

Minutes of Meeting  
Monday, April 3, 2006

**I. Announcements**

*George Sensabaugh, UCORP Chair*

- Welcome and introduction:  
Chair Sensabaugh welcomed new attendees; members reintroduced themselves and their fields.
- Change in agenda:  
Agenda item “IX. UCORP Report on IRB Operations at UC” was removed and item “XIII. Campus COR Reports” was added by unanimous consent.
- March 13, 2006 Special Meeting of the Academic Assembly:  
Per the action of the Assembly, Cliff Brunk was removed as Chair of the Academic Council, and John Oakley assumed that position; Vice Chair-elect Michael Brown will assume the office of the Vice Chair subject to approval of the Assembly.
- March 22, 2006 meeting of the Academic Council:
  - The Council’s discussion of appointments of faculty to Professor VI and Above-Scale focused on the role of teaching as a criterion for advancement. This issue has been referred back to UCAP.
  - The final recommendation of the Council regarding the Special Committee on Scholarly Communication’s findings is pending the response of each of the divisions.
  - The Council’s discussion of Graduate Student Instructors’ roles in undergraduate education was deferred pending committee conferencing.
  - The Council approved the University Committee on Planning and Budget (UCPB) recommendation to urge that the Graduate Support Advisory Committee resume its deliberations in order to have recommendations that can be put in effect for 2006-07.
- March 21, 2006 meeting of the Academic Council Special Committee on National Labs (ACSCONL) (information submitted by Wendy Max, UCORP Vice Chair, to Chair Sensabaugh):
  - The transition at Los Alamos National Lab (LANL) is occurring successfully, with Mike Anastasio, formerly at Lawrence Livermore National Lab (LLNL), assuming leadership.
  - George Miller is now the interim director at LLNL. His term is until September 2007, when the current contract there expires.
  - UC submitted an Expression of Interest (EOI) to the Department of Homeland Security (DHS) to begin bidding for a Bio Level 3-4 facility. Vice-Provost of Research Lawrence Coleman was named the Principal Investigator (PI).
  - ACSCONL is preparing a letter indicating new Senate roles regarding the national labs in light of President Dynes’ response to UCPB’s queries on lab management transition issues.

- February 23, 2006 meeting of the Academic Planning Committee:
  - A multi-year system-wide strategic plan is being developed to assess campus planning, student success, the reflection of diversity in curricula and faculty, and the steps UC must undertake to meet better the changing needs of California on specific campuses, all while remaining true to UC's public mission.
  - A doctoral and professional education task force has been formed to address the questions of creating additional law schools and degrees in allied health fields, such as audiology.
  - An analysis of the barriers to interdisciplinary programs is underway.
  - A discussion of the future of international education programs is on-going.
  - Multi-campus research units (MRUs) are to be reviewed by a joint Senate-Office of the President working group.

## **II. Consent Calendar**

**ITEM:** Approval of the minutes of the March 6, 2006 UCORP meeting.

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

## **III. Proposed Principles on Private Funding for Senior Leadership Salaries at the Level of Dean and Above**

(See agenda enclosure 3: "Proposed Principles on Private Funding for Senior Leadership Salaries at the Level of Dean and Above.")

**ISSUE:** Should senior leaders have endowed positions?

**DISCUSSION:** Members felt that academic integrity might be imperiled if deans, for example, had endowed chairs. One member observed that the Academic Personnel Manual contains reference to this topic, which while not explicitly condemning the practice, left the strong implication that endowments were for professors and departments rather than deans' salaries.

**ACTION:** UCORP voted unanimously to endorse UCPB's letter in opposition to creating endowments for senior leadership salaries.

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

*Judith Aissen (UCSC)*

(See Director's report and Review Committee report at:

[http://www.ucop.edu/research/mrureviews/ucclr\\_15-yr\\_review.html](http://www.ucop.edu/research/mrureviews/ucclr_15-yr_review.html))

Although the final UCORP response is still being written, these preliminary observations were made:

- The structure of UCCLR's administration keeps the Committee weak. It has no FTEs and must rely on OP Office of Research personnel for many tasks, which causes unnecessary delays. The selection process/criteria of the chair is unclear.
- The sweeping charge of the Committee is not accompanied with resources necessary to meet it.

- Nevertheless, UCCLR has been both prolific and relevant, though it could be more so on both accounts.
- UCORP has four options: 1) to recommend discontinuation, 2) to recommend maintenance of the status quo, 3) to recommend incremental strengthening of the Committee, and 4) to recommend radical change to the program.
  - 1) Discontinuance of UCCLR is not encouraged given its success to date and the increasingly important role it can play in helping UC meet its obligations regarding the changing needs of the state.
  - 2) Maintenance of the status quo with the provisos of increased accountability of both finances and output (bibliographic records) is encouraged; to that end, UCORP should endorse the corresponding recommendations of the review committee.
  - 3) Incremental strengthening of the program is also recommended; specifically, UCORP should endorse the review committee's suggestions that campus matching funds be guaranteed and that grants become competitive to match better particular and emerging needs of the community to be served by the research. Further, UCORP should encourage the broad distribution of UCCLR research and invite the OP Office of Research to revisit its administrative support, the structure of the chair, and the level of funding provided to UCCLR, specifically to return funding to the FY 01 level of \$750,000.
  - 4) Radical change is discouraged; the review committee suggested raising funding to double that of FY 01, but significant questions about this suggestion's viability and the relationship of UCCLR and similarly charged UC entities remain.

**DISCUSSION** (joined by OP Director of Arts, Humanities, and Social Science Research, Dante Noto): Because UCCLR is a committee not a center, clarification was sought on its scope and actions. Director Noto responded that UCCLR typically meets on a semiannual basis to decide funding allotments for the campuses. Concern was raised about UCCLR's resulting lack of centralization and its appearance of being no greater than the sum of its parts, and the impact this structure has on the committee's intellectual power and extra-mural fund-raising capacity. Director Noto observed that the purpose of the Committee is to support researchers at the campus level, not to increase its own infrastructure.

**ACTION:** Professor Aissen (UCSC) and the Irvine representatives (out-going interim member Richard McCleary and in-coming interim member Cornelia Pechmann) will complete the draft response for committee approval at the May meeting of UCORP.

#### **V. Review of UC Biotechnology Research and Teaching Program (BREP)**

**ACTION:** Slav Hermanowicz (UCB) and Arturo Keller (UCSB) will review the report when it is released, and submit their comments to the committee for discussion/approval.

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

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

- Ownership of research data:

The Research Compliance Advisory Committee (RCAC) is discussing revising regulations regarding retention of research records, such as laboratory notebooks, in light of PI turnover and PI/graduate student researcher ownership disputes. This discussion follows a Council on Governmental Relations (COGR) document on this same topic. The minimum time of retaining research documents is also being examined.

- Earmarking:

This year's trial system-wide coordination of US Senate earmarking requests is under review. An anticipated diminution in earmarking requests as a result of this more formalized process did not occur. Although California's senators did not require a rank-ordering of requests, it is anticipated that they will do so in the future. Accordingly, the time-frame for campus submissions to the Office of Research will be considerably earlier. Some confusion remains as to the process campuses employed in determining which proposals would be sent as earmarking requests. It is hoped that this process will become more standardized and transparent in the future.

**DISCUSSION:** Members queried as to the tracking of earmarking requests sent to the House of Representatives. Director Auriti informed the committee that the Federal Government Relations Office has been asked to provide this information. It was then asked how the OP will prioritize earmarking requests. Director Auriti outlined the guidelines currently in place: 1) campus priorities as defined by the chancellors, 2) academic significance, 3) financial impact, 4) political viability, and 5) potential conflicts with other UC enterprises. Finally, members asked about the tracking of earmarking requests sent to the California legislature. Director Auriti responded that such tracking occurs only on a limited basis because the nature of the relationship between UC and the California legislature is unique, since UC is the research arm of the state.

- Memorandum of Understanding (MOU) on single Institutional Review Board (IRB) approval of Multi-campus Research Unit (MRU) research:

(See agenda enclosure 4: UC Memorandum of Understanding for IRB Review of Multi-campus Human Subject Research.)

The MOU is in place and has been signed by the Vice Chancellors of Research at each of the 10 campuses and the directors of LLNL and Lawrence Berkeley National Laboratory (LBNL) (LANL was omitted due to on-going concerns pertaining to its new governance). The MOU is presently only for low risk research which is exempt or expeditable.

**DISCUSSION:** Members were concerned that researchers might "shop" for the IRB most likely to approve research. Director Auriti assured the committee that IRB selection criteria are in place and stipulate that the IRB to be consulted should be from the funding campus or the campus on which the bulk of the research is to occur. Members then sought additional clarification as to the uniformity of decision making and working definitions within IRBs, e.g. the definition of "low risk." Director Auriti noted that IRB directors are aware of what may be considered "exempt" and "expeditable" research, and she added that regular, though informal, communication between IRBs occurs. Furthermore, as this is the first year UC has attempted this program, revisions are expected.

- Protecting America's Competitive Edge (PACE) legislation – US Senate bills 2197, 2198, and 2199:

(See agenda enclosure 6: Education Relations' Summary of PACE Bills.)

These federal bills are designed to promote teaching and teacher training in mathematics, the sciences, and engineering at the K-12 level and are outgrowths of the recent "Gathering Storm" report. Director Auriti will examine the proposed legislation to provide answers to committee members' questions regarding:

- the competitiveness of the grants;
- the omission of agencies other than the DOE in the legislation; and
- whether the proposed \$2.7B in research funding includes the NSF budget.

- IRB review:

Executive Director Auriti indicated the Office of Research's willingness to serve as a resource during the completion of UCORP's review of IRBs.

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

- Update on the MRU review joint work group:

The joint work group will meet on April 5, 2006, at the end of the 15 year MRU review cycle, to develop a plan to restructure MRUs and the MRU review process to improve coordination, fiscal responsibility, and review consistency. Further, the joint work group will clarify the role of OP and the Senate vis-à-vis MRU operations. Special focus will be placed on making MRU research more responsive to both legislative concerns and dynamic and emerging academic areas.

**DISCUSSION:** Members queried the future of "mini-grants" that have previously been awarded to certain MRUs from the monies accrued through the management of the national labs. Office of Research representatives indicated that that level of detail had not yet been released from the negotiations, but would share it with UCORP when available.

*Lawrence Coleman, Vice Provost of Research*

- Technology transfer decentralization:

The process is moving apace. Questions remain regarding the ability of campuses to absorb the work and whether some cases should be dropped due to financial considerations. Similarly, concerns arose about whether remaining cases should be handled by in-house counsel or be outsourced. Throughout this process, UC's corporate identity, power, and "institutional memory" must be considered in relation to the potential gains and losses of individual researchers.

- Proposed new research projects and facilities:

- The university has responded to a DHS RFP for a bio-hazard Level 3-4.

Among the competitors is a joint UTexas-LANS LLC submission.

(See agenda enclosure 5: Expression of Interest for the National Bio and Agro Defense Facility (NBAF).)

- The NSF Peta-Scale computer bid is being formulated.
- UCSD and local area bio-tech firms have completed an MOU on the use of stem cell research money and facilities.

**DISCUSSION:** Previously mentioned DHS construction of (several) regional facilities is still on the table, though only informally; questions of time and transportation logistics make this an appealing option to many. Also, the co-submission by LANS, a UC affiliated research institution, with Texas is surprising and raises several significant concerns about the leadership of LANS and the integrity of UC's relationship with it.

**VII. Updates on the Industry-University Cooperative Research Program (IUCRP) and the Technology Transfer Advisory Committee (TTAC)**

*Hans Schollhammer (UCLA), UCORP Liaison to IUCRP Steering Committee and TTAC (via phone)*

Professor Schollhammer provided an overview of his summary documents (Distribution 1 and Distribution 2), and encouraged UCORP to invite Larry Tucker from the OP Office of Technology Transfer to expand on TTAC.

**DISCUSSION:** Members asked what the status of the IUCRP Fellows Program was and what its source of funding is. Professor Schollhammer explained that the Fellows Program was moving forward. Associate Vice Provost for Major Research Initiatives and Industry University Partnerships Susanne Huttner is soliciting feedback from the campuses on the program. Its funding will come from the existing Discovery Grant program, which is itself undergoing a periodic audit. More information may be obtained from AVP Huttner. Members also sought clarification on TTAC protocol, inquiring whether patents were granted to the first to invent or the first to file. Professor Schollhammer indicated that in the US, patent is usually granted to the first to invent, while in international law, patent is granted to the first to file. This distinction has important implications involving the prior state of the art, petitions of inevitable discovery, and faculty considerations of when to publish. Additional information on this topic can be obtained from OTT counsel Martin Simpson.

**VIII. OP Response to Senate Questions on LANL Management Contract**

*(See agenda enclosure 7: 3/3/06 ltr. Dynes/Brunk – Response to Senate Questions on LANL Management Contract.)*

**ISSUE:** Under the new management structure of LANL, concerns arose over UC's responsibilities and liabilities. UCPB submitted questions to President Dynes seeking clarification of these issues. President Dynes' response was received and is now under scrutiny.

**DISCUSSION:** Members are still unclear as to whose prerogative it is to mete the monies garnered from the lab management fees. This process is opaque under the status quo and even more so under the new management structure. Additionally, members wish to request further clarification on the fate of MRUs traditionally associated with the national labs: where did their funding come from before, where is it going now, and who makes these decisions? Also, Dynes' response indicated that new research institutions were included in the proposal, but as the proposal has not been released, UCORP cannot evaluate the efficacy, structure, and potential of these new institutions.

**ACTION:** UCORP will draft a letter to Chair Oakley for endorsement by the Academic Council and transmittal to President Dynes including these and similar questions as well

as a guided statement of principles for the use of lab management fees and the UC research institutes affiliated with the national labs.

#### **IX. UCORP Report on IRB Operations at UC**

[This item was removed from the agenda on the day of the meeting.]

#### **X. Corporate Influence on Research**

**ISSUE:** The University Committee on Academic Freedom (UCAF) asked UCORP to revisit its “Strings” Report to determine if additional provisos should be made.

**DISCUSSION:** The topic is quite broad. Therefore, the “Strings” Report is adequate as a general statement of principle, though should specific questions arise in the future, they may be considered individually.

**ACTION:** UCORP will communicate to UCAF its belief that absent specific concerns on the topic, the “Strings” Report is the committee’s final position.

#### **XI. Earmarking in University Policy**

**DISCUSSION:** Members felt that this topic was sufficiently covered during the consultation with OP, but re-emphasized its belief that campus CORs and appropriate Senate bodies must be involved in the process of reviewing earmarking requests in a timely fashion.

#### **XII. UCPB Draft report: “Current Budget Trends and the Future of the University of California”**

(See agenda enclosure 8: UCPB draft report (version 2.01): “Current Budget Trends and the Future of the University of California.”)

**ISSUE:** UCPB has drafted a report on the current and anticipated economic and public status of UC given present budget trends. UCPB then presents various manifestations of the University based on extrapolations of those trends.

**DISCUSSION:** The committee was unanimous in describing the Futures Report as laudable, important, and disturbing. Several members voiced their concerns over the long term consequences of the Higher Education Compact between UC and the state and indicated their belief that UCPB’s findings should be widely circulated, both within and outside of the University.

**ACTION:** No substantive changes were recommended.

#### **XIII. Campus COR Reports**

\*Note. This item was deferred from the March 6, 2006 meeting.

**DISCUSSION:** All ten campus representatives reported on current events at their campus CORs. Several reported on their grants and awards processes, and the difficulty therein given fiscal issues. Several expanded on their processes by outlining submission requirements based on the size of the grant sought.

The meeting adjourned at 3:55 p.m.

Distributions:

1. Report on Meetings of the Technology Transfer Advisory Committee (TTAC) and the Meetings of the Steering Committee of the Industry-University Cooperative Research Program (IUCRP), September 2005 – March 2006
2. IUCRP Fellows Program, A Professions Development Program focused on Industry-University Relations

Attest:

George Sensabaugh  
UCORP Chair

Minutes prepared by:

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