

Minutes of Meeting
Monday, May 8, 2006

I. Announcements

George Sensabaugh, UCORP Chair

• Agenda changes

Chair Sensabaugh sought and received consent to make announcement items regarding corporate influence on research and the review of the California Institutes for Science and Innovation (Cal ISIs) separate agenda items, as well as to add agenda items to discuss the Division of Agriculture and Natural Resources (DANR) and to receive updates on the Graduate Student Advisory Council (GSAC), the California Policy Research Center (CPRC), and the Research Compliance Advisory Committee (RCAC), time permitting.

• Committee leadership

In 2006-2007, UCORP will be led by Chair Wendy Max and Vice Chair Jose Wudka.

• Report on Academic Council meeting of April 5, 2006

This meeting included a two-hour session with the Chancellors, at which the following items were presented:

◦ Budget policy: The joint group received and discussed the “Futures Report” submitted by the University Committee on Planning and Budget (UCPB) and the impacts of the recent increases in graduate student fees.

◦ Systemwide academic planning: Both short-term and long-term evaluations of systemwide academic planning were discussed, with special reference to President Dynes’ 2020 Long Range Development Plan.

◦ Faculty diversity: Although through the 1990s efforts to make the face of UC faculty match the changing demographic face of the state made impressive gains, since then, efforts have reached a plateau.

◦ Faculty salary scales: It is anticipated that this issue will become a hot button topic next year as many younger faculty are hired off and above scale, which is harming the morale of UC’s extant professoriate. Further complications arise given pay disparities between science and humanities faculty, regardless of market demands.

Discussion: Members questioned whether the discussion of faculty salary included medical school faculty and their clinical off-sets and other x-factors. Chair Sensabaugh indicated that the pay of medical school faculty was not at issue in the present discussion. Members also questioned whether there had been a meaningful comparison of UC’s pay steps and scale with that of relevant private markets. Chair Sensabaugh responded that such questions had not yet arisen, but were likely to in the coming discussion. Members asked whether the discussion of faculty diversity included reference to schools comparable to UC. The presentation by the University Community on Affirmative

Action and Diversity (UCAAD) did not include such information and presented only an outline of the issue, not solutions. Finally, members noted the limited pool of qualified faculty applicants from underrepresented minorities to join UC and the high level of competition for them.

- Report on Academic Assembly meeting of April 12, 2006

The Assembly voted to confirm Michael Brown as Council Vice Chair for the remainder of the 05-06 academic year and the 06-07 academic year in full.

President Dynes' report to the Assembly included the following:

- Compensation issues: President Dynes indicated his belief that the inquiry and its ramifications for UC had yet to reach the nadir, stating that even higher paid faculty may soon come under scrutiny in addition to the administrators currently being examined.

- Allied health fields: Acting Provost Hume and Regent Sherry Lansing have been named to lead a council to generate, by September of this year, a plan to increase enrollment in UC's professional health schools, especially those in the allied health fields, such as public health, nursing, and audiology. Three doctor of audiology (Au.D.) programs sponsored jointly by UC and CSU are expected to be ready by fall '07.

- Information technology strategic sourcing: By consolidating its IT contracts, UC has managed significant savings. Further plans are underway to increase the savings.

- International strategy: Gretchen Kalonji, Director of International Strategy, concluded in March an agreement with the government of India to establish a joint research program between UC and several universities in India as well as with several government agencies. Foci will include engineering, health and biotechnology, food security, biodiversity, and alternative energy sources, among others.

Discussion: Members asked for specifics regarding the India agreement. Chair Sensabaugh replied that presently it is a Memorandum of Understanding (MOU) only, not a concrete plan of action.

ACTION: UCORP will send a letter to Director Kalonji commending her on her success to date and encouraging her not to lose momentum on this important partnership.

- Report on Academic Council meeting of April 19, 2006

Council discussed compensation issues, the Department of Energy national laboratories, and the Special Committee on Scholarly Communications (SCSC) report. No new information was presented on compensation; more complete discussion of the national labs will come under that agenda item; and the SCSC report has been forwarded to Assembly for action at its May 10, 2006 teleconference.

- Report on Academic Planning Council (APC) meeting of April 11, 2006

APC discussed long-term systemwide planning. The conversion of summer instruction to full-time is still being finalized. Budgetary concerns arise over projected enrollment drops/plateaus: UC's state funding is predicated on projected enrollment, and it is feared that enrollment may have "topped out." Several factors contribute to this conclusion, including that the high school exit exam may diminish the number of eligible California enrollees, that many California high school graduates are electing to go to

college out of state, and that transfers from the California Community Colleges (CCC) have been lower than optimal, especially in the Central Valley.

- Report on Systemwide Council on Research (COR) meeting of April 13, 2006
Chair Sensabaugh reported to COR on UCORP activities regarding Cal ISIs review and the UCORP report on IRB operations. Two items from the COR agenda were of particular interest:

- UC Davis has developed a laboratory management training program, having recognized the need for faculty, post-docs, and graduate students to augment their training by including management techniques and interpersonal and cooperative research methodology. Further information may be accessed through the Laboratory Management Institute's website:

- <http://research.ucdavis.edu/home.cfm?id=OVC,14>

- The Information Technology Guidance Committee (ITGC) has been formed with an 18-month planning charge to develop further recommendations for strategic investment and innovation to better meet UC information technology needs.

- <http://www.universityofcalifornia.edu/itgc/>

II. Consent Calendar

- Approval of the Minutes of the Meeting of April 3, 2006

Discussion: One correction to the minutes was noted.

ACTION: The minutes were approved as amended.

III. Review of the University of California Committee on Latino Research (UCCLR)

Judith Aissen (UCSC) and Connie Pechmann (UCI)

Issue: UCCLR recently underwent its 15 year review, and UCORP has been asked to comment on the efficacy of the review and of UCCLR. Professors Aissen and Pechmann drafted a committee response following the overview presented at the April UCORP meeting. Professor Aissen then summarized the draft report (agenda Enclosure 5).

Discussion: Members agreed that the lack of focus evident within UCCLR was troubling, and agreed with the diagnosis that the committee was a regrating shell. In order for UCCLR to claim its own research identity, per proposed UCORP recommendations, members queried how much of UCCLR's funds should be withheld for its own usage. Further, as UCCLR is charged with coordinating research across the campuses, that aspect of its charter is clearly not being met. Members posited that part of the problem with UCCLR's implementation and leadership could be the top-down mandate which created it, rather than an organic groundswell of demand. Although clearly there is a need for meaningful Latino research in California, members wondered whether the current structure of UCCLR is the best mechanism for achieving that goal.

ACTION: Professors Aissen and Pechmann will revise the draft UCORP response in light of the committee's concerns and submit it for approval as soon as possible.

IV. Consultation with the Office of the President (I)

Charles “Larry” Gruder, Executive Director, Special Research Programs

Executive Director Gruder gave a presentation outlining the nature and accomplishments of the special research programs which he oversees: the Universitywide AIDS Research Program (UARP), the Tobacco-Related Disease Research Program (TRDRP), and the California Breast Cancer Research Program (CBCRP) (Distribution 7).

Discussion: Members asked about the programs’ funding specifics. Executive Director Gruder explained that UARP is funded through the California General Fund, while TRDRP and CBCRP are funded through tax revenues on tobacco products. Members also asked about the accessibility of the programs to non-university researchers, to which Director Gruder replied that each of the programs is open to non-profit applicants from within California. Finally, members questioned the rationale for the UC policy wherein UC recipients are ineligible to receive indirect costs. Director Gruder responded that this policy was established at the initiation of the programs to off-set possible criticism that UC was administering the programs to its own benefit.

ACTION: UCORP will consider drafting a letter recommending that UC special research program participants be eligible to receive funding for indirect costs, dependent upon the outcome of Chair Sensabaugh’s inquiries as to how such a redirection of funding would impact the number program grants offered.

V. Consultation with the Office of the President (II)

Ellen Auriti, Executive Director, Research Policy and Legislation

- Proposed legislation “Protecting America’s Competitive Edge (PACE)” legislation: Executive Director Auriti stated that President Dynes had sent a letter to President Bush indicating support for the initiative, and stated that the legislation appears to be on track for passage through Congress.
- California Commission on Science and Technology (CCST): Following a recent request from Governor Schwarzenegger, CCST is in the process of convening leaders in higher education, industry, and the national laboratories in California to develop recommendations for California actions to follow up on the four key recommendations in the National Academies report “Rising Above the Gathering Storm.” To do this, CCST is convening four industry-led task forces to identify specific ways that the state can address the report’s recommendations in the following areas: 1) K-12 math and science education, 2) science and engineering research, 3) science and engineering higher education degrees, and 4) incentives for innovation. UC has a number of representatives on CCST's Board and Council.

- California Competes Initiative: Of similar genesis, the Berkeley campus's Initiative is designed to develop a California-based coalition between education institutions and industry to increase the priority of science and technology in the two realms. Goals include raising the level of research money, increasing the size of the workforce, and creating tax incentives and regulatory policies.
- Senate Bill 1629: The Federal Laboratory Contracting Act is designed to ease the restrictions imposed by out-dated legislation on California cooperative efforts with the national labs.
- "Earmarking": The Federal Governmental Relations office estimates that \$25M in earmarked funds was requested. The Office of Research has begun its evaluation of the reporting process implemented this year. Among the recommendations are that requests should be sent through the Office of the President (OP), rather than from individual campuses, and that recommendations be due to OP in December to allow for adequate Office of Research review. Again, it was stated that the anticipated decrease in requests due to this more formal process was not realized.
- Single Institutional Review Board (IRB) approval of Multi-Campus Research Unit (MRU) research: The first proposal to be reviewed under the new MOU is underway. Some problems have presented themselves, but they do not seem insurmountable. A second project is on the horizon.
- Los Alamos National Lab (LANL): Concerns have been raised about potential conflicts of interest and about human subjects under the new lab management structure. While UC employees using the facilities are still subject to UC regulations and review, employees of Los Alamos National Security (LANS) are not. Further, LANS employees are not state employees. The implications of this status change are not yet known fully.
- Compliance: A systemwide advisory group is being formed to standardize the definitions and distinctions between gifts and grants as well as the implications for research conducted under the auspices of each.

Discussion:

- "PACE" legislation: Members queried whether the funds to be made available under the PACE legislation are to competitively awarded or line-item funds. Director Auriti stated that they appear to be competitive funds.
- "Earmarking": Members also queried why the formality of the new earmarking procedure was ineffective in lowering the total number of requests. Director Auriti speculated that the formalization of the process may have given some the wrong impression that the new process was akin to an RFP. Members then expressed their concern that an earlier submission deadline for requests may further delimit Senate involvement in the process, especially given that many campus senates and vice chancellors for research were unaware of the new procedure. While Director Auriti stated that she would take such concerns under advisement, she noted that the process

was effective insofar as guaranteeing a high level of campus leadership involvement. Indeed, much of the negotiations about which requests to forward to the Senators appears to have taken place between the chancellors and government relations offices.

- LANL/LANS: Members next wondered about the status change of LANS employees and how this might affect patents and other issues relating to intellectual property. Director Auriti indicated that she would pass these concerns on to the relevant technology transfer committees.

- Other: Previously, UCORP had been informed of an impasse in the negotiation of a contract between the California Water Board and UC. The question was posed whether Senate Bill 1629 might be used as leverage to break the impasse. Director Auriti responded that no substantive progress had been made with the water board, and further, that it was unlikely that SB1629 would have any noticeable impact.

ACTION: UCORP members will solicit from the campuses their impressions of the earmarking review process, keeping in mind the Office of Research's goal of discouraging requests on the grounds that it is a poor practice in principle, that the funds solicited may trade-off with other monies, and that it may refocus research efforts detrimentally.

VI. UCORP Responses to Systemwide Review Items

- Proposed Amendments to APM sections 700, 710, 711, and 080

ACTION: Members elected not to opine.

- University Committee on Academic Freedom (UCAF) Proposed Student Freedom of Scholarly Inquiry Principles

Issue: Academic Council Chair Oakley provided background information: The proposal is a response to various efforts nationwide to restrict faculty academic freedom by empowering students with a right to determine what is taught to them equal to the faculty right to determine the content of a course. Certain student advocates are concerned that by not providing equal class discussion and resources to all points of view, universities are effectively "indoctrinating" students to a particular viewpoint.

Discussion: Members questioned the inclusion of student "intellectual property rights" in the proposal. For example, while it is recognized that crediting student researchers properly is important, members were unclear as to the specifics of the authorship attribution principles that UCAF indicated were "generally accepted."

ACTION: UCORP elected to endorse the UCAF proposal, with the caveat that student intellectual property rights and the standards governing them should be the subject of future elaboration and clarification.

- University Committee on Libraries (UCOL) Proposed Amendment to Senate Bylaw 185-Library

ACTION: UCORP concurs with the justification presented by UCOL and will communicate this to the Academic Council.

VII. MRU Senate-OP Joint Workgroup

George Sensabaugh, UCORP Chair

The Workgroup is a joint Senate-Administration committee, co-chaired by Vice Provost for Research Coleman and UCORP Chair Sensabaugh. There are three additional Senate members representing UCORP, UCPB, and CCGA. There are also three campus administrators.

Chair Sensabaugh provided a brief summary of the group's charge—to define more specifically an "MRU," its limits, and its key characteristics—and summarized deliberations of the April 5, 2006 meeting. The Workgroup arrived at the following conclusions: 1) To be an MRU, activity on at least 3 campuses must occur. 2) When considering MRU applications and renewals, special emphasis must be placed on the "value added;" that is, the unique and greater benefit of the research being conducted by an MRU should be clear and demonstrable. 3) Administration should be recentralized wherever possible, especially with regranting MRUs. 4) Because the scholarly achievement of MRUs is expected to be of high quality, the reviews should emphasize resource management and operations. 5) About 10% of the overall MRU budget, or \$3M, should be available on a 3-year rotating basis to serve as "seed" money for new enterprises. 6) Regarding facilities currently managed with MRU funds, UC must decide to maintain the investment or divest. 7) There was a concurrence of opinion that campus FTE should not be supported through MRU funds.

Discussion: Members asked whether new MRUs could achieve permanent funds. Chair Sensabaugh indicated that it was the Workgroup's preference that "seed" money be one-time only grants, but that MRUs were free to reapply. Also, it is the Workgroup's feeling that many new MRUs, if successful, will achieve financial independence. Moreover, there will be MRUs that, by their very nature, will be of limited life-span, while others, with longer-term goals, will be reviewed after five years and must recompute for funds. Members queried where 10% of the MRU budget could be cut. It is anticipated that the cessation of FTE compensation on the campuses will result in recovery of some funds; other means of capturing the 10% are under investigation.

VIII. Update on the Academic Council Special Committee on National Laboratories (ACSCONL)

Wendy Max, UCORP Vice Chair

Vice Chair Max reported not only on the recent ACSCONL meeting, but also on the President's Council of Research meeting which she also attended. Lawrence Livermore National Laboratory's (LLNL) new management contract RFP is expected immanently, and UC is preparing to bid. Many expect tougher competition for this LLNL bid than in previous ones due to DOE's preference for cooperative management efforts. Moreover, in light of this new lab management structure preference, OP's lab

management department is scheduled to downsize from ~40 to ~10 employees, once their relevant lab contracts have closed.

LANS will officially assume control of LANL on June 1, 2006.

Discussion: Members are concerned about the opacity of the LANS contract, both in principle and because it will likely serve as a model for the LLNL re-bid. Vice Chair Max pointed out that some of the confusion surrounding the LANS contract is due to the fact that it changed during the comment period. Council Chair Oakley added that under the new structure, LANS is controlled by a partnership, in which the UC Regents have the tiebreaking vote. Members are also concerned about the “hard-line” approach toward resolving the LANS conundrum being taken by UCPB. While recognizing the necessity of pressing for full disclosure and meaningful Senate and faculty involvement in planning research operations with LANS broadly considered, members feel that massaging the lines of communication to keep them open and fluid is equally important.

IX. Review of UC Biotechnology and Education Program (BREP)

Slav Hermanowicz (UCB) and Arturo Keller (UCSB)

The BREP review documents have been received and a report will be made to UCORP at its next meeting..

X. Report on Institutional Review Boards (IRBs)

George Sensabaugh, UCORP Chair

Item deferred to June meeting.

XI. New Business

- Corporate influence on research: UCAF responded to UCORP’s letter and at present, identify no pressing issues requiring attention. (See Distribution 2)

ACTION: UCORP will communicate to Chair Oakley that this issue has been closed.

- Cal ISIs: The first review of a Cal ISI, IT2 housed at UCSD, is schedule to commence later this year, and will focus in part on their continued funding, organizational structure, and impacts on their host campuses as directed by the Cal ISI review protocol approved earlier this year. Chair Sensabaugh questioned whether this review protocol should be modified in light of the Lerner review reported in January 2005 (agenda Enclosure 2), which has just been made available to UCORP.

Discussion: Members expressed concern about how the review process would incorporate shared governance.

ACTION: UCORP will send a letter to Acting Provost Hume stating its desire to see the issues raised by Lerner et al included in the impending review of the Cal ISIs.

- Division of Agriculture and Natural Resources (DANR) review:

Issue: UCORP and other Senate committees have long sought a full and thorough review of DANR. With the impending retirement of Vice President Gomes, the opportunity for review is presented.

Discussion: Given the difficulty in successfully organizing and carrying out reviews of DANR in the past, members felt that it would be beneficial to start creating momentum for a review as soon as possible. Further, anticipating potentially significant organizational changes to be recommended, members felt that conducting a review at the beginning of a new leader's tenure would be difficult and unprofessional. Finally, in light of the myriad significant issues confronting OP at present, members felt that it would be worthwhile to remind OP of the Senate's expectation of a major review.

ACTION: UCORP will send a letter to Council Chair Oakley for submittal to President Dynes expressing its preference that a thorough review of DANR be undertaken at the earliest possible date.

The meeting adjourned at 4:02 p.m.

Distributions:

1. UCPB letter to Acting Provost Hume re: Funding for the Cal ISIs (4/17/06)
2. UCAF letter to UCORP re: Investigation of Possible Influence of Corporate Funding on Academic Freedom (5/5/06)
3. Academic Council letter to President Dynes re: DANR/AES/Cooperative Extension/Natural Reserves (6/22/04)
4. UCPB draft letter to Chair Oakley re: ACSCONL Proposals for UC Faculty and DOE Laboratory Interactions (no date)
5. "New Mexico universities unite for the love of science" *Tribune Reporter* 4/15/06
6. UCAF letter to UCORP re: UCORP's draft IRB Report (5/5/06)
7. "State Funding for Health Research in California" by Larry Gruder (5/8/06)

Attest:

George Sensabaugh
UCORP Chair

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