviation from an absolute norm is a potential complaint that can be reported. When a complaint goes to EthicsPoint or any such official hotline, it will be investigated. The whistle blower is protected by the law; but the person complained against is protected by peers or by the effectiveness of the university system. This is contrary to American law, she argued. There is no defense mechanism other than the ombudsperson. Examples provided her by faculty colleagues do not show the ombudsperson to be merely a traffic director; that role applies only to a remainder of cases that cannot be resolved and must be delegated to another office or process. A student alleging fraud in a research project where a result cannot be reproduced may be heard in an ombudsman process. Granted that there are financial issues in the establishment in this additional recourse, Redei expressed the feeling and fear that as procedural requirements multiply, there is increasing disenchantment with them and a feeling of uncertainty or discomfort with existing processes.

President Bienen replied that the requirements placed on people are typically not the University's

but those of the National Institutes of Health or other funding agencies. We must pay attention to them whether or not we agree with them. When the University runs afoul of a regulatory agency, settlement may come at a high price, as exemplified by a recent \$5.5M settlement of a case initiated by a whistle-blower. He is not aware that any member of the faculty found out of compliance in their research suffered any penalty whatsoever. Being in compliance with sometimes confusing and contradictory regulations is a condition under which the University lives. How we handle the concerns that have been described has not, so far as the University is aware, been the subject of unhappiness.

Charles Thompson recalled that several years ago University President Robert Strotz had appointed a committee, of which he was a member, to investigate the possibility of an ombudsman. After about a year, the issues that had suggested the need for such an office quietly disappeared. The committee was unable to find a function that was not being performed by existing institutions within the University. If this question is now to be reconsidered, it is not a matter to be discussed for 30 minutes and voted upon. Whatever the costs of an ombudsman, there has to be a problem that the proposed office solves that is not being solved in existing ways.

Carol Simpson Stern remarked that the call for an ombudsperson has been more or less constant. The tasks of such a person as described in the GFC proposal are very much driven by funded research. There is a host of other reasons to have an ombudsman that are not reflected in the present discussion.

In support of this view, another member added that given the number of additional demands made on us and the consequent financial costs that the University bears, an ombudsman is a wise investment, quite cheap in proportion to the outcome. The many regulations, some of them apparently contradictory, find the several offices detailed upon compliance working in isolation from each other. From the standpoint of a faculty researcher, it is difficult to know what all the regulations are. They come in from various perspectives; if there were an office in place that knows the regulations and can help coordinate compliance, there would be an overall reduction in violations and oversights.

President Bienen responded that there is such an office in place. Provost Lawrence Dumas added it is hard to imagine that a single ombudsperson would have all the knowledge required. He mentioned two recent examples where we have appointed persons of this kind who were specialists in a given portion of the whole regulatory picture. One is in sexual harassment, where we expect to benefit from a person to whom students and faculty can go to play the kind of role that Redei identified. A second area is in the realm of research: a research integrity officer familiar with the regulatory aspects. The traffic regulation role is necessary where there is a need for sub-specialists.

Replying to a question whether statistics from other institutions are sufficient to indicate the existence of a problem, Bienen remarked it would be good to have such figures here as well. Cline added that Northwestern is one of a handful of schools that have just implemented this automated hotline. The data we get from other schools suggests that in the first year we might expect a number of complaints involving some 3% of our employee population. On this basis,

we were anticipating about 200 complaints a year. Since launching our complaint input system two weeks ago, we have had seven complaints. He offered to correct what he felt might be a misconception about this hot line. When the comment was made that people make an anonymous complaint in which whistle blowers are protected and the accused are not, it was not understood that the hot line will ask preliminary questions, then refer the complainant to the appropriate office of the University. Procedural rules will then make it clear that if the complainant will not come forward and identify him- or herself, we cannot pursue the complaint. Bienen added that whistle-blowers' identities are not concealed when they make a complaint to a federal agency. Cline explained that whistle-blowers are protected from retaliation by federal and state law. In the recent effort reporting case where the University was required to pay out \$5.5M, they did not learn the identity of the complainant until after they had written the check to the Justice Department. Bienen remarked that when he receives an anonymous letter alleging some violation he too acts as a traffic manager by sending it to the legal office and when appropriate also to the vice president for research or the vice president for student affairs. But he has not been aware of anything like a star chamber court in which people face anonymous accusers without due process or representation. If there is a civil or criminal complaint involving faculty, he is not aware of the University having dealt unfairly. He remains skeptical that an ombudsperson would add protection that is not already present in the University's procedures.

Robert Decker suggested that a revision of the faculty handbook was due in which some of the issues raised by Professor Redei would be discussed and faculty could be told where to go with various types of complaint and what safeguards to expect. Bienen agreed this would be a good idea. People want to know that there are compliance and auditing offices, as well as offices in Student Affairs.

Alan Taflove spoke in support of the Ombudsperson proposal as more than a "traffic cop" proposition. It is rather a first-level means of resolving an issue which if not resolved would go into other university processes. His own recent experience, in which he was accused by a faculty colleague of plagiarism, might have been resolved earlier had there been an ombudsperson to negotiate a settlement before going into a lengthy, emotionally taxing, and expensive process at a higher level. He did not question the fairness of university processes, but rather the lack of opportunity for an earlier negotiation. The process in which he is now entangled could and should have been avoided at the outset without the months of torment that he and his wife have undergone. A preliminary conversation rather than a "traffic cop" at the beginning would have been a far better procedure. Bienen replied that without knowing the particulars he was in no position to judge whether this case could have been negotiated in advance. Taflove responded that being accused involves the need to defend one's entire professional career. Institutionally, it calls for some instrument for judging the nature of an accusation before invoking the machinery or formal process. It is possible thereby to mitigate or avoid using such machinery and thereby spare an innocent person who has been wrongly charged. The unfairness of existing procedures is heightened by the months of delay they entail, he said.

Provost Dumas responded that based on his familiarity with the case, Taflove's argument is an example of expecting too much of an ombudsperson. In a case where two Northwestern professors come into conflict, the University has a pre-grievance process to scrutinize the accusation for its possible merit. This process involves a review by faculty peers; it is difficult to

imagine how it could be avoided. The proposed ombudsperson would be asked to make the same judgment that is now made by faculty peers. There is too much variability in the complaints brought forward, he argued, to expect that a single officer will be equally qualified to evaluate all of them. President Bienen seconded Dumas's view, but stated that he would be willing to review the question on an ombudsperson and faculty views about the need for such an office. Institutions such as Princeton and Columbia that have this service will be able to provide some insight into its usefulness. Legal counsels would be one source of assessment, as the matters mediated by ombudspersons are of a quasi-legal nature. Daniel Garrison noted that the conciliation proceedings carried out in the University Hearings and Appeals System have had considerable success in resolving disputes involving students before they reach the level of formal adversarial proceedings. Carol Simpson Stern suggested inquiring what the payoffs have been at institutions similar to Northwestern if they have been able to prevent the development of a dispute into formal proceedings. It would be particularly valuable to know if the procedures at other schools are dealing with faculty issues and vulnerabilities as well as student affairs. Bienen agreed, but added that when federal officials come into the picture it is not faculty members but administrators who are called to account. In such cases, the ombudsperson is not the conciliator of choice. In response to a question of James Lindgren whether other institutions can tell us about the proportion of matters judged frivolous, Bienen replied that grievances do not generally generate apathy, making such estimates deductions rather than proven conclusions. Cline added that data will be slight, as the system of handling allegations is relatively new. In concluding discussion, President Bienen said he would consult further with James Lindgren and Lewis Smith.

IV. James Lindgren next presented a report on the evolving agenda of the Institutional Review Board. In a long-term program aimed at changing institutional culture, he observed, the Administration has been cooperative in discussing reforms, open to ideas, and genuinely committed to improvements. One objective has been to streamline the approval process to get blanket approval for certain databases, open-ended research, revisions in research plans, and continuing annual reviews. A more fundamental challenge is to change procedures that resemble star chamber courts. Under the English star chamber procedure in the late 1600s, the government instituted a system of censorship that was delegated to the universities. To publish a book, permission from the censors was required. That system was in fact less intrusive than the one employed today by IRBs: less aggressive in requiring changes, less prone to kill books than many IRBs are to kill most of the projects brought before them, and unconcerned with research. Star chambers acted only to restrain publication. IRBs have and exercise the power to prevent the development of knowledge before it can be published. The primary purpose of the First Amendment to the U.S. Constitution was to end such prior restraint by a censor. Under current rules, a researcher is not permitted to download databases to answer a question if the result will appear in publication. It is not permitted to download publicly available databases. Though they are exempt, University policy requires prior approval for their use in exempt research. In contrast to the Patriot Act of 2001 which gives the U.S. Government the right to inspect the research of a scholar in a library, restrictions on IRBs are more intrusive by prohibiting the conduct of research without prior approval. The Government requires IRBs for federally funded research and for several other classes of research such as drug-related research; it further requires federally funded projects to have an overall ethics system for the rest of your research. Though an IRB system is not required for the oversight of such research, almost every university chooses

this system. The University of Chicago has recently opted out of that system based on a movement from their faculty. If Northwestern follows suit, we must have a research ethics system. But it does not have to involve prior restraint. Journalists could not function under a system that requires prior approval. Any research may be similarly hampered, Lindgren argued. Other problems and disadvantages of IRBs include the loss of research. If research related to medicine is discouraged, patients will have less good lives, or they may die. Research suggests that danger to research subjects is low. IRB restraints also discourage open-ended research designs, but many projects require the flexibility to follow where outcomes lead. The IRB model prescribes the replication of somebody else's research because that is the only kind whose protocols and outcomes can be predicted. Signed informed consent is another potential hindrance; its chief beneficiaries are the regulators. There is less confidentiality, and less good data to the extent subjects may be discouraged from participating if they must sign a form before being interviewed. While justified before an invasive medical procedure, signed informed consent is inappropriate prior to something like a voluntary street interview about political or economic behavior. The IRB system tends also to encourage data destruction when data sharing is preferable for later refinements in analysis and for training of students in the use of data. Details of presentation such as using bullet points instead of paragraph formatting have been grounds for IRB rejection of research projects. Student training has suffered from restrictions of this kind and mendacity is promoted when reporting that faculty are primary investigators instead of students. Where did the university surrender the right of students to conduct research? A Northwestern student doing PhD work must say that he is the primary investigator while at Chicago he must say that his thesis advisor is the P.I. Further, IRB members may be judging work done in a department other than their own; but the same referees may not even be part of the University. The majority of IRB members or alternate members for social science listed on the Northwestern website are members of the outside community: the law requires only one member from the community. To abate these problems, one recourse is to reform the IRB system: the timing of reviews, the degree of interference, reduction of the number of laymen from the community serving on IRB committees, and correspondingly increased participation by faculty members will all contribute to needed reform. Another recourse is to opt out of the IRB ethics system for most of our research where it is not required. Except where required by law, the University should not subject its research to prior restraint. If in its next contract with the Government the University does not agree to IRB coverage except as required and does not agree to have members of the general public sit on committees where not required by law, we should consider making common cause with other institutions to challenge the system in the Seventh Circuit where it is likely to be struck down, at least for social science research. Faculty policies should promote data sharing and discourage data destruction. The Administration and GFC should continue working in this direction. There will be some blogging on this matter as well: articles critical of IRB restrictions on research will soon be published and will be posted on websites. In summary, Lindgren argued the system should be reformed internally with the expected cooperation of the University administration. We should de-legitimize the system as contrary to the values of the university and end it in cooperation with other universities.

V. Lewis Smith was the next to speak on IRB issues. A biomedical model is appropriate for human subject review, he stated, if fitted to have some relevance to research in the humanities and social and behavioral sciences. Historically, it is only about four years ago that a separate social and behavioral panel was established on the Evanston campus is an attempt to engage

panelists with the expertise to perform reasonable reviews of this type of research. The Office for the Protection of Research Subjects (OPRS/IRB) advisory committee has been functioning for more than a year and is equally representative of the Evanston and Chicago campuses. Data sharing is in fact required by the NIH. Opting out of the IRB system has been discussed. One possible drawback is the necessity of operating two parallel systems which could result in a loss of efficiency. The University of Chicago's IRB for social and behavioral studies is completely separate from the medical/biomedical IRB. Some Evanston campus research would still require government-regulated IRB processes. Logistical issues can, however, be managed. More faculty members are still needed to serve on the panel in Evanston. Any suggestions for their recruitment will be welcomed. Provost Dumas commented that an open and rigorous approach to the question of regulating research is in order, but cautioned that complexities must be taken into account. Martin Mueller observed that it seems there were things going on prior to imposition of controls which should not have happened and that did harm. The regulatory environment was a needed response to needless abuse before it grew out of control. Lindgren responded that the proposed parallel system does not need to involve prior restraint or prior approval; it does mean there should be standards and rules that are more specific than before. So long as these are followed, there is no reason why researchers should have to report unless it is a report of research conducted. This would greatly reduce the burden on IRBs. Smith added that Bruce Sherin, chair of the Evanston panel, was unable to attend but reports that his group has considered the issues discussed today. They have started to develop a modified model; the current system is protocol-driven where an investigator-driven model could be substituted. This model would concentrate on the qualification of the researcher for the proposed project. The initial submission would be rather broad, with more frequent reporting of accomplishments, for example every four months instead of one yearly. Karen Hansen remarked that the alternative sounds as nightmarish as the existing IRB system because it does not fit for the social sciences. In the four academic institutions with which she has been associated, Northwestern has had the most extraordinary rules for research: she was expected to sign on for her graduate student to get a grant, saying she was the principal investigator. This was a complete lie, forced upon her by what is supposed to be a code of ethics. The IRB system, she said, has run amok. Smith countered that Northwestern is not appreciably worse than the average; we have produced potential solutions to identify someone in the department or research unit to perform screening to sign off on projects. There has to be some level of approval, whether it is an IRB or an appropriately trained faculty member acting as a principal investigator of record. Responding to a question of how Northwestern has been affected in faculty retention and hiring because of its subversive implementation of the rules, Lindgren guessed that there has been little or no effect because Northwestern is not unique in this way. But there is likely to be a positive effect in the future, Smith added, if Northwestern develops a streamlined system that is legal and that others find acceptable. Northwestern should be a leader in both compliance with regulations and defending First Amendment rights. Regulations should not be added on top of existing federal rules. For example, University policy requires people who have been found guilty of violating it in the past must contact University Relations before talking to the press, even after the research has been approved. He recalled being asked on one occasion whether his IRB-approved research was controversial. President Bienen commented that if this true, he doubts it is much honored. Lindgren explained that the research office is the focal point for public relations; there is a form that is filled out giving contacts of the public relations staff dealing with a particular story. This chiefly concerns television appearances regarding biomedical studies with a new drug, he said. But in the ensuing

exchange a recent incident was cited in which social science research was subjected to similar efforts by University officials to control access to the press. Lindgren stated that if we wanted to observe how our students cross the campus on sidewalks or the grass we are not allowed to make those observations without prior approval, and research proposals are almost never approved the first time.

VI. President Bienen closed the meeting with brief remarks. From the University's point of view, we would like to be able to do as much research as freely as possible. He has not been aware that one needed prior approval to download a data set. He presumes the data set created in his own research is being frequently downloaded; it is used in various journals, and his permission is asked only as an occasional courtesy. He asked the GFC to convey his announcement to Bruce Wessels that Northwestern has again won the award of academic achievement for athletics in Division One sports with specific reference to football by having a 100% graduation rate. This is the second consecutive year in which we have had this success. In football, we are the only Division One school in the nation with this record.

The meeting was adjourned at 5:15 PM.

Respectfully submitted,

Daniel H. Garrison
Secretary to the University Senate