

Minutes of Meeting  
UCORP 10/16/2006**I. Chair's Welcome and Introductions***Wendy Max, UCORP Chair**Members*

The Chair and members introduced themselves and their fields of research, and indicated their ideas for potential scrutiny by UCORP in the 2006-07 academic year. Among topics suggested were: 1) the diversion of research money to non-research purposes, 2) greater follow-through after making requests and reports, and 3) the restoration of small grant funds that were cut in recent years due to budgetary constraints.

**II. Consent Calendar**

- Minutes of Meeting, May 8, 2006
- Minutes of Meeting, June 5, 2006

**ACTION:** The Consent Calendar was approved.

**III. Update on the Industry-University Cooperative Research Program (IUCRP) and the Technology Transfer Advisory Committee (TTAC)***Hans Schollhammer, UCORP Liaison to IUCRP and TTAC (via teleconference)*

Professor Schollhammer outlined and summarized his written reports (see Distributions 1 – 1.3). From the May 11, 2006 meeting, he highlighted the Special Opportunity Grants, action and discussion on the California Competes initiative, the report by IUCRP Executive Director Susanne Huttner on 1) her recent campus visits and company tours and 2) overall budgetary items, and progress on implementing the IUCRP Fellows Program.

**DISCUSSION:** Members queried who were eligible to become Fellows under the IUCRP program. Prof. Schollhammer indicated that recipients were sometimes post-doctoral researchers and sometimes junior faculty, but that all had received graduate degrees.

**NOTE:** The second half of this update was held in Executive Session. No notes were taken.

**ACTION:** Professor Schollhammer will update the committee on recent TTAC goings-on at a later date due to time constraints in the October UCORP meeting.

**IV. Consultation with Academic Senate Leadership***John Oakley, Chair, Academic Council**Michael Brown, Vice Chair, Academic Council**Mária Bertero-Barceló, Executive Director, Systemwide Academic Senate*Senate Structure and Member Responsibilities

Chair Oakley presented an overview of the importance of the systemwide Senate committees, and the significant role they play in upholding the Senate's role in the shared governance of the University of California. He also outlined the leadership structure of the Senate, including the role and composition of the Academic Assembly and the Academic Council. Chair Oakley then summarized the parliamentary leadership role he and Vice Chair Brown have in the Senate and as *ex officio* members of and faculty representatives to The Regents. He next brought special attention to the necessity of following the Senate's travel guidelines explicitly, as well as the role UCORP members play as two-way conduits of information between their divisional and systemwide Senate bodies.

#### Academic Assembly Meeting of October 11, 2006

Chair Oakley updated the committee on the recent Academic Assembly discussion and resolutions (see Distribution 2) on accepting research funds from the tobacco industry and affiliated sources. In 2004, UCORP submitted, and the Academic Council endorsed, a resolution stating that bans of research money from controversial sources should not be allowed within the University of California system as such would constitute a violation of the principles of Academic Freedom. Subsequently, the issue was referred to the Academic Assembly, and in May 2005, a position was reached indicating that prohibitions against accepting research funds would constitute a violation of Academic Freedom, and that only The Regents have authority granted under the Constitution of the State of California to impose such a ban. Recently, in a well-publicized federal court decision, the tobacco industry has been found to be a criminal enterprise, operating in violation of the Racketeer Influenced and Corrupt Organizations, or RICO, Act. Subsequently, *Ex Officio* Regent and California Lieutenant Governor Cruz Bustamante proposed that the University ban accepting funds from the tobacco industry and affiliated sources. The Regents have asked the faculty for their input on this matter. The Academic Assembly debated the issue at length, and passed three resolutions for transmittal to The Regents. The first resolution reaffirms the Academic Council's resolution that "grave issues of academic freedom would be raised if the Regents were to deviate from the principle that no unit of the university... ..has the authority to prevent a faculty member from accepting external research funding based solely on the source of funds." The recommendation is that "Regental intervention on the basis of assumptions about the moral or political standing of the donor is unwarranted." The second and third resolutions state disapproval of suppression of academic freedom, and acknowledge that "past funding arrangements involving the tobacco industry have been shown to suppress academic freedom."

**DISCUSSION:** Chair Max stated her interpretation that the second and third resolutions were intended as cautionary, not binding.

#### **V. Consultation with the Office of the President**

*Lawrence Coleman, Vice Provost for Research*

*Ellen Auriti, Executive Director, Research Legislation and Policy*

*Cathie Magowan, Director of Science and Technical Research*

*Dante Noto, Director of Humanities, Arts, and Social Science Research*

### Recent Senate Action on Tobacco and Tobacco-related Funding

Vice Provost Coleman and Executive Director Auriti asked UCORP to encourage Chair Oakley to be quick and clear in his forthcoming letter to President Dynes and The Regents explicating the resolutions passed by the Academic Assembly regarding the possible banning of tobacco industry funds from the UC research resource portfolio.

### Joint Senate-Administration MRU Task Force issued report

**ISSUE:** The Office of Research's MRU budget is, essentially, static. How can this limited pot of money best fund emerging research areas vis-à-vis current MRUs whose research continues to be relevant and good? The work group's proposed solution is to have all extant and potential MRUs (re)apply and (re)compete for funding from the Office of Research every five years. Successful applicants will not only provide superlative research designs but also carefully crafted business models that will enable them to achieve, sooner rather than later, financial independence.

**DISCUSSION:** Members wondered if financial independence is a realistic goal for all fields of research. Director Noto indicated that the new proposal requirements would serve to encourage researchers to seek new types of sponsorship, which should be considered a positive. Director Magowan noted that existing MRUs may reapply, and if their proposal is good enough, they may still receive funding. Vice Provost Coleman observed that some units receiving funding currently would not meet the new definition of an MRU and the funds they received would be available for reinvestment. Director Noto stated that many of the MRUs could indeed achieve financial independence and that the loss of OP funding would not end the program. Members also noted that expectations, or lack thereof, regarding financial investment and sustainability tend to be self-fulfilling. Nonetheless, members wondered about the possibility of augmenting the Office of Research's MRU fund with non-State sources. Vice Provost Coleman said that there is an unwritten rule that OP does not solicit non-State funding; that is the sole purview of the campuses. But the question remains: Could OP consider soliciting major investments? The discussion is on-going.

### California Policy Research Center (CPRC)

**ISSUE:** The 30 year-old program's mission is to connect UC researchers with policymakers in Sacramento. The protocol for this, its first review, was based largely on the MRU model, even though the CPRC is not an MRU. The review concluded that the mission of the CPRC is good, but it is not clearly being met. VP Coleman would like UCORP to comment on the review, just as it has done in the past on MRU reviews.

**ACTION:** UCORP will select two members to study the review and draft a position for the committee. (Subsequent to the meeting, Vice Chair Wudka and UCSB Representative Ingham volunteered to review the submitted information and draft a position.)

**ACTION:** VP Coleman will forward the review documents to Analyst Feer for distribution.

**ACTION:** UCORP will discuss the draft position and make final recommendations at its next meeting.

### Non-competitive Funding Requests, A.K.A. "Earmarking"

**ISSUE:** Consistent with the University's general anti-earmarking position, President Dynes last year issued guidelines for non-competitive funding requests. Guidelines are necessary because some institutions' funding procedures do not include peer review, for example, and earmarking is the standard operating procedure for securing funding. Last year, the Office of Research tested implementation of the guidelines, and the one-year review of the process is coming up later this month. One change that will be made is that campuses will be required to submit their requests in December in order to afford the Office of Research adequate time to review them carefully. The Office of Research will continue to focus on further reducing the number of earmarking requests made whenever possible.

**DISCUSSION:** Members queried how the requests are made at the campus level. VP Coleman indicated that sometimes requests are generated by VCRs, EVCs, and Chancellors; other times, there is a budget committee that makes the requests. Director Auriti joined VP Coleman in urging members to encourage their campus CORs to participate in this process, both by discouraging earmarking requests and vetting the requests that are necessary.

#### NAS Meeting on Science and Security

At a recent meeting held at Stanford, university and government representatives gathered to discuss balancing academic endeavors and national security interests. Several of the panels featured UC personnel. One highlighted the difficulty of doing research on national security issues and slow or non-compliance with Freedom of Information Act requests. Another discussed the impact of "restriction clauses," while a third focused on invasive background checks, export controls, and citizenship requirements. The message Director Auriti emphasized to members is not to be complacent, but rather to push back against these and similar limitations on the academic process.

#### Animal Researchers at UC

The Office of Research is tracking and supporting legislation to increase penalties for militant objectors to academic research involving animals. Further, there is flexibility in complying with public records requests on this matter: UC can redact researchers' names to protect their safety. (See Distribution 4.)

#### Institutional Review Boards (IRBs)

Recently, the American Association of University Professors (AAUP) issued a report in which they indicated that IRBs should be more lenient when considering research in the social sciences, a position which echoes the IRB report prepared by UCORP last year.

#### Ethics Briefings & Conflict of Interest Training

The Regents have requested that all UC personnel receive training in these important areas, and OP and campus teams are investigating how best to comply. The training is expected to be similar to the sexual harassment prevention seminars which all UC personnel must attend, with perhaps a special class for principle investigators.

#### Ownership of Research Data

The Office of Research is working with the Research Compliance Unit to determine guidelines for the ownership of research data—after researchers are graduated, terminated, etc.

#### Export-Controlled Information and Technology

The University communicated its reservations and objections to the Department of Defense regarding the latter's proposed Defense Federal Acquisition Supplement (DFARS). The University feels that its compliance with existing regulations, such as International Traffic in Arms Regulations (ITAR) and the Export Administration Regulations (EAR), makes the proposal unnecessary and believes that additional regulations could compromise the research the University pursues. (See Distribution 5.)

#### **VI. Review of UC Committee on Latino Research (UCCLR)**

*Wendy Max, UCORP Chair*

*Dante Noto, Director of Humanities, Arts, and Social Science Research*

**ISSUE:** Last year, UCCLR underwent a regular periodic review. In commenting upon the review, the Senate's Compendium committees provided distinctly differing views. Consequently, the Academic Council requested further information from UCCLR Director Abel Valenzuela. Director Noto attended a UCCLR meeting recently where the Senate's recommendations were discussed and plans for revising the Committee were planned and implementation processes outlined. Before commenting on UCCLR Director Valenzuela's response to the Academic Council, Director Noto suggests UCORP wait to analyze UCCLR's planned changes.

**ACTION:** Director Noto will send UCCLR's updated organizational plan to UCORP no later than November 17, 2006.

**ACTION:** UCORP will select its lead reviewers for the matter at its November meeting, who will then review Director Noto's submission and prepare a response for the committee's consideration in December.

#### **VII. Overview of Additional New and Continuing Issues for UCORP**

*Wendy Max, UCORP Chair*

#### Academic Council Meeting of September 27, 2006 and Academic Senate Meeting of October 11, 2006

UCORP relevant topics have been discussed above by Academic Council Chair Oakley.

#### Academic Council Special Committee on the National Laboratories (ACSCONL) Meetings of September 12 and October 10, 2006

ACSCONL was originally a subcommittee under UCORP, and ACSCONL members feel it is important to again foster a closer relationship with UCORP. Accordingly, UCORP will invite some Bay Area members of ACSCONL to update UCORP more thoroughly at either its November or December meeting. Probable topics for discussion include:

1. The current role of UC faculty in the national labs, which has been obfuscated under the new LLC governance structure in place at Los Alamos and soon to be in place at Livermore, should UC win the management contract with its partners.

- Much of the difficulty in clarifying the role of UC faculty is due to the opacity of the proposal process and to the fact that many of the specific management details are only now being finalized/implemented. Senate ideas for improving the role of UC faculty include having a Senate presence on the labs' internal committees and panels.
2. The current bid for management of the Lawrence Livermore National Lab, which UC has submitted with largely the same team of industry partners with which it won the management contract for Los Alamos.
  3. Investment of the lab management fees. Again, due to the opacity of the proposal process, it is unclear to whom UC faculty should appeal for access to the fees collected. Compounding the problem is the fact that UC's representatives to the labs currently are not faculty, which begs the question: Who is protecting faculty interests in this area?

#### Institutional Review Boards (IRBs) review

**ISSUE:** Last year, UCORP authored a report on the impact and operations of IRBs. Anecdotal reports had indicated that IRBs were presenting challenges for researchers, especially in the social sciences. The report concluded that there were differences among campuses in terms of backlog times, number of boards, and general satisfaction with the process. Separately, in response to the difficulty of conducting multi-campus research, OP concluded a Memorandum of Understanding (MOU) between UC's 10 campuses and the 3 national labs to allow single IRB approval of multi-campus research that is either expedited or exempt. More recently, UCB, UCD, and UCSF concluded an MOU allowing single IRB approval for all research taking place between the three campuses.

**DISCUSSION:** Members concurred that IRBs are sometimes apparently capricious. Members approved of the report, and lauded the inclusion of annual reports from IRBs to campus CORs. Members questioned, however, the absence of an appeal process, especially during IRB review: Because IRBs are independent, what recourse do faculty have if the IRB is spending three months reviewing a proposal that was to have concluded within six months? Members were also concerned about the absence of topical expertise for IRB members as it was felt that IRB staff may sometimes simply not understand the research proposed, and thus act slowly, defensively, or obscuringly. Finally, members would like more information on the impact of the MOUs vis-à-vis national regulations and standards.

**ACTION:** Members will investigate the current operations of IRBs at their home campuses and report back to the committee at the November meeting.

#### Indirect Cost Recovery (ICR) and UC Special Research Programs

**ISSUE:** Last year, UCORP received an update from Charles "Larry" Gruder, director of UC's Special Research Programs. In the presentation, Director Gruder indicated that grants submitted by UC faculty are ineligible for ICR, or overhead costs, from the programs, while non-UC researchers receive those moneys. The question of fairness arose, as did the trade-off that would result if UC faculty were to receive ICR as this would lower the overall number of projects that could be funded through the programs.

**DISCUSSION:** Members felt this issue was worth pursuing, but that it should be addressed within the larger context of ICR in the UC system. The disbursement of ICR funds

seems to occur in a “black box.” Many faculty are unclear as to what ICR funds may be used for, but there is a general, vague knowledge that ICR funds do not cover all infrastructure.

**ACTION:** Analyst Feer will locate and distribute a UCORP report on ICR disbursement from several years ago.

**ACTION:** Members will investigate how ICR funds are currently disbursed at their home campuses and report back to the committee.

## **VIII. Systemwide Review Items**

- Institutional Review Boards: See above.
- Multi-Campus Research Units: See above. Also, while members felt the recommendations made by the joint work group are generally good, there was concern about the withdrawal and prohibition of using UC funds for FTE. While members recognized the necessity of such action, it was agreed that this would most likely be the strongest point of contention for extant MRUs.  
**ACTION:** UCB Representative Hermanowicz will draft a letter on behalf of UCORP endorsing the proposal, but expressing concern on the FTE issue. UCORP will review the letter at its November meeting.
- UCORP elected not to opine on the following systemwide review items:
  1. The Role of Graduate Students in University Instruction
  2. The UC Merit and Promotion System
  3. Modifications to APM 220-18(b).(4)
  4. Proposed Senate Bylaw 16

## **IX. New Business/Planning**

### *Members*

#### President’s Research Fellowships

**ISSUE:** The number of these fellowships has declined by nearly half since 2002. As they serve mostly the humanities and their omission offers little cost savings, it was felt to be unfair to an underserved group of researchers.

**ACTION:** Chair Max will gather more information on this topic for later consideration by UCORP.

#### Reorganizing the Office of Research

Presently, a small group, including Chair Max, is examining the overall organizational structure of the Office of Research at the request of Provost Hume. Chair Max will keep the committee informed of any important developments in the group’s findings and recommendations.

#### Selection of a New Representative to IUCRP and TTAC

The committee will revisit the issue of selecting active UCORP members to represent the committee on IUCRP and TTAC at its next meeting.

Meeting adjourned at 3:50 p.m.

Distributions:

1. Report on IUCRP Steering Committee Meetings, May 11<sup>th</sup> and September 25<sup>th</sup>, 2006
- 1.1. Letter addressed to President Dynes and Provost Hume, from the membership of the IUCRP Steering Committee and the IUCRP Executive Committees, dated September 18, 2006
- 1.2. Letter from Dr. Huttner, addressed to members of the IUCRP Steering Committee, dated September 20, 2006
- 1.3. IUCRP Competitive Grant Awards, 1996-2006, document dated October 13, 2006
2. Email from John Oakley to Tanya Schevitz, "Assembly's action on Restriction on Research Funding Sources," dated October 11, 2006
3. Summary Recommendations of the UC Academic Senate – UC Office of Research Multicampus Research Unit (MRU) Joint Workgroup
4. Animal Enterprise Terrorism Act (AETA), Summary for Research Compliance Advisory Committee, dated October 6, 2006
5. Letter from Vice Provost for Research Coleman to Defense Acquisition Regulations System, dated October 13, 2006

Attest: Wendy Max, Chair, UCORP

Prepared by: Kenneth Feer, Committee Analyst