

**Minutes of Meeting
October 13, 2008**

I. Welcome and Introductions

- James Carey, UCORP Chair
- Members

ITEM: After member introductions, Chair Carey provided an overview of the role of UCORP and of UC's and the Academic Senate's governance structures.

DISCUSSION: Members queried as to the role of the systemwide Council on Research and whether it was common for campus Vice Chancellors for Research (VCRs) to sit on campus committees on research. Analyst Feer outlined the roles and memberships of the systemwide Council on Research, and divisional representatives shared whether their campus's VCR sat on his campus committee on research in an official or advisory capacity; the rules for the latter can be determined at each division's discretion.

II. Chair's Announcements

- James Carey, UCORP Chair

Chair Carey provided a brief update on key issues from the Academic Council meeting of September 24, 2008, including topics such as 1) the potential outsourcing of the University of California Retirement Program's (UCRP) administrative functions, 2) changes to the policies governing the rehire of retirees, 3) the findings of the subcommittee on the Professional Doctorate of the UC Task Force on Planning for Professional and Doctoral Education (PDPE), 4) proposed amendments to the Senate bylaws governing the University Committee on Academic Freedom, 5) proposed changes to the Academic Personnel Manual to sections governing spouses and domestic partners, 6) the state of shared governance at UC, 7) expanding the charge of PDPE to include graduate student advice and support, 8) budget concerns at UC Merced, 9) the future of the faculty salary plan, 10) the proposed changes to UC freshman eligibility, and 11) obstacles facing the development of UC Riverside's proposed medical school.

III. Consultation with Academic Senate Leadership

- Mary Croughan, Academic Senate Chair
- Henry "Harry" Powell, Academic Senate Vice Chair
- Martha Winnacker, Academic Senate Executive Director
- Todd Geidt, Academic Senate Associate Director

Chair Croughan updated the committee on several items of interest:

1. Issues from the National Labs: The Academic Council Special Committee on Lab Issues (ACSCOLI) is the Senate body that monitors UC's involvement with the national labs that do classified research, Lawrence Livermore National Lab (LLNL) and Los Alamos National Lab (LANL); it also monitors the University's involvement with the labs' governing corporations, Lawrence Livermore National Security, LLC (LLNS), and Los Alamos National Security, LLC (LANS), in which UC partners with various private industry companies to administer the labs.

Last year, ACSCOLI authored a resolution, which was subsequently approved by the Academic Assembly and forwarded to the president, requesting to be kept abreast of “pit” production at LANL; the reporting date has since been changed to October 31 to allow reporting for the lab’s October 1-September 30 fiscal year. The Senate’s overriding concern is that UC not be involved in nuclear weapons production, but merely in stewardship. The Senate is also concerned with deteriorating morale at the labs.

DISCUSSION: Members asked how much UC’s share of the management fees would be, and Chair Croughan replied that while the final total for this year was still pending performance reviews by the Department of Energy, it is expected that the fee total will be similar to last year; the final total will be available in December. Prior to the LLCs, UC received no profit from administering the labs, merely direct funding for operating costs. Members also asked how many “pits” were necessary for stewardship. Chair Croughan indicated that while the actual number of “pits” dismantled in validity testing is classified, as is the total size of the arsenal, production is expected to be limited to 20 due to physical capacity and budgetary restraints; last year, only 6 “pits” were certified for use.

2. Graduate Student Support: At present, the president’s 2009-10 budget still includes \$10M for additional graduate student support, but given the dire state fiscal situation, the survival of this money is in doubt.
3. Faculty Salaries: At present, the president’s ’09-10 budget still includes \$20M for discretionary use for faculty recruitment and retention, but Year 2 of the faculty salary plan implemented last year, which would require \$68M, is not funded.
4. Freshman Eligibility Reform: The Senate is working hard to familiarize both The Regents and the legislature with the proposal. It is hoped that the item will come before The Regents for a vote in either November or January.
5. University Budget: The state’s deficit is expected to increase before the end of the calendar year, so President Yudof is preparing a revised budget to present to The Regents. As a result, we expect to be requested to limit travel to “essential” business only, though funding for most Senate activities should be secure.
6. Lab Fee RFP: The peer review groups have met and submitted rank-ordered recommendations through the Office of Research and Graduate Studies to the president, who will review them and make the final funding selections. Award letters will be sent after the December announcement of the final lab fee total.

DISCUSSION: Members noted that the Proposal Central website used to submit applications was onerous. Other members wondered whether a portion of the monies could be allocated by campus CORs, rather than by OP. Another member queried what the overhead rate was, given the divergence between lab rates and campus rates. Chair Croughan stated that the RFP organizers had hoped for zero overhead, but federal regulations prevented that outcome as the LLC-directed funds are still taxed off-the-top for overhead. She also noted that many proposals were multi-year, so the RFP process may function on a 2-3 year cycle, not an annual one. Finally, Chair Croughan observed that proposals from the humanities and social sciences were competitive and favorably reviewed.

7. Senate Protocol and Governance: Chair Croughan summarized the lines of communication and nature of confidentiality in Senate deliberations. She also

encouraged members to familiarize themselves with the committee handbook available on the Senate's website.

IV. Systemwide Review Items

1. Proposed Revisions to Academic Personnel Policies 110-4(10); 230-17; 230-18; 279-20; 360-80-a; 520-4; and 710-14-b, 710-14-l, 710-38, and 710-46; and Proposed New Academic Personnel Policy 765
ACTION: The committee elected not to opine on this item.
2. Proposed Amendments to Senate Bylaws 125.A.4, 128, and 130
ACTION: The committee will endorse the accession of the University Committee on Academic Freedom (UCAF) to membership on the Academic Council but will abstain from opining on the term of that committee's chair. Vice Chair Laursen's draft response will be placed on the November consent calendar.
3. Report of the Subcommittee on the Professional Doctorate of the UC Task Force on Planning for Professional and Doctorate Education (PDPE)
ACTION: The committee named Berkeley Representative Glaser, San Francisco Representative Pittet, and Graduate Student Representative Serwer as lead reviewers for this item. Their response will be discussed at the November meeting.
4. Policy on Reemployment of University of California Retired Employees, adopted by The Regents September 18, 2008
ACTION: The committee elected not to opine on this item.

V. Consultation with the Office of the President, Office of Research and Graduate Studies (ORGS)

- Steven Beckwith, Vice President, ORGS
- Ellen Auriti, Executive Director, Research Policy and Legislation

ISSUE: Lab Fee RFP: Vice President Beckwith presented the committee with more specifics regarding the lab fee RFP evaluation and award processes. There were 564 proposals received; the cap for funding requests was \$2M, and applicants could propose programs up to three years in duration. Five evaluative groups were formed by thematic topic, and a sixth group evaluated large proposals (those requesting over \$500K/year). Each group submitted a rank-ordered list of its recommendations, which VP Beckwith then collated and submitted to President Yudof for final selection.

DISCUSSION: Members asked a series of questions about the award process and allocation procedures. VP Beckwith indicated that approximately 10% of applicants would be funded, and the review committees recommended full funding for multi-year projects, meaning that the RFP process may be a bi- or tri-annual event. In the event of unallocated funds, a targeted RFP is a possibility. Further, the awards are one-time project grants, not start-up funds or annualized entitlements. Members also queried as to feedback submission and the use of overhead funds. VP Beckwith noted that his office, in conjunction with Chair Croughan and Associate Vice President for Lab Management, John Birely, will develop and submit a closing report on year one of the process; the report will be sent to UCORP and posted online, so feedback can be sent through those mechanisms. VP Beckwith also noted that overhead funds would be paid to the host

locations in proportion to their costs, and that any overhead captured by OP would be used exclusively for funding the RFP process.

Executive Director Auriti updated the committee on three issues of relevance:

1. **UPDATE:** Academic Researcher Protection Act (ARPA): Governor Schwarzenegger has signed ARPA, which creates a new misdemeanor for publishing the names or researchers, their families, or the locations of them or their labs with the intent to cause harm. The legislation was enacted in the wake of continuing attacks on animal researchers at Los Angeles and Santa Cruz campuses, most prominently.
DISCUSSION: Members questioned how prosecutors could prove posters' "intent" to cause harm to researchers. ED Auriti agreed that the legislation is not ideal, but that it represents a good starting point. Next session, UC will lobby to strengthen public records acts requests exceptions so that only heavily redacted documents could be published.
2. **UPDATE:** Export Control Issues: ED Auriti distributed both a recent news article and relevant UC documents governing export controls (see Distributions 1-3). Recently, an emeritus researcher in Tennessee was convicted of violating export control laws and could face up to 70 years in prison; members were exhorted to monitor their own and their labs' compliance carefully.
DISCUSSION: Members inquired whether this issue was related to the National Security Science and Engineering Faculty Fellow (NSSEFF) program discussed last year, and ED Auriti indicated no, this was a separate issue. Nonetheless, should any researcher receive classified information, that information must be siloed; researchers participate in classified activities at their own risk. Members also asked how export control compliance was being enhanced. ED Auriti noted that campus VCRs had been briefed, and they should be updating their constituencies.
3. **UPDATE:** Policy on Native American Remains: A proposal is imminent that would allow campuses to determine autonomously, no longer via a systemwide advisory board, whether and how to repatriate Native objects to tribal jurisdictions.

ISSUE: California Institute of Climate Studies (CICS)

DISCUSSION: Members inquired as to the fate of CICS given recent legislative activity. VP Beckwith stated that the proposal is dormant, not dead, and that the process is an iterative, political one.

VI. Multicampus Research Unit Advisory Board Report

- Steven Beckwith, Vice President, ORGS
- Cathie Magowan, Director, Science and Technology Research, ORGS
- Dante Noto, Director, Humanities, Arts, and Social Science Research, ORGS

ISSUE: VP Beckwith provided a summary of MRU funding issues and of the current recommendation, which is to require extant and proposed MRUs to compete for funding, rather than assume that funding will continue from year to year. A draft RFP is being prepared, and it is hoped that feedback can be received in time for February publication.

Director Noto added that the MRU directors were updated last month, and many feel they will be competitive in the process. Director Noto also noted that the White Mountain and Lick Observatories, as well as other state-funded units, will be exempt from the competition.

DISCUSSION: Members asked whether sunset clauses would be mandatory in the proposals. Director Magowan indicated that such would not be required, but that a convincing business model would be necessary. Members also inquired whether the MRU budget was expected to survive the current crisis. VP Beckwith said that hoped the MRU budget would be protected, but he added that any program with fungible money would be under scrutiny. In response to queries about financing capital projects, VP Beckwith stated that only research programs would be eligible to receive funding. Other members noted that requiring UC matching funds might serve as a disincentive for securing extramural funding. Director Noto suggested that de-funding a program was not the same as disestablishing it. Chair Carey queried how the anticipated “value added” would be demonstrated in proposals and evaluated in practice. Director Magowan offered the Institute of Geophysics and Planetary Physics (IGPP) new structure as a good model of demonstrated synergy.

ACTION: Riverside Representative Hammond and Santa Cruz Representative Kolaitis will be the lead reviewers for the draft RFP when it is released; they will present their findings at the November meeting.

VII. QB3 Review Response

ISSUE: Chair Carey presented an overview of UCORP’s responsibilities in responding to academic reviews as prescribed in The Compendium. He then summarized the draft response and encouraged members to think critically as to whether QB3’s accomplishments are due to its sum being greater than its considerable parts.

DISCUSSION: Members agreed that the review as presented did not explicitly address the value added by the institute itself, but were unsure as to how such a metric could be devised. Members also agreed that the review as presented did not explicitly address the questions asked in the protocol, nor did it address learning outcomes. Further, the review was felt to be lacking quantitative measures, and members wondered how critical the site visits were.

ACTION: Chair Carey will revise the draft response to reflect these additional concerns and circulate the revised response prior to submitting it to the Academic Council.

VIII. Accountability

ISSUE: Chair Carey summarized the initiative’s genesis, and Analyst Feer noted that the audience is the general public and the legislature. The goal is to convince them that UC is vital to the state and should be more strongly supported.

DISCUSSION: Members noted that the framework only addressed system inputs, many of which are not meaningful to the general public, e.g., number of patents. Members also suggested that the many charts and graphs would be enhanced by explanatory text linking the inputs to the lives of Californians. Members agreed that a clearer connection between research and unique educational opportunities should also be drawn.

ACTION: Members will submit comments electronically to Chair Carey and Analyst Feer for presentation and discussion at the November meeting.

IX. The Big Research Picture

Note: Item not addressed.

X. Goals for the Year and Member Issues

ITEM: Chair Carey posited that the committee could research and author a paper.

DISCUSSION: Members agreed that such a paper would be a good idea, and one member noted a similar success from her campus. Others suggested that selecting the topic could be more difficult than producing the paper itself.

ITEM: Members suggested that following up on the overhead project from last year might be worthwhile.

DISCUSSION: Most agreed that the issue was important, but other than clearer accounting, they were unclear what, if any, changes could reasonably be expected.

Adjournment: 3:05 p.m.

Distributions:

1. "Professor's Conviction on Export Violations Alerts U.S. Universities" by Richard Monastersky in *The Chronicle of Higher Education* of September 9, 2008.
2. UC Regents Office of Ethics, Compliance, and Audit Services Overview of Export Control Laws
3. UC Regents Office of Ethics, Compliance, and Audit Services UC's Export Compliance Plan

Minutes prepared by Kenneth Feer, Senior Policy Analyst

Attest: James Carey, UCORP Chair