

WAYNE STATE UNIVERSITY – ACADEMIC SENATE
Official Proceedings

March 2, 2011

Members Present: Ronald T. Brown, Provost and Senior Vice President for Academic Affairs, Chair; Seymour J. Wolfson, President, Academic Senate; George Alangaden; Basim Asmar; Tyrone Austin; Ramona Benkert; Abhijit Biswas; Barbara Bosch; Deborah Charbonneau; David Cinabro; Victoria Dallas; Donald DeGracia; Cheryl Dove; Karen Feathers; Jane Fitzgibbon; Judith Fouladbakhsh; Andre Furtado; Ewa Golebiowska; Randall Gretebeck; Renee Hoogland; Michael Horn; Maik Huttemann; Patricia Jarosz; Barbara Jones; David Kessel; Christian Kreipke; Rita Kumar; Liza Lagman-Sperl; Janine Lanza; James Martin; Shawna Lee; Brian Madigan; Jason Mateika; Michael McIntyre; Bart Miles; Boris Mordukhovich; Bryan Morrow; James Moseley; Jennifer Sheridan Moss; David Oupicky; Abhilash Pandya; Prahlad Parajuli; Regina Parnell; Charles Parrish; Elizabeth Puscheck; Daniel Rappolee; T. R. Reddy; Aaron Retish; Robert Reynolds; Louis Romano; Michele Ronnick; Brad Roth; Heather Sandlin; Alvin Saperstein; Naida Simon; James Sondheimer; David Thomas; Karen Tonso; Anca Vlasopolos; William Volz; Mary Width; Derek Wildman; Jeffrey Withey; James Woodyard; Lee Wurm; Earnestine Young

Members Absent with Notice: Ivan Avrutsky; Kingsley Browne; Nabanita Datta; Robert Holley; Avril Genene Holt; Winston Koo; Jerry Ku; Rodger MacArthur; Linea Rydstedt; Mary Sengstock; Judith Whittum-Hudson

Members Absent: Veronica Bielat; Anthony Cacace; Mary Cooney; Susil Putatunda; Timothy Stemmler; Jianjun Wang; Zhe Yang

Others Present: James Barbret, Associate Vice President, Sponsored Program Administration; Johnnie Blunt, Academic Senate Office; Gloria Heppner, Associate Vice President for Research; Jennifer Hubert, Huron Consulting Group; Alan Jacobson, Office of Budget, Planning and Analysis; Daniel Lodes, Huron Consulting Group; Kelley Skillin, Office of the Provost; Angela Wisniewski, Academic Senate Office

CALL TO ORDER: Provost Brown called this regularly scheduled meeting of the Academic Senate to order at 1:37 P.M. The meeting was held in the Bernath Auditorium in the Undergraduate Library.

I. APPROVAL OF THE PROCEEDINGS OF THE ACADEMIC SENATE

January 12, 2011

It was MOVED and SECONDED to APPROVE the Proceedings of the Academic Senate meeting of January 12, 2011. PASSED.

II. REPORT FROM THE SENATE PRESIDENT

A. Report and Announcements

Mr. Wolfson reported that the Policy Committee has been meeting once a month with the President's Cabinet. At the last meeting, they discussed Governor Snyder's proposed budget and how the cut in the state appropriation would impact the University. The President and the Provost, Mr. Wolfson said, are working collegially to deal with the situation.

B. Proceedings of the Policy Committee

The Academic Senate received the Proceedings of the Policy Committee meetings of December 20, 2010, January 10, 2011, January 24, 2011, January 31, 2011, and February 7, 2011. They are attached to these Senate Proceedings as Appendix A.

III. COMMITTEE REPORTS

A. Elections Committee

1. The Election of the President of the Academic Senate

Mr. Moseley, a member of the Elections Committee, announced that the election of the Senate President for the 2011-2012 academic year would take place at the April 6 meeting of the Senate as required by the Bylaws. The Elections Committee is seeking nominations for the Senate Presidency. Senate members were asked to nominate their colleagues or, if they are interested in the position, to nominate themselves.

2. Member-at-Large Election

Mr. Moseley reminded members that the call for nominations for the two at-large seats that expire this year has been e-mailed to all faculty and academic staff. Interested persons need to submit their nominations by noon Tuesday, March 8.

IV. MATTERS SUBMITTED BY THE POLICY COMMITTEE

A. Parking Operations: 5-Year Business Plan

Mr. McIntyre explained that in July 2010 the Board of Governors arranged with Acting President Phyllis Vroom to form a committee, evenly weighted with faculty and administrators, to re-examine and redo the 5-year business plan that had been submitted by the administration in May 2010 because it was deficient in many respects. Mr. Woodyard, Mr. Romano, and Mr. McIntyre, who had worked on parking issues over the years, served on the Task Force. The Board had asked the administration for a plan that would provide annual routine maintenance for the parking structures.

Outside consulting engineers had found that parking structure #1 required \$30 million in repairs. All of the parking structures that were examined were in bad shape, needed significant repairs costing millions of dollars, and, if maintenance did not improve, would deteriorate as structure #1 had. According to the consultants no maintenance had been done for ten years.

The need for repairs to the structures is critical. They are easy to maintain and should last a very long time. The consulting engineers told Mr. Woodyard that the structures would last indefinitely if they were properly maintained. In March 2010, Mr. McIntyre, as the faculty representative on the Board of Governors Budget and Finance Committee, opposed the funding of repairs on structure #1 on the grounds that it should not be repaired if it was not going to be maintained and that the University needed a maintenance plan for that structure as well as all of the other structures.

The report the administration submitted to the Board in May 2010 was mostly a plea to raise parking fees by \$1.50 from \$2.50 to \$4.00. The increase was a pay cut for employees and a tuition increase for students. The report blamed the maintenance problem on a lack of funding even though the Parking Authority had a surplus of more than \$7 million in reserve for maintenance. The report had one paragraph on maintenance that said they would do a walk-around once a year.

The faculty members on the Task Force had three issues they wanted the report to cover. First, they thought the report should have a serious plan for maintenance with funding earmarked for maintenance so it could not be diverted to other uses. Second, the University needed to examine new technologies to improve parking operations. Third,

the faculty on the Task Force wanted the Policy Committee to endorse an innovative way of charging students for parking that would make the marginal cost of parking zero and would add a fee in the Omnibus fee. The plan would allow students to enter structures without paying each time. It was expected that students then would not make decisions about which classes to take based on parking. Students receiving financial aid receive a subsidy for parking at the beginning of the term but if they use the money for other expenses, they might not have money for parking at the end of the term and might not attend classes.

The Parking Task Force addressed a lot of other smaller issues. All of the recommendations were developed by consensus; there was no voting. However, toward the end of the process some members of the Task Force had doubts about proceeding. One member had not read the report, and despite being given additional time to read it, he did not do so. Another member would not sign off until the other member had read the report. A majority of the Task Force had endorsed the report and Mr. McIntyre, who served as co-chair of the group, submitted the report to President Gilmour on behalf of the Task Force asking that it be put on the agenda of the Board of Governors meeting of March 9.

Mr. McIntyre was told that the report would not be on the agenda for the March 9 meeting. He thought it would be helpful if the Senate weighed in on the issues. He did not want the report delayed and get caught up in the budget deliberations that would take place in the summer. The Board is not being asked to take action at this time. The proposals to be implemented have to be formulated by the administration. The Task Force did not expect the Board to approve the recommendations or to be bound by anything but only to be aware of the issues and have information when it is time to make decisions.

Mr. Saperstein objected to the proposal in the report that all students pay a fee to park on campus. Mr. McIntyre replied that the report had two proposals for paying for parking. One would continue the current fee for parking. The other would have all students pay for parking through the Omnibus Fee. Although the proposal disadvantaged students who do not drive to campus, an advantage is the elimination of a barrier to appropriate scheduling and class attendance. There are a number of things on campus for which students pay but do not receive benefits, such as the Fitness Center. Many universities do not charge upfront for parking, but it may be paid through tuition. The Task Force did not want the fee included in tuition because they wanted to

control the amount of parking increases. Once the fee was spread over the entire University, the fee per person would be reduced.

Mr. Saperstein's opposition was related to the energy crises, traffic problems, and the need to increase the number of students who live on and near campus. He expected the change would mean that fewer students would carpool. He suggested that having students purchase parking stickers that allow them to enter and exit structures and lots without paying each time might be a solution. Mr. McIntyre said students are able to do that now, but the fee is based on the assumption that they would be on campus five days per week, which is unrealistic for most students. Because the Task Force believed fewer students would carpool and the demand for parking would increase, it did not recommend that the fee structure be changed immediately. The Task Force recommended that technology be installed to track how many students enter and exit the structures and lots. Now the University only counts the cars that enter the structures, not those that leave. Mr. McIntyre added that the dorms are near capacity; there is no need to increase the number of students who live on campus. Because the Task Force did not have a consensus on the question, it included two options. Any action has negative effects; we have to determine if the negatives outweigh the positives.

Mr. Furtado thought the University had to consider the different populations of students. He objected to students having to pay for parking who do not own cars and who may have difficulty paying bus fare. He also thought the University should look at the larger issue of all students subsidizing services such as the Fitness Center that are used by only a few students. Only 10% of the students use the Fitness Center. They should pay more for its use and the Omnibus Fee should be reduced for those who do not use it.

Mr. McIntyre noted that the Policy Committee has contacted the Student Senate about the issue. If students are opposed to the proposal, it will not be implemented.

Mr. Parrish MOVED

that the Academic Senate ENDORSE forwarding the report *Parking Operations: 5-Year Business Plan* to the Board of Governors for their March 9, 2011, meeting.

SECONDED.

Mr. Martin noted that while the report mentioned that there is a cost to park at the extension centers for which students do not pay now, it did not mention the impact of the fee on students who take classes on line. That issue, Mr. McIntyre said, would have to be discussed.

Ms. Vlasopolos pointed out that students who take classes on line do not use the Fitness Center, but pay the Omnibus Fee for that facility. She believed that the perception that parking is free because it is folded into the Omnibus Fee would free students to select classes they need and want rather than classes that are clustered together because it is convenient for parking. Students are concerned about the parking fee and it is important for them to have a sense of freedom to choose courses that meet their academic needs and to attend classes regularly. She thought the change would be beneficial. Because of financial aid, the change would not be a burden on people who do not drive.

Mr. McIntyre noted that the University subsidizes campus housing by \$2 million a year. Students who do not live on campus pay some of the fees for those living on campus.

Mr. Romano said that the report did not endorse changing the mechanism by which students pay for parking. That is a separate item that could be discussed further with students and the administration. More data on the availability of parking can be gathered. Currently students pay about \$200 plus to park on campus. If the parking fee were rolled into the Omnibus Fee, a student taking 12 credit hours would pay about \$90 per term. The change would benefit the full-time students that the University is trying to attract.

Mr. Parrish said that parking has been a problem on campus for a long time. It was the action of Senate members that caused the administration to contract with consultants to examine the parking structures. Their report was devastating. He urged the Senate to support the motion on the floor to put the parking business plan before the Board of Governors so a conversation about improving the parking facilities could take place.

Mr. Roth said that making parking easier for students was not only about their attending class, but also about involving them in a wide-range of activities such as the learning communities and outside speakers that involve them in the academic community. He applauded the Task Force for addressing the problem as it did.

Mr. Wolfson understood the concerns raised about fairness, but there are needs that have to be embodied in tuition. Wayne State has one of the lowest tuition rates in the state for a research institution. It seemed appropriate to increase tuition slightly to cover some of the needs. Wayne State competes with Oakland University, Lawrence Technological University, and the University of Michigan-Dearborn which all can claim to have free parking. Free parking would increase enrollment at Wayne State. The University would have the image of having free parking. Students would spread their classes across more days of the week and would take more classes each term. While environmental concerns are important, Mr. Wolfson noted that students who live in Farmington Hills or West Bloomfield would not take public transportation to come to Wayne State.

Mr. McIntyre reminded members that the motion on the floor was not an endorsement of the plan to change the way students pay for parking. The report did not take a position on that issue. The motion is to endorse the report and ask that it be sent forward to the Board of Governors. More information and discussion is needed before a decision is made on whether or not to change the way students pay for parking.

Mr. Saperstein agreed that the report should be sent to the Board of Governors. However, he asked that in the future when discussions are held about the possibility of changing the way students pay for parking that public transportation be considered. Significant parts of the community are trying to increase public transportation, and he did not want the University to act counter to efforts to rationalize transportation in the area.

The vote on the motion was taken. PASSED.

B. Effort Reporting

Provost Brown introduced the topic. The National Institutes of Health (NIH) requires any employee of a university who receives external funding from any agency to do effort reporting. All institutions that receive NIH funding must adhere to the same format in reporting effort. Wayne State was using a paper system but the use was not meticulous. An electronic system for reporting effort is being developed to ensure that the University is in compliance with NIH regulations. When the NIH audits a university it looks not only at their portfolio but at how the university is reporting effort on other grants. Anyone receiving funding from a foundation or a federal agency must report their effort because of the University's liability if it is not in compliance. Huron Consulting Services

has been working with the Office of the Vice President for Research to set up the system for effort reporting.

Provost Brown introduced Jennifer Hubert and Daniel Lodes from the Huron Consulting Group to describe how the new system would work. Ms. Hubert explained that effort reporting is a condition of receiving funding from the federal government. Because Wayne State receives federal research funding it must abide by the financial and administrative principles outlined in the Office of Management and Budget Circular A-21, which describes effort certification. Effort certification is the way individuals who receive sponsored research funding confirm that they worked on sponsored projects. For several years effort reporting has been done using paper payroll certification forms. The new system makes the process more intuitive and lines it up with the way effort is outlined. The information is not intended to measure productivity or be used for budgetary purposes; it focuses on compliance. The government focuses on whether an individual expended a proportional amount of effort on the sponsored research program. Focus is on the individual research project, not necessarily how many classes the faculty member taught or the amount of committee service.

If effort is not reported correctly fines will be levied against the institution. Salaries and fringe benefits are about two-thirds of the direct cost of most research programs, and auditors check on the accuracy of the reporting. The sponsors and/or the Department of Justice may be involved and may require the institution to return the salary, fringe benefits, and related costs. If they consider it a false claim, triple damages may apply. As a result the institutions may receive less funding in the future. In rare cases criminal charges have been brought against individuals.

In addition to NIH, the National Science Foundation has looked at effort reporting over the past several years. They selected about 20 institutions across the country to audit. They found that effort reports were certified much later than they should have been, the effort did not equal 100%, or the 100% did not include everything they did. There were problems with summer salary for 9-month faculty. Some universities have had to pay millions of dollars to the government because they did not report effort correctly. In addition, the institutions spent a great deal of money revamping their processes and paying for attorneys and consultants.

Wayne State hired Huron Consulting to find out if it could improve its compliance, and changes were made. Huron Consulting analyzed practices in some

departments to see what could be enhanced. A new system is being implemented.

Ms. Hubert said that she and Mr. Lodes have been meeting with various groups of faculty and administrators and have incorporated the feedback. There is a link to the draft effort reporting guidelines, which provide guidance on key effort compliance requirements and practices, on the web site for the Office of Sponsored Program Administration.

Ms. Hubert summarized the key system and process changes. The process will be electronic. Instead of showing dollar amounts it will focus on the percentage of the effort during the time period. The system has a mandatory pre-review feature. The administrator in each unit will look at the forms to ensure that information, i.e., the projects, labor distribution, and charge types, is correct. The administrator will have to submit changes if the information is not correct. Researchers will not receive notification to certify their effort report until the pre-review is done. Principal investigators are expected to certify effort reporting for their graduate students working on the project. In general, research assistants will certify their own effort. However, the principal investigator can certify the effort report if needed. There will be three certification periods so that summer will have its own effort certification period. This should make it easier for 9-month faculty to certify for the summer.

Mr. Romano mentioned some issues that Ms. Hubert did not cover in her presentation. For example, researchers who commit 100% of their time to a research project during the summer are not to do any other work, such as serving on administrative committees, preparing a course, or writing a grant, even a renewal for the grant on which the research is working. Such work has to be done at another time.

Ms. Hubert confirmed what Mr. Romano said. If a faculty member is fully funded on a grant during the summer, he or she is not to do work outside of that research grant. The certification period for summer will be the months of June, July, and August. Researchers who receive two months' salary during the summer must certify that they expended at least two months of effort on the grant during the three month period. Ms. Hubert thought there might be compliance issues if a researcher were paid for three months during the summer.

Mr. Romano added that if researchers spent one month working on a proposal to renew a research grant or to get new funding, they have to certify that they worked the entire time and did not take a vacation.

Mr. Romano asked what would happen if graduate assistants were to take a couple of months off because of illness or because they had a baby. Could the principal investigator certify that the person was 100% on the grant?

Ms. Hubert said that in most such cases that could be appropriate because of the way vacation and sick time are handled at WSU. Comments can be entered on the effort certification report and that could be the way to manage such occurrences. The draft effort guidelines have information about summer effort and the implications. More specific guidelines have to be developed to cover leaves in the summer.

Mr. Wolfson noted that typically faculty work about 60 to 80 hours per week. The percent of time based on a 40 hour week is different from the percent of time based on an 80 hour week. If someone works on the weekend, how do they report that effort? Ms. Hubert said that according to federal regulations negotiated a long time ago, 100% effort is meant to be all the time that is related to a faculty appointment. For one faculty member it may be 80 hours per week and for another it might be 30 hours per week. Many institutions have objected to this requirement, but Ms. Hubert said the alternative is to do daily time reporting. When auditors visit institutions they ask if faculty spent time writing proposals or preparing for classes.

Mr. Furtado thought the term "100% time" was vague. Ms. Hubert said language in the federal regulations mentions that activities are inextricably intertwined and that there needs to be a reasonable estimate. There is some gray area. If you spend one hour a week working on administrative activities and 80 hours working on the research project, there is some leeway.

Mr. Romano asked how a researcher would report time spent serving on an NIH grant review panel. Ms. Hubert said that reporting would be different during the summer and during the academic year. Some activities are part of a faculty member's responsibilities at the University and other activities are excluded from certification requirements. Often, serving on outside study sessions during the academic year is outside the faculty member's appointment so that would not be considered part of effort certification.

Mr. Lodes added that in some areas the regulations are vague. Where Wayne State has its greatest risk is that it is a fairly common practice for principal investigators not to charge the grant based on their level of commitment. To correct that compliance risk, PIs should make sure they are doing cost sharing and

are not charging below the levels to which they've committed. That same concept may apply to the summer. To reduce Wayne State's risk profile, Huron Consulting focused on the areas where the University's greatest risk existed. In many cases, those issues were not very difficult to address.

In response to another question, Ms. Hubert said that summer salary has to be supported by summer effort. Researchers are not to be paid during the summer for work done during the academic year. Practices to report effort are to be consistent across the university whether or not the funding source is federal. It is less likely that non-governmental sponsors of research would do an audit and take issue with the practice.

Mr. Lodes demonstrated how to complete the effort certification report. He stated that the report should be a reasonable approximation of the percentage of time spent on the grant. If the projects, cost sharing, and percentages are incorrect, the researcher should ask that the transaction be changed. Once the researcher certifies that the information is correct, the transaction is locked. Although the records can be unlocked and changed, it is not good to do that often because auditors would question the reasons for doing so.

Mr. Lodes stressed that researchers be accurate and record if the effort is less than that to which they committed. Mr. Cinabro suggested that it was as important to record if your effort is more than to what the researcher committed. Accurate reporting, he said, would show how much faculty are cost sharing. However, Mr. Lodes said that the government was not concerned if researchers did more work on a grant than what they committed to do. That fell under the category of voluntary uncommitted cost sharing. Mr. Lodes thought it was not worth burdening the administrative staff with putting a change of labor distribution through the system.

Mr. Romano asked if cost sharing was only for principal investigators and co-principal investigators or also for graduate students. Ms. Hubert said that typically it would be for key personnel but there have been grant agreements at WSU and other institutions where cost sharing commitments were made by other individuals. It does depend upon the individual award.

Mr. Romano asked how cost sharing would affect the indirect cost base. He understood it would reduce the indirect cost received from NIH. Ms. Hubert said that the indirect rate consists of the indirect cost of research and the direct cost of research. The direct cost of research is to include cost sharing. The indirect cost rate would go down somewhat

depending upon the dollar volume. Vice President Ratner has pointed out that it would raise the R&D expenditures to the NSF, which would raise the NSF ranking.

Mr. Wolfson said effort reporting implies that faculty have to record what they spend their time on every hour of the day. The University's day is 7.5 hours. If he spent 7.5 hours on a grant and 2 hours preparing for a class, Mr. Wolfson considered the 2 hours of class preparation his time and he could report that he spent 100% of his time on the grant. Ms. Hubert pointed out that the government expects researchers to report everything they do that relates to their faculty appointment. If a faculty member is writing a grant proposal at home, that is related to his University appointment and is part of his 100%. It is not just the time spent at Wayne State or the 37.5-hour work week. Ms. Hubert said that faculty will keep track of their effort for a period of time. It is not meant to report time on a daily basis. Mr. Wolfson predicted that the reporting would have a negative effect and faculty would stop applying for grants. Ms. Hubert said that the reporting is meant to be a reasonable approximation of what faculty are doing over a time period; it should not be too onerous. There is discussion on a national basis whether the reporting will have a negative impact on faculty applying for grants.

Mr. Lodes noted that the government regulations have not changed. The regulations are the same as when the University used paper forms.

Mr. Romano asked who was legally liable if faculty certified they were working when they were not. The faculty member, in the attestation, Ms. Hubert said, certifies how they spent their time. There have been no criminal charges brought against faculty specifically related to effort reporting. Usually the auditors find fault with the institutions for not having the policies and procedures in place. She could not guarantee that the government would not bring charges against a faculty member for incorrect certification of effort. It is the responsibility of the principal investigator and the certifier to say if they did not work on the grant.

Mr. Lodes and Ms. Hubert said that an e-mail notification would be sent to the individuals who will have to complete effort reports. There will be links to the presentation made today and there will be a link to other educational materials. The system will become operative on March 7 and send a system-generated message to show their effort, what they need to do to get certified, and the list of graduate assistants on their grants. For 12-month faculty the certification will be January 1 through June 30 and

July 1 through December 31. For 9-month faculty June, July, and August will be separate with two other certification periods on either side of the summer months.

There is a link to effort reporting on the Sponsored Program Administration web site. Wayne State's compliance profile was improved substantially with the work Huron Consulting has done, with the materials it has developed and the educational sessions it has held. Mr. Lodes concluded by saying that it is Huron's goal to improve Wayne State's risk profile on the University's terms, not on the government's terms.

V. REPORT FROM THE CHAIR

Provost Brown announced that, following a national search, Farshad Fotouhi, who had served as the Chair of Computer Science, was appointed the Dean of Engineering.

Carolyn Shields, Professor in the College of Education at the University of Illinois at Urbana-Champaign, will assume the position of Dean of Education on July 1, 2011.

The search for the Dean of Fine, Performing and Communication Arts continues.

Provost Gilmour will host an open forum about the budget at the Hilberry Theatre on March 3. The President has ordered all non-academic units to cut their budgets by 15% and academic units by 6%. It will be difficult to cut academic programs because they yield tuition. A blue ribbon committee will be set up that includes individuals selected by the Policy Committee and individuals selected by Provost Brown. They will review the same data that was given to the Deans and will be asked to make suggestions where cuts might be made. The President has set up a task force to make recommendations to the Board of Governors about cuts. The proposed cut of 15% is the largest cut the University has had. This is in addition to the \$50 million cut by the state over the past several years. Provost Brown believes that the University will become a more efficient, better institution after the cuts are made.

The report of the Retention Implementation Task Force is complete. It is on the March 9 agenda of the Board of Governors. After the Board approves the report it will be given to the Senate for review.

Searches for faculty continue and the Provost does not intend to cut services to students, but he has halted searches in the Provost's Office until the

Budget has been approved. He plans to cut administrative personnel in the offices that report to him.

Mr. DeGracia asked how the University Physician Group (UPG) would be affected by the 15% budget cut. Would there be an increase in the FMRE? It appears, Provost Brown said, that the Dean of Medicine has managed to get the UPG to the point where it breaks even. The Provost said that he did not understand all of the issues related to the UPG, but he thought it should be better integrated into the fabric of the School of Medicine.

The Vice Presidents are making decisions about what to cut in their units. On the table was the potential closing of the College of Nursing. Provost Brown does not want to close any schools or colleges. While the College of Nursing is not profitable, he has talked with the Dean about getting more resources and how the structure of the College might be changed. He wants to continue to support what the University is doing well. There has been discussion about how to save money with information technology.

Provost Brown invited suggestions from the faculty. Send short e-mails to him at Provost@wayne.edu.

ADJOURNMENT: The meeting adjourned at 3:33 P.M.

Respectfully submitted,

Seymour J. Wolfson
President, Academic Senate