

WAYNE STATE UNIVERSITY
ACADEMIC SENATE

PROCEEDINGS OF THE POLICY COMMITTEE
October 30, 2023

Present: D. Aubert; L. Beale; S. Chrisomalis; r. hoogland; P. Khosla; M. Kornbluh; J. Lewis; N. Rossi; B. Roth; S. Schrag; N. Simon

Guests: Thomas Cavalier, Associate General Counsel

I. FOREIGN RELATIONSHIPS POLICY-DISCUSSION

Cavalier was invited to Policy to discuss the foreign influence draft policy. Faculty need guidance, and Provost Kornbluh explained the sticking point is how to define "professional relationship".

Policy members have suggested that there are academic activities that should not need to be reported. Linda Beale noted if there is not a clear definition, people will fail to report activities that they should report, or they will be overburdened by reporting every conceivably academic relationship they have with foreign colleagues. Merely excluding "purely personal" relationships seems too narrow. Brad Roth added that faculty could get in trouble for not reporting relationships that they had no reason to believe should be reported.

Cavalier agreed that is an important point. In a disclosure policy, you want to cast the net wider rather than too narrowly, because it is better to disclose something not required to be disclosed than to fail to disclose something that must be disclosed. If the definition is too narrow, the policy will miss needed disclosures, and that is the problem. On the other hand, he understands that it is more burdensome and perhaps a waste of time to have to report, for example, an ongoing exchange of ideas with a professor at another institution or a visit with somebody in another institution, and he did not believe those are intended.

Kornbluh suggested developing a robust FAQ for faculty that lists specific examples of appointments that are professional relationships that must be reported. Beale noted that there are apparently two categories of required disclosures: (i) a relationship with a foreign person or institution that is connected in any way with a federally funded grant project and (ii) a relationship with a foreign person or institution that has any kind of connection to any of the particular "listed" countries.

Cavalier agreed that the primary objective of the disclosure is to ensure that PIs on federal grants have complied with federal agency disclosure requirements: that has caused universities in recent years "deep trouble" that is prompting the university's development of a clearer disclosure policy. For example, Stanford was recently fined \$1.9 million for not disclosing that one of 12 researchers involved in a research project had an employment contract with a Chinese university.

Cavalier then added concerns about the second type of required disclosure. While FAQs may be helpful and speaking at an academic conference in a foreign country is generally okay, there are countries for which even a conference presentation would require disclosure. The list of countries changes all the time. This is why disclosure is screened by the university's Export Controls Office, whose director is on the committee. It is always better to have this university's office confirm the countries. Beale suggested there could be a link in the online form to the updated list of countries for which this kind of disclosure is needed. Kornbluh suggested the first line of the FAQ should suggest that if there is any doubt, disclosure is appropriate because that

protects you. Noreen Rossi noted the importance of the form being very clear about what it is, the steps needed to do the reporting and where that report goes. Kornbluh agreed that the uncertainty means that it is essential that faculty be able to communicate easily with the committee that operates under the VPR's office. Beale suggested the form itself include information on how to contact the committee with a question and how quickly a response can be expected, since people might need a response quickly.

Jennifer Lewis noted that she has worked on NIH and NSF proposals, for which these questions are asked directly so that prong of the needed disclosure is clear. Last year she participated in a conference held in China for which there was some government support though not the entire sponsorship. Does this disclosure apply? Does it apply for faculty who are working with a foreign co-author? That is less clear.

Cavalier explained the committee reviews the specific examples of grant funding disclosure to determine what further disclosure is necessary. This is a safety mechanism to make sure everything is in order. For example, appointments and affiliations go into the bio sketch. There may be information in the bio sketch that was not disclosed in the application but raises a concern. The committee would notify the researcher so that a correction can be made. The funding agencies understand that people may inadvertently not mention something, and they are obviously grateful to be corrected.

Disclosing to the university helps protect the PIs. The example Kornbluh gave last time this was discussed was a biology professor who opened up a lab at the University of Nairobi in addition to the one he ran the University of Kentucky. They disclosed this to NIH and the university worked with the professor on an ongoing basis to make sure that all the needed information was provided to protect the professor from any liability. The university signs off and supports if there is disclosure.

Roth questioned the threshold for disclosure. Are we talking about faculty who are only involved in grants, or are we talking about all faculty members? His concern is that this may require disclosing every professional relationship with a foreign person. Cavalier explained that this should come to the committee in two ways: (i) from the financial conflict of interest disclosure by PIs or (ii) from the consultancy disclosure filed by all faculty. If there is a reference in the consultant disclosure of a consulting arrangement with a foreign person, that would come to the committee to review. That is not happening now, so there will be a change in the consultant disclosure form as well in order to capture more of this.

Steve Chrisomalis noted that there are many relationships that are outside of a financial COI and outside of a consultancy disclosure, some of which will be covered by this new foreign influence required disclosure. Faculty in many disciplines—especially those that do not have a lot of federal funding in the humanities and social sciences—have never done any of this. That expansion needs to be made crystal clear, especially to folks for whom foreign conferences and collaboration with foreign co-authors or researchers have happened frequently, with no disclosure whatsoever. Beale agreed that is why the FAQ is so important and must be connected with the form, but also why a really good communication from the committee to faculty is necessary.

Lewis noted the current consulting form does not ask for more than the name of the agency for which the consulting is done: there is no mention of foreign countries or need for further detailed disclosure. Cavalier agreed the form will need more detail with respect to foreign consulting arrangements. Roth noted that still does not resolve a vast amount of exchange between U.S. and foreign scholars over email about various scholarly ideas. It is problematic to require disclosure for that sort of exchange: given the number of different contacts he has, the likelihood of failing to note something would be very high.

Cavalier noted that where faculty have a grant, the disclosure will be reviewed by the committee to ensure it meets the mandatory disclosure requirements under the law for those grants. The other type of disclosure required is when a faculty member is in a position where a foreign government can get inappropriate access to research data and intellectual property. This is the area in which disclosure is being expanded.

Pramod Khosla asked whether 9-month faculty who take on non-research-related activities in the summer, such as teaching in a foreign country, are expected to disclose that activity. Kornbluh said there is no distinction here between 9-month and 12-month faculty. Cavalier added that under the current consulting policy, however, summer consulting arrangements are not currently reported. Beale thinks that the consulting form needs to be amended to comport with the foreign relationship reporting that must be done. If the information is provided on either form, there is more assurance of appropriate disclosure. Clearly, the foreign influence disclosure would require summer teaching in Beijing to be reported, since China is one of the countries for which there are export controls.

Cavalier agrees the FAQ is definitely a good idea and he will want to think about some way of capturing this notion of the informal relationship in a way other than just FAQs because it does include informal, professional or collegial relationships of faculty.

Kornbluh stressed the need to move this forward. Cavalier hesitated to propose specific language and agreed to take this back to the committee to come up with some language and FAQs. He thanked Policy for their insights.

Chrisomalis noted the need to develop a communication plan. Kornbluh agreed to communicate with deans and chairs, then out to the faculty.

II. APPROVAL OF POLICY PROCEEDINGS

The proceedings of the October 23, 2023 Policy Committee meeting were approved as revised.

III. REPORT FROM THE CHAIR

Visit to China: Kornbluh recently returned from China, where he met with universities about partnerships. Everyone he met with noted the importance of continuing partnership and understanding, with study abroad possible in both directions. Administrators seemed more critical of government approaches than expected, but both U.S. and Chinese political positions can make these international university partnerships difficult.

Student Senate resolution: Dean of Students David Strauss has shared a Student Senate resolution on divestment from arms companies that may be on the upcoming meeting agenda. This is a difficult topic, with student leaders who have seen Wayne State's emphasis on social justice and believe that the university should take positions on moral issues. They are also concerned about doxing treatment of students at other universities.

Beale suggested restraint in responding, noting that student groups similarly pushed for university foundations to divest from support of apartheid in South Africa. In the context of the Israeli-Hamas war, it is not surprising that student groups would voice this kind of activist position.

Kornbluh noted that Wayne State invests through funds rather than individual stocks: very few if any funds would qualify for investment under the terms of the proposed resolution. Further, both the Foundation's board and the investment firm that advises it have a legal fiduciary duty based

on returns. Thus, the university probably cannot do what the resolution asks, even if the Foundation and Board of Governors supported that action.

Kornbluh added that the university leadership continues to receive daily letters from members of the WSU community—both internal and external—calling for explicit statements regarding the Israeli-Palestinian situation. VP/ Chief of Staff Michael Wright responds to most with personal calls, and Kornbluh answers those that come directly to the provost. The Board has been kept up to date.

IV. REPORT FROM THE SENATE PRESIDENT

November 6 Policy Committee meeting: There will be no Policy meeting on November 6 because Beale and Kornbluh will be unable to attend.

IT security awareness training: C&IT will send notices for mandatory cybersecurity training this week—one version to students and a similar version to employees. Students and employees will be required to undergo training on an annual basis to recognize cybersecurity attacks and appropriate responses. The training must be completed by December 31.

Honorary Degree Committee: Beale reached out to potential faculty members to serve on the Honorary Degree Committee. Jamie Goodrich (CLAS) has accepted the invitation to serve.

AI research group: A research group arranged by Interim VPR Tim Stemmler had a productive meeting last week. Several members from the Senate’s subcommittee on AI attended, as well as faculty from math, computer science and engineering. There was an initial discussion of past projects and ideas for building momentum. The “Big Data” hires initiated by the former provost have apparently not been brought together in a coordinated fashion, though faculty listservs were established. The goal is to pull these and other activities together for greater productivity, possibly even in the form of a CIAC-II center. Another suggestion was the need to require students to achieve digital literacy, possibly through a Gen Ed alternative for students. The sense from those working in this area is that people need to know about AI and be aware of what it offers and what the drawbacks are.

Wayne State University Collegiate Recovery Program: The Wayne State University Collegiate Recovery Program (CRP) has officially launched with the hire of its first employee, who fills the role of recovery growth coordinator. This is under a grant to support students who are in recovery from substance abuse and their allies.

Promotion: Kelly Dormer had been promoted to director of undergraduate academic affairs.

Tax subsidy: MSU, Henry Ford Hospital and the Detroit Pistons are seeking a \$273 million tax subsidy for their New Center development.

V. DRAFT MEMO ON STUDENT SENATE RESOLUTION ON RELIGIOUS HOLIDAYS

Beale shared a draft memo in response to the Student Senate resolution discussed at the last Policy meeting when Khosla presented a summary of the DEIC discussion and issues. The DEIC essentially referred it to Policy. The Student Senate’s resolution supports efforts to implement a holiday and accommodations on seven specific religious holidays. The current policy requests faculty to accommodate students, if possible, but does not mandate it. There are various circumstances in which faculty cannot make those accommodations.

Chrisomalis pointed out an institution like Wayne State cannot designate some religions to be recognized but exclude others. Current policy does not officially recognize any religions' religious holidays: he believes that is the correct decision. Beale noted that many faculty take students' requests for accommodations into account if at all possible, including not only religious reasons but also illness or family matters and other reasons. Roth suggested that the language in our memo not include any statement regarding what faculty generally do since we lack hard data on that, but rather we should note encouragement to accommodate to the extent possible. Policy members agreed on that approach, so Beale will edit the memo and send to the president of the Student Senate.

The provost has asked his office to prepare a list of major religious holidays for the next three years that will be shared with faculty and staff on a rolling basis ahead of time with encouragement for faculty to be sensitive when scheduling events and accommodate students who celebrate those holidays.

VI. DRAFT MEMO ON BRAIN INSTITUTE CHARTER APPROVAL

Policy approved a draft memo supporting a charter for the Ben L. Silberstein Brain Institute.

VII. SCHOOL OF PUBLIC HEALTH WORKING GROUP APPOINTMENTS

Beale noted the last meeting's discussion about the considerations for establishing a new School of Public Health (SPH) and the need to select Senate representatives to serve on the various working groups for next-step planning.

Kornbluh made clear that no existing faculty can or will be required to move from their current department and school to a new SPH, though various faculty will likely be offered the opportunity to do so if a new SPH is created. There are, however, currently ongoing searches for faculty positions in the Family Medicine department that would be appropriately located in the SPH if one is created: those offer letters will provide that the appointment will be moved to the SPH should a new SPH be created. Those hires that accept these new positions offered with that proviso will not be able to refuse to move to a new SPH if created.

Kornbluh added that those who are newly hired into a tenure-track position in the School of Medicine will be expected to bring in 50% of their salary through grants after three years: their offer letters will not commit the university to fund the entire salary if they cannot cover it on their grants. This is typical for medical schools nationally. As in the SPH case, existing faculty do not face this restriction, though of course grants are encouraged. One of the hard questions in starting a SPH is whether the SPH faculty will also be required to generate part of their salary on grants. Both Beale and Kornbluh have made the point in the SPH planning committees that a new SPH must be revenue neutral for the university. We will not take \$5 million from the College of Education or another school/college to start a SPH. The university does not yet have a pro forma analysis showing whether tuition from 200 - 300 MPH students will cover the salaries of the necessary faculty or whether there would need to be a grant requirement for faculty in the SPH. This is a difficult issue that depends in part on the teaching expectations for such a school's faculty, but most new SPHs do require external funding for tenure-track faculty.

These committees provide a process to work through these kinds of issues and consider how other SPHs are set up. This planning will not go far until we know whether there will be \$25 - \$50 million in state money to cover the startup period. If there is a state appropriation, that will necessitate a faster time scale to make these determinations. There is some hope that the state may allocate some of its leftover pandemic relief money for this purpose.

Lewis questioned if this would require a new building. Kornbluh indicated it should not, since the vacant music building might be used temporarily and there are potential sites for building.

Policy discussed potential appointees for the subcommittees. Beale will contact those selected, and this can also be mentioned at the Senate plenary.

VIII. NEW BUSINESS

Kornbluh reported there is serious discussion about changing the way boards of the three research universities (U-M, MSU, WSU) are selected from election to appointment, as is the case with the other Michigan institutions. Governor Whitmer has publicly raised the possibility of a constitutional amendment. According to the governor, the boards at the three universities have not established a strong record of stability over the last decade or so, suggesting that elections may not be the best method.

Approved as submitted at the Policy Committee meeting of November 13, 2023.