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*Chair of the Assembly of the Academic Senate
Faculty Representative to the Regents
University of California
1111 Franklin Street, 12th Floor
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February 3, 2022

**MICHAEL DRAKE, PRESIDENT
UNIVERSITY OF CALIFORNIA**

Re: Innovation and Entrepreneurship in the APM

Dear President Drake:

The Academic Senate read with interest the report of the Regents Working Group on Innovation Transfer and Entrepreneurship, which calls on UC “to create a culture that values innovation and entrepreneurship and burnishes its reputation as a high-value partner in these endeavors.”

I asked the University Committee on Academic Personnel (UCAP) and the University Committee on Research Policy (UCORP) to lead the Senate’s review of the report, with special attention to Recommendation 8, which recommends revising promotion and tenure guidelines in the Academic Personnel Manual to include consideration of innovation and entrepreneurship. The Academic Council discussed this recommendation at its January 2022 meeting, and I attach the UCAP and UCORP letters for your reference.

The Council agrees with the Regents’ Report that many challenges confront UC in the area of patent development and technology transfer, that UC is not as effective as it could be in gaining benefit from faculty innovation and entrepreneurship activities, and that better institutional procedures and supports are needed to help faculty translate research discoveries into commercial products. The Council endorses the specific recommendations in the report for creating a proof-of-concept fund, budget augmentations to help campuses develop innovation transfer programs, and the replacement of the current patent tracking system.

The Council also agrees with UCAP and UCORP that there is no need to change the APM, because the University’s current processes for crediting innovation and entrepreneurship in faculty review permit the assessment of patents and other evidence of innovative work and do not impede innovation activities or the commercialization of research. We agree that rather than change the APM, UCOP should endeavor to remove operational barriers to commercializing research and provide guidance to campuses to encourage the evaluation of contributions to innovation and entrepreneurship under the framework of the current APM.

As noted above, the Council appreciates the Regents raising this issue, with one caveat of concern: The Senate approaches APM matters with great care and trusts that the Regents will recognize the seriousness with which we considered their recommendation. Regental involvement in the managing of operations of the University at a level of engagement that is more detailed than broad policy setting and fiduciary oversight can risk inadvertent disruption of the day-to-day functioning of the University.

Please do not hesitate to contact me if you have additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Robert Horwitz".

Robert Horwitz, Chair
Academic Council

Cc: Academic Council
Provost Brown
Chief of Staff Kao
Chief Policy Advisor McAuliffe
Senate Directors

Encl.



UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL (UCAP)
John Kuriyan, Chair
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January 12, 2022

ROBERT HORWITZ, CHAIR
ACADEMIC COUNCIL

RE: UCAP Response to the Regents' Report on Innovation and Entrepreneurship

Dear Robert,

UCAP and UCORP were charged by the Academic Council to address Recommendation 8 of the Regents' Report on Innovation and Entrepreneurship ("Regents' Report"), which calls for UC "to create a culture that values innovation and entrepreneurship and burnishes its reputation as a high-value partner in these endeavors." In addition, Recommendation 9 of the Regents Report concerns leaves of absence and other leaves without pay to pursue opportunities in entrepreneurship. Academic Council asked UCAP and UCORP to consider this matter as well.

UCAP response

Recommendation 8 of the Regents' Report states that promotion and tenure guidelines should be modified to include consideration of innovation and entrepreneurship.

Recommendation 8 is based on the proposition that innovation at UC is being held back by not crediting innovation or entrepreneurship appropriately in merit cases or evaluations for promotions. This matter was discussed by the twelve members of UCAP (including the Chair and co-Chair, but not including ex-officio members). The judgement of ten of the members is that appropriately crediting innovation and entrepreneurship in faculty review is not, in fact, a particularly serious issue, and that it does not hold back innovation at UC. Two of the members felt that it is a serious issue, and can impede faculty advancement. All members of UCAP recognize that work done with companies may not always be valued at the same level as conventional scholarship.

We note that UCAP took up the issue of crediting achievements in technology transfer in 2014-2015. At that time, UCAP concluded that divisional CAPs did not have difficulty in reviewing patents, and that changing the review process would not be fruitful in terms of encouraging more patents (see https://senate.universityofcalifornia.edu/_files/committees/ucap/documents/UCAP_annualreport2014-15.pdf; more details are available in the UCAP minutes from 2014-2015).

The following points emerged from the discussion at the present time:

- Innovation, and the opportunities for entrepreneurial activity that it makes possible, comes from advances in basic understanding. This is the true strength of UC, and basic research is the engine that drives the great advances in science, medicine, and engineering that continue to come from UC. The current process of faculty evaluation is well suited to evaluate basic research.

- The evaluation of patents, and activities leading to patents, raises several difficult issues. Patents do not delineate individual contributions, and their potential impact is difficult to judge. UCAP members report that the evaluation of patents varies from campus to campus, and within fields. In many cases, patents are associated with scholarly publications on which the patent is based, making evaluation easier. In other cases, where associated publications are lacking, the evaluation depends on the description of the advances provided by the faculty member, and assessed by the Department and articulated in the Chair's letter. Ten members of UCAP conclude that policy, as encoded in the APM, permits the assessment of patents and other evidence for innovative work, with two feeling that changes to APM may be warranted. All agree that there is confusion as to how such work should be evaluated. Given the diversity of scholarship and research on UC campuses the recommendation is that individual departments should be encouraged by UCOP to formulate and encode standards for such evaluations, which are then communicated to the campus CAPs. The faculty member under review should be encouraged to provide a personal letter outlining their contributions to innovation and entrepreneurship, if this is an aspect of their activities.

- On balance, UCAP does not recommend changing APM to accomplish this end. Encoding recommendations concerning innovation and entrepreneurship in the APM risks compromising the flexibility of the evaluation criteria, as expressed by the broader language currently employed in the APM. Encoding recommendations regarding innovation and entrepreneurship could also create different tracks of scholarship, and could end up weakening the excellence that is the hallmark of UC research.

- UCAP agrees with the spirit of one of the main messages of the Regents' Report, which is that the culture of assessment has to change in a way that supports rather than hinders faculty who are involved in work that deviates from current norms. We agree that activities such as starting companies may not be seen as being on par with making advances in fundamental research, and that an emphasis on translational research could, in some cases, compromise the outcome of a merit review. We view the responses to these issues as part of the normal adjustments that have to be made to the evaluation process as the nature of scholarship changes. Such changes include the need to credit team-based research appropriately, and to move away from considering external grants, as opposed to company funding, to be essential for a successful tenure case in some fields of science, engineering, health sciences, and perhaps other fields of study as well. The need for such adjustments is to be expected as the nature of scholarship evolves, and does not necessitate changing the APM. Instead, these adjustments should be encouraged by communications from UCOP to campus leadership.

- The impact of the research done by a faculty member on industry should be credited as part of the review process, but in some cases it could be more appropriate to credit this as service rather than scholarship.

- Recent changes to the APM concerning diversity and equity issues, and the mentoring of graduate students, arose from widespread dissatisfaction concerning how these issues were being treated in the review process. In contrast, it is the opinion of the majority of UCAP members that the level of dissatisfaction concerning the evaluation of innovation and entrepreneurship is not that serious. UCAP has carefully considered the points raised by Carter *et al.* in *Science* and the PTIE report, and have concluded that the views expressed by these authors do not generally reflect the nature of scholarly evaluation at UC.

Recommendation 9 of the Regent's Report is that academic personnel policy be modified such that leaves of absence can be used for innovation and entrepreneurship pursuits. Chair Horwitz asks us to consider "whether a changed leave policy is in the best interests of the University, inasmuch as it could make it difficult for a department chair to offer courses in a consistent manner, and, perhaps more basic, whether indeterminate leaves bottle up FTE resources in ways that would be disadvantageous to the campuses". UCAP membership expressed the sense that it is desirable for UC to provide a formal and accessible pathway for faculty to do just this, with due consideration given to the teaching mission of the university and minimizing adverse effects.

UCAP recommendations

UCAP finds the Regents' Report, considered in its entirety, to be an effective and accurate description of the challenges confronting UC in the area of translating research discoveries into commercial reality. We value the aspects of the report that deal with procedures and institutional support for translating UC discoveries into commercial products that impact society and benefit the economy of California. Nevertheless, on balance, UCAP does not consider the current faculty evaluation process to constitute a significant impediment to the translation of UC research by faculty, particularly when weighed against the operational barriers to commercializing research imposed by UC infrastructure and are well described in the Regents' Report. Specifically, UCAP feels that Recommendation 8 of the Regents' Report should not result in changes being made to the APM. Instead, UCAP recommends that UCOP provide guidance to campuses to encourage the evaluation of contributions to innovation and entrepreneurship under the framework of the current APM, which is sufficiently elastic to accommodate changes in the evaluation of scholarship.

Regarding Recommendation 9, UCAP feels that it is desirable to construct a formal and accessible pathway for faculty to take leaves of absence to pursue opportunities in the commercial sector.

UCAP appreciates the opportunity to comment on this matter. Please don't hesitate to contact me if you have any questions.

Sincerely,



John Kuriyan, Chair
UCAP

TO: Robert Horwitz, Academic Council Chair

FROM: Karen Bales, UCORP Chair

DATE: 12/28/2021

SUBJECT: UCORP response to Regent's Report on Innovation and Entrepreneurship

As requested by Senate Chair Robert Horwitz, UCORP considered the report produced by the Regent's Working group on innovation and entrepreneurship, with special attention to Recommendation 8, which had specific relevance to the Academic Senate Review process. Recommendation 8 reads: "Revise promotion and tenure guidelines to include consideration of innovation and entrepreneurship."

UCORP does not recommend changing the promotion and tenure guidelines to specifically mention innovation and entrepreneurship, for the following reasons:

- It seemed like the report was suggesting that these activities be considered in the evaluation under the category of research. Most committee members viewed tech transfer, commercialization and the other activities addressed not as research or scholarly activity, but as service. As they are already covered and considered under service, no revision seemed necessary.
- If a faculty member can make the case that these activities are actually creative extensions of research, then they are also already covered and considered under existing processes to review research.
- Privileging of these activities may have implications and unintended consequences for academic freedom as well as for equity considerations, since participation is currently heavily skewed demographically. Despite the statement that not all faculty would be expected to engage in these activities, it was felt that adding them to the APM might put pressure on faculty whose research does not fit that mold, running counter to the spirit of research and creativity at the UC.
- While there may be other sources of data we are not aware of, the committee did not feel that lack of recognition in the promotion and tenure process was likely the main barrier to an increase in innovation and entrepreneurship.

However, UCORP also agreed that significant barriers **do** exist and agreed with many of the other recommendations. In particular:

- We highly support Recommendations 5 and 6, to create a proof-of-concept fund and to provide budget augmentations to help campuses develop innovation transfer programs.
- We highly support Recommendation 4, to replace the current patent tracking program, with the following caveats:
 1. Design or choice of a program should proceed with extensive consultation with the faculty and staff who expect to be using it.
 2. Sufficient staffing should exist to train and support the use of the program.
- We will provide comments on Recommendation 9, regarding academic leaves of absence, separately through the Academic Senate consultation process.