

Minutes of Meeting**May 14, 2007****I. Consent Calendar**

1. Minutes of April 9, 2007, meeting
2. Endorsement of Proposed Amendment to Senate By-Law 181 (ITTP)
3. Response to Revised UCCLR MRU Transition Plan

ACTION: The Consent Calendar was approved as noticed.

II. Chair's Announcements

Wendy Max, UCORP Chair

1. Academic Council Special Committee on the National Labs (ACSCONL) meeting of April 17, 2007
 - Recently, ACSCONL consulted with the Office of the President's lab management division and discussion focused on issues of security breaches at the Los Alamos National Lab.
 - The UC management team won the bid to administer the Lawrence Livermore National Lab for the next 7 years. The lab will be run by Lawrence Livermore National Security, LLC (LLNS), which is structurally and functionally similar to its sister body at Los Alamos.
 - Los Alamos National Security, LLC (LANS) Board of Governors: Bill Frazer is replacing Marye Anne Fox as UC's scientific expert on the Board. President Dynes indicated that UC's LANS governors all have official relationships with him through their other UC-related positions.
 - ACSCONL continued work on drafting the charge of its successor group. The current proposal creates the Academic Council Special Committee on Lab Issues (ACSCOLI).

DISCUSSION: Members queried as to the allocation of the management fees garnered by both LANS and LLNS. Chair Max responded that a proposal has been prepared by special committee specifying that while the fees are to be used for lab-related research, such research need not be carried out at the labs. For example, campus-based research into the social implications of nuclear armament could be funded. Members also asked whether the management contracts would be made public now that the bidding process has concluded. Chair Max indicated that the contracts would be available 10-20 days after the announcement, following a requisite period of withholding should there be any contestation of the award. Currently, Senate Chair Oakley and a representative from the Office of the President's General Counsel are preparing a summary for distribution. Finally, members inquired if the contract and/or summary would be publicly available, available to prospective principal investigators, or only for ACSCONL. Chair Max will investigate this and report at UCORP's June meeting.
2. Academic Council meetings of April 18 and 25, 2007

- Provost Hume updated the Council on the academic planning process initiated by his office. This process seems congruent with campus long-range develop plans.
 - The structure of the Office of the President is to be evaluated by an outside consultant. The Provost indicated that the proposed (and approved by Council) Vice President for Research had been fast-tracked in order to have that position's promotion in place before the likely freezing of personnel changes during the review. Some of the business and operations vice presidencies are to be combined, yielding a net decrease in the number of VPs.
 - The University Committee on Faculty Welfare (UCFW) presented updates on their work regarding faculty compensation. The California Post-secondary Education Commission (CPEC) has established a task force to investigate faculty pay at the three segments of California higher education, and the UC Senate has nominated a representative to the task force. Also, UCFW summarized their on-going cooperation and consultation with the Mercer consulting company in its analysis of faculty pay at UC.
 - Howard Hughes Fellows and Ludwig Institute researchers, consisting of UC faculty on leave without pay, raised concerns over their retirement benefits. The Council approved a compromise measure wherein retirement benefits will be based on the three highest paid years, but researchers will not receive service credit for time spent out of UC.
 - UCORP's revised report on the operation of Institutional Review Boards (IRBs) was received and approved by the Council.
3. Academic Planning Council meeting of May 1, 2007
 The Academic Planning Council focused most of its discussion on systemwide versus campus-centric initiatives and responsibilities. Also, an on-going review of UC's International Programs, including the Education Abroad Program, has been augmented by the formation of an ad hoc committee which is charged to establish better a strategic plan for and coordination within the program.
4. Academic Assembly meeting of May 9, 2007
- RE-89: The Regents' proposed ban on accepting tobacco-industry related funding for research on tobacco-related issues was rejected by the Assembly. Senate Chair Oakley and Vice Chair Brown will report this result to the Regents when they next consider the topic.
 - The Assembly approved a resolution opposing salary gradations that differ by campus. While the gradations presently are designed only for senior management positions, it is feared that similar slots may be proposed for faculty as well. Instead of campus-based salaries, the Assembly-approved resolution advocates for position-based ranges, regardless of campus. This resolution also seeks to reduce the widespread use of off-scale hiring and promotion practices.
5. California Public Utilities Commission (CPUC) California Solar Initiative:
ISSUE: A colleague proposed to Chair Max that UCORP may want to look into the Initiative, especially as one aspect is the non-competitive awarding of \$10M

to UCB for facilities construction at UCB's Helios project. Also, Carl Blumstein, Director of the California Institute for Energy and Environment, will visit UCORP at its June meeting, and he may have additional information on the Initiative.

DISCUSSION: Members queried whether state earmarks should be considered non-competitive awards, and whether UC has a policy of rejecting state earmarks similar to its policy covering federal earmarks.

ACTION: Members agreed to ask Research Policy and Legislation Executive Director Auriti these questions during her consultation period later in the meeting.

III. Technology Transfer Advisory Committee (TTAC) and Industry-University Cooperative Research Project (IUCRP) Steering Committee Updates
Hans Schollhammer, UCORP Representative to TTAC and IUCRP Steering Committee (via phone)

1. **TTAC:** Professor Schollhammer provided an overview of his previously distributed written summary (see Agenda Enclosure 5). Highlights included recent Supreme Court and US House of Representatives consideration of patent issues, especially in international arenas. It was noted that the Wisconsin Alumni Research Foundation, which holds patents on several stem cell lines, has lifted its restrictions on line usage to encourage greater research.
2. **IUCRP:** Professor Schollhammer summarized his distribution (see Agenda Enclosure 5). Highlights included the expansion of research areas within the program and recourse against "delinquent sponsors"—industry partners who do not meet their financial obligations. Also, an OP-led organizational review was completed recently, and it made several suggestions to improve the structure and operation of the program. Eight of the nine IUCRP Fellows have indicated their desire to continue in the program for a second year, and this was approved along with measures to improve recruitment of new Fellows. Finally, an update on the program's leadership was presented.

IV. Indirect Cost Recovery (ICR)

Wendy Max, UCORP Chair

Andrew Fisher, UCSC Representative

ISSUE: Chair Max noted the existence of a 2003 report authored by the University Committee on Planning and Budget (UCPB), which reached strikingly similar conclusions to UCORP's current effort. Professor Fisher summarized a recent meeting with Budget Office Vice President Larry Hershman and UCPB colleagues Chris Newfield and Cal Moore:

1. Research costs more than the negotiated ICR rate.
2. Research at UC currently receives a significant state subsidy, which is reflected in internal budget tradeoffs at the campus level.
3. State contributions to UC's general funds do not cover faculty COLAs; these are covered by UC-generated general fund contributions, such as ICR.
4. There is a gap between the negotiated rates and actual recovery of ICR.
5. In light of the growing cost of research and the growing gap in ICR rates (negotiated and realized), UC research funding practices are not sustainable.

6. Transparency surrounding ICR is desirable.
7. VP Hershman does not foresee any diminishment in state funding if the ICR situation specifically and the UC research funding conundrum generally is made public.
8. Under President Atkinson, ICR allocations were redistributed to provide greater return to the campus of origin; OP may do the same with student fees.

Chair Max put the challenge to the committee: What can we do that will have more efficacy and impact than previous efforts?

DISCUSSION: Members agreed that acquiring specific data in several areas is essential to generating a meaningful report. Areas to be researched further include the calculations used by University negotiators in determining the actual cost of research and whether and how these data are manipulated in anticipation of reduction during the negotiations; the impact of state line-item funding; and greater explication of marginal, average, and aggregate costs. Members also noted that leaving FTE positions unfilled and increasing class sizes diminishes the total research output of the University. Professor Fisher indicated that “selling” the importance of research to the public at large could be a necessary step in redressing shortfall and sustainability concerns. Members agreed that establishing a working group, together with UCPB, to investigate the matter further would prove fruitful.

ACTION: UCSF Alternate Jane Koehler will submit a best practices article for distribution and consideration by the committee.

ACTION: Professor Fisher will revise his interim report and circulate it to the committee for discussion at the June meeting.

ACTION: Analyst Feer and Chair Max will investigate Senate procedures for creating a working group.

V. Consultation with the Office of the President

Ellen Auriti, Executive Director of Research Policy and Legislation

Executive Director Auriti updated the committee on several items:

- A meeting of contracts and grants officers discussed Council on Governmental Relations (COGR) and Association of American Universities (AAU) joint actions regarding “troublesome clauses” in many federal grants which may restrict researchers and publication under the guise of national security. UC is encouraging COGR and AAU to broaden the scope of their inquiry, as well as conducting its own internal investigation.
- An ethics briefing for researchers may be issued in the near future. This will be similar to the sexual harassment training and general ethics training already required at the University.
- Amendments to block National Science Foundation grants to particular research efforts, some at UC, were defeated in Congress. It appears that members of Congress objected to some of the titles of the research projects.
- The recently approved Multi-campus Research Unit advisory board and review process is scheduled for full implementation in the early summer.
- Patent reform legislation is moving through Congress. The legislation is designed to align the US with European patent policies which grant patents to the first to

file rather than the first to invent. The legislation should include safeguards to protect researchers who may not have filing funds.

- The state may create an Office of Intellectual Property, which was initially intended to regulate investment and revenue sharing flowing from California's stem cell research efforts.

DISCUSSION:

1. CPUC CSI and state earmarking: Regarding the CPUC CSI, Vice Provost Coleman and UCB Vice Chancellor for Research Burnside have discussed the award; VP Coleman can provide additional information in writing. Regarding state earmarking, UC has, historically, made it known that our priority is support for the funding in the Compact. However, sometimes legislation, budget control language, or other state actions may attempt to allocate and/or specify use of funds not delineated in the Compact. The political reality is that some state requests cannot be refused. Nonetheless, UC generally does try to convince state legislators to remove specific names from such legislation and instead include language to the effect that the specified "research is requested to be carried out by the University to the extent funds are appropriated for that purpose." Still, occasional line-item funding directives are included.
2. Stem cell research and the California Institute for Regenerative Medicine (CIRM): Members queried as to the degree of central planning and coordination in grants administration at CIRM. Executive Director Auriti noted that UC and the CIRM governing board have a good working relationship and that UC has received over half of CIRM grant monies expended to date. Members noted that OP has created specific guidelines for ICR administration regarding CIRM grants.

VI. Systemwide Review Items

- Proposed Student Freedom of Scholarly Inquiry Principles
DISCUSSION: In response to UCORP's and others' previous feedback, the proposed principles now include intellectual property rights and proper attribution. Members queried, though, the absence of guarantees of patent rights and co-inventorship.
ACTION: UCORP will issue a letter of general support for the principles, and include its desire to see subsequent versions of the document address patent questions.
- Intersegmental Committee of Academic Senates' Proposed Resolution on the Proper Use of the California High School Exit Exam
ACTION: UCORP elected not to opine on this item.
- Proposed Amendments to APM 620, Policy on Off-Scale Salaries
ACTION: UCORP elected not to opine on this item.

VII. New Business and Planning

Members

None.

Meeting adjourned at 3 o'clock p.m.

Attest: Wendy Max, UCORP Chair
Prepared by: Kenneth Feer, Committee Analyst