

Minutes of Meeting
Monday April 11, 2005

I. Chair's Announcements *Max Neiman, UCORP Chair*

Chair Neiman briefly updated members on some of the items and actions from the February and March Academic Council meetings, including: recent UCR&J rulings; BOARS' inquiry into the use of the National Scholar Merit Program qualifying exam in relation to UC admissions; Senate responses on the proposed Excess Units Fee policy and the policy on Recording of Courses; current legislative activity relating to CSU being given authority to grant doctorates; and the UC Science and Math initiative, which, as an important element of the Compact with the Governor, is a top priority for administration. At the March 31 Council meeting, a revised Resolution on Restrictions on Research Funding Sources was approved, which maintains the fundamental position and argument of the original UCORP Resolution, but with added clarifications as to the Regents' authority and the process of appealing university-wide policy on funding sources. Also noted were the presentations made on graduate education and diversity that were the core of the Joint Academic Council/EVC meeting on March 31.

Chair Neiman also noted actions taken at the March Assembly, which included the election of the 2005-06 Senate Vice Chair; the adoption of a set of Guidelines for the establishment of a new division; endorsement of introducing a joint UC/CSU Concurrent Resolution on Graduate Education into the state Legislature; and approval of an amendment to SB 336, which clarifies the statute of limitations on faculty disciplinary actions.

Action: The table showing comparative cost of living figures for graduate students (distributed at the Academic Council/EVC meeting) will be sent out to UCORP members.

II. Consent Calendar

1. Approval of the February 7, 2005 minutes
2. UCORP will not to opine on:
 - Proposed Amendment to SR 478 - SciGETC
 - Proposed Revisions to APMs 760,133-17, 210-1, and 220.
 - Proposed Revisions to APMs 710, 080, 700

Action: The consent calendar was approved.

III. ACSCONL Update, Janis Ingham

Professor Ingham, member of the Academic Council Special Committee on the National Labs (ACSCONL) and liaison to UCORP, briefed the committee on the background and status of the management contracts for LANL, LLNL and LBL:

Background

The current ACSCONL grew out of a subcommittee of UCORP that was started about five year ago. UCORP had traditionally been the Senate committee responsible for the University's interactions with the national labs, and the subcommittee was developed to look more closely at the labs and the university's relationship with the labs and be prepared to respond to issues involving contracts. When UC's management practices more recently came under scrutiny and the decision made to put the contracts out for bid, the subcommittee was re-constituted as a Special Committee

of the Council, which is chaired by the Vice Chair of the Council and among whose members are the Council Chair and some remaining members of the UCORP group. It meets once a month together with representatives from the Office of Lab Management, with whom there are good interactions.

Current contracts

LBL - There were no competitors for the LBL contract; nonetheless, the program has been re-vamped and has a new director.

LANL - Although the Regents will probably not make a formal decision to bid or not until the RFP is finalized, the president has authorized lab management to act as though UC were bidding.

Comments on draft RFPs were submitted and a bid is being prepared by a lab management team. It has been the unofficial stance that UC would not bid, because it performs the management of the labs as a public service; however, there is support among the Regents to bid. The comment period on the second draft RFP is over, and the final RFP may come out this month. UC's LANL contract ends on September of this year, but the timeline will probably be extended to allow for transition. The conditions in a contract that would be positive for UC bidding include: quality of science being a priority; a budget that UC can work with; preserving an atmosphere of academic freedom for the lab researchers; maintaining UC benefits for lab employees. The RFP was revised to:

- Require that the benefits program be changed so that it is equal to those of the other national labs; this would apply to new employees.
- Increase the management fee to \$60m/year, to encourage industry competition. Traditionally, UC has operated the labs on a no cost/no gain basis, and it is not clear whether that policy would remain.
- Require the establishment of a separate corporate entity to run the labs.

To ensure participation of faculty in oversight and at the labs themselves, ACSCONL is proposing a systemwide committee be set up to be involved in evaluating science and academic promotions, and hopes that this proposal is included in the bid. Contract periods are now set at seven year, although there is some discussion of 20-25 year contracts with five to seven-year reviews. The UC bid will involve an industry partner.

Q and A

Q: The corporate side of a partnership would handle the administrative and business side, and UC the science side?

A: It's not clear exactly what the breakdown would be. There would likely be a board of directors, but there is an ongoing discussion of how the powers of partnership would be apportioned.

Q: If we assumed that the LLNL RFP will be similar to the one for LANL, will UC be thinking of the same corporate structure and partnership for both?

A: Yes. The DOE wants to see things evolve at LANL, so that when the RFP for LLNL goes out they can build in good coordination between the two labs; however, they don't need to be managed by the same entity.

Q: Is there a chance that UC will not bid?

A: There are reasons not to bid. Certainly a shift away from an emphasis on science will be a disincentive for UC to bid.

In further discussion, UCORP members focused on the question of what would determine a decision not to bid, and agreed to draft a memo expressing the committee's concern at what appears to be an open-ended commitment to bid for management of the labs. At one point UC was not going to bid at all. UCORP will ask what conditions are necessary for UC to decide it is not in the

best interests of the University to continue as a competitor in the bidding process. It was also noted that despite the fact that UC has historically managed the labs as a public service, and that UC has a sense of obligation to lab employees, perhaps more of a business model should be used, with bottom-line accounting, to determine whether to proceed with a bid or not.

Action: On behalf of UCORP, Chair Neiman will draft a memo to Academic Council Chair Blumenthal, briefly stating the committee's concern about principles directing the University's decision to bid on lab contracts, and asking that the memo be forwarded to ACSCONL.

IV. Consultation with the Office of Research *Ellen Auriti, Director, Academic Legislative Issues Human Subject Injury Policy.* The Office of Research has sent this policy out for review to the campuses, and it has also been sent to the Senate. The revision is the result of a human subject injury task force that reviewed the current policy and recommended changes. It clarifies the existing policy that subjects are not to be responsible for paying for the cost of injuries resulting from participation in research, and further clarifies that for commercially sponsored trials, the sponsor is obligated. In cases of non-profit or government sponsors, they are charged if their own policies cover the costs. There are some cases where federal or state laws allow charging subjects' insurance or Medicare. In all other cases, the university will pick up the costs. In the time since the policy went out, the risk management office has been looking at the possibility of the university's current self-insurance covering the cost of injury. The policy may be revised in light of this possible change, and be sent out for a follow up review.

Deemed Export Control. There have been a number of concerns relating to the federally released reports on export controls, including the ability of universities to continue conduct fundamental research, and the proposal that universities be required to monitor not only current citizenship of researchers, but also their country of birth. Special licensing may be needed. Comments on the report are due May 27, and the Office of Research will be coordinating with campuses and perhaps with the AAU to prepare a response. Campuses will be encouraged to prepare responses on specific impacts of the restrictions or rule changes, which will be submitted in coordination with OP.

Stem cell update. The CIRM and the ICOC have been meeting frequently, but things are slowed down somewhat by law suits and legislation raising concern about a number of research policy issues, e.g., conflict of interest, intellectual property, and revenue sharing with the state. The Council has had to take these into account and develop policies accordingly. The first grant cycle will be training grants for universities and non-profits, and may be out in the fall. RFPs are being drafted for buildings, center grants and seed grants, but the training grants are likely to be the first to be completed. Legislation that has been introduced is of concern to UC, and UC will either express an opinion or work informally to ensure minimal negative impact on science. There are currently two law suits underway and a third possible, plus a petition for more open meetings.

Legislative update. SB 13 would prevent state agencies from releasing personally identifiable data to researchers. UC has proposed language to the bill's author to the effect that UC be allowed to receive data as long as a state agency IRB has reviewed the protocol security measures. Other proposed language would include more specific regulations.

V. UCORP/UCAF Workgroup on Corporate Influence on Research

Issue: A draft charge to the planned joint subcommittee on corporate influence has been circulated to both committees. UCORP can now select members to serve in the group.

Discussion: Members noted again the difficulty presented by the scope of such an inquiry and the need to make fundamental decisions that would define the question of influence and narrow what

should be looked at and with what approach. It was suggested that the question of influence from non-corporate funding sources should also come under scrutiny.

Action: Chair Neiman will call in to the April 21 UCAF meeting for a discussion of the proposed joint UCORP/UCAF workgroup on funder/industry influence on research, and will report back to UCORP on that discussion.

VI. UCAAD Addendum to the Report of the Task Force on Graduate and Professional School Admissions

Issue: The Addendum, which addresses diversity in graduate and professional school admissions practices, has been sent out for general Senate review.

Discussion: Members saw the intention of the report and its recommendations as laudable, but had some basic criticisms having to do with support for outreach and the need for better K-12 preparation. The report doesn't separate graduate and professional school admissions practices from each other, which is problematic. It was noted that much greater financial support is needed for successful outreach to URMs. Several members commented that the triage process in some schools does to varying extents involve use of test scores in the initial evaluation of applications, and also that GPAs are being looked at critically as well, with grade inflation taken into account.

Action: UCORP endorsed the UCAAD Addendum. The committee response will, however, indicate that the committee questions whether: 1) successful recruitment of underrepresented graduate and professional students can be done without a competitive level of resources; and 2) that better primary and secondary preparation of students is needed in order ultimately to have more success at increasing the number of URMs at UC; and 3) that the addendum should, similar to the Task Force Report, make a consistent distinction between academic graduate programs/students and professional programs/students and the ways in which their selection processes vary.

VII. Proposed Amendment to Senate Regulation 600-B

Issue: CCGA has proposed amending SR 600 B in order to allow faculty members to earn higher degrees from their own divisions.

Discussion: The committee generally found the proposal to be reasonable. The related question of the need for the MAS degree was raised and how the degree is defined. On the suggestion of one member, the committee agreed to recommend re-arranging the sentence order in amended section for greater clarity.

Action: UCORP endorsed in principle the proposed amendment to SR 660-B, but recommended that, for clarity, the last sentence of the section, which reads: "Such appointments may be retroactive," be inserted directly after the first sentence.

Action: Analyst Foust will distribute to the committee the working definition of an MAS degree used by CCGA.

VIII. Applied Doctorates and CSU Initiative to Allow Independent Doctorates

Issue: There have been several pieces of legislation introduced this year having to do with allowing CSU to independently grant doctoral degrees. One of these, SB 724, would amend the Master Plan and is of particular concern to UC.

Discussion UCORP members discussed the growth in “clinical/professional” doctoral degrees and current proposed legislation (SB 724). It was noted that some see CSU being allowed to grant the Ed.D. and applied doctorates in other fields may be a wedge that would eventually lead to that system granting the Ph.D. and therefore, a breakdown in the basic provisions of the Master Plan. Members commented that the most immediate effect is on resources and graduate support to UC, and questioned the rationale, whether the need for these degrees is clearly indicated, and what are the overall benefits. Members felt in general that adequate justification was lacking and that this change would spread the resources for graduate education too thin.

Action: Chair Neiman will draft a letter to Council Chair Blumenthal asking him to forward to the Provost a list of concerns and questions the committee has regarding the current legislative efforts that would give the CSUs the authority to independently grant doctorates

Meeting adjourned, 3:45 p.m.
Attest: Max Neiman, UCORP Chair

Minutes prepared by
Brenda Foust, Policy Analyst

Distributions:

1. Academic Council Resolution on Restrictions on Research Funding Sources, March 31, 2005
2. Office of Research legislative activities log – April 2005.