

**Minutes of Meeting
Monday March 6, 2006**

I. Announcements, George Sensabaugh, UCORP Chair

Chair Sensabaugh welcomed guest presenter, Gretchen Kalonji, OP Director of International Strategy Development, and introduced new Committee Analyst Kenneth Feer.

February 22 meeting of the Academic Council:

1. The Council approved a statement regarding the funding of on-campus child-care facilities.
2. The Council discussed a memorial to the Regents regarding non-resident tuition.
3. The Council approved and sent to President Dynes a statement covering the “slotting” of UC senior management salaries and the creation of a step-scale of pay raises similar to that currently in place for faculty. The Council had concerns about faculty being excluded from the performance review process, though, feeling that faculty opinion regarding administrators’ efficacy should be weighed in pay increases, in addition to market parity considerations.
4. The Council received a statement of principles from UCPB on private fundraising for senior management salaries. The Council agreed with UCPB’s belief that such funding would be a poor policy and drew a distinction between endowed chairs for faculty and “paid” administrators in terms of public perceptions of allegiance.
5. The Council received from UCFW three statements of principles regarding faculty benefits and the anticipated conversion to faculty retribution to their benefits packages, retiree health plans, and parking principles. The first two were approved; the third was not discussed due to time constraints.

Academic Assembly meetings: Chair Sensabaugh reminded members of the upcoming Special Meeting of the Academic Assembly scheduled for Monday, March 13, 2006, and indicated that the agenda is available on-line.

II. Consent Calendar

Approval of the February 6, 2006 Minutes

Action: The consent calendar was approved.

III. UC’s International Programs, Gretchen Kalonji, Director of International Strategy Development

- Director Kalonji described the strategic aspect of upcoming international programs at UC: a centralized programmatic approach to supplement UC’s federalized strengths, to complement the unique scope and scale of UC as a collective institution, to capitalize on the uniqueness of California—natural resources, diversity, etc., to facilitate reciprocity between international exchange partners, and to target research to meet the real needs of exchange partners’ societies.

- Director Kalonji outlined several of the upcoming exchange programs:

1. “10 + 10 Alliance” with China. The 10s in the title refer to the 10 UC campuses and the 10 selected universities in China. The program is designed to facilitate research and cultural exchange. Further, it is designed to forge lasting ties between UC and China’s research universities by institutionalizing the existing connections, e.g. at China’s Tsinghua University in Beijing, 140 professors already have connections to UC; we would be remiss not to improve our institutions by exploiting these ties. Proposed foci of research cooperation include transportation, sanitation, health and medicine, digital arts, environmental conservation (in coordination with China’s UNESCO division), and business affairs.
2. India. This program is to parallel the “10 + 10 Alliance.” Its proposed research foci include engineering education and health/sanitation through close cooperation with the Cal ISIs and the Global Health Sciences Program. This alliance is early in the developmental stage; further updates will be forthcoming.
3. Africa. This program is also in the very early stages of development. It will coordinate with the Nelson Mandela Institute to employ World Bank funding to establish itself. Programs are foreseen in Nigeria within a few years, and later in Tanzania. Additional sites are unknown at present. It was noted that the program sponsors in Africa seem both eager for the program to be established and flexible regarding its implementation.
4. Canada. This program was proposed by the Canadian government to establish research collaborations with UC to help Canadian researchers learn more innovative techniques. It, too, is early in the developmental process.
5. Mexico City. This program is the most limited under consideration, as it is with only a single university in Mexico City, as opposed to a network of universities nation- or continent-wide. Further details will be provided when available.

Discussion:

- Security: Questions were raised regarding the impacts and obstacles that may be erected by the Department of Homeland Security, given that China and India are presently diplomatically problematic. Director Kalonji indicated that so long as UC operates within existing treaties, she foresaw no difficulties.
- Export control: Concern was voiced about export control and tech transfers, and which governmental agency would have authority, State or Commerce.
- Funding: UC cannot afford to pay or subsidize foreign researchers. Director Kalonji stated that in China, massive block grants had been issued by the government to universities precisely to facilitate such research programs. Further sponsorship for both American and foreign researchers could come from interested corporate parties.
- Education: UC undergraduate students need baccalaureate credit for time abroad, and UC graduate students need comparable research experience while abroad. Director Kalonji responded that this was one reason for a centralized approach to negotiations, thereby avoiding “10 + 10” sets of accreditation. The Education Abroad Program itself is under system-wide review, and further clarification of curricular parity should follow.
- Admission: How can UC evaluate foreign applicants? Director Kalonji indicated a two-tiered approach: First, foreign undergraduate participants will be vetted for graduate research, and second, once institutionalized, foreign counterparts’ judgment regarding admissibility can be trusted. Also, concern was raised on preparing UC

students for research abroad, especially regarding cultural sensitivity and language training.

- Research foci: The Committee is concerned by the apparent lack of humanities and social sciences research opportunities. Director Kalonji observed that as corporate funding is harder to secure in these areas, reliance may be placed on foundations and individual donors to encourage such programs and participants thereto.

IV. Updates on Systemwide Groups

1. Academic Council Special Committee on the National Labs (ACSCONL), Wendy Max, UCORP Vice Chair.

- The Animal and Human Health Initiative. A new national, or at least western US regional, Biological Safety Level 4 laboratory is needed for research on large animals and infectious diseases. Homeland Security is collecting Expressions of Interest, and UC and LLNL, led by Davis, is preparing one for a site near Tracy, CA. The EOI deadline is rapidly approaching, so bid solicitation should begin soon.

- Lab management.

A. LLNL has only an acting director, which is unfortunate in view of contract negotiations presently occurring. Management questions make the bidding with Battelle more competitive, despite UC's incumbency.

B. LANL is undergoing a management transition, which is a source of concern for UC's interests.

Discussion: The Committee explored the proper use of management fees and profits. Formerly, the a portion of the fees were used to fund partially Complementary and Beneficial Activities (CBAs) like the Institute on Global Conflict and Cooperation (IGCC), and the Institute of Geophysics and Planetary Physics (IGPP). Last year, these funds were redirected, without the input of the Academic Senate. The question arose: Whose funds are these to distribute and invest—are they UC at-large monies to be sent to the Regents and meted by President Dynes or LLC monies to be meted by the Vice President for Laboratory Management? It was proposed that UCORP write a letter to the Senate Chair for distribution to President Dynes expressing the importance of Senate consultation on the allocation of these funds and seeking clarification of this issue.

2. Graduate Support Advisory Committee (GSAC), Jose Wudka.

Professor Wudka reported on the progress of GSAC, whose goal is to improve graduate student enrollment in UC. Following a series of meetings to establish proper procedures for recommendation submission, Professor Wudka outlined two options under consideration which are designed to improve graduate student enrollment by providing greater financial incentives.

Discussion: The Committee noted that the examples provided both seem like long-term plans; are there short-term plans? Professor Wudka stated short-term options are a priority discussion item at the next GSAC meeting. The Committee observed the possible redundancy of establishing fellowships for the already well-funded physical sciences, and suggested creating humanities/social sciences only fellowships. Concern was raised regarding implementing new and on-going state-funded fellowships given the often untimely State budget process and the time-sensitive nature of UC admissions and financial aid packaging.

3. Research Compliance Advisory Committee (RCAC), Dorothy Bainton.

Professor Bainton updated the Committee on two issues under discussion by RCAC:

A. An online export control software help program in which professors enter the item to be sent, and the program will search the database and indicate what supporting documents are required and what procedures need to be followed.

B. There is an on-going discussion about the ownership of research materials, for example, how long must a post-doc's research notes be kept, if at all?

Action: UCORP will submit a letter to the Senate Chair indicating its support for Senate consultation on the distribution of lab management funds.

V. Consultation with the Office of the President, Lawrence Coleman, Vice Provost of Research; Ellen Auriti, Executive Director, Research Policy and Legislation.

Vice Provost Coleman:

1. Personnel. Due to a medical leave of absence, the Vice Provost's office has hired Caitlin Deck, a UCSC compliance officer, to work with on-going projects such as IRB review and the Native American Graves Protections & Repatriation Act (NAGPRA) on a ¾-time basis.

2. Water Resources Control Board. Contract negotiations continue on the inter-staff level between the Board and the Vice Provost's office regarding non-standard language inserted by the Board. That is, the Board is insisting on corporate contract language, while the Vice Provost's office is calling for standard research entity contract language, including a no-penalty escape clause, among other issues.

3. Cal ISIs review. The reviews will be addressed to Provost Hume, and his office will manage the process. In order to avoid potential conflicts of interest, the reports cannot be made to the divisional Chancellors, who are also the PIs. The reviews might be undertaken in the order the institutes come due for review according to their time of initial operation, yielding a 5-year cycle, with one institute being reviewed per year. It is certain, though, that the first will be San Diego and Irvine's Cal-IT2, which is scheduled for review this summer, with the report to be issued in the fall.

4. OP reorganization. In response to Senior Vice President Mullinix's recently announced resignation, the Vice Provost outlined an interim distribution of duties designed to ensure the continued smooth operation of the Office.

Executive Director Auriti:

1. Stem Cell Initiative and the California Institute for Regenerative Medicine (CIRM). Negotiations continue regarding grants administration and provision, focusing on ethical issues, intellectual property, indemnification, and third-party liability. Additionally, Executive Director Auriti voiced her concern over the inclusion in the proposed contract of a provision stipulating revenue sharing on patents which gross over \$500,000 in profits, after which 25% must be remitted to the state. The issue is not that UC fears loss of revenue, but that it fears the ramifications such a precedent may incur by relinquishing IP rights typically guaranteed through Bayh-Dole compliance.

2. Earmarking. 6 of the 10 campuses submitted requests for earmarked funds. The requests will be passed on to Senators Boxer and Feinstein, though it is unclear if the requests should be rank-ordered by campus preference or by UC preference. Executive Director Auriti intends to revisit this procedure one year hence.

3. IRBs. SB 13 Data Security Review has changed the requirements for the release of data to non-UC researchers. A UC IRB can authorize the release of UC-collected data,

while UC researchers must petition the data owning entity's IRB for release of its data. This is designed to ensure mutual due diligence regarding the ethical use and security of data.

Discussion:

- CIRM: The Committee is concerned about the potential of negotiating away intellectual property rights. Executive Director Auriti indicated that the highly politically sensitive nature of the topic has yielded protracted discussions and unusual amounts of intractability, but she expects successful resolution nonetheless.

- Earmarking reporting: The Committee is troubled by the short time frame allowed for submitting earmarking requests. Executive Director Auriti emphasized that the process of constructing the national budget does not allow the California Senators much time to invite and review requests. Accordingly, in future, the Committee feels that the campus CORs should be involved much earlier with the expectation that such a request will come. The Committee also asked to be informed when the earmarking report is finished so that it may review the process and plan better for next year.

VI. Review of UC Committee on Latino Research

Issue: The expected report has not been distributed due to staff absences in other OP departments. When it is available, it will be reviewed by two UCORP volunteers, whose findings will be distributed to the Committee for discussion at the next available meeting.

Action: Judith Aissen (UCSC) and Richard McCleary (UCI) will review the report when it is released, and forward their comments to the Committee.

VII. UCORP Report on IRB Operations at UC

Issue: The UCORP report is being revised following late supplemental submissions. Chair Sensabaugh and Analyst Foust will distribute it when it is completed.

Discussion: Overall, four themes emerged in the discussion of IRBs:

1. Procedural confusion.

A. Vocabulary. Calls for IRB regulations to be re-written in “plain English” highlight this issue. Frequent misuse or transposition of terms, such as “exempt” vs. “expedited” and “expedited review” vs. “full review,” is cited as a reason for rejection by IRBs of protocols. Also, many members were surprised that “not applicable” is an acceptable answer on IRB questionnaires.

B. Jurisdiction.

- Anecdotal reports of uncertainties surrounding when IRB permission is necessary and when it is not suggest that the parameters of research requiring IRB approval need further clarification, especially for the social sciences.

- One member suggested establishing a mechanism for system-wide review of research involving multiple campuses, or alternatively, that IRB permission from one campus should be valid for each involved. These questions are important especially in light of (2) below.

2. Campus to campus inconsistency. It is reported that what is approved at one campus may be simultaneously denied at another campus. Whether this is true (see 3 below) and whether this is due to the merit of the protocol itself, the style of the protocol submission (see 1 above), or the nature of the relations between the applicant and the IRB (see 4 below) is unclear.

3. Degree of the problem. Anecdotal and “grapevine” reports are not evidence. There is no indication of the frequency of stalemated IRB reviews. While it was agreed that even one instance is too many, some members wonder whether the problem is severe enough on a system-wide level to justify the significant effort being made in addressing it.

4. Unprofessionalism. Anecdotal evidence indicates that, often, the failure of a protocol was entirely preventable, had a more collegial atmosphere prevailed. Whether on the part of the applicant or the IRB (or both), a retrenchment seems to occur, precluding cooperation and approval.

5. Possible additional recommendations (for inclusion in the UCORP IRB report).

- One member suggested that incoming IRB members should serve a period of apprenticeship in order to become familiar with the operational aspect of IRBs, in addition to the definitional/procedural familiarity gained through training.

- A peer-review process for the social sciences is suggested to help prepare for IRB scrutiny and to vet proposals.

Action: Chair Sensabaugh and Analyst Foust will finalize the report in light of these considerations and submit it to the Committee at large.

VIII. Corporate Influence on Research.

Discussion: The Committee has invited Lisa Bero (UCSF) to the April meeting to present further information on this topic. At that time, a decision will be made as to whether the “Strings” Report is the Committee’s final position on the matter or if further action is needed.

IX. Reports from Campus CORs

[Item not addressed.]

Attest:

George Sensabaugh,
UCORP Chair

Minutes prepared by:

Kenneth Feer,
Committee Analyst