

**Minutes of Meeting
November 13, 2006**

I. Consent Calendar

- Minutes of October 16, 2006
- Approval of agenda

Before proceeding to the Consent Calendar, Chair Max asked the alternates in attendance to introduce themselves.

ACTION: The minutes of the October 16, 2006 were approved.

ACTION: The agenda was approved with one change in sequence.

II. Chair's Announcements

- Academic Council meeting of October 25, 2006
 1. **ISSUE:** The Council discussed the impending faculty salary crisis at UC, which the University Committee on Faculty Welfare (UCFW) is investigating in depth. Specifically, UCFW is examining the use of off-scale and above-scale pay.

DISCUSSION: Members asked how far behind UC faculty salaries were, and what metrics were used to determine this lag. Chair Max responded that estimates range from a 10% to 15% lag behind UC's comparison institutions, and that an estimated \$10-20 million is needed to redress this shortcoming. Members observed that while senior managers' salaries were now market competitive, many FTE positions at the campuses remain unfilled, a situation which impacts students and faculty retention.
 2. **ISSUE:** The University Committee on Planning and Budget (UCPB) is submitting a request to view and evaluate the budgets of the California Institutes for Science and Innovation (Cal ISIs).

DISCUSSION: Members queried whether UCORP should be more proactive by requesting reviews, rather than responding to requests to review them. It was further noted that MRUs constitute only a small portion of the research occurring at UC; if Centers, etc., receive funds from UC, they should be reviewable at the systemwide level, as well. Members recognized, though, that research funding sources and loci overlap, which complicates the mandate for systemwide review of local enterprises. Members wondered why campus review metrics were not standardized systemwide.
- Other

ISSUE: Provost Hume has convened a group to examine research functions administered through the Office of the President.

DISCUSSION: Members noted that OP's 6% off-the-top capturing of indirect cost recovery (ICR) money could be an additional topic for the group to consider. Chair Max indicated that the progress of this group would likely be discussed at the Council of Research meeting occurring in early December at UC Davis.

III. Multi-Campus Research Units (MRUs)

Joined by Vice Provost for Research, Larry Coleman, and Director of Humanities, Arts, and Social Science Research, Dante Noto

ISSUE: The proposed restructuring of MRUs currently out for systemwide Senate review was presented to the MRU directors recently; they are understandably resistant to changes in the status quo, especially when those changes might jeopardize their funding and personnel. The purpose of the restructuring is to make MRUs more forward thinking and to remove the expectation of automatic, perennial funding. Vice Provost Coleman and Director Noto seek UCORP's input on how best to assist units as they transition into/out of MRU status.

DISCUSSION: Members indicated that transparency in the evaluative process was essential, but questioned how the proposed advisory board would adjudicate disparate research proposals. Director Noto responded that the specifics of the competitive bidding process had not been worked out yet; rather, the proposal represents a broad plan of action. He recognized, however, that assigning relative value, especially with zero-sum funding, could prove contentious unless the processes involved were clear. Members also noted that careful timing during implementation would be critical. Director Noto emphasized that the transition to the new model is to be phased in over several years.

ACTION: UCORP voted to submit to the Academic Council a letter, drafted by UCB Representative Hermanowicz, endorsing the MRU restructuring proposal.

IV. Institutional Review Boards (IRBs)

ISSUE: Members were charged to investigate IRB operations at their home campuses and report any new information which may inform the committee's position on the IRB report currently out for systemwide Senate review.

DISCUSSION: Members reported that IRB operations at their campuses seem to be impacted significantly by individual personalities. Thus the issue is one of training and cooperation. Similar concerns include overworked and undercompensated IRB staff. Accordingly, members raised concern over implementation of the recommendations absent increased funding, especially if the recommendations are promulgated as a mandate from OP. UCLA Representative Mal reported that the draft has already had positive impacts at his campus: Although there is still no appeal, efforts have been made to increase cooperation during the review process. Further, UCLA is investigating how to implement web-based tracking of IRB submissions.

ACTION: UCORP will endorse the IRB recommendations, while noting many members' concerns about funding, and making special note of the positive effect it has already had.

V. Update on the Technology Transfer Advisory Committee

Hans Schollhammer, UCORP Representative, via phone

ISSUE: Professor Schollhammer submitted a written report summarizing recent TTAC meetings (see Distribution 1), and gave an oral presentation to supplement that submission.

DISCUSSION: Professor Schollhammer encouraged UCORP to continue monitoring 1) developments surrounding the mandatory assignment of patents to UC by UC-employed researchers and 2) the emerging decentralization of UC technology transfer oversight.

ACTION: UCLA Representative Ajit Mal will replace Professor Schollhammer as the UCORP representative to TTAC.

VI. Consultation with the Office of the President

Lawrence Coleman, Vice Provost for Research

Ellen Auriti, Executive Director for Research Policy and Legislation

- **Tobacco funding:** Although The Regents meet this week, the topic is not on their agenda. Until and unless The Regents direct them to do otherwise, campus vice chancellors for research will continue to operate as they have, permitting faculty to seek funding from any funder that abides by university policies.
- **Lab fees usage committee:** Per The Regents, all fees received by UC from its management contracts with the national labs should be reinvested in research relevant to the labs. This committee will meet to develop an approach for allocating these fees.. This committee is in its very early stages.
- **Reorganization of OP research efforts:** Currently, OP supports several research related offices, including the Office of Research, the Office of Technology Transfer (OTT), the Research Administration Office (RAO), and various research and health affairs programs, among others. Unfortunately, not all of these research related offices report to the same vice president. One anticipated recommendation is that the vice chancellors for research will recommend that OTT and RAO be moved under the purview of Academic Affairs.
- **“Earmarking”:** Based on last year’s experience, the earmarking guidelines will leave in place the policy for exceptions to the rule of not making non-competitive funding requests; the time frame will be moved up; and the Office of Research will continue to encourage campus administrators to consult with the Senate when setting priorities. The Office of Federal Governmental Relations will present on this topic at next month’s Council of Research meeting.
- **Indirect Cost Recovery primer:**
ISSUE: The reason this document was not circulated widely is because of the fear of a funding trade-off. Nonetheless, many campuses have the same or similar information available on their websites. Further, the cost of compliance has risen dramatically recently, and ICR funds never compensate 100% of the costs of doing science research.
DISCUSSION: Members asked for more information on the negotiation process used to determine the rates of overhead reimbursement. Vice Provost Coleman suggested UCORP contact the Research Administration Office, as it is they who know most about this process.
ACTION: UCORP will invite Jorge Ohy from OP’s RAO to present on this topic at next month’s meeting.
- **Ownership of research data:** The question of what happens to data when a researcher leaves UC is still unresolved. The Information Technology Guidance Committee is also addressing concerns regarding the stewardship of electronic data and access to it.
- **Gifts vs. Grants:** Current regulations date from 1980. An OP group is investigating whether they need updated.

- Animal enterprise terrorism: It is expected that federal legislation on this matter will be taken up soon and that it will pass and be signed. This legislation will strengthen protections for the victims of tertiary targeting, such as family members and goods purchasers, and will increase potential monetary damages for the interruption of research. General Counsel is investigating whether additional, state-level protections are warranted.

VII. Industry-University Cooperative Research Project (IUCRP)

ACTION: UCORP will submit a letter to the Academic Council for transmittal to the Provost suggesting that a regular, outside review of IUCRP be initiated.

VIII. UC Committee on Latino Research (UCCLR)

This item was deferred to the December meeting.

IX. President's Research Fellowships in the Humanities

Joined by Director Noto

ISSUE: At the request of one of the divisional directors, UCORP is looking into the decline in the number of Fellowships offered under this program.

DISCUSSION: Director Noto indicated by email and in person that the decline in the number of Fellowships is a result of budget constraints and negotiations wherein it was decided to decrease the faculty Fellowships in order to preserve the amount of graduate student funding available through the program.

ACTION: Chair Max will convey this information to interested parties. No further action is anticipated.

X. Consultation with the Academic Council Special Committee on the National Laboratories (ACSCONL)

ACSCONL members (Jan Ingham and Henry Abarbanel via phone/ Bob Powell in person))

ISSUE: ACSCONL originated as a subcommittee of UCORP. At present, significant changes in the relationship between UC, the Academic Senate, and national labs are occurring. ACSCONL consults with its once parent committee to hear UCORP's ideas on how to remain most relevant and useful vis-à-vis these changing parameters.

DISCUSSION: One of the proposals put forth by ACSCONL is to have greater representation from the labs on the next iteration of ACSCONL as well as potentially on other Senate committees. The purpose is to hear from lab personnel—other than managers—what employment concerns are and what UC can do to help employees in a now corporate administrative structure. It is hoped that by fostering a more collegial relationship between UC faculty and the labs' technical staff members (TSMs), the flow of information will be enhanced and greater awareness as to the needs of lab personnel will result. Further, the proposal submitted by ACSCONL seeks to increase the influence of UC as a public teaching and research institution on the labs in their new corporate structure. One suggestion on how this goal might be achieved was for UC to sponsor public forums focusing on the social impact of the labs' work. Another suggestion was to have greater influence with the LLCs' boards of directors, supplementing the perspectives presented by UC's three current representatives. UCORP members queried

as to the efficacy of the status quo in the new structure. ACSCONL members replied that while it was too soon to answer definitively, in the past, UC has not been extensively engaged with lab personnel; there have been only limited peer-like relationships between the two groups. UCORP then posited that it might be in UC's interest to keep the labs at a distance. ACSCONL responded that if such were the case, there would be no reason for a relationship between UC and the labs. Chair Max noted further that regardless of the level of relationship between UC's faculty and lab personnel, because UC is a partner in the management team, it will be impacted by any controversy emerging from the labs. Finally, ACSCONL observed that improved relations between UC faculty and the labs' TSMs would help elucidate the quality of research conducted at the labs which presently is somewhat opaque.

ACTION: UCORP will return to this topic at its next meeting to discuss further possible suggestions for changes in the constitution of ACSCONL or its successor. UCORP and ACSCONL will each draft a proposal for an Academic Senate committee to be involved with monitoring lab issues in the future. The two groups will then work together to develop a common proposal to submit to the Academic Council for endorsement.

XI. Indirect Cost Recovery (ICR)

ISSUE: Members had previously queried as to the disbursement of ICR funds and how that policy is determined. (See also Item VI. above.)

DISCUSSION: Some UCORP members were able to retrieve detailed information as to the disbursement of ICR funds at their campuses; others were not. One concern raised about publicizing this information was that it might cause divisiveness on the campuses due to inequities in the disbursement formulae. One member observed that since salaries are now in the public domain, so too should be other fiscal operations. Further, as many functions of UC are tracked and documented should such information be required in the case of audit, members believe that the information exists, it is simply not being made available. Members felt the question remained, though, as to whether the funds are reaching those for whom they are theoretically intended. Again, the question of how ICR contracts are negotiated arose.

ACTION: Members are charged to locate ICR fund disbursement information from their campuses.

ACTION: Analyst Feer will circulate the information gathered by UCORP members who have already been successful in this research so that it may serve as a template for other members.

ACTION: UCORP will invite Jorge Ohy to its December meeting to discuss the ICR negotiation process.

XII. California Policy Research Center (CPRC)

Jose Wudka, UCROP Vice Chair

Roger Ingham, UCSB Representative

ISSUE: Vice Provost Coleman asked UCORP to review the recently completed review of CPRC.

DISCUSSION: Members supported the conclusions reached by Vice Chair Wudka and Professor Ingham, but suggested that the submission be more succinct. One member

noted that several similar, if not identical, issues arose in a previous review of CPRC some five years prior.

ACTION: Vice Chair Wudka and Professor Ingham will revise their statement on the review of CPRC and submit it for transmittal to Vice Provost Coleman.

XIII. Systemwide Review items.

- Professional School Fees
ACTION: UCORP elected not to opine.
- Stewardship of Electronic Information
ACTION: UCORP elected not to opine.
- Impact of Proposition 209
ACTION: UCORP elected not to opine.
- Amendment to Bylaw 205 (R&J)
ACTION: UCORP will endorse this amendment.

XIV. New Business and Planning

ACTION: UCORP voted to cancel its scheduled January 8, 2007, meeting so as not to exceed its annual allotment of eight meetings per year.

Meeting adjourned at 4:00 p.m.

Distributions:

1. Report on Technology Transfer Advisory Committee (TTAC) Meetings: March 9, 2006 and October 13, 2006
2. UCSC IRB (10/23/05)

Information Item:

1. UCORP 2006-07 Attendance

Attest: Wendy Max, UCORP Chair

Prepared by: Kenneth Feer, Committee Analyst