

Minutes of Meeting**Monday October 18, 2004****I. Welcome and Member Introductions**

Chair Neiman welcomed the new and continuing members of UCORP and asked members to introduce themselves. He noted, as context for agenda item VI, that procedural questions have been raised with the Chair of the Senate with respect to Council's July 2004 endorsement of the UCORP report "Problematic Restrictive Clauses in Contracts, Grants and Gifts for Research" and its accompanying Resolution on Restrictions on Research Funding Sources. UCORP has been asked to advise as to whether the Resolution should now go out for full Senate review, even though it has already been adopted as a Council position. Council Chair Blumenthal will be sitting in later for that discussion.

Vice Chair Sensabaugh gave brief updates on the Chairs' Retreat and the September Academic Council meeting, which he attended as an alternate for Chair Neiman. Items covered at the **Committee Chairs Retreat** included: password-protected websites for Senate committees, which will be set up over the course of the year; the new Senate legislative analyst position and planned faculty response to state legislation; processes and procedures for communication among committees, divisions, the Council and the Assembly; and Council Chair Blumenthal's goals for the year. Issues addressed at the **9/29/04 Academic Council** meeting included: MRU reviews for this year; an update on ACSCONL's activities and discussion of its statement of principles; an update on the Assembly meeting schedule; discussion of a proposed "University Code of Ethics" which was not endorsed and seen as duplicative of the Faculty Code of Conduct. In addition, Council heard updates from President Dynes on the DOE Labs and Request for Proposals (RFP), and UC's position on California's stem cell research initiative that is on the November ballot. Provost Greenwood updated Council on the National Research Council survey, UC opposition to research strings on extramural funding, and the current development of a UC long-term planning initiative.

II. Consent Calendar

Action: UCORP has elected not to opine on the following proposals:

- Proposed Science Intersegmental General Education Transfer Curriculum (SCIGETC)
- Draft Recommendations for Guidelines and Procedures Governing the Academic Senate's Role in the Development of a New UC Campus and for Granting Divisional Status for a New UC Campus

III. Multicampus Research Units: Appointment of UCORP Sub-committees for 15-Year MRU Reviews

Issue: In fulfillment of the terms of the Compendium, UCORP will formally comment on the 15 Year reviews of four Multi-campus Research Units this year. Typically, subgroups of two members take the lead for each review and present a report and recommendations to the committee of the whole for endorsement. The report does not need to cover the background of the MRU, but should focus on adherence to review guidelines, and points raised by any stage of the review having in particular to do with research policy issues. Subgroup members may offer the MRU's background in their oral report to the committee.

Action: The following subcommittee appointments were made for upcoming 15-year MRU reviews:

California Sea Grant – Walter Fitch, Francesco Chiappelli
California Space Institute – David Salmon
Institute of Transportation Studies – Tulin Erdem, Judith Aissen
Institute of Geophysics and Planetary Physics—Jose Wudka; James Murray

IV. Consultation with the Office of Research *Lawrence Coleman, Vice Provost for Research; Ellen Auriti, Director, Academic Legislative Issues; Patrick Schlesinger, Director, Research Compliance; Cathie Magowan, Director of Science and Technology Programs*
Vice Provost Coleman

Consultants. The Office of Research consultants this year were introduced: Directors Auriti, Schlesinger, and Magowan. (Dante Noto, Director of Humanities, Arts and Social Science Programs, was not present.) The Director of Compliance is a new position that is being developed, and for now Director Schlesinger will be filling that position at 60%, while still at the Office of General Counsel in a 40% position. He will be working on a range of compliance issues including those related to export control, responsible conduct of research, human subject research; environmental health and safety; animal research; conflict of interest; and handling of materials.

Tobacco funding. The move to ban tobacco funding raises academic freedom issues and, in setting a precedent for future bans, also raises the question of where the line can be drawn. Even though most agree that the tobacco industry is reprehensible, a ban on tobacco money opens the door for any other source of funding that is politically viable or ethically questioned to be banned. Similar complaints can be made about drug companies, for example. At the same time there are concerns about the influence of corporate funding on research and conflict of interest issues. A tension between the ideal of financially “pure” researchers and the push to work together with industry exists in both in the university and in state government. (An example of current concern in state government about conflict of interest is a recent bill in the state Legislature that, if not vetoed by the governor, would have effectively prevented faculty review of Cal EPA standards.) The votes among various subunits of the university to ban tobacco funding impose a position on individual faculty members and thereby impinge that individual’s academic freedom. Peer pressure, as from a majority of unit members who have as individuals agreed to a position, can also potentially affect academic freedom, but would be very hard to prove. The Director of the UCEI at Berkeley has taken a personal stance of not accepting funds from the energy markets in California in order to avoid any appearance of conflict of interest. He does, however, ask postdocs and visiting researchers to follow the same practice, and this is pointed to as a precedent for the anti-tobacco votes. The anti-tobacco group argues that tobacco funding is counter to the UC standing order not to abuse the name of the university and that divesting investments in tobacco companies was a public stand against tobacco money in general. The Regents’ decision to divest, however, was officially based on the position that tobacco companies were not a good investment. Some data from Research Administration indicates that the amount of funds coming from tobacco-related industry is considerable.

Discussion: Members discussed with VP Coleman how misuse of research is defined, and raised questions relating to: results being taken out of context; the resources industries have to influence the public; and trade misappropriation and defamation of the individual researcher. It was noted that researchers should be familiar with terms of contracts, and that the peer review system and the faculty code of conduct should act to correct misuse. The possibility and ramifications of a

university-wide anti-tobacco policy were brought up in connection with the difficulty of delimiting what is and is not acceptable money. UCORP members requested more information about policy and practice at the UCEI. The best direction to take in response to issues raised by the anti-tobacco groups, VP Coleman suggested, is to educate faculty fully about funding sources.

With respect to corporate influence, examples were noted of industry funding research that will result only in favorable results, writing the research protocols and doing the analysis. VP Coleman encouraged UCORP to consult with researchers who have significant clinical trial and industrial research experience if the committee decides to go further with an investigation of corporate influence on research. A member noted an increased blurring of the lines between the academy and industry in an NIH initiative that is jointly funded by the pharmaceutical industry and in which several UC campuses are participating.

Other announcements.

- The Natural Reserve System has been transferred from ANR to the Office of Research.
- Some California counties are mounting anti-GMO initiatives, and this will be monitored for potential impact on agricultural research.
- The Office of Research is actively trying to create a higher profile for the arts and humanities and the value of an education in the arts or humanities has for the state's economy.
- The Office of Research is concerned with getting support to improve and maintain the research infrastructure, which includes the libraries, research stations, arboreta, museums etc.

Action: Vice Provost Coleman will report back to UCORP on the nature and structure of the funding restrictions for UCEI.

Director Auriti

Ethics Training. Recent state legislation was passed requiring ethics training at UC and CSU. UC's constitutional autonomy is recognized, but UC is urged to adopt this requirement, which calls for all filers of 700 and 700U Forms, (which are filled out by those receiving non-governmental sponsorship), to undergo ethics training either in person or online. This ties in with other public concerns regarding ethics and conflict of interest, so it is likely that some sort of training program will be implemented.

Proposition 71. Planning is underway for the likely passage of this initiative. A governing board, which will make decisions on research awards, is to be established relatively quickly and will include five representatives from UC medical campuses. A UCOP group is looking at issues and beginning to gather names of disease advocates who can be promoted for additional seats on the board.

Export controls. Several Inspector General reports released a few months ago indicate that control regulations may be interpreted more stringently with respect to how export controls will apply to universities. This issue will be discussed at the COR later this week. The most important action to take is to better educate faculty and administrators not only about shipment of research materials, but also about the deemed export control, which affects foreign faculty and students in this country. Traditionally, UC takes the view that everything is fundamental research, which falls under an exemption in the regulations. However, that way of defining activities has come under some scrutiny and it has been suggested that a more case by case approach may be needed. UC can respond by showing that export controls are not being taken lightly, and that faculty are well informed about the regulations and how to maintain eligibility for the exemption.

NIH Proposal for enhanced public access. This proposal would require that within six months after research is accepted for publication it be sent to NIH for publication on the PubNet site. The reasoning is that publicly funded research should be freely available to the public. Response has been relatively favorable, but the change may have a deleterious effect, such as reduction in publication outlets and loss of subscription revenues for smaller journals, and also negatively affect scholarly societies. These counterbalancing points will be noted in UC's response to the proposal.

Director Magowan

15-Year MRU Reviews. The senate will be asked to comment on four reviews this year that are among the last of MRUs in the 15-year review cycle. The materials for the SeaGrant review will be ready for distribution to the Senate very soon, the CalSpace review report is now being put together, the ITS report will also be completed relatively soon, and the IGPP site visit is this Friday. 15-year reviews of the UC Committee on Latino Research and the Biotechnology Research and Education Program will be completed next year. All MRUs will then be on a five-year review cycle.

Integrative Graduate Education Research Traineeships. IGERTs are an NSF program that MRUs are being encouraged to consider for funding. In the most recent round of awards, one UC campus had more than 3 proposals approved, one of which was an MRU proposal. NSF is being asked, for purposes of the IGERTs, to consider OP as a separate campus for MRU proposals so that MRUs would not be competing with campuses.

V. Lunchtime Consultation with the Academic Senate Office: An overview of the policies, procedures, and activities of the Systemwide Academic Senate, *George Blumenthal, Chair, Academic Senate; Maria Bertero-Barcelo, Executive Director, Academic Senate*

Chair Blumenthal

The Academic Council leadership visits all committees at the beginning of the year to provide an overview of issues and priorities and the office policies and procedures. Council Chair Blumenthal thanked members for their work in the Senate. He encouraged the use of executive sessions, and stressed the importance of the role of committee members to serve as liaisons between the systemwide committee and their campus committees, urged the student members to participate as fully as possible, and went over the roles of members, consultants, and the Senate staff. He reported that the areas of focus for the 04-05 Academic Council would include future budgets, the DOE Labs, the Senate's role in the oversight of the California Institutes of Science and Innovation (CAL ISIs), restrictions associated with research funding sources, transfer and admissions issues, and graduate student support. Chair Blumenthal reminded members that the Compact is a floor and not a ceiling; and noted the ongoing UC advocacy and political campaign, encouraging faculty-local legislator communications. The systemwide Senate has resolved to be more active in following and responding to legislation. Also noted as significant issues for the coming year were: UC Merced's status as a division; the AP/Honors Task Force report; admissions and transfer issues. Chair Blumenthal suggested that UCORP may wish to take up the following issues in the coming year:

- Establishing policy for continuing ORU reviews at the campus level and revising the compendium accordingly
- California Institutes for Science and Innovation (Cal ISI): The administration's response to the Senate's recommendations is expected this month. UCORP will have an important role in reviewing any proposals and monitoring the ongoing concerns relating to the review, funding and campus roles of the Institutes.
- The scope of corporate influence on research (in response to the UCAF request)

- Industrial agreements with departments
- Consider adopting a formal position with respect to scientific integrity and government advice
- The UC research environment compared to other institutions
- Resolution on Funding Sources: Since the Council's endorsement, there has been subsequent pushback at the campus and the systemwide level. The Resolution is being brought before the Academic Council this week to decide whether it should go out for general Senate review.

Executive Director Bertero-Barcelo

The Senate Director provided a brief overview of Systemwide Senate operations, and explained that she is responsible for the oversight of all Senate resources, including the budget and staff.

Senate Travel. Faculty from UCI, UCLA, UCR, UCSB and UCSD are encouraged to use UCLA Travel. By doing so the Senate saves a substantial amount of money in travel costs. The savings realized last year enabled the Senate leadership to schedule more committee meetings for this academic year.

Web Policy. A memo from the Office of General Counsel was distributed relating to the Senate website and the discoverable nature of committee meeting minutes posted on the web. Public agendas and approved minutes of each committee will be posted on the public portion of the committee's website. Committees will also have password-protected websites for the posting of drafts of agendas, minutes, reports, and other committee documents.

VI. Policy and Procedural Questions Related to the Academic Council Resolution on Research Funding Sources

Issue: Academic Council Chair Blumenthal has asked UCORP to advise Council on the action that should be taken regarding the Resolution on Restrictions on Research Funding Sources, i.e., whether to: maintain the current status (do nothing): send it out for full Senate review; or put it before the Assembly for consideration.

Discussion: Members reiterated that there was faculty input in the process of developing the report and used as a basis for formulating the resolution faculty. It was noted that the current procedural question lies with the Council. UCORP members felt that the process of creating the report was carried out appropriately, with due diligence, and that neither the report nor the resolution need to be reconsidered by the committee.

Action: A motion was made, seconded and unanimously passed to recommend to Council that the current status of the *Resolution on Restrictions on Funding Sources for Research* as a final Council action be maintained and that it need not be sent out for further review.

VII. Academic Council Request to Investigate Possible Influence of Corporate Funding on University Research

Issue: UCAF has requested that UCORP consider an investigation of possible pernicious influences of corporate funding on research.

Discussion: Chair Neiman reported that he had taken a quick preliminary look at the current literature in this very large topic, which is concerned with issues of: full disclosure, conflict of interest, aggressive defense against misuse or distortion of the university, among others. Chair Neiman suggested that UCORP could spend some time looking at the materials and arguments, but first should consult with UCAF to clarify what that committee is particularly interested in and perhaps initiate a joint effort, once feasibility and areas of concern are established. Members discussed the difficulty of establishing influence on the one hand and the ubiquitous nature of

influence on the other. It was noted that partnerships with industry are a matter of balance, but it should be relatively clear whether or not the intellectual mission of a department or individual is compromised.

Action: Chair Neiman will contact UCAF Chair Fox to discuss the intention and parameters of an investigation into possible corporate influences on research, and if an investigation is initiated, how UCAF and UCORP should collaborate on the effort.

VIII. Topics/Plans for 2004-05

Issue: UCORP will discuss which of the following topics / issues should be foci for the coming year: the status of UC research environment (University-wide survey; study of comparison institutions); graduate student support; research infrastructure planning; university advocacy efforts; monitoring of and response to export control regulations.

Action: As the primary committee initiative for the year, UCORP will address support for graduate education, including the effects of diminished support on UC research programs and on UC as a whole, and formulate recommendations accordingly. Chair Neiman and Analyst Foust will coordinate UCORP's efforts with any of a similar focus coming out of UCPB and/or CCGA.

Action: Chair Neiman and Analyst Foust will find out if data is available on declines received from UC graduate student applicants.

Action: UCORP will continue to discuss issues relating to undergraduate student involvement in research.

IX. Appointment of UCORP Representatives to Systemwide Groups

Issue: UCORP representation on the Technology Transfer Advisory Committee and the Industry-University Cooperative Research Program Steering Committee needs to be confirmed.

Action: The current liaison to both TTAC and the IUCRP Steering Committee, Hans Schollhammer, will continue in that capacity for the 04-05 year, and will report to UCORP on the activities of those two bodies.

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

Minutes prepared by
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