The Faculty Council on Research met Wednesday, February 14, 2001, at 9:00 a.m. in 36 Gerberding. Chair Mark Bothwell presided.

**PRESENT**: Professors Bothwell, Ewart, Gordon, Reh, Stewart Ex-Officio Jewell, Sheehan, Camber, Kwiram, Zuiches Special Guests William Bakamis, Applied Physics Lab (APL); Anne Clark, APL; Dian Gay, APL; Moira McCrory, APL; Mac Parks, Office of Research; Robert Spindel, APL.

**ABSENT**: Professors Bosch, Heath, Kartsonis (approved), Kennedy (approved), Mirza, Vance Ex-Officio Dupuy, Ghosh, Ludwig, Perrin, Sjävik, Williams

Bothwell asked for everyone to introduce himself or herself, as there were many new faces.

**Review of Proposal to Renegotiate APL Navy Contract**

Bothwell reminded the members that one of the council's duties is to discuss proposals that involve classified research and determine if they pose any concerns for UW. At this meeting the council would hear guest speaker Spindel's presentation on APL's proposal to renew their Navy Contract. Afterwards, the council could ask any questions they might have about the contract and how it concerns the UW.

Parks informed the council that he was the Chair of FCR the last time this contract came forward. To put the contract in proper perspective, he noted that most often the research itself is not classified; rather, there may be one piece of information in the research that is classified.

To introduce the contract and APL, Spindel began by explaining that the contract is up for renegotiation every 5 years. APL seeks permission from the University before entering into negotiations with the Navy.

Spindel presented the council with a slide demonstration of background information on APL, its activities, sources of funding, and services. He stated that APL houses approximately 300 employees, including 67 Ph.D.'s, some of whom also hold joint appointments with a variety of other departments on campus. 65% of APL's activities are involved in basic research and over half of the support for that research is provided by funding agencies other than the Navy (NSF, NASA, etc.). More specifically, Spindel stated that historically this Navy contract has been a major source of support for APL (90% of total work done at APL in 1990, and 16% in 2000). He explained that UW is one of four universities having this special R&D contract with the Navy (the other three being Pennsylvania State University, University of Texas, and Johns Hopkins University).

Spindel highlighted the fact that APL currently has about 40 graduate students with their primary thesis advisors in APL, almost every one of them is supported by a grant or contract at the lab. Also, APL is eager to involve more undergraduate researchers. Eleven undergraduates conducted research in the lab last year.

Spindel told the council about the areas of research APL is involved in under this contract, namely: Ocean Physics, Environmental Acoustics, Underwater Instrumentation, Marine Corrosion, Acoustic Reconnaissance, Applied Oceanography, and Exploders and Fuses. Major technologies developed under this contract include unmanned underwater vehicles and hand-held sonars for divers. Spindel clarified to the council that only about 5% of research projects under the contract are actually classified. Of those, typically a small portion of a project would be classified, e.g. certain data would be classified, or the ultimate use or purpose of the technology may be classified. Much of the work at APL
has become de-classified over recent years. Parks pointed out that in a project like development of acoustic technology, the part of the project that is classified might be the exact geographic location of the sensor, for example.

Spindel opened the floor for questions.

Gordon asked if all products developed by APL under the Navy contract become available to the public or are the products reserved for Navy use only? Spindel answered that almost all products are available to the public, although they are often difficult to market, and it is very rare that products themselves become classified.

Gordon asked what fraction of research would be categorized as defensive vs. offensive? Spindel replied that it is 100% defensive.

Reh inquired as to whether any student has ever been deprived of a chance to publish results because they are considered classified? Spindel answered no, because students do not work on classified programs. He added that over the past 45 years, the classified aspect of the research has not really ever interfered with publishing.

Gordon asked what types of jobs post-doc's secure after working at APL? Spindel said that APL operates like any other department on campus, and their post-doc's follow similar career paths after their fellowships.

Gordon inquired as to whether it is known before researchers begin their work if the technology they develop will be classified or not? Spindel replied that it is determined ahead of time, and that essentially the research is conducted just as if it were supported by any other funding agency. Gordon also asked if work carried out under this contract would be the same as a Navy "task?" Spindel answered that it doesn't happen often, if at all, but APL is not obligated to the Navy to conduct particular research. Reh asked if the research is independent investigator-initiated work? Spindel answered yes and re-emphasized that APL conducts research just like any other department on campus.

Bothwell asked whether a situation has ever come up in the past where classified information has interfered with tenure decisions on certain faculty? Spindel reasserted that very little of the research involves classified information. Gordon asked if certain employees work with classified information and others do not, to which Spindel replied yes.

Gordon asked if the Navy reviews manuscripts written by researchers prior to their submission for publication? Spindel said that there is an official review procedure but that it has "no real impact" on publication time frames. Bakamis interjected that he cannot recall any time that the Navy has asked for a revised manuscript that is ready for submission for publication. Gordon pointed out that most biology journals require dissemination of data so that experiments can be reproduced and asked whether that type of requirement would effect the type of journal to which APL researchers could submit manuscripts? Spindel explained that comparable "classified" journals do exist, but that APL researchers tend not to submit their manuscripts to such journals, choosing rather to "stay in the non-classified world" and remain very much a part of the University as an open institution.

Stewart noticed that the indirect cost rate for proposals is lower than at the rest of UW and asked why that is so? Spindel explained that it is because APL provides many services "in-house" and that the contract itself calls for different cost accounting than other funding organizations, i.e. certain costs are charged as direct rather than indirect costs. Kwiram added that just because the indirect cost rate of this contract differs from other grants and contracts at the UW, doesn't make APL a different part of the institution.
Stewart asked who owns the APL building, to which Spindel answered UW; the Navy paid for the building, but UW owns it. Spindel added that there is no State support to APL; it is run entirely on grants and contracts.

Returning to the issue of classified vs. non-classified research, Reh supposed that UW had a policy of not supporting classified research and asked if the Navy would then still provide funding? Spindel replied that they probably would not. Ewart added from his personal experience at APL that in 30 years the majority of research conducted has been like a "normal" grant or contract. He explained that he did have a top-security clearance just in case the Navy asked him to serve on a particular committee or conduct certain research. Kwiram interjected with a reminder that the council is reviewing this proposal under the general category of "Classified and Proprietary Information." He gave examples of other proprietary information, such as trade secrets, important coding of information and suggested that researchers are owed a certain amount of protection of their work. Reh brought the issue back to its wider context by asking others if historically the public has been involved in these types of issues? Kwiram spoke to this issue explaining that UW, like most universities, saw a shift from pro-military R&D efforts in the first half of the century to anti-military pressure from the public in the 1960's, but that most universities conduct some proprietary and classified research at their institutions. Kwiram added that if the research were really sensitive and classified, it probably wouldn't be conducted at UW.

Gordon asked if the contract includes any testing on animals or human subjects? Spindel answered no. Gordon also asked if this was a typical number of administrators for a contract, noting that it seemed high relative to the number of researchers. Ewart responded that the number looks large because it includes all support staff (coordinators, secretaries, etc.) not only head administrators.

Reh remarked that the Spindel's presentation demonstrated to him that a shift has occurred in the Navy's policies and research emphases, which seems to reflect the general public's feeling on this issue. Bothwell thanked Spindel for the presentation reflecting that it is often difficult to understand different "cultures" on campus, and that the presentation helps the council understand APL's culture.

Bakamis asked to speak about the logistics of the proposed renegotiation process. He told the council that APL would like their vote on this issue as soon as possible due to the fact that APL would like to submit the proposal to the Navy before they undertake their upcoming office move from Northern Virginia to Washington D.C. Gordon asked for more time to read the written draft, as it was only available one day prior to this meeting. Sheehan asked which parts of the presentation differed from the written draft? Bothwell, Reh, and Ewart agreed that probably the only difference between the presentation and the written draft is the omission of classified information, which cannot be discussed anyway, so there is not much point in reviewing the written draft any further. Ewart added that in his experience, drug company's propriety information contracts have typically been far stronger in tone than this Navy contract, and have been approved by UW. Parks reminded the council that the role of the council was to vote on the right to submit the proposal only; negotiation of the terms must comply with UW standards. Gordon conceded that it was ok to vote on approval today.

_Bothwell asked for a motion to approve APL's submission of the contract for renegotiation. The motion was made, was voted on, and passed unanimously._

The Minutes from January 17, 2001 were approved without change.

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<th>Continued Discussion of UW Copyright Policy</th>
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<td>Bothwell reminded the council that at their last meeting, the council approved modification to the University copyright policy. The decision was then taken to the Faculty Council on Faculty affairs</td>
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(FCFA), whose members decided that some of the proposed changes warranted further consideration and suggested that a subcommittee be formed to address some of their concerns. Bothwell asked Jewell and Gordon to serve on the sub-committee with him, and they agreed. Parks clarified that FCFA did not vote to disapprove the changes, but simply raised concerns that they would like addressed at the next review cycle. Bothwell said that as he understands it, the subcommittee's purpose would be to make the concerns more concrete.

**Continued Discussion of Proposed Consulting Corporation**
Ewart informed the council that he has “hit a few walls” in trying to schedule meetings between members of the consulting corporation subcommittee, Michael Corn (Office of Research), and Bakamis. He asked if any members of the council objected to his circulating a business plan by email and email discussions. There were no objections. Kwiram told the committee that the Regents are voting on a measure that would allow UW to create a foundation, and if approved might allow another vehicle to create something like a consulting corporation. Kwiram pointed to the need for patience when undertaking a project such as this.

Meeting adjourned at 10:15 a.m. Minutes by Katherine Wimble, Recorder.