

## UNIVERSITY COMMITTEE ON RESEARCH POLICY

**Minutes of Meeting**  
**Monday, April 11, 2016**

|                               |  |
|-------------------------------|--|
| <b>Members Attending</b>      | Judith Habicht Mauche (Chair), Ramona Naddaff (Berkeley), Liane Brouillette (Irvine alternate), Mark Cohen (UCLA), Richard Arnott (Riverside), Isaac Martin (San Diego)  |
| <b>Via phone</b>              | Ajay Gopinathan (Merced), Jeffrey Richman (Santa Barbara), Steve Whittaker (Santa Cruz)  |
| <b>Consultants and Guests</b> | Kimberly Budil (Vice President, Office of the National Laboratories), Bill Tucker (Interim Vice President, Research & Graduate Studies), Wendy Streitz (Executive Director, Research Policy & Coordination), Jeff Hall (Director, Research Policy & Coordination), Kathleen Erwin (Director, UC Research Initiatives), Joanne Miller (committee analyst) |

**I. Announcements, Agenda Review, and Approval of Meeting Minutes**

*Judith Habicht Mauche, UCORP Chair*

Chair Judith Habicht Mauche began the meeting with a review of the agenda topics and issues of concern to the University. The recent report released from the state auditor's office, Regents' approval of the President's [new retirement options](#) for employees hired after July 1, 2016, and the Regents approval of a Statement on Intolerance are topics that will be covered later in the meeting.

The [Faculty Discipline Task Force Report](#) was sent out for expedited review, but recent events seem to have overtaken the impact of that report, which primarily recommended more communication between Title IX officers and faculty. Sanctions for violations of sexual harassment policy need to be more appropriate. Thanks to input from UCORP's graduate student representative, the Report will include reference to post-docs along with graduate students.

As the University moves toward implementation of a system of merit increases there is concern about variability between campuses, including decisions about compensation for compression and inversion.

Chair Habicht Mauche reported that UC CIO Tom Andriola gave an update on the work related to cybersecurity to the Academic Council on March 30th. The CIO will come to UCORP's June meeting to brief the committee.

Meeting Minutes from March 14, 2016 were approved.

**II. UC MEXUS Report Draft**

*Judith Habicht Mauche, UCORP Chair*

Committee members went over CCGA's letter about the UC MEXUS Review Report. UCORP agreed with all but one bullet point in the letter. Chair Habicht Mauche will discuss whether and how to amend the UC MEXUS Review Report with the review subcommittee members (chairs and vice chairs of UCORP, UCPB, and CCGA) at the end of the month.

Committee members suggested that if the report includes a recommendation for UC MEXUS to produce an annual plan, it should “encourage” rather than request, and clarify that UCORP is not asking for anything new, or anything that the committee would review. Other language to use would be to suggest a “more structured planning process,” that matches UC MEXUS’s resources with its goals and includes the advisory board.

**Action:** After receiving UCPB’s memo Judith will make minor changes to some of the phrasing in the report. The revised draft will then be previewed with the subcommittee, and after consensus is reached the draft will be sent to UCORP members for final review via email.

### **III. Consultation with UCOP – Office of the National Laboratories**

*Kimberly Budil, Vice President – Office of the National Laboratories*

The current management contract for Los Alamos National Lab (LANL) expires in September, 2017. The bid process takes about a year. The National Nuclear Security Administration (NNSA, a part of the Department of Energy) is offering a 1-year extension, but with conditions. UC is proposing a 2-year extension, with concessions such as an improved fee structure. In addition to supporting the Office on National Labs, the fees earned from lab management go toward research programs where funding stability is important for planning purposes. Budil feels that a two year extension would minimize disruption at the lab by giving time for key personnel who may leave and for a thoughtful process for re-bidding.

VP Budil wrote a letter of concern to NNSA about their recent RFP for the Sandia National Labs, which is larger than LANL. [Note: the letter was circulated to UCORP after the meeting.] The new process is too streamlined and simplified for a big, important operation. The three criteria by which applicants are judged are: past performance in managing a lab, key personnel as evaluated via resumes and reference checks (no in-person interviews), and “small business participation.”

VP Budil answered some specific questions from UCORP members:

1. ***UC’s involvement in the lab:*** UC’s latest “grades” for managing LANL were presented to the Regents in closed session. President Napolitano has expressed support for staying involved in LANL. LANL employees definitely feel the participation of the university, and the intellectual integrity that it brings. LANL’s work is more academic than other labs. UC faculty also seem interested in staying involved in the lab. Committee members inquired about the possibility of walking away from LANL management. The current negotiating structure leaves that as possibility.

If the university no longer managed the lab, it could still form partnerships and relationships. Joint appointments would not necessarily need to be terminated. Budil noted that the perk for LANL employees of their children getting in-state tuition at UC would be lost if UC no longer participated in managing the lab.

2. ***Alternate lab management:*** UC has been approached by potential bid partners. Other universities and partnerships may be interested in running the labs. The University of Texas system bid with Lockheed Martin last time. Lockheed has run Sandia Labs for the last ten years, and could bid by themselves or with others. Battelle, which runs five labs, would most likely partner with the University of New Mexico on a bid.

3. ***Failures and challenges at LANL:*** During the past few years at the labs, there have been problems in the areas of environmental safety and health, capital project construction, and mission (one facility has been down for 2 years). LANL is geographically spread out, and includes a large nuclear development and management component. Capital construction projects can be challenging in New Mexico; the local infrastructure is insufficient for the need. Almost all new construction in New Mexico is governmental. Budil feels that as the university has become more engaged in operational issues at the labs there has been improvement. She noted that UC is managing Lawrence Livermore Lab with same partners and doing very well.
4. ***Mission-driven projects and the work of the lab:*** LANL's primary work includes its core mission of sustaining most of the country's nuclear weapons stockpile, which will be undergoing top-to-bottom refurbishment. It operates one of the only plutonium production sites in the US and produces the experimental samples used for research. There is work on underlying scientific disciplines such as experimental sciences and neutron science (LANSC). LANL has just received approval for a new facility for "matter and radiation in extreme" ("MARIE") to develop an experimental test station to examine material at the mesoscale.

Materials science is by far the biggest disciplinary focus of the lab, and large part of its experimental footprint is in that area, but there is also experimental and computational work on polymers, soft materials, energetic materials, and different types of metals. High energy density science (matter at extreme conditions) is also a research focus, with some work at facilities on site and at Livermore and Sandia national labs.

LANL is one of six DOE labs working on the next generation of high performance computing, including quantum computing and big data modeling and simulation, applications in climate science, and worldwide partnerships in bio-medical research.

Other areas of work include satellite programs (most recently the development of small satellites) and production of elements of the Mars rover.

5. ***Research output:*** LANL generates a large number of research publications, many jointly authored with UC researchers. The lab is a huge training ground, with many students and about 400 post-docs. Although its core mission has always been around the nuclear stockpile, but the lab has also maintained presence in basic science.
6. ***National security:*** A large portion of research done at the labs is openly available. Most research in cybersecurity now being done in the private sector.
7. ***Campuses and research groups that have the strongest ties to LANL:*** UC San Diego's College of Engineering has many joint appointments, staff who teach courses, and student residents. Recruitment works both ways, and there are hundreds of collaborations at the PI level, with more to come. Berkeley and LANL have long had collaborations for Nuclear Science. More recent is a UCSF partnership for biomedical research, which includes platforms for rapid screening and advanced computing and that provides access to the clinical expertise of medical centers.
8. ***Intellectual property rights:*** Technology and materials developed at LANL are owned by the government, which generally shares any royalties with inventors.

UCORP's role in the LANL contract and potential negotiations will evolve as the situation changes. UCORP may serve to highlight the intrinsic value of the labs and the importance of ensuring research integrity.

Budil mentioned a new tool that shows partnerships over time with campuses.

#### **IV. Consultation with Academic Senate Leadership**

*Dan Hare, Academic Council Chair*

*Jim Chalfant, Academic Council Vice Chair*

President Napolitano's [Retirement Options](#) proposal was approved at the last Regents' meeting. The final plan was a better deal than the options proposed by the Retirement Options Task Force, although the plan offers slightly different benefits to faculty and staff. (The difference is whether the DC supplement starts on the first dollar earned.) The next step will be implementation.

The [Regents' Statement on Principles against Intolerance](#) was also approved with a last-minute amendment from Academic Council. After the Thursday afternoon Council teleconference, Chair Hare sent [a letter](#) to the Regents Working Group. He noted the benefits of broad consultation that was exemplified in the positive end result. The amendment no doubt provided a more favorable, and less controversial, outcome for the Statement.

Transfer Pathways for the top 21 majors by enrollment are now completed and on a [systemwide website](#). The site includes lists of Community College coursework that would be expected from UC transfer students in specific majors. It is seen as especially useful for life sciences, since there is an average of eight life science majors per campus with different specialties, but same general requirements. It's also a benefit for campuses that are interested in increasing the number of transfer by giving these majors more exposure. The next steps are to examine articulation gaps.

As requested by the governor, College Level Examination Program (CLEP) exam reviews are supposed to begin this month. Some colleges and universities use the tests for alternative credits. Subject matter experts on the campuses are planning to review the tests to see if they are suitable for UC adoption, but there has been a glitch in the process as the College Board has decided not to allow UC faculty to look at the exams without a College Board representative in the room.

Academic Senate Vice Chair Jim Chalfant will be leaving his position on the UC Retirement System (UCRS) Advisory Board as he becomes Academic Senate Chair. UCRS is accepting nominations to serve out last two years of Chalfant's term.

The State of California's Auditor's Report was released March 29 [[Fact Sheet](#); [Summary](#); [Full Report](#)]. The main issue of concern is whether non-residents are pushing out California residents, and whether the out of state students are of equal quality. The audit asserted that faculty (via BOARS) lowered requirements by endorsing "compare favorably" standards for applicants. The auditor's suggestions for realizing savings include mandating the initiatives in Working Smarter, making everyone use Connexus for travel, and redirecting certain set-asides toward undergraduate education only. The auditor also thought that furloughs should have continued for another year. A three-hour legislative hearing conducted by the Joint Legislative Audit Committee, and featuring Executive Vice President and CFO Nathan Brostrom and UC Associate Vice President for undergraduate admissions Stephen Handel, is available for [viewing](#) online. The legislature will be reintroducing a bill to cap non-residents admitted.

UCORP members wanted to know if it would be helpful to show the value of UC research to legislators. This is already done on many levels, but undergraduate research experiences, specifically, might be useful if they can relate directly to the economic growth of California. Personal story narratives from the undergraduate student who benefitted might be useful to have at hand. UCORP members should inquire at local COR for stories.

Cybersecurity was on the March 30<sup>th</sup> Academic Council meeting agenda. The Office of General Council conducted an analysis of FireEye that showed consistency with UC's Electronic Communications Policy (ECP). FireEye, which was selected by the Health Science campuses, has various capabilities that UCOP will not dictate to the campuses. Conversations about levels of security and privacy should start at the campus level. Each campus has "Cyber-responsible executive" who serves on the systemwide Cyber-Risk Governance Committee (CRGC) and is responsible for having the appropriate discussions with faculty (and others) on campus.

The Academic Senate's Committee on Academic Computing and Communications (UCACC) is involved in getting more faculty representation on CRGC and its advisory board for next year. The news is not as bad as the articles in January made it out to be, and there is now much consultation in these areas.

Committee members noted that health science campuses are already implementing security measures. Some faculty feel that the actions are unreasonable and being imposed without concern for technology users.

Committee Analyst Joanne Miller will ask for an appropriate person from CRGC to come with CIO Tom Andriola to the June UCORP meeting to provide user perspective.

## **V. Consultation with UCOP – Office of Research and Graduate Studies**

- ***Bill Tucker, Interim Vice President – Research & Graduate Studies***

The new Senior Vice President for Research Innovation and Entrepreneurship will be announced at the May Regents. VP Bill Tucker believes that when the new SVP starts his term as interim-VP for ORGS will come to an end. The hiring committee for the new ORGS VP is meeting this Friday, and hopes to have the position filled as early as July, but it might be as late as end of the calendar year. It is possible that someone familiar with the position could be appointed to fill in as interim for a couple of months.

Assemblymember Jacqui Irwin has introduced an "[innovation bill](#)" in the California Assembly that would provide \$22 million/year for three years: \$2m for the campuses and \$2m for LBNL. The bill includes an accountability mechanism for reporting back annually, which will be what determines ongoing funding. A partner bill in the Senate has not gone forward; the Senate is instead focusing on a bill for State funding for firearm research. VP Tucker's office is busy planning for Innovation Day in Sacramento on May 10, one day before the Regents meeting. They are coordinating with campuses and getting researchers to come to Sacramento. They have asked campuses to approach example companies, and will set up tents and make it very public like Ag Day. The idea is to tell positive stories about exposure to research at UC. Tucker's office is also encouraging people to write letters to elected officials to sponsor the innovation bill.

Although research *policy* is theoretically included, funded plans generally show impact on the economic strength of California. Part of the idea for the innovation funding is that UC contributes to economic growth and the "innovation ecosystem" of California.

A clean energy “[ministerial](#)” is coming up in June in San Francisco; it is an international meeting with President Obama as one of the speakers. There will be a showcase of technologies, like a juried trade show. VP Tucker’s office will look at all participants to see if any are connected to the university, and put a little “UC inside” sticker or something equivalent.

- ***Kathleen Erwin, Director – UC Research Initiatives***

The UC Research Initiatives announced its [RFP for 2017 Multicampus Research Funding Opportunities](#).

Looking ahead to June, after the UC MEXUS Review Report is finalized, it might be helpful for UCORP to schedule a meeting with VP Tucker (and/or Provost Dorr or her designee) and with the UCRI staff to talk about the process of the review and lessons learned.

There was some discussion on how many program reviews are possible to complete in one year. Only a small number of MRUs get systemwide funding, and these are reviewed through UCOP with input from the Senate committees (unless they are delegated to the MRU’s host campus). MRUs that do not receive systemwide funding are recommended for review at the host campus, similar to the ORU review process. UCORP would like to see the schedule for future reviews, and discuss whether there may be ways to streamline the process and perhaps to view review results.

In terms of MRU budgets, programs that are designated with ongoing funding receive annual budget adjustments based on the annual budget review and approval process at UCOP.

- ***Wendy Streitz, Executive Director – Research Policy & Coordination***

Executive Director Wendy Streitz said that her office is preparing a short framing document for the draft “Openness in Research” policy. Streitz will send the draft to the Academic Senate Chair and Vice Chair, for preliminary feedback. There was some pushback from some members of the Academic Council when the policy idea was introduced.

Streitz then went over the new delegations of authority for full indirect cost recovery. With the funding streams model, it makes sense for the decisions to be made on the campuses with local approval of indirect cost exceptions. Federal and state research funding are exemptions from local approval authority. Per the “Uniform Guidance” issued by OMB in December of 2014, Federal awards are supposed to include full indirect cost recovery; if agencies are not complying, then UCOP wants to know so that they can engage directly with the agencies. State grants are using a new model agreement that went into effect on Jan. 1 (more below). Historically, average recovery from state agencies has been under 20%. With the new model agreement, UC has instituted a phased plan to obtain 40% recovery over the next four years, starting with 25% this year, 30% next year, and so on. As with federal agencies, UCOP is prepared to engage directly with state agencies. The delegation of authority is slowly trickling down the organizational chain on campuses. Responsibility will likely end up in Contracts and Grants Offices, with some decisions remaining at the level of VPs. With this new delegation, indirect cost exceptions associated with private grant funding are now completely the campuses’ responsibility.

Noting that there are various models on the campuses regarding distribution of indirect costs, committee members inquired whether OP keeps that information systemwide. Campus committees on research (CORs) are often involved in looking at the various types of grant funding and how the money flows, and it was suggested that COR chairs create or seek transparency around the process at the campus level.

Streitz talked about a model agreement for funding from state agencies, negotiated in accordance with legislation passed in 2009 (AB20). The model agreement became effective on January 1. The legislation mandates that state agencies that provide funding to UC and CSU use a standard funding contract. It was recently agreed by the State Department of General Services that the contract could also be used for competitive RFPs. Exceptions to use of the model agreement on a project-specific basis can be made by mutual agreement with UC and the agency. On a broader basis, UC and DGS have agreed that separate agreements can be used for CIRM and some programs of the CEC.

Committee members observed that some research grant recipients are challenged by describing the need for indirect costs or facilities and administration. [UCOP has a website](#) with a brief description, FAQ, and links to the more detailed campus indirect costs rate agreements. Campuses and other institutions may have more lay-friendly information online.

- ***Jeff Hall, Director – Research Policy Development, ORGS***

Director Jeff Hall updated the committee on 700-U conflict of interest disclosures. Because of a change to Fair Political Practice Commission rules, UC will have to change its policy, but for now will RPAC has issued interim guidelines (included with the agenda) and will “stay the course.” Director Hall’s office will begin work on the new policy and will have a proposal before the summer, with the intent to move forward in fall. UCORP and Academic Personnel will be involved. Ideas include aligning review thresholds with NSF requirements (the state has different categories, which complicates matters). The Association of American Medical Colleges (AAMC) has a system called “Convey” that’s being proposed as a universal disclosure software. Users can just upload requirements into the format.

A “Center of Excellence” for drones has been established at UC Merced. Drones are used not only by researchers but also by development offices, marketing groups, and offices of facilities management. Because safety and privacy are the biggest policy issues surrounding drone use, UCOP’s Office of Risk Management became the UC “home” for the center. They have been very collaborative and mindful of the research aspects. Centers of Excellence are established when there are local experts in an area that make sense to be the systemwide home. UC Merced post-doc Brandon Stark, who has worked with drones and had experience with getting FAA licenses to operate drones, has agreed to serve as the first director. He will be a systemwide resource for faculty and others. VC-Rs have been alerted. Hall and OGC Senior Counsel Ellen Auriti had developed a systemwide FAA authorization for a limited band of drones (won’t serve every purpose) to obtain a license. Hall is now developing a use policy focused on safety.

For the fourth time there is a “select” committee in the House of Representatives looking at fetal tissue research (“Select Committee on Infant Lives”). A UCSD professor of cellular and molecular medicine spoke at one of the committee’s hearings. The committee sent RFIs to about two dozen institutions nationwide, including UC, requesting information on funding devoted to fetal tissue research and specific studies. They want the names of researchers, students who observe, and administrative staff who participate in any aspect. A lot of documentation has been requested, although only a couple of institutions have received a subpoena. The Office General Counsel is deeply involved and will help guide UC’s actions.

Two new federal bills (in the [House](#) and [Senate](#)) address the administrative burden on researchers imposed by federal regulations. The propose the establishment of a board to review any new and proposed regulations to make sure they are not redundant, make suggestions for

streamlining impact, and provide realistic estimates of cost and administrative impact. Both bills track National Academy of Sciences recommendations for reducing administrative burden on research. The NAS's report that led to these bills was created with significant input of UC faculty. The bills are still in draft form, but have bipartisan support.

Pending state research legislation includes a bill having to do with using shelter animals for research. UC only uses shelter animals at Davis, through an MOU with shelters, and it's mostly for spay and neuter training and veterinary care). Firearm violence research bill, that would establish a firearms research center, is also of interest; federal government has prohibited using federal funding for this. UC will probably support this bill, but is working on the specifics.

## **VI. Systemwide Review Items**

UCORP will not comment on the second systemwide review of proposed Revisions to APM 360, Librarian Series and APM 210-4, Instructions to Review Committees.

Members reviewed the proposed changes to APM Sections 278 (Health Sciences Clinical Professor Series), 210-6 (Instructions to Review Committees), 279 (Volunteer Clinical Professor Series), 112 (Academic Titles, Clinical Associate) and New APM – 350 (Clinical Associate).

UCORP member Mark Cohen, a professor of neuroscience at UCLA who is familiar with the series in question, provided some background. The change institutes new requirements for the clinical professor series. A question arose about whether the change would apply to both new and existing employees in the series, and if so whether existing employees could be grandfathered or phased in so as to not be negatively impacted by the change. Some concern was expressed about whether the change degrades the series.

UCORP will respond that the committee is generally fine with the proposed changes to the APM, although somewhat concerned with the requirement for the Health Science Clinical Professor Series to engage in research. The clinical research requirement should be broad, but coherent and in-line with what constitutes research for an academic professor.

Chair Habicht Mauche will draft a response letter and will circulate via email for committee feedback. Comments are due May 18.

## **Executive Session**

UCORP members reported on the concerns and issues at their campuses and among their constituencies.

*Riverside* is working on annual allocation and expanding the purview of the committee.

*UCSD* has a proposal to create a joint administration/faculty "research integrity task force" to deal with instances of research misconduct and educating colleagues about how to avoid it. Some feel that the Senate needs to have leadership role in addressing problems before they occur; others feel that there are too many task forces already.

*Santa Barbara* is working on faculty research grants, some ORU issues, and dealing with consternation around sexual harassment problems at UC.



*Santa Cruz:* The funding decision cycle is ending. The divisional committee created research themes and the Vice Chancellor for Research matched funds for projects within the themes, which included sustainability, data sciences, and cultural crossings.

*UCLA* is working on a mechanism for transdisciplinary grants requiring more than one PI in order to facilitate cross-campus research (e.g., one from liberal arts, one from hard science). A significant number of proposals have already been received.

*Merced's* committee is also working on faculty research grants, which were divided into two streams: seed and acceleration. Some central funding has been cut, and so the committee is looking for other ways to find grant support and finding it a challenge.

*Berkeley* is having major discussions and meetings on sexual harassment and looking for ways to make cuts and save money.

*Grad student issues:* Graduate students are concerned about being mandatory reporters per campus sexual harassment policies.

*Meeting adjourned: 4:00pm*

*Meeting minutes prepared by: Joanne Miller*

*Attest: Judith Habicht Mauche*