

UNIVERSITY COMMITTEE ON RESEARCH POLICY

Minutes of Meeting

March 12, 2007

I. Consent Calendar

ACTION: The minutes of the February 12, 2007 meeting were approved.

II. Chair's Announcements

Wendy Max, UCORP Chair

Chair Max noted that Irvine has been able to secure a representative, who will be joining the committee in April.

Chair Max then updated the committee on recent meetings she has attended:

- Academic Council Special Committee on the National Labs (ACSCONL) meetings of February 20 and March 6:
Much of the committee's discussion focused on its future composition and functions. ACSCONL heard from Judy Boyette, Associate Vice President-Human Resources and Benefits, on the transfer of Los Alamos National Security's retirement funds out of UCRP. AVP Boyette indicated that financial liability is now borne by the Department of Energy (DOE). The committee also heard from Bill Eklund, University Counsel. Subsequent discussion suggested the need for greater clarity as to the role, power, and reporting lines of UC's governors on the Los Alamos National Security, LLC (LANS) board.
- Academic Assembly meeting of February 14 (by teleconference):
The Assembly named Mary Croughan (UCSF) as Vice Chair-elect. The Assembly also approved an addition to the Senate's regulations for the removal of Senate officers. It is a two-step process, suspension then removal, both of which will now require a 2/3 vote. Finally, the Assembly discussed the proposed ban on tobacco-related sources' funding of research; see Item VII. below.
DISCUSSION: Members queried as to the criteria for suspension/removal of Senate officers, and observed a disconcerting lack of communication during last year's crisis.
- Academic Council meeting of February 27-28:
The Academic Council held a joint meeting with the Executive Vice Chancellors (EVCs) on February 27th, capped by a brief regular meeting, which continued on the 28th. With the EVCs, the Council discussed budget issues, believing that the University should do better at explaining publicly its budget situation. The two groups also discussed faculty salaries, culminating in two statements: The first states that broad ranges of faculty salaries are warranted, and the second states that those ranges should not be dependent upon which campus a faculty member is located.

III. Indirect Cost Recovery (ICR)

ISSUE: The committee discussed how its investigation of ICR should proceed.

DISCUSSION: Members wondered about the impact of Garamendi funding on ICR rates and individual campus's long-term investment planning. Further, members queried as to alternatives to Garamendi funding. Members seek documentary evidence of the claim that ICR funds reimburse only 30% of the actual cost of conducting research. Members also seek documentary evidence of the claim that increases in ICR funds yield a diminished pool of funds from the state. It was observed that attaining such data may not be possible absent greater transparency in the overall budget process.

Members also would like longitudinal data illustrating trends in ICR rate negotiation and recovery as well as specific data showing the end-destination of ICR funds, both at UC and its Comparison 8 institutions. It is argued that securing such data will enable the committee to show the harm done to UC's research enterprise by current ICR allocation practices, and thus present a more compelling case in its report/recommendations. Suspected end-points of ICR funds include faculty start-up and retention packages, maintenance of extant FTEs, and graduate student support. While each of these is a worthy enterprise, members are concerned that their net effect is the under-funding of research. In addition to fiscal opacity, institutional inertia and incremental decreases in state funding to UC are exacerbating the University's precarious financial hold, illustrated in the University Committee on Planning and Budget's "Futures Report."

One proposed strategy for the committee's final report is to "piggy-back" on the "Futures Report," using ICR as a concrete example of the scenarios presented therein. Finally, members agreed that while discretion in the use of ICR funds was to be expected and—to a certain degree—encouraged, the secrecy of the process is harmful.

ACTION: The committee will invite Vice President-Financial Management, Anne Broome, to present to the committee on these and related ICR questions.

IV. Draft Proposal on the Relationships Between (Pharmaceutical) Vendors and Clinicians

ISSUE: The Office of the President has drafted guidelines to govern the receipt of gifts from pharmaceutical vendors and clinicians. This proposal is currently out for systemwide Senate review.

DISCUSSION: Members felt strongly that creating a special policy for pharmaceutical vendors and clinicians could lead to a proliferation of specialized regulations. Instead, the committee prefers to lobby for a broadly conceived ethics statement to govern relations between all extramural "lobbies" and UC personnel, especially as similarly questionable practices occur in other fields, such as agri-business. Members also felt the proposal somewhat disingenuous. Members further believe that better enforcement of existing ethics policies may adequately address the concerns raised by this issue. Finally, members suggested that egregious situations could best be handled at the campus level.

ACTION: The draft letter included in the agenda was approved for transmittal to the Academic Council as the committee's official response.

V. Consultation with the Office of the President

Lawrence Coleman, Vice Provost-Research

Executive Director Auriti updated the committee on several areas of interest:

- **Compliance**: The Office of Research is currently drafting guidelines to govern the stewardship of research data. At present, they are broadly conceived; once specific language and guidelines have been finalized, the proposal will be sent for systemwide review. By way of background, Director Auriti outlined current policy: For research conducted at UC, all notes and data belong to UC. The PI is the steward of that information, and should maintain original information for at least six years.
DISCUSSION: Members asked as to the definition of research data: Are the field notes of an anthropologist included, or the notes an author makes for a novel? Members also queried as to who has access to archived data, and how the draft regulations will handle unpublished and preliminary data. Further, members sought clarity as to whether data analyzing programs and software were to be stewarded, only the interpretation of the data, or the raw data itself. Director Auriti indicated she would raise these concerns with the drafting committee.
- **Research misconduct**: The University Committee on Academic Freedom has requested information on allegations of research misconduct and the level of institutional support provided to impugned researchers. The Office of General Counsel is responsible for addressing these concerns. See Distribution 2.
- **Animal researcher security**: UCLA issued a report, in the wake of recent events there, on animal researcher security. The report is currently being reviewed by the Office of Research.
DISCUSSION: Members asked whether public/media support was included in the report; it was not.
- **Budget priorities**: Director Auriti distributed a letter from the office of University Affairs to US House Speaker Pelosi which details the University's budget priorities at the federal level. See Distribution 3.

Vice Provost Coleman also updated the committee on several topics:

- **Multi-campus Research Units**: Vice Provost Coleman distributed a summary document of new ideas being considered as new MRUs (see Distribution 4). One group has received limited, five-year funding; the next has received discussion/facilitation funding; the final group represents proposals that are still in the conceptual stage. The funding given to these groups includes funds that have been redirected from CalSpace as well as other funds that VProvost Coleman has managed to set aside.
ACTION: Vice Provost Coleman will send the distribution, as well as the "RFP", electronically to Analyst Feer for circulation to the committee.

- Peta-Scale computing facility: On Thursday, March 15th, Lawrence Livermore National Lab (LLNL) will host a site visit as part of its bid to house the facility. User services are being tested at UCSD and UCB. UC's proposal partners are Georgia Tech and IBM. If UC wins the bid, 10% of the cycles will be reserved for UC researchers.
- National Bio-Agro Defense Facility: On March 26, LLNL will host a site visit at Site 300 for the NBADF Department of Homeland Security selection committee.
- State research funding: Governor Schwarzenegger's proposed budget includes money for the BP/UCB project, Cal ISIs, the peta-scale computer, and for the Helios building at Lawrence Berkeley National Lab. The (UC) President's Board on Science and Innovation met with both the legislature and the governor to lobby for the inclusion of these funds.

DISCUSSION: Members inquired what would happen to these and other projects if UC's management bid for LLNL is declined. Vice Provost Coleman indicated that the DOE could announce the winner of the management contract at any time, though it may be delayed due to political concerns.

Chair Max then asked whether the California Institute for Energy and Environment (CIEE) had been reviewed recently. VP Coleman indicated that it was included in the review of its parent entity, the University of California Energy Institute, but that it had not been the subject of specific evaluation. Chair Max also queried as to the outcome of the committee's response to the review of the California Policy Research Center (CPRC). VP Coleman responded that CPRC will move to the Goldman School at UCB for greater academic oversight, and that some of its subunits may be reassigned to other MRUs.

Finally, members asked VP Coleman for his advice on how to pursue the ICR inquiry most effectively. VP Coleman suggested cooperating closely with campus CORs and VCRs to identify shortcomings and possible modes of redress. Among potential problems to discuss are administrative-cost reimbursement caps, raising compliance costs, and faculty start-up and retention packages.

VI. Advisory Board on Multi-Campus Research

Issue: Last year, a joint administration-Senate group issued recommendations on improving the function of MRUs at UC. Among the recommendations is to convene an advisory board to help determine MRU research and funding priorities. The Vice Provost for Research has asked the Senate's "Compendium" committee's to nominate one member each to serve on the advisory board.

Action: James Carey (UCD) volunteered to be UCORP's nominee to the MRU Advisory Board. Analyst Feer will communicate this to the Academic Council.

VII. Funding from Tobacco-Affiliated Sources

ISSUE: The Regents have asked the Senate to vote on RE-89, a proposal that would bar researchers from receiving sponsorship from tobacco-affiliated sources for the conduct of tobacco-related research.

DISCUSSION: Chair Max summarized recent Assembly and Council discussions. The charge to the systemwide committees and divisions is to present to the Council arguments in support of or against RE-89. The opinions collected will be included in the Assembly “Blue Book” to inform discussion at its May 9 meeting, when a vote will be taken.

Members felt that the resolution as presented should receive a “No” vote due to concerns over Academic Freedom erosion, the “slippery slope” of bans that could result, and poor wording. Members also wondered why Tobacco should be singled out for reproach, especially given concerns raised in the pharmaceutical vendor discussion above. While some took a moral position, likening tobacco money to drug money and other “bloody” industries, the committee reached consensus that current ethical standards at the University, if adequately enforced, encompass the concerns raised. Further, in discussing the committee’s response to the Council, it was agreed that a concisely worded document drawing on previous UCORP reports and opinions would be best. Lastly, it was agreed that indicating the unacceptability of including “affiliates” in the ban could leave the mistaken impression that a reworded proposal might be adoptable.

ACTION: UCR representative John “Chris” Laursen will draft the committee’s response for approval at the April meeting.

VIII. The Report on the “Structure, Function, Leadership, and Development Trajectory for Research Support Functions at the UC Office of the President”

Issue: Provost Hume convened a review committee to assess and make recommendations regarding the OP Office of Research. That report is currently out for systemwide review.

Discussion: Members were concerned about the rapidity with which this review was undertaken and questioned several of the review’s recommendations and assumptions. Members observed the absence of a “needs” section in the report; that is, the impetus for the review is unclear. While members agreed that most faculty are far removed from the day-to-day operations of the Office of Research, most felt that the push for decentralization was not sufficiently justified in the report. The rationale behind the proposed Vice President’s functioning as lead administrator for graduate studies was also questioned. Overall, members found the review lacking adequate documentary support to justify the claims made and positions taken.

Action: Members Ajit Mal (UCLA) and David Noelle (UCM) will draft the committee’s response for approval at the April meeting.

IX. Systemwide Review Items

- Proposed amendment to Senate Bylaw 181: University Committee on Information Technology and Telecommunications Policy

Discussion: Members agreed that expanding ITTP’s charge and renaming of the committee was reasonable and should be supported.

Action: Analyst Feer will draft a letter to Council indicating the committee’s support for this amendment; Chair Max will review and sign it prior to transmittal.

X. Member Business and Planning

- **Action:** The revised IRB report is due April 13. The report's original authors, George Sensabaugh (UCORP Chair 2005-06) and Brenda Foust (UCORP Analyst, Fall/Winter 2005-06) are revising the document and will present it to the committee at the April meeting.
- **Action:** Lead reviewers for the forthcoming UCCLR review response were changed to Theodore Groves (UCSD) and Ed Murphy (UCSF).

Adjourned 3:10 p.m.

Distributions:

1. Systemwide IGPP Newsletter (Vol. 1, Iss. 1 (January 2007))
2. UCAF2UC Campus Research Integrity Officers (February 21, 2007)
3. University Affairs to Rep. Nancy Pelosi (March 9, 2007)
4. New MRU Initiatives

Attest:

Wendy Max, UCORP Chair

Prepared by:

Kenneth Feer, Analyst