

**Minutes of Meeting****May 9, 2005****I. Chair's Announcements**

Chair Neiman welcomed Professor Sar Desai as the UCLA alternate, and briefed members on recent Academic Council actions, including:

- Recommendations on implementation of the mandatory sexual harassment training for faculty
- Advising that the start date for the planned faculty salary adjustment be October 1, 2005, which will create a larger salary base
- Provisional approval of the UCM division, pending its compliance with a Senate financial plan
- Approval of a change to SR 600. B, which will allow faculty members to receive higher degrees from their own campuses
- Opposition to AB 992, which will give UC police the same surveillance powers as municipal police
- BOARS data that shows lack of a strong relationship between SAT scores and GPA at UC.

**II. Consent Calendar**

**Action:** The April minutes were approved with minor changes.

**III. Consultation with the UCOP Office of Research, MRU Program Update,** *Cathie Magowan, Director of Science and Technology Research Programs; Dante Noto, Director of Arts, Humanities and Social Science Research Programs.*

**Update on the Institute on Global Conflict and Cooperation funding situation,**

**Director Noto:** For the past 11 years, IGCC has received \$900K per year from lab management fees, which comes out of the “complimentary and beneficial activities fund.” This fund is also the source of funding for IGPP and has also funded campus/lab exchanges and campus/lab collaboration programs. Last year, IGCC’s state funding of about \$500K was cut when the state eliminated its ‘global peace’ funds. More recently, its income from the lab management fee was cut from 900K to 500K. The cuts have caused significant concern about adequate support for IGCC; the decision on the part of lab management to cut IGCC’s funding has, moreover, raised serious and fundamental questions about decision-making authority over the lab fees and about the nature of the relationship between IGCC and the labs. In the last year, the lab management fee itself was diminished by more than half, as a result of performance management cuts and claims that were filed against the fee. The Office of Lab Management (OLM) made its decisions to reduce support of the two MRUs associated with the labs without consultation with the Senate or with OP, cutting IGPP’s funding as well from \$550K to \$500K. There has been no academic or programmatic recommendation to cut IGCC’s funding. IGCC received an excellent review from a 15-year review panel and the

Academic Senate two years ago. The IGCC community and others feel that the OLM does not have the authority to make these funding decisions unilaterally. The Vice President of Lab Management maintains, however, that distribution of the fees is at his discretion. Meanwhile, a letter writing campaign addressed to President Dynes has been launched in opposition to the cut. Clearly, a main concern is the lack of consultation with the Senate in this decision, along with the more fundamental question of budgetary oversight.

The perception on the part of lab management is that the work of IGCC is not relevant to the work of the labs. In addition, the OLM would like to be more involved in how IGCC funds are used for research. The Office of Research at OP has suggested to the IGCC steering committee that they consult with the labs both about their funding situation and about perceived and real conflicting missions of the labs and IGCC. While IGCC is willing to work with the labs on some projects, it sees itself as an independent UC research enterprise that is funded by the labs but not accountable to that office or obligated to do research for the benefit of the labs. So, in addition to the issue of budgetary authority, there are questions of how these entities are meant to interact, to what degree that are independent, and what the nature of the lab fee is (i.e., whether it is meant to support UC research).

#### UCORP Comments

- This situation is similar to the issue of funding re-allocations that were made by the DANR Vice President and done without Senate consultation.
- If the money can be cut in this manner, the labs should make that clear from the outset.
- What was the justification given for the cut? Is this really the start of a phase-out?
- Since UCOP and the Senate determine the quality of the research, the OLM does not have that basis to use to justify a cut.
- At the same time, there should not be a disjuncture between funding and a basic measure of evaluation of the MRU.

**MRU Update, Director Magowan:** There will be a meeting of MRU directors this Friday at which recent reviews and findings will be discussed. The directors have been sent the Senate's report on "Restructuring the MRU Review Process" along with a list of questions on what should be included in future annual reporting and 5 year reviews. Another ongoing issue is how to distinguish MRUs from ORUs, which arises in the current reviews of ITS and IGPP since both of these MRUs have seemingly independent campus operations and minimal central coordination/collaboration. If branches are acting more as ORUs, then funding them with systemwide resources may not be appropriate.

#### **IV. 15-Year Review of the Institute for Transportation Studies** *Judith Aissen; Tulin Erdem, UCORP review subcommittee*

**Subcommittee overview:** ITS seems to be one of the most successful MRUs, based on a range of factors. Its branches do operate independently, but the concern about this may not be entirely well-founded in the case of this program. The Directors do communicate with each other, the library at Berkeley is a core shared facility, and the students perceive ITS as being multi-campus in nature. In view of the MRU's overall health, as well as the

opposition of the present directors, it is hard to support the review panel's recommendation that new levels of administrative structure be installed. The current decentralized system appears to be working, and interaction among the campuses can be enhanced through other means. Increased use of information technology to create a stronger cyber-community would address some concerns about the decentralized structure of the MRU, making possible, for example, distance-learning opportunities, more effective outreach to campuses with developing programs in transportation research, and a more adequate MRU-wide list of activities and publications. UCORP supports this initiative, but the directors must consider whether this initiative is a funding priority.

**Action:** UCORP endorsed the subcommittee report on the 15-year Review of the Institute of Transportation Studies (ITS), which, with minor changes, will be forwarded to the Academic Council with a cover letter.

**V. 15-Year Review of the Institute for Geophysics and Planetary Physics** *James Murray; Jose Wudka, UCORP review subcommittee*

**Subcommittee overview:** The general tone of the review was laudatory and the success of IGPP in many research and support areas is apparent. Administrative questions and coordination are areas needing attention. Communication and coordination between the branch institutes needs to be improved so that IGPP is not just a loose collection of campus branches. Budget information was not complete or clear in the report, and some of the online materials were password protected and therefore not available. The panel's recommendation to establish of the Council of Directors is sound, and essentially represents a renaming and reactivation of the Council of Associate Directors with a well defined membership and scope. The review panel's recommendation to reassign FTEs from the older campuses to support fledgling program is potentially divisive and a move that could be perceived as "punishing success" if funds are taken from the budget of a prosperous branch in order to support a failing one. Also, faculty interest at the campus level should be the motivation for new branches, rather than it coming from a top-down plan. While the review emphasizes the importance of maintaining collaborations with the national labs whether or not the University continues to manage them, it does not really address the future of IGPP in the event that UC either does not bid for management of the labs or is not selected as manager.

**Discussion:** The review subcommittee members expressed concern that the review panel did not receive the Director' Report until only shortly before convening. This raises concerns that there may not have been sufficient time to ensure that the report was complete or for the panel to read it thoroughly prior to commencing their site visit. It was suggested that it would have been better to postpone the review visit until such time as the report was available. Concern was also raised about the review panel -- for this review and perhaps for most MRU reviews -- being made up solely of scientists from within the field. There was general agreement that in addition to faculty qualified to judge the science, the panels should also include individuals able to assess the organizational strength of an MRU. UCORP members also noted -- in relation to this MRU and to ITS - that the review questions need to be revised so that they do not generate expected responses.

**Action:** UCORP endorsed the subcommittee draft report, which supports the continuation of IGPP and makes a number of comments specific to the review panel's recommendations addressing IGPP's organizational structure, its oversight and its funding. The subcommittee will finalize the report and it will be sent to the Council with a letter outlining additional concerns about whether the panel had adequate time to review the director's report and membership of the panel.

## **VI. Consultation with the UCOP Office of Research,**

### Vice Provost Coleman:

*Lecture Series* – The Office of Research is sponsoring a series of lectures at UCOP by prominent UC scholars.

*Federal budget* – Federal research funds for basic research have been cut and funding of some agencies has become more directed. DARPA funding, which has in past been a good source for physical sciences and computer sciences, is becoming more conservative and more targeted. The President's budget may be augmented, though, by Congress.

*CalSpace* – A revised letter is being sent out today explaining the decisions about CalSpace in some detail. The position of the Office of Research is in reality consonant with the recommendations of the Senate, in that CalSpace will in effect be disestablished as of September. Funds will be returned to OP and all of the associated FTE, except for one, have been taken care of. Funding for the four centers of excellence will continue through next year with some OP funding.

*MRUs in general* – The Office of Research has for some time been grappling with how to measure the value added of MRUs to the university and to the related discipline, along with associated funding questions and the need to counter the sense of entitlement that many established MRUs have towards their OP funding. As is pointed out in last year's UCPB report, the programs are different, as are the disciplines funded. Some of the efforts that have been made include:

- Creation of the IRP (which is reviewed and receives oversight but does not get funding)
- Requests for specific targets of activities
- Funding for development of external support
- MRGs (multi-campus research groups) – These groups are initially funded for five years. Five of them are now re-competing for renewal of funding. Proposals interesting new proposals have also been received.

*Earmarking*– It has been UC's policy not to ask for federally earmarked funds, except in cases where it is the only alternative. Faculty and campus administrations have, however, been lobbying on their own for earmarked support. A letter has gone out to the Senate and to the Chancellors on UC's policy. President Dynes is forming a workgroup to look at the exceptions and draft a position that should be ready for the next budget cycle.

### Director Auriti:

*Stem Cell Initiative* – The earliest funding will go to training grants and methods research, because this area involves the least number of policy issues. \$15.3M for 3 years will go to 18 institutions. A UC systemwide workgroup is being put together to look at

what needs to be done at UC to be in compliance (facilities, ethical oversight, e.g.). Several legislative issues relating to the ICOC are still pending.

*Export controls* – UC is drafting comments on a proposed rule on export controls that may increase restrictions on individuals in research. The Office of Research will soon have a list of export control dos and don'ts on its Web site.

## **VII. University of California Draft Policy on Human Subject Injury, and Draft Guidelines on Implementation, Rebecca Landes, Coordinator**

**Overview:** The office of Research has sent out a new human subject policy and guidelines. A new development, since this was drafted, is the possibility that the costs might be covered by the UC's general liability or professional liability plans. The current policy says that no subject in a UC study will pay for the cost of care if injured and that funding would be decided on a case by case basis. This policy is not extensive enough to address all of the issues that arise, however, and a designated fund source is needed. A task force worked on the draft policy, which would provide that each campus that funds subject research, through, say NIH or departmental or PI initiatives - have a funding mechanism to cover subject injury. UC contracts require that industry cover the costs of injury in industry funded research. It is the view of the university that a charge to the subject's insurance is a charge to the subject him/herself, and therefore not appropriate. In the past few years both federal and state government have allowed that certain costs can, however, be paid for by insurance, and this draft policy provides that in those very specific cases, costs will be covered by the subject's insurer. There is no designated source for research funded by NIH, departmental or PI initiated study. The policy is also accompanied by guidance that explains federal coverage and the state law. Recently, the new Director of Risk Management has indicated that it may be possible to use the university's plans for this use. The policy may be revised to reflect this, but review of the current version will continue as planned, and it is hoped that any additional delay will not be significant and that the policy can be implemented relatively soon.

## **VIII. UCORP /UCAF Joint Workgroup on Corporate Influences on Research**

**Issue:** Chair Neiman has discussed the joint workgroup with UCAF at their April meeting. UCAF has suggested members for the group, and seems interested in going forward, although nothing further has been decided.

**Discussion:** Members expressed some reluctance to undertake such a large and undefined project without a compelling indication of how the issue of corporate influence on research is different from or not already covered in the "strings" report that was completed last year. It was also noted that there does not seem to be indication that current policies or the peer-review process is failing in some way or in some cases.

**Action:** Chair Neiman will convey the committee's sentiment to UCAF. He will also suggest that UCORP, perhaps together with some members of UCAF, discuss the topic with an expert -- possibly Professor Lisa Bero of UCSF.

Meeting adjourned, 4:00 p.m.  
Attest: Max Neiman, UCORP Chair

Minutes prepared by  
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