

Professional Concerns Committee Minutes for April 6, 2017

SU 109
3:15 pm

Members in Attendance: K. McErlane, S. Alexander, Maggie Whitson (sub for Kirsten Schwarz), K. Ankem, J. Farrar, S. Weiss, Cynthia Thomas (sub for G. Newell), L. Wermeling, A. Watkins, B. Buckley, A. Miller, K. Fuegen, S. Nordheim, M. Torres, J. Hammons, T. Bonner, B. Zembrodt, J. Gilbert, S. Finke, B. Puente-Baldoceda

Members Not in Attendance: K. Katkin, D. Dreese, Y. Kim, H. Ericksen, B. Mittal, M. Carrell, K. Sander, S. Neely,

Guests: Provost Sue Ott Rowlands, Dan Nadler, Lois Hammil, Sue Griebing

1. Call to Order, Adoption of Agenda

2. Approval of Minutes from PCC Meeting of March 16, 2017 – **Provost’s statement on Page 3 was changed from “The Provost stated that under current budgeting processes, a delay in the annual performance review would correspondingly cause a one-year delay in any merit raise awarded.” to “The Provost stated that under current budgeting processes, she was concerned that a delay in the annual performance review may cause a delay in any merit raise awarded.**

3. Chair’s Report and Announcements

- S. Weiss served as acting chair in K. Katkin’s absence.
- Several NKU Regents visited Faculty Senate on March 27 to discuss the forthcoming Presidential search. S. Weiss relayed K. Katkin’s written account of that visit. K. Katkin reported that the faculty will play essentially no role in the presidential search, which will be conducted secretly and quickly. The faculty will never know the identity of any candidate for the Presidency except the one who ultimately takes the job. No open meetings with Finalists will be held on-campus. Faculty Senate will have no role in the process. A new President may well be in place before the beginning of the Fall 2017 semester.
- “Faculty listening sessions” will be held on-campus on Monday, April 10 from 12:00pm – 1:00pm in University Center 270, Otto Budig Theater and on Thursday, April 20 from 1:00pm – 2:00pm in Student Union 109. These “listening sessions” will allow individual faculty members to provide one-way input to the search committee. But the present search committee will not engage in the “good faith consultation with faculty bodies” or the strong consideration of faculty

opinion that the NKU Statement of Collegial Governance deems “routine” for Presidential appointments at NKU. Instead, the role that faculty will play in this search is identical to the role played by staff, students, and external community members. But governance in the selection of the President is supposed to be shared between administration and faculty. K. Katkin wrote that providing input is not sharing governance. The faculty is entitled to more.

- The Provost replied that Presidential searches are changing in the U.S. To recruit the best pool of people who don't want to put their jobs at risk, they want to be guaranteed confidentiality.
- The Provost noted that four faculty members are on the 19-member search committee. She said that search committee has been charged with finding the candidates that the campus community wants. Forums are in place to define the kind of candidates we want. When the top candidates come to campus, small groups of faculty, staff, and students will be able to meet with the candidates, though to do so they will need to sign non-disclosure agreements (as search committee members already have been required to do). The search process is designed to protect the confidentiality of all candidates, though the Provost noted there are no guarantees of confidentiality.
- K. Katkin wrote that the Regents did not categorically rule out salary raises, but did say that controlling tuition increases is a higher priority. Chairman Boehne added that he would cut tuition if the budget allowed it, and that cutting tuition would be a higher priority to him than giving salary raises to faculty and staff. He explained that the Regents have a lot of things they'd like to do, including giving salary raises. But that they have to prioritize these objectives based on market imperatives. Students are highly sensitive to tuition both in making initial decisions where to go to school, and in terms of retention once they're here. Faculty retention is less sensitive to the lack of salary increases.
- The Provost stated that the Board of Regents is concerned about the cost of education for students, but realizes that rewarding employees is also important. Although the sticker price for tuition is going up, students are only paying about \$700 more than they were 6 years ago. So the students are not bearing the brunt of tuition increases. Money has been reallocated to scholarships. The Board is starting to understand. On the agenda for the April 26 Board meeting is budget approval. The budget is being prepared to include 4% tuition increases and 3% compensation.
- The Faculty Senate approved new Faculty Handbook amendments that will implement biennial RPT review, by a majority vote.
- The “Statement of Solidarity” recommended by PCC was approved by Faculty Senate without dissent.
- The administration has issued a new draft policy under review entitled “Responsible Conduct of Research Training.” The policy would recommend or require every NKU faculty member to undergo online training in best practices for

conducting data-driven research. The training module is a commercial product, provided by the Collaborative Institutional Training Initiative (“CITI Program”), an educational consulting firm. It is the CITI Level 4. PCC will discuss the NKU policy proposal at the April 20 meeting.

4. New Business

- Discussion Item: **Early Childhood Center** (1 attachment)

Guest: Dr. Daniel P. Nadler, NKU VP for Student Affairs

D. Nadler stated that several years ago, a task force for the Early Childhood Center (ECC) was created and charged with building a solid financial foundation to enable ECC to be sustainable. Work has been ongoing on the recommendations from that task force. One recommendation was to find an external business partner. An RFP is now out to find a partner to run the ECC in a high-quality, sustainable fashion. The deadline for proposals under the RFP is April 15. If, after reviewing the proposals received, the reviewing committee feels that none are of sufficient quality, then NKU does not have to proceed.

D. Nadler stated that the goal of seeking an external partner is to create a sustainable model that needs no subsidy beyond the tuition funds it generates. He noted that increases in KERS retirement costs have increased the expenses of the center. A PCC Member questioned whether any child care center can operate solely on the funds generated by tuition. The Provost replied that the university’s goal is to stabilize the ECC by deciding on what value the ECC brings, and then to stop doing patch work as has been done recently. D. Nadler stated that the ECC provides great value to the NKU Community.

To date, the ECC has subsidized the cost for students to bring their children to the center, and has allowed part-time use of the center by faculty members. D. Nadler expressed hope that an external partner would continue to allow part-time use of the center by faculty members, and an expectation that subsidies for students would continue. He said that NKU’s first priority is facilitating student success, especially those on Pell grants.

The university currently subsidizes ECC by about \$200,000 per year, including the costs of KERS retirement contributions and also costs of cleaning, heating, cooling, electricity, etc. KERS contributions are the largest component of this \$200,000 shortfall. External providers may be able to keep costs down by not needing to shoulder the KERS retirement constraints that NKU has, and also through economies of scale achieved by spreading costs over several childcare centers.

A PCC Member stated that maintaining the current *status quo* is not good enough. The goal should be to improve the ECC. The ECC was previously nationally accredited, but has lost its accreditation. Improvement in quality is dependent on people. How can quality be maintained when costs are cut?

A PCC Member asked who will review the proposals that are submitted? The process will be confidential, but D. Nadler will reach out to informed stakeholders for a thorough review. The Provost recommended that faculty members be included on the RFP committee. At Mr. Nadler's invitation, PCC Member J. Gilbert agreed to serve on the reviewing committee.

A PCC Member asked whether ECC is used for education purposes by student workers? The concern is that an external partner might not be willing to work around student workers' class schedules, as ECC does now. D. Nadler did not immediately recall the number of student workers employed by ECC. He did note that any external partner would be obligated to retain the current staff for the first year after taking over.

Visitor – ECC faculty member Sue Griebing had questions concerning the quality of the ECC when it is run by an outside agency. How will the quality of the agency be determined? Who will do the visitation? What about the philosophy? How will we assure that the philosophy is maintained? D. Nadler responded that there is an expectation for quality. It will be written into the contractual agreement. He will also ask faculty to be on the committee. The committee will take the time necessary to review all information and make the best decision possible. D. Nadler stated that the university wants to keep the ECC open. The Provost emphasized that if an appropriate external partner is not found, the university will provide funds through base-budgeting to ensure that childcare services remain available on-campus.

PCC Members willing to serve on the Committee are encouraged to email D. Nadler.

5. Old Business

- Voting Item: **Research Data Management, Policy Proposal** (3 attachments)

Based on PCC's discussion on March 16, 2017, K. Katkin prepared draft comments for filing in the administration's notice-and-comment policy proceeding. The PCC and some guests discussed these draft comments. Guest Lois Hamill, University Archivist, visited PCC to express additional concerns about the administration's proposal. Prof. Hamill stated that the policy should distinguish "*the archives*" from "*an archive*" to clarify that not all research data needs to be archived in Steely Library. The Provost agreed that not everything has to be archived here. There are other appropriate repositories. Some data does not need to be kept. Archivists may be able to provide support and advice, but data management is the responsibility of the principal investigator. The Provost recommended submitting PCC's comments and making sure the details with the library are worked out. The Provost stated that this policy won't be signed off on until this is all sorted out.

To K. Katkin's draft comments, on motion of J. Hammons, PCC voted to add the following paragraph: **"While Steely Library and the University Archives want to be**

an active participants in research data management, there are significant concerns among library faculty and administrators as to what this policy, as drafted, might entail for the library/archive and whether the library/archive is prepared, at present, to play the role it has been assigned in the policy. In particular, there are concerns as to whether the University Archives has the personnel and funding that would be required to meet the demands that this policy might impose. Representatives from the library request this policy be delayed until they have time to meet with the Vice Provost for Graduate Education, Research, and Outreach in order to determine the specifics of the involvement of the Library and Archive in research data management.”

PCC recommends that this policy be delayed until it is reworked

PCC would like to look at policy again after it is clarified. The Provost said that might be possible, depending on SACS schedule.

Vote was on the document as amended. Passed without dissent. As passed, PCC's comments appear at the end of these Minutes. K. Katkin will file them with the administration.

- Voting Item: **Performance Review Process During Faculty Leaves**
(1 attachment)

A motion was made to postpone consideration until the next meeting. The motion was seconded and it passed without dissent.

Meeting was adjourned at 4:50.

MEMORANDUM

To: Dr. Samantha Langley, Vice Provost for Graduate Education, Research, & Outreach
From: Professional Concerns Committee
Re: Proposed Research Data Management Policy
Cc: Provost Sue Ott Rowlands
Date: April 10, 2017

I serve as Chair of the Professional Concerns Committee (PCC) of the NKU Faculty Senate. On March 16, 2017 and April 7, 2017, the PCC discussed the proposed draft policy on Research Data Management. Based on that discussion, the PCC voted unanimously to offer the following comments and suggestions on the draft policy.

General Comments

The PCC agrees that NKU would benefit from having a policy that governs research data management. Although the draft proposal characterizes itself as a revision to an existing policy, the PCC is unaware of any existing policy that governs these issues, and believes that it would be beneficial for NKU to adopt such a policy.

The draft policy appears to be predicated on the salutary principles that researchers: (1) should keep their research data in a form that is intelligible to other scholars who seek to validate their results; (2) should preserve their research data and ordinarily should endeavor to share it; (3) should endeavor to comply with applicable laws, academic norms, and obligations to sponsors; and (4) can work with archivists in the NKU Libraries to store research data in an institutional repository. The PCC agrees with these principles.

Nonetheless, the PCC does not believe that the proposed draft policy is ready to be adopted in its present form. As detailed in the “specific comments” section below, the draft policy shows several telltale signs of having been hastily cut-and-paste from policies of other institutions that are available on the Internet. Within its seven pages, the draft policy: defines only three terms-of-art, but fails to use one of the three defined terms anywhere in the document; includes sentences (in different sections) that directly contradict one another; repeats an entire half-page of text after a two-page interval; contains superscripts that lack accompanying footnotes or endnotes; contains an incomplete short-form citation to what might be a book or article; and thrice associates hyperlinks to policies and offices of the University of New Hampshire with text that refers to policies and offices of NKU.

More importantly, however, because the draft proposal is poorly drafted and confusing, it fails in its essential purpose of providing needed guidance to faculty members. Indeed, various PCC Members (and other Faculty Senators) have expressed concern that draft policy would impose a list of new administrative burdens on faculty members that would be: (1) lengthy; (2) unclear in meaning and application; and (3) possibly unnecessarily burdensome to comply with. The PCC is gravely concerned that where clarity and guidance are needed, the proposed draft policy will instead provide a trap for unwary faculty members to get into trouble, or possibly a disincentive for some faculty members to engage in data-driven research.

Accordingly, the PCC recommends that before the proposed policy is adopted or implemented, the administration consider preparing a simple (but complete) checklist of obligations that principal investigators (and/or other faculty members) would be expected to discharge under the proposed policy. It would be especially helpful if this checklist would indicate which of these obligations are already imposed by existing NKU policy (or by law), and which would be new under this policy. Such a checklist would facilitate structured point-by-point discussion of the proposal, and would help build consensus in favor of a policy designed to advance goals that the faculty supports. Moreover, as a practical matter, it would be difficult or impossible to implement the proposed policy without preparing such a checklist, since faculty members cannot comply with policies that they do not understand.

In addition, while Steely Library and the Schlachter University Archives want to be active participants in research data management, there are significant concerns among library faculty and administrators as to what this policy, as drafted, might entail for the library/archive and whether the library/archive is prepared, at present, to play the role it has been assigned in the policy. In particular, there are concerns as to whether the University Archives has the personnel and funding that would be required to meet the demands that this policy might impose. Representatives from the library request this policy be delayed until they have time to meet with the Vice Provost for Graduate Education, Research, and Outreach in order to determine the specifics of the involvement of the Library and Archive in research data management.

Specific Comments

1. On Page Two, Section III, the entire paragraph defining “Exceptional University Support” should be deleted. Except in the definitions section, the term “Exceptional University Support” appears nowhere in the draft policy. Therefore, the definition is unneeded. Moreover, in other contexts, the term “Exceptional University Support” has been deployed in ways that are controversial and faculty-unfriendly. Accordingly, its presence in the present policy creates unnecessary controversy.
2. On Page Three, Section VI, under the heading “Principal Investigator” (PI), the fourth bullet point should be deleted. This bullet point currently reads: “Shares research data, including placing research data in public repositories, unless specific terms of sponsorship or other agreements supersede these rights.” As drafted, this bullet point contradicts the statement on Page 4, Section VII that “PIs are responsible for managing access to research data under their stewardship. . . . PIs decide whether or not to share

research data, including placing research data in public repositories, unless specific terms of sponsorship or other agreements supersede this right." The latter statement is more appropriate.

3. On Page Four, Section VII, in the second paragraph under the heading "Maintaining/Retaining Research Data," additional sentences should be added so that the paragraph would now read: "The recordkeeping systems/practices used by Investigators should allow unmediated access by NKU over their entire retention period when necessary to comply with laws and regulations. **When such data is accessed, the PI shall be promptly notified. Such notification will disclose the identity of all persons who obtained direct or indirect access to the data, and the purposes for which such access was sought.**"
4. On Page Four, Section VII, in the first sentence of the fourth paragraph under the heading "Maintaining/Retaining Research Data," to correct a grammatical error the word "their" should be replaced with the words "his or her." The sentence would then read: "The PI is the steward of the research data that are under **his or her** control."
5. On Page Four, Section VII, the fifth line of the seventh paragraph under the heading "Maintaining/Retaining Research Data" contains an extraneous superscript but no footnote or endnote.
6. On Page Five, Section VII, all three hyperlinks on the page appear in text that refers to NKU policies or offices. But in all three cases, the associated hyperlinks direct the reader to policies or offices at the University of New Hampshire. These hyperlinks should be corrected to link to NKU's own policies and offices that are referenced in the text.
7. On Page Six, Section VII, the first two paragraphs under the heading "Archiving Research Data" each contain an extraneous superscript but no footnote or endnote. The first paragraph also contains an incomplete short-form citation to "Jacobs and Humphrey (2004)," a publication that is not fully identified anywhere in the document.
8. On Page Six, Section VII, the discussion in the third paragraph under the heading "Archiving Research Data" is confusing. It states that "[r]ecords are likely to fall into one of three general categories: short term records that will be destroyed at the end of their retention period, records for which public access is needed and records to be preserved for long term use." But it gives no guidance for a PI to determine which records fall into each category, or how long records in the latter two categories should be retained. This paragraph also discusses the capability of Steely Library to embargo pre-publication access to articles, though the policy never explains how Steely Library would come to be in possession of articles pre-publication. Is it contemplated that this policy would require faculty members to lodge pre-publication articles in Steely Library?
9. On Page Seven, the entirety of Section IX repeats a list of "exceptions" that has already appeared at the top of Page Five, as part of Section VII. One or the other of these two lists of exceptions should be deleted.

10. At the bottom of Page Seven, a table identifies this draft policy as a revision of an existing NKU policy that was previously revised in 11/2005 and 11/2009. The PCC is unaware, however, of any existing NKU policy that this proposal would revise.

CONCLUSION

The PCC respectfully recommends that before the proposed policy is adopted or implemented, the administration consider preparing a simple (but complete) checklist of obligations that principal investigators (and/or other faculty members) would be expected to discharge under the proposed policy. Ideally, this checklist would ultimately be adopted as part of the policy.

The PCC is grateful for the opportunity to provide recommendations and suggestions and this proposal, and respectfully submits these comments.