

Minutes of Meeting

June 5, 2006

I. Consent Calendar

- Approval of Agenda

UCORP received a response to its questions of last month's guest, Charles "Larry" Gruder, regarding indirect cost funding in UC's Special Research Programs. These will be discussed during agenda item XII. The committee consented. Chair Sensabaugh also identified the guests coming to the day's meeting.

- Minutes of May 8, 2006

Chair Sensabaugh apologized for having not reviewed the minutes prior to the meeting.

II. Chair's Announcements

- Review of the UC Committee on Latino Research (UCCLR)

Chair Sensabaugh reported that the compendium committees' reports on this multi-campus research unit (MRU) proved to be widely divergent. As a consequence, the Academic Council has requested UCCLR Chair Valenzuela to provide a response to the findings of the Senate committees. Further, the differences highlighted in the compendium committees' reports dovetail with the overarching concerns regarding MRUs currently under consideration by the MRU joint Senate-Administration Workgroup. A full report of the workgroup's findings will be provided to UCORP when it is available.

- Division of Agriculture and Natural Resources (DANR) review

Chair Sensabaugh reported that the Academic Council had received UCORP's letter of May 9, 2006 favorably and subsequently communicated to President Dynes the Senate's desire to see the planned review occur expeditiously (see Distribution 3). In its letter to President Dynes, the Academic Council charged UCORP with presenting updated nominations for the DANR review panel. Chair Sensabaugh indicated that nominees should be considered carefully, being mindful of both campus representation and discipline representation—such as experts in applied sociology and on the urban-agricultural interface. External review panel members should also be nominated, possibly from USDA or the Department of the Interior.

ACTION: Members shall submit to Analyst Feer and Chair Sensabaugh as quickly as possible names of individuals to be considered for membership on the review panel of DANR.

III. Consultation with the Office of the President

Susanne Huttner, Associate Vice Provost—Major Research Initiatives & Industry University Partnerships

AVP Huttner provided a comprehensive update of the Industry-University Cooperative Research Program (IUCRP) (see Distribution 4) from its inception in 1996 to the present, giving special attention to the wide-spread geographic and industrial-

financial success of it. AVP Huttner also noted that the program was currently being audited on its operations.

DISCUSSION: Members queried as to concerns about the influence of corporate funding on research under the program, to which AVP Huttner replied that both peer review of proposals and thorough vetting through campus conflict of interest committees worked to minimize such concerns. Members also asked about publishing arrangements and other intellectual property (IP) concerns under the program. AVP Huttner responded that standard UC IP/publishing agreements were in effect. Members then inquired as to the status of research endeavors involving the national labs with which UC is affiliated, and AVP Huttner indicated that she and her staff are being attentive to the emerging changes in the UC-DOE laboratory relationship, but plans are to continue participation as long as feasible.

Members then shifted the focus of the discussion to the funding mechanism of the IUCRP, the Discovery Grants, and their implementation and parameters. AVP Huttner indicated that the Discovery Grants require matching corporate funding to help ensure research relevance and viability. Further, she stated that there is cross-fertilization between MRUs and the IUCRP, although MRUs cannot apply directly because IUCRP awards are given only to individual researchers. IUCRP funds, though given by the state, are at the discretion of program officers to invest so long as they go to California-based research and development companies' proposals designed to impact the California economy.

Prompted by member questions on statistical reporting of IUCRP outcomes, AVP Huttner reported that detailed tracking is sometimes difficult due to weak reporting by the campuses and the investment of funds from multiple grants in one research endeavor. Additionally, gender-specific participation statistics, for example, are presently only anecdotal. Nevertheless, improved reporting guidelines and post-research audits are expected to improve the quality of reviews of IUCRP-funded research.

Given that IUCRP has been in existence for 10 years, it is appropriate that it undergo review and the current audit would be a possible starting point for such.

IV. Consultation with the Office of the President

Chen Yin Noah, Associate Director, Natural Reserve System

Associate Director Noah presented to the committee a generous overview of the Natural Reserve System (NRS), and the three programs it administers: Teaching, Research, and Public Service; Special Research Projects; and K-12 Environmental Education (see Distributions 5a-5c).

DISCUSSION: Members asked as to the field management responsibilities of the office of NRS. AD Noah responded that they provide academic oversight of research projects, maintenance, and upkeep of the field sites. Members also inquired as to the usage guidelines of the field sites. AD Noah indicated that while NRS sites prohibit purely recreational use, often as a condition of accepting the land donation, sites are available to researchers from both within and outside of UC, with no differentiation in the fee structure for the two types of users. Members then asked about the NRS relationship with DANR. AD Noah stated that NRS became independent of DANR for several reasons, including that the NRS coordinates with 8 of the campuses, while DANR works with only 3, and that the NRS mission matches better the purpose of Academic Affairs.

Finally, AD Noah stated that new reserves are accepted with the condition that donors also provide funds for site maintenance, upkeep, operations, and staffing.

V. Consultation with the Office of the President

Lawrence B. Coleman, Vice Provost for Research

Ellen Auriti, Executive Director, Research Policy and Legislation

Vice Provost Coleman updated UCORP on the progress of the Petascale computer bid (see Distribution 6). He outlined the proposal process, indicating that the official NSF request for proposals (RFP) is expected very soon. Part I of the process will involve designing and building the facility, and Part II will involve the vendors and the user community. The benefits to UC of hosting the Petascale computer include not only prestige, but also the fact that the host receives 10% of the cycles for its own use. Logistical concerns are still under investigation.

VP Coleman also updated the committee on the bio- agro-defense facility expression of interest submitted by UC to the Department of Homeland Security (DHS) (see Distributions 7a-7b). By the fall, DHS is expected to narrow the field and conduct environmental impact studies of the sites still in contention. Public support of the facility is expected to be a key factor.

VP Coleman reported on organizational issues impacting UC research. The Office of Research now has a systemwide coordinating veterinarian, and the Office of Technology Transfer is rolling out software to facilitate faculty satisfaction of its requirements. Further, Provost Hume is investigating the placement of various offices and whether they should be moved from Business to Academic Affairs, for example.

Finally, VP Coleman provided an update on the MRU workgroup, indicating that it will meet on June 6, 2006, to continue discussion of definitional questions and to develop a list of next steps culminating in a report and recommendations.

Executive Director Auriti reported on debates in the Department of Commerce's Bureau of Industry and Security (BIS) regarding the definition of "deemed export" and how this might impact foreign nationals' usage of technology and software. A proposal to predicate usage on country of origin was withdrawn and usage is still determined by a researcher's country of citizenship. A BIS committee is still refining regulatory requirements.

ED Auriti also updated the committee on continuing contract negotiation concerns regarding anti-terrorism clauses which may adversely affect free speech.

ED Auriti reported on the California Institute for Regenerative Medicine's (CIRM) IP compliance issues. The debate centers on UC faculty researchers' rights to copyright protection versus publicly funded research's mandatory publication stipulations. The policies and procedures to govern CIRM IP issues are still in draft form, and negotiations are on-going.

Lastly, ED Auriti asked members for information on their investigation of campus earmarking procedures. Most members reported no formal process, but Member Aissen (UCSC) shared her campus's efforts to formalize the process (see Distributions 8a-8b).

VI. 15-year Review of the Biotechnology Research and Education Program (BREP)

Slav Hermanowicz, UCB, and Arturo Keller, UCSB

ISSUE: The UCORP lead reviewers noted that BREP had changed substantially in its objectives over the past five years, moving from a grants programs supporting faculty research to a grants program targeting graduate student support. This change was a consequence of a significant reduction in program funding over the five-year period. Reviewers were puzzled by BREP's lack of external funding solicitation. Further, the UCORP reviewers reported a lack of quantified data in the BREP review which made meaningful evaluation more difficult.

DISCUSSION: Members observed that the lack of quantification in MRU reviews has been a persistent problem and speculated as to reasons why MRU directors have been reluctant to compile and share such information. It was posited that quantification may be difficult for directors to compile on their own. Office of Research Director Cathie Magowan stated that standardized on-line reporting forms requiring such quantification is being developed by the Office of Research and will be part of subsequent reviews. Moreover, Director Magowan indicated that in many instances, it is difficult for MRUs to secure extramural funding because often they are not the ultimate recipients.

Revisions to the UCORP report on BREP were limited to stylistic changes.

ACTION: Members Hermanowicz and Keller will incorporate the suggested changes and forward the revised review to Analyst Feer for submission to the Academic Council.

VII. California Institutes for Science and Innovation (Cal ISIs) Review

Final suggestions for Cal ISI review protocol were solicited, noting previous protocol suggestions already submitted to the Academic Council.

DISCUSSION: Members expressed their desire to see standardized and frequent quantified metrics of review to help determine efficacy regarding financial and intellectual investment and output. It was suggested that these data should be submitted to the review committee as part of a director's report, similar to that which MRU directors are required to present.

ACTION: UCORP will communicate to Academic Council its suggestion that Cal ISI directors be required to submit reports, modeled on those asked of MRU directors but including meaningful quantified metrics, to their reviewing committees.

VIII. Report on Institutional Review Boards (IRBs)

Members were asked for their feedback and opinions regarding the draft IRB review report circulated previously. (During this portion of the meeting, UCORP was rejoined by Executive Director Auriti and Office of Research staff member Caitlin Deck.)

DISCUSSION: Members debated the potential utility and workability of compiling IRB "case law." While members agreed that additional guidance to both faculty and staff on the composition of successful proposals is necessary, concerns about accomplishing this goal through a searchable database of IRB decisions were raised. One member wondered whether researchers would be willing to share their research prospectuses given considerations of timeliness and competitiveness. Another member questioned how useful such a database could really be, especially if it were limited to research abstracts and summaries. Other members raised the issue of proposal "shopping." Concerns were also raised about what impact such a database might have on the autonomy and uniqueness of local IRBs. (Also see Distribution 1.)

Further discussion focused on how to enhance communication between applicants and IRBs. Members observed that while researchers may resubmit proposals, eroded relationships with IRB members may hinder chances of approval. Consequently, the question arises: How can contentious issues, such as personal conflicts and perceived inequalities in treatment from campus to campus, be raised and addressed without further jeopardizing relations between researchers and IRBs? One member indicated that on her campus, in previous years, IRBs worked both closely and at times informally with researchers to help them craft proposals and address the specific concerns the IRB had regarding submissions; the local IRB website included tips and suggestions regarding the most common difficulties. Unfortunately, with changes in personnel, the member reported that relations between researchers and the IRB are presently more strained. Members agreed that changes in personnel precipitate changes not only in communication style, content, and frequency, but also of the frames used to interpret regulations, thereby creating approval disparities across both space and time. It appears that consistency in training for both faculty and staff is the best solution available at present.

ACTION: Executive Director Auriti will share UCORP's concerns regarding IRBs at the upcoming IRB directors' meeting later this month. Director Auriti also thought it would be beneficial if Chair Sensabaugh were to attend and present the findings to the IRB directors.

ACTION: Members will comment on the draft IRB recommendations, and Chair Sensabaugh will finalize the document for submission to Academic Council.

IX. Update on Research Compliance and Advisory Committee (RCAC)

Dorothy Bainton, UCSF

Member Bainton reported that RCAC had received intriguing and disturbing updates from OP Director of Research Compliance Patrick Schlesinger, and suggested that UCORP should request some of the draft documents under consideration by RCAC.

ACTION: Analyst Feer will request from Director Schlesinger the working documents of RCAC for internal circulation to UCORP.

X. Update on Graduate Student Advisory Committee (GSAC)

Jose Wudka, UCR

Member Wudka provided a written report on the actions of GSAC (agenda Enclosure 13).

XI. Update on Academic Council Special Committee on the National Laboratories (ACSCONL)

Wendy Max, UCORP Vice Chair

Vice Chair Max reported that ACSCONL appreciated UCORP's recent letter, especially its inclusion of an "escape clause" should UC find the changing relationship with the labs untenable. As a result of this and additional communication received from other systemwide committees, ACSCONL is now in the process of re-evaluating its recommendations to the Senate regarding UC's relationship with the DOE labs; outstanding questions persist, which must be answered adequately in order to satisfy the committee.

XII. Member Business and Planning

- Update on Special Research Programs (SRP) Overhead Cost Recovery

Chair Sensabaugh reported that Director Gruder, in response to UCORP questions on the potential fiscal and research impact of funding UC overhead through SRP grants, had indicated what those impacts might be (see Distribution 2).

DISCUSSION: Members felt that the policy of funding indirect costs for non-UC researchers but not for UC researchers may be a disincentive for UC researchers and warranted continued discussion. Members queried whether capping overhead funds given to non-UC researchers at a fixed amount and redirecting the recovered funds, not to exceed that same cap, to UC researchers to fund their overhead would allow for both equitable funding and maintenance of the amount of research funded *in toto*. It was noted that one of the SRPs administered, Universitywide AIDS Research Program (UARP), already caps overhead funding to non-UC researchers.

ACTION: Chair Sensabaugh will inquire further of Director Gruder what the origin of the UARP funding cap is and whether it might be possible to apply that cap to other SRPs.

The meeting adjourned at 4:00 p.m.

Distributions:

1. EA2GS re IRB Draft
2. C “L” G2GS re Indirect Cost Recovery
3. JO2RCD re DANR Review
4. The UC Economic Research Program (with enclosures)
5. The Natural Reserve System:
 - a. Teaching, Research, and Public Service
 - b. Special Research Projects
 - c. K-12 Environmental Education in the Natural Reserve System
6. NSF, Office of Cyberinfrastructure re Petascale Computing
7. National Bio- and Agro-Defense Facility:
 - a. Homeland Security Fact Sheet
 - b. National Zoonotic & Agricultural Research Center Fact Sheet
8. UCSC Draft Earmarking Guidelines:
 - a. Process and Timeline
 - b. Request form

Attest: George Sensabaugh, UCORP Chair

Prepared by: Kenneth Feer, Committee Analyst