

UNIVERSITY COMMITTEE ON RESEARCH POLICY

Minutes of Meeting

June 6, 2005

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

Chair Neiman announced that committee members Bruce Tiffney, Tulin Erdem and David Salmon would be absent, and that neither UCAF Chair Fox nor Professor Lisa Bero was available to join the meeting today for a discussion of corporate influence on research. He then updated the committee on issues addressed at the May 11 Assembly meeting and May 18 Academic Council meeting, including:

- Possible strategies for graduate student support
- The UC-sponsored Assembly Bill 992 that would give UC and CSU police the same surveillance powers as municipal police. In a reversal of its decision last year not to opine on the measure, the Council this year has expressed opposition to this bill.
- BOARS' ongoing inquiry into the role of the National Merit Scholar Program in UC admissions and financial aid decisions
- Approval of the Compendium committees' recent comments on the 15-year reviews of ITS and IGPP
- The establishment of a UC Merced division of the Senate was approved by the Assembly of the Senate, pending acceptance by Council of a financial plan of operations for the Senate office at UCM.

Chair Neiman also noted two new charges to UCORP, both of which are items for initial discussion on today's agenda: 1) UCPB and UCORP have been asked to draft a statement on the re-circulation of MRU funds, which is to be finalized for the Council's consideration by mid-July; and 2) UCORP is asked to look into IRB structure and policy on all campuses. The project will continue into next year, with a preliminary report requested for the July Council meeting. This is the final UCORP meeting of the year, but business will continue through August, updates (if any) from committee liaisons will be circulated, and members may still raise issues for Council consideration.

Action: UCORP's liaison to ACSCONL will be asked to update members by email on recent lab-related activity.

Action: Members may notify Chair Neiman of any issues they may wish him to mention at the remaining Academic Council meetings for the year.

II. Consent Calendar

Action: The Minutes of the May 9, 2005 meeting were approved pending minor corrections.

III. IGCC Funding Situation

Issue: Funds for IGCC, which come out of the UC lab management fees, were cut by 45% in December as per a decision made by the OLM. That action raised concerns about IGCC's continued operation and jurisdictional questions about the authority of the OLM to cut funds for UC research units and to what extent the OLM should be involved in IGCC program direction. UCORP's comments are due June 12 and will be forwarded to the Academic Council for consideration and final Senate action at its June 22 meeting

Discussion: It was noted that the question of who can rightly make such a budget cut decision may not be relevant to this committee's concern, but the lack of consultation with the OP points out the need to clarify lines of authority. The lack of consultation with the Senate was seen as a serious breach of regular process, since the decision effectively disabled a Senate-approved UC research unit. Members were troubled by the suddenness of the cut, as well as its severity, which seem to indicate little consideration for IGCC research efforts and graduate student support. Members agreed that, given IGCC initial charge to provide a balance to the work of the labs, the OLM's desire to bring the IGCC's activities more in alignment with the work of the labs was inappropriate.

Action: A committee comment letter will be drafted for email vetting by members. The letter will note, among other points, that UCORP views OLM's funding cuts to IGCC as inappropriately severe and precipitous, and of questionable legitimacy given that it undermined a Senate-approved research operation and was done without Senate consultation.

IV. University of California Draft Policy on Human Subject Injury, and Draft Guidelines on Implementation, *Research Coordinator Rebecca Landes.*

Issue: The draft policy and guidelines out for formal review would provide that each campus develop a mechanism for covering injury costs for which there is no designated fund source. UCORP was briefed on the background and main points of the draft policy at its May meeting, and at this time, Director Landes responded to further questions from committee members:

- Injury costs have so far not been tracked, but now each campus will be asked to do so in order to identify patterns for use in future insurance planning. Costs have not been covered by UC's general liability or professional liability plans because of the lack of actuarial data. Subjects often are or were patients, therefore the information on injury connected with a study would go into an individual's medical records without any code for tracking it separately.
- The definition of injury is not restricted to only medical or physical harm.
- One area where a statute of limitation is a concern is in the case of loss of income in the case of death or vegetative state.
- The Chancellor or Vice Chancellor for Research will be responsible for developing and maintaining the campus mechanism for covering injury costs.
- Most charge the subject's insurance, but the ultimate goal is that no campus should have to use a subject's insurance to cover costs of injury.

Discussion: Members stressed the need for campuses to collect data on cases. They urged that the financial "tax" on grants and other awards be made explicit to researchers, and that the guidelines require that it be made clear who the campus authority is or will be for the plan.

Action: UCORP approved the main intention and provisions of the draft policy and will recommend that campuses be guided to: 1) collect data on subject injury for the future; 2) clearly indicate who at each campus will be responsible for development of a mechanism for covering the injury costs, with a stated deadline for having that authority be put in place; and 3) have faculty involvement at an early stage in implementation plans in light

of the impact this can have on the research environment by way of claims on overhead and on grants.

V. Establishment of Systemwide Standards for IRBs, *Research Coordinator Rebecca Landes.*

Issue: UCORP, in coordination with UCAF, CCGA and the Office of Research, is requested to inquire into the operations of IRBs and determine the need for a systemwide IRB policy. UCAF has raised questions about the administration of IRBs and possible restrictions to research.

Coordinator Landes: Out of the ten campus IRBs, two include a staff member who sits on the board because faculty could not be recruited to fill the slot. The academic freedom concern seems to arise from a perception on the part of some faculty that administrative decisions by IRB staff amount to substantive decisions on research. There are many federal rules with which to comply, and the IRB staff work hard to meet those requirements and to make the submission as complete as possible before it goes to the IRB for review. The staff's administrative decisions could be mistaken as decisions made on their research. Some dissatisfaction has been expressed on the part of behavioral and social science researchers about the extent to which the IRB is involved in that type of research. There is, however, consensus among IRB professionals that the principles of research, such as justice, beneficence, equitable choice of subjects -- should be applied to all types of research. The application of the rules is, though, open to different interpretations and there are ongoing discussions on the campuses about the extent to which, say oral histories or interviews should be subject to the same rules. The number of members on an IRB depends on the number of protocols a particular campus handles, but it is a consistent struggle to get faculty commitment to serve on the committee. The Office of Research may hold a systemwide workshop for discussion of these concerns and issues associated with IRBs.

Discussion: Members noted some of the frustrations associated with IRBs, such as:

- Journalists can ask questions of public officials without having to maintain anonymity, but social science researchers must comply with IRB protocol.
- IRB staff do exercise a certain amount of discretion, and there have been cases where personal prejudice against a type of research has played a role.
- It can be difficult to ascertain whether barriers are because of valid administrative issues or political/personal issues.
- There is an appeals process for PIs, but researchers are working with constraints on budget and time.
- It can be particularly frustrating when researchers have to meet requirements at the proposal writing stage, when it isn't clear that the research will even be funded.

Of equal importance to members, though, was the concern that some faculty who should be working through the IRB may not be. Service on an IRB should be duly recognized for academic promotion (as should Senate service).

Action: A memo will be sent to UCORP members reminding them to gather basic information on the operations of IRBs at their respective campuses, to be used in a preliminary report to Council in July. This issue will carry over to next year when a final report will be prepared.

VI. Consultation with the Office of Research *Lawrence Coleman, Vice Provost for Research, Ellen Auriti, Executive Director- Academic Legislation, Patrick Schlesinger, Director of Research Compliance*

Director Schlesinger

Export controls. The Office of the Inspector General issued its semi-annual report in March, with sections relating to export control. Typically, universities are not subject to many controls because the research being done is on the public domain and derives from or is the result of fundamental research, or is educational material. The recent report expands the definition of who may not use equipment to be based not only on country of citizenship but also country of origin. For UC, if all else remains the same, this should have no impact and all UC-research will be kept in the public domain. UC's position is careful, nonetheless and does not just assume that all activities are exempt. PIs need to be better informed, and should also not assume their actions are exempt. The Office of Research drafted comments on the report and a summary cover letter that will be forwarded to UCORP members for their information. In addition, the Office of Research is developing an informational web site on export controls.

Vice Provost Coleman

UCI has been chosen to be a National Center of Excellence in the study of bio-terrorism (western region).

Awards and Conference activity: A meeting was held at UCD recently with Pfizer to discuss clinical trials. A conference will soon be held on protecting data in a confidential environment, which will focus on how best to interface with the state now that agencies are becoming more particular about who is sent data and how. The Office of Research Integrity will sponsor a two hour workshop on how UC handles research integrity cases compared with federal regulations.

SB 13 status. The bill has been changed to allow release of state data with the approval of the state IRB.

ITS and IGPP funding. ITS reallocation among the campuses is not likely. In the case of IGPP, FTEs are mixed in with Office of Research funding, and when the FTE are released, that money will need to be treated differently. A more nimble approach would be for OP to give faculty release time, and have actual FTE come from the host campuses.

Recycling of MRU funds. The office of Research looks forward to engaging in dialogue with the Senate on this issue. CalSpace will be the first case for recompeting of MRU funds, and key guidance will come from the faculty. A meeting is scheduled for the fall to discuss the future of space research at UC.

Research Infrastructure. A presentation is being prepared for the Regents at their July meeting, which will offer a comprehensive look at all of UC's holdings, broken down by categories of "things owned" by the Regents, e.g., major facilities, museum holdings, agricultural resource centers, etc.

Director Auriti

Stem cell update. UC officials have recently been discussing with state legislators proposed legislation that would impose stricter oversight of the Institute for Regenerative Medicine. In question are issues of conflict of interest, open research, and intellectual property.

Council on Research (COR). At the June COR meeting, it was discussed whether to expand UC's conflict of interest requirements to include disclosure for all federally funded research and reporting on domestic partners.

Federal earmarking. A UCOP workgroup is being formed to draft a rational policy for exceptions to UC's general position of not attaining research funding by earmarking. The membership of the group will be confirmed in the next month or so, but will include representatives from among the EVCs and the VCRs, and the first meeting is planned for the fall.

Action: Patrick Schlesinger, Director of Research Compliance, will forward for distribution to UCORP members OP's draft comments on the Inspectors General Report re: export controls with a link to the IG report itself.

Action: Director Schlesinger will also send for circulation to UCORP members a link to the Office of Research test site on export controls.

VII. UCAP's Proposed Modification to APM 220-18, Criteria for Advancement

Issue: Following up on responses last year to UCAP's report on Step VI, UCAP has proposed amended language to APM 220-18 that are intended to create more uniformity among the campuses in advancements to Step VI and Above Scale, and lend clarity to the academic personnel process.

Discussion: Although there was no strong objection to the changes, one member was concerned that the intention of the original wording regarding the teaching criterion, which put excellence in teaching on an equal level with research and service, might be lost with the proposed changes in language. Another noted that the revisions do not so much clarify as abbreviate the criteria. There was general agreement that collection of data on advancement should be ongoing for possible use in a future study/report.

Action: UCORP generally supported the proposed changes and will strongly recommend that collection of data on faculty advancement be an ongoing for use in possible future inquiries and studies.

VIII. Statement on MRU Funds

Issue: The Council has asked UCPB (lead committee) and UCORP to draft a policy statement on the recycling of MRU funds.

Action: UCORP will await UCPB's direction and expects to comment in the coming weeks on an initial draft statement developed by that committee.

IX. Issues for Next Year - UCORP and Campus Committees

Discussion: The following issues were suggested for consideration by the committee during the 2005-06 Session:

- The role of research infrastructure as it relates to recruitment and retention of faculty.
 - ⇒ Teaching expectations
 - ⇒ Adequate support for conference attendance
 - ⇒ Availability of RAs in the non-sciences
- Graduate student recruitment – quality of students, impact on research programs

- Corporate funding – continue discussion of this issue concert with UCAF, and include input from researchers; look at practices in Office of Technology Licensing (in general and relating to the RMI stem cell research).
- Consider possible proactive efforts, possibly focusing on prevention of funding cuts and on academic issues.
- Develop report on IRBs (in fulfillment of Academic Council charge).

Action: none

Meeting adjourned, 3:45
Attest: Max Neiman, Chair

Minutes prepared by
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