

### Minutes – January 29, 2012

**Present:**

M. Anderson	P. Bacdayan	C. Barrow	Y. Chen	P. Friedman	P. Gibbs	J. Griffith
M. Guo	M. Hall	A. Hausknecht	S. Hyun	L. Knauer	S. Leclair	J. Li
M. McCurry	G. O’Rielly	S. Parayitam	D. Roscoe	S.Schireson	C. Wang	S. White
E. Winiarz						

**Absent:**

J. Blitefield	R. Darst	L. Forker	F. Karakaya	R. Laoulache	Y. Magrass	V. Mendes
A. Mollo	S. Ordoobadi	J. Paraskeva	E. Peteva	F. Sousa	S. Wang	

**Excused:**

<b>M.Baum</b>	L. Brodeur	E. Carreiro	C. Du	S.Hegedus	P. Karimi	S. Kim
Y. Kim	C. Larkosh	W.LeBlanc	A. Narayan	S. Spencer	A. Tandon	J. Wu

**Guests:**

M. Asseline	T. Burton	A.Fowler	M. Goodman	A.Heryodono	S. Krumholtz	S. Macrine
D.Massano	C. Mello	T. Meressi	D. Milstone	J. Riley	F. Scarano	B. Singh
A. Tio	P. Walsh	S. Whittaker	Y.Zuo			

**1. Minutes**

J.Griffith moved and A. Hausknecht seconded a motion to adopt the minutes as distributed. Motion carried.

**2. President’s Report**
**G.O’Rielly**

- Comments and drafts of potential Constitution articles have been received and a preliminary draft of the Constitution is written created. A committee will be charged to evaluate the draft and make changes prior to the draft being distributed to the Senate. The Senate plans a vote for March with a campus wide ratification by all faculty in May. A notice to the President’s office was sent indicating that we are not able to meet former Chancellor MacCormack’s submission deadline.

**3. Campus report**
**A. Fowler**
**- Bio-safety Laboratory status update**

BSL functionality ranges from level 1 (noninfectious agents) to level 4 (highly dangerous/life threatening and highly infectious and contagious). The initial cooperative research work with Tufts University needed a level 3 (dangerous but not highly infectious). Once Tufts did not support the building of this lab, the university completed the project with a debt burden of \$1.3 million/year. It was hoped that the research indirect moneys would support the debt service but grants have fallen off.

Additional regulations make the continued commissioning and running of the lab more expensive. Several evaluations of written reports and on-site inspections including the Office of the Inspector General and CDC, noted a list of violations. (attachment #1) Several new people were hired to remedy these issues. Despite these efforts, a review in the fall of 2012 recommended an immediate shut down of the level 3 laboratory with a proposal to start up again as a BSL level 2 plus lab. This also being not feasible, the decision is to rework the facility to a Level 2 laboratory. In the meantime, the final option was closure of the laboratory.

The final report, written by Singer and Klempner, is not available for public viewing but the Provost will ask the authors if it can be distributed to specific persons or if a redacted version can be distributed.

The Chair of the Chemistry Department raised concern over the lack of input and consultation. It was stated that no one at the final meeting thought this was important. The Chemistry Department hired the researchers and will capable of evaluating their work. Members of the Chemistry Department also supported the need to have input and consultation by the department chair and faculty who had both historical information and had oversight of the laboratory during the times under discussion stating there are now no clear lines of authority and many with decision making capacity have no experience with this type of facility.

B. Singh was concerned that the slowness of remedial action to turn the laboratory into a Level 2 facility is hurting current and future grant situations and is causing a greater loss of revenue. Shutting it down for 6 months or longer is too long and will cause the loss of several grants. At present, grants of \$15,000 and \$400,000 are in jeopardy. He also questioned the credentials of the two report authors and stated that one large problem was that the university administration never provided promised financial aid or targeted hirings.

- Water Pipe leak in Science & Engineering Building E. Floravanti  
Rooms 301, 303, 304, 308, 10, and 3111 on the third floor and Rooms 201, 202, 205, 207 will remain closed until Monday. The Science and Engineering Building will be closed until Saturday to correct the damage caused by a water pipe burst over the past weekend.

Currently there is a \$416 million list of deferred maintenance on the campus. Peter Duffy, Associate Vice Chancellor Facilities Management, will be giving a report in February of root cause issues. The administration is well aware that this situation lessens morale and influences enrollment and retention.

- Financial Aid Mismanagement A. Fowler  
An audit by T. Mauk found that as much as \$4.8 million dollars were distributed incorrectly to students via financial aid this year. Approximately \$3 million were incorrectly distributed last year. Since it is our mistake, we have to assume the burden of the error.

- Budget Process A Fowler  
In February, the administration will be evaluating analytics in order to develop a balanced budget for the next academic year. In March departments will be able to develop their own budget so that each unit will be able to compare its perception of need and the administration's budget. The best plan will be implemented

The goal is to have a college level budget by April 11<sup>th</sup>.

Questions included concern that, while this looks good on paper, are all units in the service and administration areas subject to the same process and that, since the data will come from COIN, how accurate is it? Yes, all units are to be evaluated using the same process but that no details concerning the criteria are available at this time. COIN is all we have so it is better than nothing. Criteria could include: enrollment, student credit hours, student/faculty ratio, graduation, retention, and research. Transfer students will be incorporated into the database. One flaw noted was that the ratios would be based on student credits not on contact hours/units, thus putting an unfair burden on majors with studios or laboratories.

While Centers will also be included in the process, there will be different processes for different types of Centers: research centers will be asked to make themselves financial sustainable. Community or engagement centers will have other criteria. The ATMS and the new Bio Park would be in a different class of centers. PCE is having its own review right now.

3. The report on the Intercampus Faculty Campus and Board of Trustees will be deferred until the next meeting,

4. **University Studies** D. Roscoe  
Currently the committee is looking for proposals for 2B – Science in the Engaged Community and I1-C, Intermediate Writing (Writing in the discipline). Proposals for the capstone courses (5-A) will be received next year.

Assessment of the first cluster will begin this year with evaluated of measurements. Next year, faculty can review the opinions of the assessors and modify courses as needed. The year after will see the re-approval process for courses. Information concerning the process will be distributed soon.

5. E. Ojadi questioned the status of the grade appeal process. A new process has been designed and new grade appeal officers are being solicited.
6. M. Goodman moved and A. Hausknecht seconded a motion to adjourn. Motion carried.

Respectfully submitted,

Susan J. Leclair, Secretary

Attachment #1

## Summary of BSL 3 Activities

### Executive Summary of History

#### BSL3 LAB SUMMARY

2007 -- The 2,500 square foot BSL3 laboratory opened to accommodate the research Dr. Bal Ram Singh, being conducted as part of a major partnership with Tufts.

October 2009 – An audit by Institutional Compliance found numerous violations in the BSL3 lab including improper inventory, missing lab rosters and missing logs of toxin transfers.

February 2010 A surprise site visit by the CDC finds numerous violations.

The CDC issued a cease and desist order.

November 2010 – the CDC cease and desist order was lifted.

September 2011 – CDC returned for another surprise inspection. This inspection went better and no major issues were raised except that the bio-kill waste water treatment system was found to be improperly designed.

May 2012 - Office of the Inspector General initiated a document request relating to an investigation of violations revealed in the 2010 site visit.

September 2012 – The Office of Inspector General indicated to our lawyers that there were three violations related to improper inventory and the sale of toxin.

November 2012 – The annual BSL3 re-commissioning process was undertaken. It appears we will need to invest from \$600k to \$1M to re-commission the lab.

December 2012 – An external review team of leading scientists, including Mark Klempner the Executive Vice Chancellor for the UMass Biologics laboratory visited the campus and made recommendations on whether and how to continue to use the BSL3 facility.

December 2012 – All neuro-toxin production suspended pending review.

### Actions Taken to Improve Compliance

March 2011 – Director of Environmental Health and Safety, Robert Casparius was hired and made the Responsible Officer for the BSL3 lab.

October 2012 – Maria Piccone was hired as the Coordinator of BSL3 Operations. She has extensive experience at the Plum Island Federal BSL3 facility.

December 7 2012 – An external review team of leading scientists, including Mark Klempner the Executive Vice Chancellor for the UMass Biologics laboratory, visited the campus and make recommendations on whether and how to continue to use the BSL3 facility.

They recommended, at the end of the visit that we immediately cease all BSL3 and BSL2 operations pending a review of the organizational structure, security and safety for the lab.

December 7, 2012 All BSL3 and BSL2 operations we shut down at approximately 4PM.

All access to the lab by research personnel was denied.

Locks were changed.

Toxin was secured by lab personnel escorted by the campus safety officer.

Lab equipment and non-select agent materials were removed from the lab under supervision of the campus safety officer.

A meeting was held on Thursday, Dec. 13 to engage researchers, UMD compliance officers and the administration to make a recommendation about the future of the lab to the Chancellor.