

University of Pittsburgh  
Faculty Assembly Meeting  
Minutes of November 25, 2003

1. President Bircher called the meeting to order at 3:05 PM.
2. The minutes of the Faculty Assembly meeting on November 4, 2003 were approved with a change made by Prof. John Close, Chairperson of the Senate Computer Usage Committee. The change refers to comments about deceased faculty members Network Authorization Accounts. The sentence on page 4 of the minutes was corrected as follows: If someone leaves or dies, ~~the RCAA moves~~ that account **is automatically moved to** “sponsored status”.
3. Introduction of Items of Unfinished Business and New Business  
Prof. Grove, Nursing, and Prof. Goodhart, Political Science would like to discuss some computer-related issues.
4. Remarks of the President, Prof. Nicholas G. Bircher
  - Prof. Bircher reported that the Fall Plenary was entitled “Perspectives on Shared Governance”. He spoke briefly at the Plenary and was followed by a panel of local experts, comprised of Nat Hershey, Jim Holland, Gordon MacLeod and the Provost. He thanked Bruce Steele and the *University Times* for their excellent coverage. The slides used by Prof. Bircher can be found on the Senate Web site at <http://www.pitt.edu/univsenate/plenarysessions.html>. He hopes those who are interested will examine them and that they will serve as a springboard for further discussion.
  - The Chancellor hosted a luncheon for the Senate Expanded Executive Committee on November 17. Topics included, but were not limited to, domestic health care benefits, HIPAA limitations on academic activity, and faculty evaluations and bench-marking.
  - Prof. Bircher met with the Staff Association Council officers. They discussed the integral nature of the staff in the University mission, as well as faculty/staff team building and other mutual concerns such as health care benefits.
  - The issue of pedestrian safety on campus has been discussed with the Chancellor and Executive Vice Chancellor. This involves the entire Oakland Community and has been referred to the Senate Community Relations Committee to further study the issue.
  - VP Irene Frieze has taken on the task of finding Senate members to write articles for the “University Senate Matters” column. Prof. Frieze reported that she hopes to start up the column in the Spring semester – as early as January. She suggested to Prof. Soska at the meeting that there should be a column on pedestrian safety. He agreed.
  - This is the last Faculty Assembly meeting of the term. The next meeting will be February 3, 2004. Senate Council meets on Monday, December 1, then not again until February 9. If anyone has issues that arise during that time they should bring them to the attention of the officers.
  - The Spring Plenary Session “Examining the Roles of Women at Pitt” will be held on April 7, rather than on March 24 as previously announced. VP Frieze announced that anyone interested can go to the Senate Web at <http://www.pitt.edu/univsenate/plenarysessions.html> site to find the link that provides all the ongoing information about the Plenary.

▪The Executive Committee is still in the process of arranging a meeting with Chief Justice Cappy, Chairman of the Board of Trustees. He will be asked for his recommendations concerning how the faculty should proceed on the Domestic Partner Health Benefits issue and about the precise nature of the BOT mandate concerning faculty evaluation and benchmarking. Excessively restrictive faculty evaluations carry the risk of infringing on academic freedom. Prof. Bircher encouraged all faculty to submit issues to him that they would like to have addressed at this meeting.

▪The report of the Provost's ad hoc Committee on Academic Freedom is posted on the Provost's web site. The Senate Office sent all FA members information on how to retrieve the report.

▪Related to the Senate Benefits and Welfare Committee:

The Medical Advisory Committee (MAC) has been appointed. The two faculty representatives are Prof. Herbert Chesler, Economics, and Prof. Alan Meisel, Law. Both serve on the Senate Benefits and Welfare Committee. Prof. Bircher will serve as a member ex officio. The MAC has a fiduciary responsibility to the faculty and staff to provide the best possible advice. The Human Resources Office will be asked to report on access and egress from various health plans.

An Advisory Committee on Recreational Facilities and Personal Fitness has been appointed by the Chancellor and will be chaired by Vice Provost Bob Pack. Faculty, staff and students will be represented on this committee, which will address previously requested reports on utilization of the Petersen Center as well as alternative facilities for faculty and staff use. Prof. Chesler sent a letter to the Chancellor suggesting the committee take a broader view, and to actively encourage faculty and staff to pursue a healthy lifestyle.

▪Related to the Senate Computer Usage Committee:

The resolution passed at the November 10 Senate Council Meeting concerning the management of email accounts of deceased faculty was forwarded to the Chancellor and also directed to the attention of Jinx Walton, Director, Computing Services and Systems Development. The Chancellor will further comment after he receives Ms. Walton's report.

▪Prof. Bircher received a report from Dr. Susan Neuman who serves as the faculty representative on the Board of Trustees Property and Facilities Committee. The Committee met on November 3 and approved extending the lease and adding space for the Safar Center, the renovation of the Barco Law Library, the Phase II Posvar Hall renovations, building new student housing at UPG, and making an addition and renovating the Chambers Hall dining facility at the UPG campus.

▪Prof. Bircher announced that should the FA meeting end early, Dr. David Brent will be formally installed as the Endowed Chair of Suicide Studies and will be lecturing on "The Risk of Doing Nothing," at 4:00 p.m. in the Frick Fine Arts Building.

#### 5. Reports by and Announcement of Special and Standing Committees of the Senate

***Community Relations Committee***, Prof. Tracy M. Soska, Chair

▪Prof. Soska announced that the three-year report of the Community Outreach Partnership Center (COPC) will be mailed to all Faculty Assembly members and can also be found on line at [www.pitt.edu/~copc](http://www.pitt.edu/~copc).

▪The Committee worked to established two links to Oakland community websites. When you go to the Pitt Web site and click on "About Pitt" you will find links to "Virtual

Oakland” and the “Only in Oakland” websites, which will provide all the information anyone needs to know about the Oakland community.

- The Committee is also looking into employee-assisted housing programs in the area. This is in response to requests from the community to assist in marketing, neighborhood revitalization and increasing home ownership. The Committee is in the very preliminary stages and will post a survey to determine interest in being a homeowner, familiarity with employee-assisted housing, etc. on the USCUR Web site soon. Information about the survey will be announced in an upcoming issue of the *University Times*. The survey results will be analyzed (along with the Benefits and Welfare Committee) to determine how that type of program can be implemented at Pitt.

- The “Keep it Clean, Oakland” activity is continuing and the students are engaged in the project. They hope to start a recycling program in the more residential areas of Oakland as well.

- The Committee will meet to discuss the issue of pedestrian safety. The Staff Association Council Safety Committee has been invited to join in these discussions as well as several Oakland groups. A working group will be established. Prof. Soska encouraged people to contact him if they have any comments or concerns about safety issues.

#### ***Tenure and Academic Freedom Committee (TAFC)***, Prof. Michael R. Pinsky, Chair IRB Restrictive Practices

- Prof. Pinsky handed out four documents to support his forthcoming statements. (Copies of the documents were emailed to all Faculty Assembly members prior to the meeting and are on file in the Senate Office as part of these minutes.)

- Because of the numerous complaints received from faculty since September about the restrictive practices from Pitt’s Institutional Review Board (IRB), TAFC decided to look at the issue as a “class action” suit as opposed to an individual faculty member’s issue of academic freedom. They wanted to see if the University of Pittsburgh was uniquely different from other academic institutions since the HIPAA act took place in April 2003. The basic question is: “Is the University of Pittsburgh IRB interpreting the federal regulations governing research with human volunteers in an unnecessarily stringent manner so as to infringe the academic freedom to conduct clinical research?” TAFC sent surveys to other research institutions as documented below:

- Document 1 (IRB Practices for granting waivers for retrospective chart reviews from other Academic Institutions) shows that none of the responding institution’s IRB restricts retrospective chart reviews to the degree done at the University of Pittsburgh.

- Document 2 (Effect of HIPAA Requirements on the conduct of research in the intensive care unit) shows that there has been damage here at Pitt. Prof. Pinsky cited two of the several items listed in the document: Since the HIPAA guidelines became mandatory (April 2003) Critical Care Medicine Clinical Trials program has 1) not screened any subjects whatsoever and 2) enrolled 3 subjects in 7 months time. In this group 5 clinical trials were stopped and 4 studies were withdrawn from the University of Pittsburgh.

- Document 3 (Effect of HIPAA Requirements on the conduct of research) was put together by Dr. Rakesh Sindhi of Children’s Hospital. Prof. Pinsky noted that, at this time, the IRB for Children’s Hospital is not the same as the IRB for the University of Pittsburgh. At Children’s, several investigators have not been able to do adult studies and two studies have stopped adult recruitment because it is too hard to get it through the IRB. Department chairpersons in surgery and medicine have complained about specific examples as well.

Document 4 (IRB and Restrictive HIPAA Practices Resolutions) goes through a list of proposals that have been presented to Vice Chancellor Randy Juhl and to the head of the IRB, Dennis Swanson. Both were very supportive in trying to fix the problem. The major problem, according to Juhl and Swanson, appears to be that there are far too many cases and too few IRB members to review them. Prof. Pinsky stated that there is a crisis here that needs to be addressed.

The **T AFC recommendation** is that a committee be created to interface with the IRB to find reasonable approaches to resolve this issue because we are going to lose any competitive edge nationally if we are overly restrictive relative to other institutions. Prof. Pinsky said that HIPAA people in Washington have said that we are over- interpreting their own regulations.

#### Questions and Comments

There was much discussion on the subject including the argument that this problem is not restricted to the medical areas, but that there are many concerns on the lower campus as well about how difficult it is to do any research because of HIPAA regulations. There was also discussion about whether this was an academic freedom issue. Prof. Bircher responded that academic freedom is infringed when there is a limitation or impediment, either in the scope or the volume of legitimate scholarly work, and this issue very clearly falls under that definition. There was concern that any committee that might be created by the Provost would include some members of the T AFC. There was some question regarding the exact nature of what the committee that would be formed would actually do. Would they redo the Policy and Procedures of the IRB? Prof. Pinsky said that the charge of the committee would pertain to overly restrictive interpretation of policy of which HIPAA is an excellent example; we should be in HIPAA compliance – but more similar to the other institutions surveyed. Several members suggested revisions to the proposals as stated in Document 4; all were accepted and the following resolution was drafted. The following was taken to a vote:

#### **Resolution:**

*The Faculty Assembly recommends the Provost appoint an ad hoc committee to recommend revisions to the policies and procedures of the Pitt IRB so that research with human volunteers may be conducted under guidelines and interpretation of relevant laws and regulations consistent with those of peer institutions.*

**The resolution was unanimously approved.**

#### Dual Email Addresses in the Health Sciences

Prof. Pinsky said there are many UPMC-centered faculty that have a pitt.edu email address assigned to them. About 50 percent of the faculty don't know they exist and are therefore not getting the many messages sent to them. There is also concern because once the existence of the account is made known, there is a long and difficult process one has to go through to retrieve these email messages. The process took him two hours. This is a real issue that needs to be addressed publicly and needs to be resolved. Prof. Close, Chairperson of the Senate Computer Usage Committee, has invited Dr. Pinsky to attend their January meeting to address the issue. Jinx Walton, Director of CSSD, is also aware of this problem and will report at the meeting as well.

#### Questions and Comments

Prof. Close said this is a Medical School problem because of their unique relationship with UPMC, not a Health Sciences problem. He also said that someone higher up in the Senior

Vice Chancellor's office is looking into this issue. There is not enough money to support having kiosks in place to assist with this problem. Prof. Close said it is not difficult to reset a password and that it is easy to find a username; the entire process should take less than 15 minutes.

Prof. Pinsky said that UPMC faculty need to know 1) if they have dual email addresses, 2) know how to access them, and 3) know how to forward the messages to their current account if they wish to do so.

Prof. Jacobson said the problem exists University-wide for anyone who has an email address in any sub-domain that isn't pitt.edu.

Prof. Bircher said he shares the same problems as Dr. Pinsky and he referred this matter to the Senate Computer Usage Committee who will report back to Faculty Assembly.

## 6. New Business

Prof. Grove reported in behalf of the School of Nursing. Many of her colleagues are questioning when they should pay attention to certain computer messages and when to ignore them. Many people who respond (or don't respond) to this message then have to contact the Help Desk because they made the wrong decision. They want to know if there is a way that global university messages of significant importance can be distributed to everyone offering advice. They also would like to know if there is some way the university computer experts can communicate information in general – like should they turn off their computers at the end of the day, or leave them on.

### Questions and Comments

Prof. Jacobson said this problem has been going on for at least 10 years. Other than the "University Update" from the Chancellor that is distributed around campus, there is no broad-based communication mechanism in existence here at Pitt. Many people are not aware that there is a Pitt Technology Web site that is helpful. He has suggested several times that individuals be allowed to subscribe to receive news on certain subjects by email that would be of interest to them.

Prof. Close said this issue, specifically when related to spam, would also be on an upcoming Computer Usage Committee agenda.

Prof. Frieze stated the best approach to take about the issue of not being able to reach all faculty via email is to talk about the issue as much as possible – including through the "University Senate Matters" column in the *University Times*.

Dr. Pinsky said there should be a universal faculty address to reach all faculty that is restricted – that is, information to be sent out would have to go through a "gate keeper".

Prof. Close said there is a need for a campus-wide list server. Prof. Frieze said the technology is there, but there is a fear of people complaining about getting too many unwanted messages.

Prof. Goodhart, Political Science, said his colleagues wanted to know how they could set up their emails to indicate when they were away from the site for a particular period. The Help Desk was of no assistance. They are looking for clarification on how they can program their computers to have a message appear on the sender's screen when they are away.

### Questions and Comments

Prof. Close said it depends on what email client you are personally using to read your Pitt email. If you use Pine, the old system, you can't do it. If you have a more sophisticated

client like Outlook or Netscape, you should be able to find the program to set this up. The University system, Mulberry, does not have the capability.

7. Announcements

There were no announcements

8. Adjournment

The meeting was adjourned at 5:03

Respectfully submitted by  
Fran Czak, Director of the University Senate Office  
for Josephine E. Olson, Secretary of the Senate