

Minutes of Meeting**May 5, 2008****I. Consent Calendar**

ACTION: The minutes of the March 10, 2008, meeting were approved as amended.

ACTION: The committee response to the ITGC Report, "Creating a UC Cyberinfrastructure" was approved as amended (see Distribution 1).

II. Chair's Announcements

Jose Wudka, UCORP Chair

Academic Planning Council (APC) meeting of April 18: The APC focused largely on enrollment planning based on campus estimates. The APC also discussed Cal State's professional doctorates, which are now to include nursing in addition to education.

Academic Council meeting of April 23:

- Proposed new schools have not been given long-term funding guarantees.
- President-designate Yudof has met with Senate Chair Brown and Senate Vice Chair Croughan who are optimistic about the new president's leadership and tenure.
- The Regents will vote at their May meeting on proposed student fee increases, 10% in the registration fee and 7% in education fees.
- The faculty salary scale plan, entering year 2 of 4, does not the full support of the chancellors.
- The board of the Public Utilities Commission has approved the formation of the California Institute for Climate Solutions (CICS). Next steps are to issue an RFP for hosting the CICS hub and to clarify the new matching funds requirement.

III. Establishing Research Priorities and Mechanisms to Meet Priorities

ISSUE: The committee continues its discussion of how best to set UC and statewide research priorities and establish the means to achieve them.

DISCUSSION: Members noted that currently, UC is reactive to state research requests; it is unclear whether or how UC can suggest priorities to the state. Members also observed that many state-mandated research priorities are not accompanied by state research funds. Members were uncertain of the process by which UC could indicate to the state that its research priorities may be myopic or misguided, e.g., based on incomplete scientific review or on political exigency. Internally, members felt that research priorities should not be handed down from the Office of the President, but that a two-way mechanism must be established. Further, members agreed that the mechanism should include Senate consultation early and often since it is one thing to approve a list of priorities, but another to help generate that list. Finally, members wondered whether it was reasonable to expect all research programs to become self-sustaining.

ACTION: UCORP will continue this discussion next month with its consultants.

IV. Developing Policy Recommendations for DOD NNSEF Fellowship-like Programs

ISSUE: UCORP has been asked to draft policy recommendations in response to the concerns raised by the DOD NNSSEFF program—mandatory security clearances and citizenship implications.

DISCUSSION: Members asserted that UC policy should make explicit the lines of division between classified materials and clearances on the one hand, and funded research and publication, on the other. Members also suggested that research funded through the program be made public to minimize the risk of post hoc classification or “string” imposition. Members recommended that the DOD publish its revisions in advance of next year’s RFP issuance. One member noted that many NIH grants have a citizenship requirement.

ACTION: Chair Wudka and UCB Representative Glaser will draft the committee’s response and submit it to the Academic Council.

V. Consultation with the Office of the President

Ellen Auriti, Executive Director for Research Policy and Legislation

CICS: The PUC passed this in April, with a few compromise provisions—such as the deferred enactment 100% matching fund mandate. It will have a 22 member governing board, and the UC president and PUC president (or their designees) are co-chairs. It is expected that some UCs will compete to host the hub.

Animal Enterprise Protection Act (AEPA): This state legislation is still in committee in Sacramento and was designed to function as an exception to public records act requests to preserve researcher anonymity. California-based private bio-tech organizations are included, too. Some oppose AEPA on the basis of free speech concerns. Some provisions of the bill have been removed, and it now seems more like a statement of intent. Its language is now very similar to that of legislation that protects abortion providers. The federal counterpart legislation (the Animal Enterprise Terrorism Act, or AETA) has many of the provisions removed from the California bill, but AETA is still new and its impact unclear. ED Auriti’s office is working closely with the Office of General Counsel to develop a template that would meet the requirements of public records requests while preventing the triangulation of researchers’ identities.

State Contract Terms: Currently, UC negotiates separate contracts with each state agency and usually separate terms for each contract. An effort is underway to streamline the process by creating uniform contract terms.

Troublesome Clauses: Several years ago, the Association of American Universities (AAU) and the Council on Governmental Relations (COGR) surveyed their constituencies on the impact of troublesome clauses in research contracts and grants; this was nearly coterminous with UCORP’s “Strings Report.” Since that investigation, AAU and COGR have re-surveyed participants and learned that the problems identified have not been solved. ED Auriti’s office will continue to monitor AAU/COGR’s actions and will encourage UC to clarify its own regulations as to when it is permissible to accept restrictive clauses.

Lab Fees: The Regents have directed that the income from UC’s co-ownership of the LLCs which manage the DOE labs be earmarked for collaborative research projects between UC and the labs. An RFP for interested researchers is forthcoming.

VI. ICR Update

Jose Wudka, UCORP Chair

ISSUE: Chair Wudka updated the committee on the progress of the joint UCORP/UCPB work group investigating the usage of indirect cost recovery monies. The group is awaiting clarifications from the Office of the President.

ACTION: Chair Wudka will continue to keep the committee apprised of the work group's progress and findings.

VII. Systemwide Review Items

- Proposed amendment to APMs 220-85-b, 335-10-a, 740-11-c; and proposed rescission to APM 350

ACTION: The committee elected not to opine on the proposed amendment to APM 220-85-b.

ACTION: The committee will request that the proposed amendment to APM 335-10-a be more explicit in its impact: that it is raising the requirement to that of Specialists in Cooperative Extension, not merely eliminating the requirement.

ACTION: The committee will support the proposed amendment to APM 740-11-c.

ACTION: The committee will support the rescission of APM 350.

- Proposed Revisions to Section 102.05 of the systemwide Policy on Student Conduct and Discipline

ACTION: The committee elected not to opine on this item.

- Proposed UC Policy and Supplemental Guidelines on the On-Campus Marketing of Credit Cards to Students (see Distribution 2)

ACTION: The committee elected not to opine on this item.

VIII. Lab Issues

Michael T. Brown, Academic Council Chair

John Birely, Associate Vice President for Laboratory Programs (via phone)

"Pits" Resolution Impact/Berkeley Forum Update:

ISSUE: Chair Brown provided an update on a recent forum held at the Berkeley campus, part of which focused on the UC's role in the DOE national labs. Panelists included Chair Brown, Vice Chair Croughan, Vice President for Research and Graduate Studies Steve Beckwith, and Bill Eklund from the Office of General Counsel.

DISCUSSION: VP Birely clarified that current facilities construction at Los Alamos National Lab (LANL) are not weapons' production buildings, but office buildings; while various new lab and production facilities have been proposed, they have not yet been approved or funded. Members asked why UC receives comparatively little of the management fees. VP Birely indicated that, per contractual arrangements, the partners in the LLC receive a larger share of the fees. Further, the formula for fee allocation has not been published and the net fee garnered by UC can fluctuate depending on changes to the labs' budgets and performance improvements.

Members then asked about current pit production at the labs. VP Birely noted that prior to entering the LLC contracts, UC had been directed by the government to produce 30 pits to replace those destructively analyzed. Last year, 8 were certified, and

so far this year 1 has been. Thus 21 more replacement pits remain to be produced. Some members posited that since previously LANL had produced zero pits, this was a de facto increase in production and could invoke the resolution; others held that such replacement was stewardship of the arsenal and not the production of new weapons, and thus should not invoke the resolution. Members also asked about the storage of waste from the analyses and projected reductions to the arsenal. VP Birely stated that there are several repositories for such waste.

RFP for Fee Allocation:

ISSUE: Per The Regents' directive that fees from managing the DOE labs should be used to fund collaborative research, VP Beckwith, AVP Birely, Chair Brown and Vice Chair Croughan have been developing guidelines to govern the allocation of those fees. (See Distribution 3.)

DISCUSSION: Members asked how often the protocol will be reviewed. Chair Brown responded that it should be done annually before that year's RFP is issued. VP Birely noted that since this is the first year, it is difficult to anticipate how many proposals will be received. Accordingly, potential applicants will be asked to submit a letter of intent so that adequate reviewers can be secured to evaluate competitively the final proposals. Chair Brown added that current drafts of the RFP have only broad scientific categories and that multi-year projects could be funded. Members sought clarifications on liability issues and the benefits the LLCs bring to UC.

ACTION: UCORP will continue this discussion at its June meeting.

IX. Member Business and Planning

ISSUE: Chair Wudka provided a brief overview of an emerging concern at UCSF, whose CHR is considering implementing a pre-IRB review process to align with IRB accreditation requirements. Chair Wudka will continue to monitor this situation.

Adjournment: 3:50 p.m.

Distributions:

1. JW2MTB re ITGC Report DRAFT
2. Proposed UC Policy and Supplemental Guidelines on the On-Campus Marketing of Credit Cards to Students
3. Allocating Net Fee Income Received as Owner of LLCs Managing DOE National Laboratories DRAFT 2 May 08, rev 6

Appendix: UCORP 2007-08 Attendance Record

Minutes prepared by Kenneth Feer, Senior Analyst

Attest: Jose Wudka, UCORP Chair