

**Minutes of Meeting  
November 9, 2009**

**I. Chair's Announcements**

*Greg Miller, UCORP Chair*

Chair Miller updated the committee on several items of interest:

- UCORP December 14, 2009 Meeting:  
**UPDATE:** Next month, the Academic Council Special Committee on Lab Issues (ACSCOLI) will meet at the Lawrence Livermore National Laboratory (LLNL) on the UCORP meeting date; Chair Miller will attend ACSCOLI and Vice Chair Kolaitis will chair UCORP.
- Academic Assembly Meeting of October 14, 2009:  
**UPDATE:** President Yudof met with the Assembly and outlined several challenges the University is facing or will soon confront, including balancing academic excellence with cost-saving measures such as furloughs, layoffs, and alternative modes of instructional delivery; the growing unfunded liability of the UC pension plan; and the rolling and unfunded status of retiree health programs.  
**DISCUSSION:** Members asked how much of the retirement programs' troubles were due to the recent market declines. Chair Miller indicated that the declines are only exacerbating a pre-existing condition. Analyst Feer also noted that the resumption of contributions to UCRP may impact UC competitiveness for extramural grants as the direct cost rate will increase. Vice Chair Kolaitis added that new hiring could also be impacted by changes to remuneration.
- Academic Council Meeting of October 28, 2009:  
**UPDATE:** The differential fees item was withdrawn from consideration for now, due to a lack of supporting data; it is expected that the topic will still be discussed in the UC Commission on the Future, though. The Education Abroad Program evaluation continues to be the focus of much debate since it is illustrative of the difficult choices UC is being forced to make. A resolution opposing graduate student fee increases was passed.

**II. Consent Calendar**

**ACTION:** The consent calendar was approved as amended.

**III. DANR Investigation**

**ISSUE:** Last year's academic review of the Division of Agriculture and Natural Resources (DANR) was deemed to be of insufficient intellectual rigor. UCORP and UCPB have been tasked to develop additional metrics to supplement the recently completed review and to prepare for the next.

**ACTION:** Chair Miller and Irvine Representative Crawford will work with UCPB volunteers to devise a more thorough reporting mechanism for DANR.

**IV. ICR Investigation Update**

*Roland Henry, San Francisco Representative*

*Mike Kleeman, Davis Representative*

**UPDATE:** This workgroup, jointly populated from UCPB, met via teleconference. Topics included learning about the process by which funds are routed through the Office of the President, determining the true cost of research, and quantifying the amount of underrecovery. It seems that transparency's greatest obstacle in the process, despite the arcane formulae used by OP, is the campus EVC's "black box". It remains unclear as to why campus fund flow-throughs are so difficult to illuminate.

**DISCUSSION:** Members asked by the campus problem seems to persist, and it was speculated that ICR funds may be coded as "discretionary" and therefore of low priority for dollar-for-dollar accounting. Further complicating the investigation are undefined or ill-defined terms. The workgroup will meet again soon by phone in order to refine their queries so that specific questions can be asked of administrators. Additionally, ICR is under discussion in other fora, such as by the UC Commission on the Future and various campus VCRs. Members asked if any solutions seemed obvious, and reducing the number of ICR waivers was suggested, although this could be problematic if UC refused to accept private donations due to lack of overhead funding. It is unclear if UC can request the state to begin paying overhead.

## **V. Consultation with the Office of the President – Office of Research and Graduate Studies**

*Steve Beckwith, Vice President*

- Multicampus Research Programs and Initiatives

**ISSUE:** UCORP concerns regarding defunding an MRU/MRPI and disestablishing one persist.

**DISCUSSION:** VP Beckwith described the application review process, carefully drawing distinctions between "recommended for funding" and disestablishing entities. He also noted that feedback from the reviewers was not as extensive as hoped due to time and cost considerations. Members stated that the purpose of moving quickly with the review process last year was so that proposers would not be disadvantaged by missing the fiscal year cut-off; thus claiming insufficient time for written feedback seems disingenuous. Members also asked what would happen to the funds that were approved for distribution to a non-established entity. VP Beckwith noted that part of the rationale for dropping the title "Multicampus Research Unit" in favor of "Multicampus Research Programs and Initiatives" was that MRUs carry a significant educational component; but less than half of incumbent MRUs could meet that definition, and other, similar non-MRU entities found their exclusion unacceptable. Members then inquired why the facilities were not competed. VP Beckwith indicated that a separate review process was being developed for facilities such as the Lick Observatory and the White Mountain research facility; suggestions are welcome. ORGS Director of Research Grant Programs Office (RGPO) – Research Program Application Review Center (PARC) Kathleen Erwin noted that the operational differences between MRUs/MRPIs and facilities were significant and that a single procedure seemed inappropriate. Also at issue is whether facilities should be centrally or locally administered.

Members returned to the question of disestablishment, but Director Erwin said that ORGS was not disestablishing anything, only recommending them for defunding. She added that many incumbent MRUs are not actually dependent on OP funding. Members requested a review of these capital reports, and questioned what would happen to an entity that was recommended for funding but not for establishment. Director Erwin noted the availability of bridge funding for entities that lost their funding, and that new MRPIs will self-determine whether they want to seek MRU status. Members asked who decoupled funding and establishment. Director Erwin stated that it was unclear. Members also noted that the history of discussion on MRU taxonomies was ignored entirely in this new process, along with previous recommendations for reforming MRUs; some even suggested that the creation of MRPIs was a significant affront to the Senate and its established procedures. For MRPIs who do not elect to pursue the MRU path, members asked to what academic standards they would be held. Director Erwin noted that all recipients must re-apply for funding, so they will be evaluated at that time. Such evaluations, though, will not be made on academic standards, members contended, which is another persistent concern with this version of research funding and administration.

- **ICR**

**ISSUE:** VP Beckwith presented statistics illustrating that UC recovers less than half of the indirect costs to which it is entitled. This situation is made worse by the negotiated rate of ICR: UC gets only 52%, while other entities can get in excess of 100%. Despite marginal amounts of underrecovery from federal agencies and that absence of ICR in private gifts, VP Beckwith argues that formal waivers of ICR cost UC more.

**DISCUSSION:** Members asked whether increasing ICR rates would diminish the amount of overall research funding available. VP Beckwith said it remains unclear; other educational institutions have higher rates and are still competitive; officially, ICR is not considered during the awards process, but over time, the cumulative impacts are unknown. As noted, the lack of transparency surrounding ICR complicates matters.

**ACTION:** Analyst Feer will circulate the ORGS slides on ICR.

## **VI. Impact of Furloughs on Research**

**ISSUE:** Local CORs have seen their funding diminish in light of recent budget woes: UCR reports a proposed 15% cut, UCSC is down by 8%, UCSB has proposed a 10% cut, UCI has seen a 20% cut, and UCLA has seen a 5% cut. Remediating this trend is important, and previous discussions have focused on supplementing travel funds for new faculty or creating an adaptation of the FEP for administration by CORs.

**DISCUSSION:** Members were divided over how to best use the remaining COR funds as well as whether remaining/restored funds should be earmarked for specific purposes. Many felt that any FEP-like programs were beyond the purview of CORs, and others were concerned about legal considerations such as tax liability. Further complicating efforts are inconsistent approaches by local administrators: some may offer matching funds to COR-directed funds, others may create a special fund, and others have refused to

participate at all. The best course of action for UCORP remains unclear; discussion of this matter will continue next time.

## **VII. UC Commission on the Future**

*Mary Croughan, Co-Chair, Research Strategies Workgroup*

**UPDATE:** Full membership for the workgroup has yet to be finalized, due to careful consideration of campus equity, disciplinary expertise, diversity, and other issues. Nonetheless, campus visits have progressed, and a long list of topics has been compiled.

**DISCUSSION:** Members noted that many of the preliminary topics seem to be short-term, limited scope, rather than long-term big picture concerns. Additional topics to consider include graduate student recruitment and retention, and possible discussion of the Master Plan. Co-chair Croughan suggested leaving the Master Plan for now, since it includes the other segments and many additional topics beyond the purview of the UC Commission on the Future. Members asked whether diminishing the scope of UC's research arm was envisioned, just as classes have been curtailed and staff FTE lost. Co-chair Croughan indicated that she thought such an outcome was unlikely, but in order to preclude that outcome, recommendations must be specific and supported by data. Members also discussed whether reemphasizing the educational values of research would be an effective means of garnering support among commissioners, noting that undergraduate research opportunities and requirements are disparate across the campuses. Finally, Co-chair Croughan noted that the different workgroups' foci overlapped so any recommendations would need wide support.

## **VIII. Review Items**

1. [Report of the Undergraduate Educational Effectiveness Task Force](#)  
**ACTION:** UCORP will not opine on this item.
2. [Proposed Repeal of Senate Regulation 764](#)  
**ACTION:** UCORP will not opine on this item.
3. [Report of the Joint Senate-Administration Task Force on the Education Abroad Program](#)  
**ACTION:** UCORP will not opine on this item.
4. [Proposed Senior Management Group \(SMG\) Policies](#)  
**ACTION:** UCORP will not opine on this item.
5. [Proposed Change to UCEP Bylaw 170](#)  
**NOTE:** Item withdrawn by sponsors.
6. [Proposed Technical Revisions to Academic Personnel Policies 015, Part II; 0-36-0; 140-33-b; 160, Appendix A; 230-20-h; 220-4-b; 310-17-c](#)  
**ACTION:** UCORP will not opine on this item.
7. [Report of Senate Special Committee on Online and Remote Instruction and Residency](#)  
**DISCUSSION:** Members posited that this could start a slide into campus specialization and tiering. Members then discussed how to convey in writing the import and benefits of face-to-face contact with research faculty, and how to frame the distinctions between classroom/lecture education and laboratory education. Further, the benefits of seminar classes are hard to quantify. It was also noted that remote instruction is adequate for the motivated student, but for

marginal or struggling students, remote instruction could lead to further academic alienation. Another benefit to convey is that a successful research experience is more likely to lead a student to enroll in graduate classes and become lifelong UC advocates.

**ACTION:** Members will consult with local CORs, and UCORP will revisit this topic next time.

## **IX. Patent Acknowledgment Changes**

*Martha Winnacker, Executive Director, Systemwide Academic Senate*

**ISSUE:** A recent court decision, *Stanford v Roche*, holds that Stanford's patent acknowledgement form does not defend the University's claim on its researchers' inventions because the language states that the researcher "will", at some undisclosed point in the future, assign the rights to the University; since no second document was ever submitted, Stanford lost its claim on the invention in question. UC's patent acknowledgement similarly states "will"; it is proposed to add "and hereby do" to the form signed by new hires. Requiring incumbent researchers to sign new forms, however, is more difficult.

**DISCUSSION:** Members inquired why the location of the research was not dispositive regarding ownership, and Ms. Winnacker indicated that the court focused on the specific language of the contract narrowly. Members also asked whether this decision could have ripple effects on consulting. Ms. Winnacker responded that such was unlikely. Members noted, though, that the decision could reasonably impact other areas of intellectual property, including software, publications, creative works, etc. It was suggested that clarifying language accompany any revised agreements.

Members wondered what mechanisms are in place to investigate current researchers' efforts so that UC is not involved in a similar case. Others cautioned that any new agreements be generous enough not to chill extramural funders. All agreed that any revised agreement must be rolled out smoothly, preferably not framed as a condition for continued employment, especially in light of the already heavy compliance onus placed on research faculty. Accordingly, members suggested that new agreements be rolled out by department chairs, who can do so in person and in order of their researchers most likely to need an updated agreement, which may further be indicated by annual OPA disclosures. For faculty whose research carries less-pressing patent potential, a roll-out strategy might be to wait until merit reviews cycle up.

**ACTION:** UCORP will continue to monitor this issue.

## **X. Campus Updates and New Business**

### **1. Campus CORs**

**DISCUSSION:** Members inquired whether local offices of technology transfer were under the campus VCRs at each campus, as they are now at OP. Members also asked about the roles VCRs play at each campus, as well as how campus CORs devote their time.

**ACTION:** Analyst Feer will recirculate the COR summary spreadsheet for updating by members.

### **2. ICR Follow-up**

**DISCUSSION:** Members questioned the wisdom of refusing all waivers. Others indicated that not all federal agencies pay ICR and the state of California does not pay UC ICR, in addition to the many private foundations that do not pay ICR.

3. Furlough Follow-up

**DISCUSSION:** Members discussed how to best frame the argument that COR funding should be fully restored: utility to junior faculty and post-docs, as well as staff retention should also be highlighted.

**ACTION:** UCSB Representative Stuart, UCI Representative Crawford, and Analyst Feer will revise the UCORP letter prior to resubmitting it to the Academic Council.

Adjournment 4:00.

Minutes prepared by Kenneth Feer, Senior Policy Analyst

Attest: Greg Miller, UCORP Chair