

**Minutes of Meeting****June 9, 2008****I. Consent Calendar**

**ACTION:** The minutes of the May 5, 2008, meeting were approved as noticed.

**ACTION:** The draft committee response regarding proposed changes to APMs 220-85-b, 335-10-a, 740-11-c, and 350 was approved as noticed.

**II. Chair's Announcements**

*Jose Wudka, UCORP Chair*

Chair Wudka provided an overview of recent UCORP-related news and events from other Senate venues:

Academic Council meeting of May 27-28:

- The Regents have discussed retention issues at the Department of Energy (DOE) labs with which UC is affiliated. See also Item VIII below.
- The presidential search process is under review; it is hoped that the faculty will have opportunities for greater input in the future.
- The status of undergraduate diversity was also discussed by The Regents, and there has been a strong call for Senate action on the matter. The revised BOARS proposal to reform UC admissions is going before the Academic Assembly soon.
- A recent case involving the limits of academic freedom arose at Irvine, where a professor filed suit against the University for perceived retaliation after speaking against a potential hire during a faculty meeting. The question is whether faculty have an expectation of protection, not in the classroom, but in fulfillment of other academic duties. The case is progressing through the court system.
- There is an investigation at Davis to increase effort reporting for contracts and grants in order to shift the salary onus to the faculty person if sponsored work exceeds a to-be-determined percentage of total work. This is similar to what is done in the health sciences, but the NSF disallows such recharges; faculty could be asked to work off-campus.
- The University Committee on Academic Personnel (UCAP) has issued a report on non-progressing faculty; UCAP indicated that the University is not facing a crisis in this area.
- As part of the Office of the President's administrative restructuring, an Institutional Research Unit is being developed in which a pool of statisticians and analysts would reside, though they may not have topic-specific expertise.
- Some campus administrators are concerned about the perceived lack of a visible presence of faculty on campus during both teaching and non-teaching hours.
- Riverside received Regental approval to pursue two new schools: public policy and medicine. The division also was appointed a new Chancellor, Tim White, formerly of the University of Idaho.
- In the wake of the Virginia Tech tragedy, recent studies have revealed that 50% of all students have experienced depression; 54% of graduate students report

experiencing depression, and nearly 10% report having attempted suicide. In part, these statistics may be due to increased reporting, rather than an increase in incidents. UC has increased both funding and the number of psychologists to ameliorate, but more still needs to be done.

Academic Council Special Committee on Lab Issues (ACSCOLI) meeting of May 8:

- A recent forum held at Berkeley on UC's involvement with the DOE labs was attended poorly, but a good conversation among attendees occurred.
- The Assembly-approved resolution requesting the President's Office to provide annual reports on plutonium pit production at the DOE labs will be transmitted to that office soon.
- The RFP process for using the management fees generated by the DOE lab contracts will be discussed in more detail under Items VI and VIII. Members noted that it is difficult to determine what lab scientists are researching in order to know whether one might wish to partner with them. Members also observed that the time frame of the process might skew towards continuing status quo contacts, rather than encouraging new partnerships.

**III. Indirect Cost Recovery Investigation Update**

*Jose Wudka, UCORP Chair*

Chair Wudka indicated that the investigative team had received data on the matter, but that questions remained, due largely to the complexity of the topic, which is often misperceived as sneakiness. The investigators will continue their work.

**IV. Systemwide Review Items**

- Proposed Amendment to State Law re 5150 Psychiatric Holds  
**ACTION:** The committee elected not to opine on this item.
- California Institute for Quantitative Biosciences (QB3) 5-year Review  
**ACTION:** Representatives Smith (UCI), Noelle (UCM), and Vice Chair Carey (UCD) constitute the primary review team. They will work over the summer and submit the response electronically to the committee as a whole for endorsement prior to the October 1, 2008, deadline.
- Institutional Research Unit  
**DISCUSSION:** Members felt that the proposal given was too vague, and thus they could not respond meaningfully.  
**ACTION:** Chair Wudka and Analyst Feer will draft a letter asking for more information prior to proceeding with the Unit's development.
- Five Year Degree Program Perspectives for 2008-2013  
**ACTION:** None; the report was for informational purposes only.

**V. Honest Leadership and Open Government Act (HLOGA)**

*John Hamilton, Deputy Director, Federal Government Relations (via phone)*

**ISSUE:** Deputy Director Hamilton informed the committee that the HLOGA legislation is an update of extant laws and is aimed primarily at registered lobbyists like himself, not faculty (see Distribution 1). For example, grants officers are not covered officials, and faculty contact with them need not be reported. On the other hand, if a chancellor or

dean contacted federal officials to officially and overtly lobby, such contact must be reported. Further, the reports need only include financial disclosures, not contactors' biographies.

**DISCUSSION:** Members asked for examples of lobbying, and Deputy Director Hamilton gave the examples of requesting directed funding or extolling specific rules and regulations. Members also asked what kind of public education was available, and Deputy Director Hamilton indicated that a working group is being formed to develop and promulgate guidance. Moreover, other universities are working to clarify the new regulations, and hopefully soon an "FAQ"-type document can be posted. Members then asked what could happen should a lobbying violation occur, and Mr. Hamilton noted that his office will liaise with campus external relations units to preclude errors. Further, the institution would be liable, but good faith efforts at compliance should suffice to avert any violations.

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

*Steve Beckwith, Vice President, Office of Research and Graduate Studies*

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

Executive Director Auriti updated the committee on research-related items:

- The federal government has changed the "sensitive but unclassified" designation to "controlled unclassified". The National Archive is the executor of the change. See Distribution 2.
- The National Security Science and Engineering Faculty Fellowships (NSSEFF) program as originally posted led to concerns regarding implicit citizenship requirements which may violate UC policy. Clarification has been received, and UC policy and the federal program are not in conflict. Nevertheless, as one of the six announced fellows is from UCLA, Executive Director Auriti's office will continue to monitor this and similar programs and evaluate the possibility of revising UC regulations.
- For information purposes, UC's response to NIH Public Access Policy Revisions was circulated (see Distribution 3), as were some recent newspaper articles regarding the implementation of RE-89, which regulates further the acceptance of Big Tobacco research funds (see Distribution 4).

Vice President Beckwith updated the committee on the DOE lab management fee RFP process. The final RFP is to be issued next week, and it is anticipated that the biggest challenge will be executing a timely peer review of the applications. See Distribution 5.

**DISCUSSION:** Members noted their concerns regarding the time frame of the RFP window and the difficulty of learning of finding potential collaborators. VP Beckwith also noted that Lawrence Livermore National Laboratory (LLNL) often has difficulty recruiting graduate student researchers due to a limiting interpretation of relevant regulations. Part of the reason for mandating collaborations, then, is to increase the transparency and "user-friendliness" of the labs. Members queried whether the labs will ask for a recharge and overhead, but that is not yet known. Members also asked whether "legacy" recipients were guaranteed funding and whether multi-year projects were eligible for funding. VP Beckwith indicated that all allocations from the lab management fees would be on a competitive basis and that multi-year projects could be funded in a

balanced manner; that is, a mix of long-term and short-term projects could be funded to preserve flexibility.

## **VII. Agriculture and Natural Resources (ANR) Overview**

*Dan Dooley, Vice President, ANR*

**ISSUE:** VP Dooley provided a short personal history and then outlined the prospects and challenges he has identified for ANR. One challenge is working effectively with the scope of ANR: as a land-grant institution with UC's breadth, a "command and control" leadership model will not work; coordination and collaboration are essential. Further, ANR cannot define its stakeholders narrowly; agriculture must include procedural ends such as health and nutrition, for example. This necessity is underscored by the state's changing demographics and universal climatic challenges. Specific actions under way include:

- A long-term planning effort with The Regents and campus representatives focusing on long-term food production systems. The working groups and steering committee involved aim to submit their blueprint by next spring.
- An academic review of the division. The time line and protocol have been developed, and they are awaiting the chancellors' responses before forming the review committee. Site visits will be conducted early next year.
- A USDA review of the extension system. The protocol and metrics are being developed based on the USDA's Cooperative State Research, Education, and Extension Service (CSREES) practices; a similar time frame as the academic review is in mind.
- Investigating ways in which ANR's 52 county offices can participate in advocacy and other efforts.

**DISCUSSION:** Members sought clarification on the time-frame for the division's academic review, and VP Dooley indicated that the current goal is to submit the report to the provost by March or April of 2009. Members also asked about the balance between applied science versus fundamental research in the division's extension arms, to which VP Dooley replied that the line is unclear, but he hopes to shift the emphasis to more of a mission-based policy.

Members then queried VP Dooley about the public role of the division, such as whether the overlaps between corporate commodities interests' sponsorship of ANR-related research and researchers impedes the division's ability to criticize industrial practices from a scientific perspective and how the division can better inject itself to public debates over public policies. VP Dooley agreed that potential conflicts of interest are a continuing problem, but suggested that ANR could act as a fire-shield in some respects. Further, VP Dooley indicated that he would proactively provide input to state leaders regarding the science underlying public proposals. It was noted that increased high-level, high-profile engagement with state leadership could easily double as de facto advocacy, especially if done on a systematic, rather than ad hoc, basis.

## **VIII. Collaborative Research Opportunities at Lawrence Livermore National Laboratory (LLNL) and Other Lab-related Issues**

*Steve Ashby, Deputy Principal Associate Director, LLNL*

*John Birely, Associate Vice President, Lab Programs*

*Michael T. Brown, Chair, Academic Council*

*Mary Croughan, Vice Chair, Academic Council, and Chair, ACSCOLI*

**ISSUE:** Mr. Ashby noted that LLNL is committed to productive partnerships with UC, and pointed out that John Knezovich is the lead contact person at the lab for strategic collaborations. Mr. Ashby then provided an overview of the lab and its research foci (see Distribution 6 (electronic only)), noting that basic research is always unclassified. Various changes in lab administration due to the new contracts have led to new policies regarding student and post-doc compensation practices, and funding priorities within the lab are being clarified. One priority is to retain top scientists in the face of management transition challenges.

**DISCUSSION:** *Please note: The discussion for this item occurred in executive session, so no notes were taken.*

### **IX. Follow-up Discussion**

*Note: This item occurred during executive session, so other than action items, no notes were taken.*

**ACTION:** Members will submit questions and concerns regarding lab collaborations, including those related to the lab management fee RFP process, to Chair Wudka.

### **X. Statement on Research Priorities**

Item not addressed due to lack of time.

### **XI. Member Business and Planning**

Item not addressed due to lack of time.

Adjournment: 4:00 p.m.

#### Distributions:

1. The Honest Leadership and Open Government Act (HLOGA) Q&A (JHamilton June 2008)
2. Memorandum for the Heads of Executive Departments and Agencies: Designation and Sharing of controlled Unclassified Information (CUI) (The White House, 9May08)
3. RHume2NRBravo re NIH Public Access Policy revised (RHume 30May08)
4. RE-89 Implementation Guidance: Tobacco-industry funded research (EAuriti 6June08, email)
5. UC Research Opportunity RFP for Lab Management Fee Awards (SBeckwith 21May08 DRAFT)
6. Lawrence Livermore National Laboratory Laboratory Overview (SAshby 9June08, ppt)

Minutes prepared by Kenneth Feer, Senior Policy Analyst

Attest: Jose Wudka, UCORP Chair