Meeting Synopsis:

1) Call to Order and Approval of Agenda
2) Approve minutes from May 9, 2012 FCR meeting
3) Announcements
4) Requests for Information and Updates
   a. OPS organization and fCOI process – Mary Lidstrom
   b. Research Affiliate Programs – Lynne Chronister
   c. Update on GIM 38: Faculty Reduced Responsibility Status Involving External Funding - Carol Rhodes
   d. IPMAC (Intellectual Properties Management Advisory Committee) discussions – Ron Stenkamp
5) Old/New Business
6) Adjournment

1. Call to Order and Approval of Agenda
The meeting was called to order by Chair Ron Stenkamp at 9:01 a.m.

2. Approve minutes from May 9, 2012 FCR meeting
Minutes from the May 9, 2012, FCR meeting were approved without changes.

3. Announcements
Stenkamp noted that he and Mark Haselkorn will be rotating off the Council and introduced Cecilia Aragon who will be joining the Council in Fall, 2012.

4. Requests for Information and Updates
   a. OSP organization and fCOI process – Mary Lidstrom
Current Director of the Office of Sponsored Programs (OSP) Lynne Chronister is moving to serve as Vice President for Research at the University of South Alabama, and Carol Rhodes taking on the Interim Director of OSP. A firm to be later selected will conduct a national search to fill this role, with interviews hopefully occurring in September.

The Public Health Service (PHS) Financial Conflict of Interest (fCOI) training is currently on track. An email was sent out to Deans, Directors and Department Chairs, and PHS investigators last week, and the online training will be live on June 8th. Investigators can complete the training early, and future reminder messages will be sent to the all Key Personnel whom the P.I. designates as “investigators” on a proposal into the PHS. Consideration will also be needed to address those investigators who may not be listed on the original proposal but will be subject to these regulations once they are involved in the project. Discussion took place on different designation of which Key Personnel must be designated as an “investigator” in different disciplines, and thus subject to the training and...
reporting requirements. Principal investigators for projects will be asked to identify those Key Personnel that meet the definition of “investigator”; however, P.I.s should also be prepared to justify why any Key Personnel that appear to meet the definition of “investigator” are not identified as such, as these instances will be centrally monitored for patterns. For example, any Key Personnel not identified as an “investigator” are later determined to have a conflict of interest, they may be guilty of breaching the State Ethics Act regarding improper use of University resources for private gain, so principal investigators are advised to err on the safe side in requiring fCOI disclosure.

Questions arose on fCOI disclosure for consultants and it was noted that institutions will choose how to classify consultants in light of these requirements; in general UW does not consider consultants to be part of UW personnel. Subcontracts between universities will designate whether training for subcontract personnel is required.

At the time of proposal submission, all “investigators” will be required to disclose any significant financial interest (SFI) or verify absence thereof; this will be done via an electronic system under development. In contrast, verification of investigator compliance with the training requirement is not required at time of proposal submission. If investigators have not completed the training requirement, grant proposals will proceed, however OSP will not disburse funds until all investigators have complied with the training requirement.

Further questions followed on Material Transfer Agreements. An organization providing reagents or models which have a substantial value generally would not be considered to be an fCOI, as there is no immediate personal benefit. Existing awards (those funded prior to the Aug. 24 deadline) are grandfathered from the new regulations, but new awards (including continuation funding) must meet the new requirements. Questions were posed on whether NSF will soon have the same restrictions, and it was noted that is not yet imminent but likely in a few years. A major challenge with complying with the new PHS regulations will be to implement requirements without discouraging researchers from working with industry or discouraging interdisciplinary research.

b. Research Affiliate Programs – Lynne Chronister

Lynne Chronister described development on standard guidance regarding affiliate programs within industry to help faculty take advantage of such opportunities. Corporate affiliate programs are a structured means for companies and organizations to interact and collaborate with UW researchers. Goals of such affiliate programs were characterized:

- Build strong, sustainable relationships between companies and UW researchers
- Enable more translational research
- Enhance reputation of UW and region with large companies
- Attract additional financial support for UW research
- Increase employment opportunities for students (internships and permanent jobs)

Council members suggested another goal to be bringing industry researchers to work on campus.

Two types of affiliate programs were differentiated at UW: Corporate Affiliate Program (CAP), which are mostly gifts of small amounts ($2,000 - $4,000) annual contribution, and no benefits for
members outside of closer collaboration. **Research Affiliate Program (RAP)**, which is annual membership cost of 20 percent overhead, and provides distinct benefits for members.

Questions were posed with the difference between RAP and having a contract with the University of Washington. Under a RAP, the company would have a seat on the advisory board with other companies, review proposals for the program and vote on funding, not offered in private contract research. Many RAP members gain access to a Non-Exclusive Royalty Free license to use technology without additional cost and unlike gifts, RAPs can have annual deliverables to members. Council members expressed concerns that companies could use RAPs to avoid paying indirect costs, despite benefits. A suggestion was made for reviews of such applications to discern between young and well-established companies to prevent systematic avoidance of indirect costs for research.

Guidelines for CAP and RAPs were described: 1) requiring a budget for a Program manager, 2) compliance with **GIM 34**, 3) greater than two faculty members involved, 4) greater than five companies with demonstrated interest, 6) alignment with school & department priorities and 7) documented Statement of Purpose & Desired Outcomes. The coop-model was considered as an alternative to an RAP, however RAP was preferred.

CAPs do not have individual agreements, less expensive and serve as a networking opportunity. RAPs are much deeper programs, but also cost more. Both CAPs and RAPs were distinguished from Research Consortia, which are narrower in focus and do not have membership fees. Questions were raised on the number of members required for affiliate programs, and the minimum length of such programs. Concerns exist if such programs end, despite state contribution to building costs. Faculty can contact Todd Cleland ([tcleland@uw.edu](mailto:tcleland@uw.edu)), at the UW Center for Commercialization should they have any questions.

Other discussion followed on sponsor support for a general affiliate program at UW, the overall strategy in RAPs and CAPs, and industry relations at the University. Drafted framework and goals on such strategy for industry relations would be presented to FCR in the fall.

**c. Update on GIM 38: Faculty Reduced Responsibility Status Involving External Funding - Carol Rhodes**

Carol Rhodes presented on Reduced Faculty Responsibility. This is a new process to allow for a temporary reduction of a faculty member’s base salary due to a reduction of their institutional responsibilities, without reducing the faculty member’s appointment with the University. Such a scenario can arise due to loss of external funding as a source of salary support or loss of internal funding with intent to seek external funding. The reduced responsibility status is intended to be temporary, ending upon securing external funding, reconsidered after three years, or percentage appointment is renegotiated.

Grants Information Memorandum (GIM) 38 addresses this by clarifying faculty members’ institutional base salary (IBS), taking into account external support secured, as federal sponsor requirements do not allow an “increase” in IBS to reflect such external support. This policy applies to
all externally sponsored faculty and will primarily impact faculty without full tenure. Ways to identify reduced faculty responsibility were discussed from the perspectives of faculty members, department administrators, and payroll coordinators. Multiple steps in documentation were discussed, and information will be tracked centrally through a new earn type in OPUS ("RRD" = Reduced Responsibility Distribution), with an electronic form following later. Rhodes requested FCR’s input on development of learning materials and Frequently Asked Questions on this process.

Council members posed questions on the following:
- What the State’s responsibility is in making up lost salary support in different tenure roles?
- How reduced responsibility status will impact on calculations of benefits?
- Will potentially affected new faculty hires receive orientation on this policy?
- If “renegotiation of appointment” every three years could be clarified in the presentation
- How much involvement of without tenure faculty went into development of this process?

Next steps before implementation of GIM 38 were details of the form, and communication materials, followed by approval of the process from the Provost.

d. **IPMAC (Intellectual Properties Management Advisory Committee) discussions – Ron Stenkamp**

Stenkamp provided an update on IPMAC, which advises the Center for Commercialization, and was reinstated following addition of new wording in the Request for Approval of Outside Compensation form, presented during FCR’s October 2012 meeting. The change was impacted by a court case,¹ which apparently brought forth that UW needed to change its form. Faculty concern arose due to differences between “hereby assign” and “will assign” intellectual property rights. Faculty members were upset by this and requested for the policy to be changed again. Stenkamp attended two IPMAC meetings in the past two months, and described the composition of the group.

Concerns voiced at IPMAC were described:
- The Request for Approval of Outside Compensation form
- Whether there is need for re-interpretation of the Bayh-Dole act²
- The impact of the changes on copyrighted material, such as teaching materials
- Conflicts of interest rules, as different units have issues with the way conflicts of interest were handled
- Some members believe this may lead to a reevaluation of the relationship within the institution and its employees

Concern was expressed that IPMAC has unclear goals. Linden Rhoads, Vice Provost of the UW Center for Commercialization believes that policy is rather clear on who owns what property, however the revision of the outside compensation form may have increased the visibility of this relationship. UW

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² More information on this act: [http://ora.ra.case.edu/techtransfer/forms/bayh_dole.pdf](http://ora.ra.case.edu/techtransfer/forms/bayh_dole.pdf)
is currently aligned with peer institutions, in regards to ownership issue and how proceeds are split. Half of peers have changed their wording on such forms, and should this form be further revised, UW would fall out of alignment with peers.

The charge of IPMAC was noted to be intellectual property policy, however discussion may follow on copyrighted material. Mary Lidstrom provided an example, should a UW faculty member develop curricula to sell to another institution, they have this right as normal scholarly activity is owned by faculty members. However when publishing a paper, faculty members sign off copyright to the publisher. Additionally “grey areas” exist, such as software, which is writing but is considered intellectual property. It has been asserted that the university has never claimed intellectual property rights on faculty’s scholarly work. Discussion followed on whether such policies are open to interpretation, most intellectual property is developed with outside funds and thus ownership is clarified. Clarification may be needed on ownership within Commercialization Gap Fund or Royalty Research Funds.

Mary Lidstrom considered the most important charge for IPMAC is to capture the intent of discussions, and place such language within policy. Faculty may be more supportive changes within intellectual property, should efforts be framed as protecting the faculty rather than the institution.

5. Old/New Business
It was mentioned that should sequestration take place in January 2013, a 7 to 8 % cut will occur in federal programs, potentially causing no additionally federal grants to be issued. This may cause the Reduced Responsibility Status process to be particularly appropriate at this time.

6. Adjournment
Meeting was adjourned at 10:33 a.m. by Chair Stenkamp.

Minutes by Jay Freistadt, Faculty Council Support Analyst. jayf@u.washington.edu

Present: Faculty: Stenkamp (Chair), Miller, Rosenfeld, Vogt, Haselkorn, Roesler, President’s Designee: Lidstrom
Guests: Jeff Cheek, Carol Rhodes, Cecilia Aragon

Absent: Faculty: Spieker, Slattery
Ex Officio Rep: Spelman, Fridley, James, Nolan, Pantazis, Gruhn