

**Minutes of Meeting**  
**January 10, 2011**

**I. Intellectual Property Assignment Monitoring Project**

*Larry Pitts, Provost*

*Sheryl Vacca, Senior Vice President, Office of Ethics, Compliance, and Audit Services (ECAS)*

*Luanna Putney, Director of Research Compliance, ECAS*

*Bill Tucker, Executive Director, Industry Alliances and Services, ORGS*

*Wendy Streitz, Director, Research Policy Analysis, ORGS*

**ISSUE:** Nationally, a lack of proper employee disclosure of intellectual property (IP) has resulted in losses for academic institutions and, in some cases, has led to law suits. As part of UC's increasing research accountability efforts, the Irvine and San Diego campuses were asked to follow-up on data derived within a pilot program by matching UC researcher names against the US Patent and Trademark Office database; results identified potential UC employees who may not have disclosed their intellectual property to UC. While some data is still being collected, a small number of individuals have been found to be non-compliant with UC's IP disclosure policy. UCORP is asked how to best remind all researchers of their duty to disclose.

**DISCUSSION:** Members asked how many researchers were found to be non-compliant with UC's IP disclosure requirement. Executive Director Tucker noted that ~7% of those in violation required follow-up; that is, 11 out of 162 matches needed action in the two campuses involved in the pilot program. The cases that were found to be compliant were either properly assigned to the Regents but were not identified as such in the original data provided to the campuses, or properly not assigned to UC (e.g., the invention was made before the inventor became a UC employee). Furthermore, those requiring action were generally already known to administrators. Members then inquired whether the cost of non-compliance outweighed the cost of compliance, even in extreme cases.

Members also asked if this exercise was to be repeated annually. Director Putney indicated that her office was seeking to improve the process via automation, but that the frequency was yet to be determined. Director Streitz reminded of the obligation of all UC employees to disclose inventions to the UC.

Provost Pitts echoed the call for communications guidance, noting that the APM is relatively quiet on this type of violation. Director Putney posited that UCORP could co-sign a memo asking researchers to act on this. Members suggested that the 2003 policy was clear, and also pointed out the dilemma inherent in consulting agreements since so many have non-disclosure clauses.

**ACTION:** Analyst Feer will draft correspondence to the Provost summarizing the committee's view that, while acknowledging the importance of compliance, individual, targeted action would be appropriate absent greater details.

## II. MRUs

(See Item IV below.)

## III. Consultation with the Office of the President – Office of Research and Graduate Studies

*Steve Beckwith, Vice President*

*Jenny Gautier, Deputy to the Vice President*

*Mary Croughan, Executive Director, Research Grants Program Office*

*Kathleen Erwin, Director, Program Application Review Center*

**ISSUE:** The UC Observatories (UCOs) are preparing for an external review.

**DISCUSSION:** Members voiced concern over the perceived shortage of UC faculty being considered for the review team. Executive Director Croughan noted that the observatories have an extremely large number of people affiliated with them, so much so that finding qualified internal reviewers without a conflict of interest would be impossible. Deputy Gautier added that the review will consider the observatories' growth plan. Members questioned whether opportunity costs of funding other areas were being considered. Deputy Gautier indicated no, that an external group would not be in a position to evaluate UC's research portfolio. Members wondered how critical the evaluation could be if observatory growth was already assumed. Deputy Gautier agreed that an assessment needed to precede the evaluation of next steps. Members again asked how an assessment could be performed by external reviewers exclusively, in the absence of the context of UC's research portfolio. Deputy Gautier added that UC was obligated by its legacy in the astronomy field, where it has been a leader since the 1880s. Members suggested that momentum was an insufficient reason to commit to decades of tens of millions in expenditures, especially absent considering other scientific investment opportunities.

Members asked how much funding the UCOs received, and Deputy Gautier answered that UCO/Lick received about \$7.5M/yr and the Keck consortium received payments of \$12M/yr. She added that if UC participates in the 30-meter telescope (TMT) project, operating expenses are expected to total \$100M/yr. Members asked how long the Keck contract lasts, and Deputy Gautier replied between 7 and 8 years, after which the cost will halve for the same time access. Members noted that the draft charge omitted assessment of the Keck facility – and of the utility of the moneys spent thereon. Deputy Gautier indicated that the review is to assess the observatory process, not its goals. Members again asked how the continuation of UCO, regardless of findings, was not already predetermined. Deputy Gautier said that the review would serve as an existential defense of the UCOs.

Now joined by Vice President Beckwith, members renewed their questions regarding the lack of UC reviewers and the absence of consideration of competing investments. VP Beckwith emphasized that the reviewers must be unimpeachable experts in astronomy. Members noted again that more than external astronomers need a voice in determining whether and how to spend UC's astronomy budget.

**ISSUE:** UCORP asked for an update on OGRS' efforts to increase UC's research profile throughout the state.

**DISCUSSION:** Executive Director Croughan reported that ORGS is working closely with External Relations to vet and place research-related stories in the traditional media and elsewhere. Members noted that External Relations' plan is to focus only on decision-making stakeholders, rather than the public at large. Members asked if ORGS only forwarded research stories from projects that received OP money, and Executive Director Croughan said yes, adding that locally funded research projects are forwarded by the campuses. The Research Grants Program Office within ORGS is also being reorganized to include a new evaluation and dissemination unit, which will, in part, be charged to facilitate this work.

#### **IV. MRUs (continued)**

**ISSUE:** Several questions remain to be resolved in the new MRU guidelines, including: how best to balance campus autonomy with central funding; the meaning and type of oversight for which the Senate will be responsible; the distinctions between MRU tiers; the level of proxy assessment the RFP process can engender; the decoupling of defunding and disestablishing; and inclusion of campus CORs at various levels of approval and evaluation.

**DISCUSSION:** In addition to discussing the topics above, members agreed that some groups might seek only UC's name, not its money, and that the guidelines do not incorporate this subpopulation. Members also agreed that the higher tier MRU should have a longer lifespan. Members then discussed approval and reporting chains, and incorporating "escape clauses" for underperforming MRUs.

**ACTION:** Chair Kolaitis and Vice Chair Crawford will revise the draft and circulate it to the committee in advance of the February teleconference.

#### **V. Systemwide Review Items**

- [Report and Recommendations of the Task Force on Senate Membership](#) (Formal comments due by Friday, March 11, 2011)

**ACTION:** Members elected to endorse the report as written.

- [Systemwide Review of "Funding Streams" Proposal](#) (due February 17, 2011)

**ISSUE:** The proposal will reverse the way in which OP is funded: instead of OP taking money "off the top", all funds will be allocated directly to the campuses who will then remit their portion of services used to OP. Sources of interest to UCORP include income from intellectual property, indirect cost recovery, and graduate student support, among others.

**DISCUSSION:** Academic Council Vice Chair Anderson noted that the more controversial part of the proposal, involving rebenching the baseline allocations per campus, is not included in this version; the current proposal only describes how payments are made. Members noted that the proposal would nonetheless improve transparency and simplify the method of making cuts. Others, however, worried that the proposal could result into an over-reliance on external funding sources, which might be beneficial to research writ narrow but could be harmful to other aspects of UC's mission. Members also suggested that the passages relating to graduate student support were too vague at present to be supported. Members also voiced concern about differential cuts by campus and how this might negatively impact already fragile morale. Council Vice Chair Anderson

added that the still forthcoming rebenching proposal could impact the ability of faculty to conduct research by altering the funding assumptions underlying undergraduate education and research vis-à-vis academic and professional graduate students and their research.

**ACTION:** Analyst Feer will draft the committee's response and circulate it by email for review.

#### **VI. Division of Agriculture and Natural Resources**

**ISSUE:** Colleagues at the Davis campus and on the University Committee on Planning and Budget (UCPB) have sought additional Senate oversight of ANR, especially emerging funding proposals that impact academic programs. The Academic Council has endorsed the creation of the Academic Council Special Committee on ANR to spearhead these consultations, and it has further requested that ANR put on hold its proposed changes to internal funding pending such consultation. UCORP may be asked to nominate a representative to ACSCANR and join fully this renewed effort to work with ANR. Berkeley Representative Tarter volunteered to represent UCORP on ACSCANR, if UCORP is asked to nominate a member to this new special committee.

#### **VII. Consent Calendar**

- Minutes of November 15, 2010
- Minutes of December 6, 2010
- Letter to External Relations
- Response to Self-Supporting Part-Time Professional Degree Graduate Programs

**ACTION:** The consent calendar was approved as noticed.

#### **VIII. New Business and Further Discussion**

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

The meeting adjourned at 3:50 p.m.

Minutes prepared by Kenneth Feer, Senior Policy Analyst  
Attest: Phokion Kolaitis, UCORP Chair