

University of Pittsburgh  
Senate Council Meeting  
Minutes of December 1, 2003

1. President Bircher called the meeting to order at 3:01 PM.
2. The minutes of the Senate Council meeting on November 10, 2003 were approved as written.
3. President Bircher asked for new items of business for the meeting. There were none.
4. Report of the Chancellor, Mark A. Nordenberg:
  - The Chancellor called attention to the article in today's *Pitt Chronicle* regarding undergraduate admissions. It highlights the increasing demand for undergraduate admission to Pitt and the greater selectivity and academic records of applicants. It measures our progress to achieve excellence in undergraduate education.
  - Two members of the Pitt Community won awards for their commitment to increasing diversity. Professor Nathan Davis was honored at the 2003 Racial Justice Award dinner, sponsored by the YWCA of Greater Pittsburgh, for using jazz "to break down racial, cultural, social and economic barriers." Deborah Walker, formerly with the campus police and now with Residence Life, won the Urban League's Ronald Harmon Brown Civic Leadership Award for community service.
  - The Center for Minority Health of the Graduate School of Public Health is working to eradicate healthcare disparities by race.
  - The Nationality Rooms are decorated for the holidays and there will be an open house on Sunday, December 7.
  - The Chancellor wished the students good luck on the exams and papers and the faculty, patience in their grading.
5. Report of the President of the Senate, Nicholas G. Bircher
  - At last week's Faculty Assembly meeting, the Tenure and Academic Freedom Committee reported on IRB restrictive practices, and a resolution was passed asking the Provost to appoint an ad hoc committee to help to improve Pitt IRB policies and procedures. Professor Carey Balaban will report today on behalf of the chair, Professor Pinsky.
  - At the November 25 Faculty Assembly Meeting, Professor Pinsky also reported on the dual e-mail address confusion for Pitt faculty with joint UPMC appointments. John Close, Chair of the Computer Usage Committee, will make this an agenda item for the committee. Additional issues referred to the CUC were whether University-wide emails could be sent to advise when to take some of the warning messages about viruses, etc. seriously and whether it is possible to have "out-of-office auto-replies," which are not uniformly available on some of the currently used software.
  - Those who wish to view the slide presentation from the Plenary Session on Shared Governance can do so by going to the Senate Web site and clicking on "Plenary Sessions" on the Senate Home page. The slides are intended to serve as a springboard for further discussion.

- The Chancellor hosted a luncheon for the Senate officers and chairpersons of Senate Standing Committees on November 17. The discussions were informal, cordial and collegial, but forthright. Topics included but were not limited to domestic partners health care benefits and potential HIPAA limitations on research activity.
- Professor Bircher met with SAC officers on November 18. They discussed the integral nature of the staff to the University mission, as well as Faculty-Staff team building to retain senior staff members, who carry with them an important part of the corporate memory. Health care benefits are also a major mutual concern.
- Irene Frieze has taken on the task of finding Senate members to write columns for “University Senate Matters”. She has recently approached several Faculty Assembly members with specific concerns that could become topics for the column. Professor Frieze asked Senate Council members for their ideas.
- This is the last Senate Council Meeting of the term. The next Senate Council meeting is scheduled Monday, February 9. Faculty Assembly next meets on Tuesday, February 3. If issues do arise, however, feel free to bring them to the attention of the officers.
- The Senate Officers will meet with Chief Justice Cappy, Chairman of the Board of Trustees, on Thursday, December 11. We will ask the Chief Justice about his recommendations concerning how the faculty should advance the domestic partners health care benefits issue.
- Standing Committees:
  - Benefits and Welfare: The Medical Advisory Committee has been appointed and is in the process of scheduling meetings. The two faculty representatives are Professor Herbert Chesler, Economics, and Alan Meisel, School of Law. Both serve on the Senate Benefits and Welfare Committee. Professor Bircher will serve as a member ex officio, and any suggestions will be welcomed.
  - An Advisory Committee on Recreational Facilities and Personal Fitness has been appointed by the Chancellor, which will be chaired by Vice Provost Bob Pack. Faculty, staff and students will be represented on this committee. This committee will address previous requests for reports on utilization of the Petersen Center as well as alternative facilities for faculty and staff use.
  - Property and Facilities Committee of the Board of Trustees: Susan Neuman, faculty representative, reported that the Committee met on November 3 and approved extending the lease and adding space for the Safar Center of UPMC, the renovation of the Barco Law Library, the Phase II Posvar Hall Renovation, building new student housing at the Greensburg Campus, and making an addition to and renovating the Chambers Hall Dining Facility at the Greensburg Campus.

6. Report of Student Members of Senate Council

*Student Government Board.*

Ms. Culliton reported that elections for student government took place on November 20 and Brian Kelly was elected President. The new officers will take office in January and will serve for an entire year. She expects great things of them. The SGB is working on a proposal to the Board of Trustees to raise the student activity fee by \$20 a term from \$60 to \$80. She thanked everyone for the opportunity to serve on the Senate Council.

*Graduate and Professional Students Association*

Mr. Danczyk had no report but wished everyone happy holidays.

SCHOOL OF ARTS AND SCIENCES

Mr. McCausland said his organization has met with the Provost and Benefits' office regarding problems with the administration of their health care plan. He observed that the Kremlin was never as complex. He said that his Council will have a meeting with the UPMC account manager next week. His organization is planning the Grad Expo for next spring. This is an academic conference in which SAS students present their research in the form of papers and posters for a general audience. He attended last year and it was excellent but not as well attended as it should have been. This year they are working at better publicity for it.

Questions and comments

Professor Bircher asked Mr. McCausland to send a list of their problems with UPMC to him and asked what they were. Mr. McCausland said they wanted to hear from UPMC about why most students did not receive their ID cards until October when UPMC said they were mailed in August. There were a number of other paperwork problems, which was surprising given that it is not a new program. Professor Bircher offered to help in any way he could.

7. Report of the President of the Staff Association Council, Mr. Richard Colwell.  
Mr. Colwell reported that the SAC book fund scholarship committee met and will award \$200 book scholarships to five Pitt students who are children of staff members. On Wednesday, December 3 there will be a craft bazaar from 11 AM to 3 PM in the Assembly Room of the William Pitt Union. Rental fees will go to the book fund. Mr. Colwell wished everyone a happy holiday.

8. Reports by and Announcements of Standing and Special Committee of the Senate  
*Tenure and Academic Freedom, Professor Carey Balaban reporting for Professor Michael Pinsky*

Professor Balaban said that when the Tenure and Academic Freedom Committee distributed its new mission statement, a number of faculty members, particularly in Medicine, raised the issue of access to patients being limited by new HIPAA regulations. This is an example of a new challenge to academic freedom from outside forces such as government regulatory agencies. Two areas of concern are: (1) the requirement of written consent/authorization obtained by the attending physician before a potential research participant can be approached by an investigator to be asked for informed consent; and (2) the fact that retrospective chart reviews have to be de-identified to the point where it is hard to conduct them. Another concern is that the University of Pittsburgh seems to be more restrictive than it needs to be. Professor Balaban noted that the issues are too complex to be addressed by TAFC. In keeping with the recommendations of the Report of the Ad Hoc Committee on Academic Freedom, TAFC requests that the Provost convene an ad hoc committee to deal with this problem. The problems include the fact that the government can close down research if the procedures are not properly followed but faculty need to be able to do research. We need to find a balance.

### Questions and comments

Chancellor Nordenberg commented that Professor Balaban had set the right tone in the discussion. On the one side is the government's enhanced commitment to patient privacy. On the other is research on human subjects to advance human health. The challenge is how to reconcile these two important themes. His conversation with Senate officers was also instructive. This is a serious problem at every research institution. He said there were three fronts on which there was agreement. One is the need for education. Dr Juhl, who is responsible for the IRB, has been frustrated at the lack of interest in the past. Now that people are interested, education can affect the rate of success with the IRB. Second, participation is required by many faculty members to get the process to work. There have been problems in the past in getting people to participate as IRB members. Third we need to find ways to reconcile these conflicts by refining our own processes or making certain we take advantage of experience elsewhere.

Provost Maher observed that we may have some interesting opportunities. He said he has been worried for some time about doing research and meeting HIPAA requirements. He is concerned the problem at the core is HIPAA rules. Too much benefit comes from research to lose it to a particular concept of privacy. He welcomes a chance to look at it. Right now Doctors Juhl, Levine and others are looking at these issues. He would like to have the views of the experts before he creates another committee to look at it. He also commented that the survey of other universities was hard to evaluate. He is of the opinion that Pitt is in the mainstream. The system can work better with better education. He and Dr. Levine sent a letter to the faculty a year ago on the issue. Professor Frieze suggested that he send the letter again. We need more faculty members on the IRB committees. Delays also are often from poor applications.

Vice Chancellor Juhl said the HIPAA rules come from 1996 legislation but the regulations were not written until 2003. There has been a warning about HIPAA compliance on the IRB website since November 2002. It is a work in progress and very complex and it is not surprising to have some bumps along the road. The IRB is made up of faculty volunteers. They have difficult decisions to make and the 120 people on the IRB take their responsibilities very seriously. Dr. Levine has convened a meeting of clinical chairs to go through the details of HIPAA. We want our faculty to be able to do their research. Dr. Juhl offered to meet with any interested parties. Dr. Levine observed that two of the institutions in the survey, Penn and Johns Hopkins, became embattled because they were not compliant. These are daunting issues and it is critical that we work through them.

Professor Constantine said there are some experimental settings where the mice cannot die and for that reason it is impossible to make inferences about death rates. These are complex and moral questions.

9. New Business. There was no new business.
10. Announcements. There were no announcements.
11. Adjournment. The meeting was adjourned at 3:45 PM.

Respectfully submitted,  
Josephine E. Olson, Secretary