

**Minutes of Meeting
April 9, 2007**

I. Consent Calendar

- Minutes of March 12, 2007 meeting

DISCUSSION: Following introductions of new members, others sought clarification of the proposed faculty salary ranges discussed in March. Chair Max indicated that the concern addressed was salary disparities evident between campuses and between departments within campuses. The goal is to establish salary ranges broad enough to encompass identifiable concerns, such as ending off-scale recruitment. Further, concerns have been raised by faculty about the findings of a consulting firm hired by the University to look into the faculty salary issue. This effort is being led by the University Committee on Faculty Welfare (UCFW) and the University Committee on Academic Personnel (UCAP). Members stated their concern over the perceived zero-sum funding source for salary range increases, noting that at present the practice of leaving some FTE positions vacant in order to redirect funds to new recruitment is becoming disturbingly commonplace.

ACTION: The minutes were approved as noticed.

II. Chair's Announcements

Wendy Max, UCORP Chair

- Academic Council Special Committee on the National Labs (ACSCONL) meeting of March 20, 2007

Chair Max outlined three points of discussion from the meeting:

1. Composition of the Board of Governors for Los Alamos National Security (LANS)

ISSUE: Marye Anne Foxe, UCSD Chancellor, resigned as a member of the Board, and Bill Frasier is acting as interim governor. The committee drafted 6 names as recommendations to fill the position on a full-time basis. Four of the nominees are internal to UC, and two are external. Chair Max also noted that the Lawrence Livermore National Lab (LLNL) management contract is expected to be announced mid- to late-April.

DISCUSSION: Members again raised concern over the perceived secrecy and lack of transparency apparently inherent to lab activities. Members also reiterated their incredulity regarding the conflicting answers to questions posed as to the appointment process and reporting lines of the Board.

ACTION: Chair Max will submit in writing to President Dynes via the Academic Council questions regarding the appointment and reporting guidelines for the Board.

2. Future of ACSCONL

The future of the Academic Senate committee that will monitor lab activities is still under discussion, but ACSCONL members have reached consensus insofar as there should be some overlap between ACSCONL and its successor group so that institutional memory is not lost.

3. Use of lab management fees

While some of the monies generated are already designated for specific projects, the use of the balance, thought to be as high as \$10 to \$15 million, is still under discussion. Toward that end, Provost Hume has convened a planning committee to recommend how the university's fees should be used.

- Academic Council meeting of March 28, 2007

The Council approved the reapportionment of Assembly members. The Council also heard updates from UCFW on several items: 1) TalX: UCFW recommended that the agreement between UC and TalX be rescinded due to programmatic and privacy concerns; 2) LANS and UCRP: UCFW expressed concern that promulgation of relevant documents and that overall communication in the matter has not been effective; 3) child-care needs: UCFW noted that concerns over the provision of child care at the University continue. UCAP is investigating the clarification and standardization of promotion to Professor Step VI. Provost Hume has agreed to a comprehensive review of the Division of Agriculture and Natural Resources (DANR), provided it does not delay the recruitment of a new Vice President for the division. The DANR review will follow the imminent California Institute of Quantitative Biomedical Research, "QB3", review. Discussion of implementing a phased increase in post-doc salaries yielded a broader discussion over the proliferation of unfunded mandates. Specifically, zero-sum funding pots and undesirable funding trade-offs are concerns, as well as the University's ability to offer market competitive salaries for the ablest post-doc researchers.

III. Institutional Review Boards (IRBs)

Issue: Last year's UCORP authored a report on the workings of IRBs at UC. That report was then sent for systemwide review. The comments received during the review period were incorporated into a revised IRB report by the report's original lead authors, 2005-06 UCORP Chair George Sensabaugh and 2005-06 Fall/Winter UCORP Analyst Brenda Foust.

Discussion: Members noted approvingly the strengthened recommendations and their reorganization into three principal areas. Members also noted that IRBs should be used not only for federally-funded human-subjects research (as mandated), but for state- and privately-funded research as a matter of ethical responsibility as well. Finally, members sought to draw attention to certain items within the report, such as the time-frames for implementation and follow-up of recommendations, and the need for better training of both faculty and IRB staff.

Action: Analyst Feer will draft a transmittal letter to the Academic Council, outlining the committee's endorsement of the revised report.

IV. RE-89/Tobacco Funding

Wendy Max, Chair

John "Chris" Laursen, UCR

ISSUE: The Regents have asked the systemwide Academic Senate to opine on proposed resolution RE-89 which would bar faculty at the University from accepting funds for tobacco-related research from tobacco-related industry sponsors. Previously, UCORP discussed the issue at length and now reviewed the draft letter stating the committee's position.

DISCUSSION: While members reiterated their disapproval of some tactics employed by the tobacco industry, they also restated their belief that the principles of Academic Freedom and researcher integrity preclude endorsement of the proposed resolution.

ACTION: The draft letter was approved as amended for submission to the Academic Council.

V. Office of the President Office of Research Review

Ajit Mal, UCLA

David Noelle, UCM

ISSUE: Last fall, the Provost convened a group to review the functions of the Office of the President's Office of Research. Last month, UCORP discussed the review at length and appointed members Mal and Noelle as lead reviewers.

DISCUSSION: Members restated their concern at the apparent hastiness of the review process. Members also agreed that the draft response illustrated well the absence of context for the review, noting that the omission of a needs assessment precluded meaningful evaluation of the alternatives outlined in the review. Further, members agreed that the review process did not adequately involve faculty.

ACTION: The draft response was approved as amended for submission to the Academic Council.

VI. University of California Committee on Latino Research (UCCLR)

Theodore Groves, UCSD

Edward Murphy, UCSF

Dante Noto, Director, Humanities, Arts, and Social Science Research

ISSUE: UCCLR recently underwent its 15-year review. After receiving additional information from the UCCLR director, UCORP is asked to respond to the review *in toto*.

DISCUSSION: Members asked for a broader portrait of UC's Chicano/Latino research portfolio, which Director Noto provided. In response to member questions regarding OP's fiscal support for UCCLR, Director Noto indicated that the debate should focus instead on the proposed three-year transition to full multi-campus research unit (MRU) status and UCCLR's projected ability to secure meaningful support from campus executive vice chancellors (EVCs). Chair Max stated that conditional/"if-then" requirements for future funding should be included as a means to better identify benchmarks and measure UCCLR's success.

ACTION: Members Groves and Murphy will revise the draft response and resubmit it prior to UCORP's May meeting.

VII. Consultation with the Office of the President

Lawrence Coleman, Vice Provost for Research

Ellen Auriti, Executive Director for Research Policy and Legislation

Executive Director Auriti updated the committee on several issues:

- Tobacco-related funding: President Dynes is soliciting feedback from researchers who have received such funds. The responses are beginning to come in, and it is expected that President Dynes will forward the responses (or a summary thereof) to The Regents and Senate Chair Oakley as information items for consideration in their respective debates regarding RE-89.
- IRBs: Last year's memorandum of understanding (MOU) allowing single-IRB approval for exempt and expeditable research to be conducted at multiple UC campuses has ended its one-year trial period. The MOU will be extended with minor changes reflecting both researcher and IRB feedback.
- UC Berkeley and BP: This agreement has received considerable media attention, as well as internal debate at UCB and University-wide discussion. The Office of Research seeks to provide thoughtful responses to queries, not to quash debate. It was noted that much of the controversy surrounding the issue is similar to other research debates currently taking place at the University, wherein longstanding practices are coming under close scrutiny.
- Department of Health and Human Services: DHHS is conducting a review of issues related to conflict of interest concerns among NIH grantees. The review is focusing on extramural grants and researchers and is similar to one undertaken for intramural grants, which produced stringent rules restricting consulting..

Vice Provost Coleman had no specific updates, but indicated that several issues of interest are forthcoming.

VIII. Indirect Cost Recovery (ICR)

ISSUE: UCORP continues discussion of ICR at UC. Chair Max noted Analyst Feer's efforts to secure additional information for consideration by the committee.

DISCUSSION: Members suggested that, given the currently still-incomplete data on the issue, the investigation be carried over to next year's membership. Meanwhile, UCORP shall prepare a summary document of the committee's deliberations to date as well as a bibliography of useful materials. Aspects for continued investigation include: 1) cooperation with UCPB, 2) demonstration of the vulnerability of research at UC, and 3) clarification of how rate negotiation tactics further obscure the true cost of research.

Particular attention must also be paid to showing clearly how research conducted at UC benefits the state, how ICR links to the "Future's Report", how low ICR rates and under-recovery within established rate parameters harm UC's research mission, and how the onus of compensating for research facility and administration costs leads to other harms to the teaching and service missions of the University. Finally, members agreed that the ultimate report should increase pressure on local EVCs to demonstrate transparently how each one's allocations of ICR facilitate research.

ACTION: Andrew Fisher (UCSC) will draft a synopsis of UCORP's ICR investigation to date.

ACTION: Analyst Feer will prepare an ICR bibliography.

IX. Unfunded Mandates

*See discussion under Item II above.

X. Systemwide Review Items

- Open Access Policy

DISCUSSION: Members felt the Policy was both good and overdue and would help establish a precedent for others to follow. Concerns raised included establishing the policy as opt-out rather than opt-in and the lack of peer review prior to submission in some open access repositories. Additional questions focused on journal retaliation in the form of per-page fees and mandatory copyright transfer. Members also queried as to the differential impact on for-profit journals versus those of learned societies and university presses, as well as the validity of the six-month restriction. Members agreed that this transition, while inevitable, will be difficult.

ACTION: Members James Carey (UCD) and Moyra Smith (UCI) will draft the committee's response for endorsement by the full body.

ACTION: Analyst Feer will send to the lead reviewers relevant background material not included in the online packet.

XI. New Business and Planning

ACTION: Analyst Feer will continue efforts to secure a response from the Budget Office regarding the committee's questions on ICR.

Adjournment: 3:05.

Distributions:

1. Questions from UCORP re ICR (sent to Office of Financial Management and Budget Office)
2. Income and Funds Available (from [2007-08 Budget of Current Operations](#), p. 329)
3. Income and Funds Available (from [2006-07 Budget of Current Operations](#), p. 324)

Attest: Wendy Max, UCORP Chair

Prepared by: Kenneth Feer, Committee Analyst