University of Washington
Faculty Council on Research

The Faculty Council on Research met on Thursday, June 6, at 9:00 a.m. in 26 Gerberding. Chair Asuman Kiyak presided.

PRESENT:  Professors, Kiyak, Ruzicka, Stewart, Tolnay, Vogt
Ex-Officio  Blake, Dworkin, Kahl, Parks, Zuiches

ABSENT:  Professors  Booth, Gordon, Heath, Kartsonis, Sarikaya, Troll, Vance, Vitaliano
Ex-Officio  Sjavik, Stygall, Ghosh, Camber, Kahl, Hogan

Guest:  Barbara Perry

Synopsis:
1. Approve agenda
2. Approve minutes
3. Announcements/Updates (Kiyak)
   - Silberstein letter to President re Intellectual Property document
   - Status of University Councils reorganization
4. Fox Classified Research project - review and vote
5. Handbook revision on security policy - continue discussion (Parks)
7. Post docs eligibility for Career Services
8. UW Purchasing Client Satisfaction Survey results - discussion (Kahl)

Kiyak called the meeting to order at 9:00 a.m.

Approve agenda
The agenda was approved.

Approve minutes
The March and April minutes were approved.

Announcements/Updates
Chair Asuman Kiyak reported that Faculty Senate Chair Sandra Silberstein has received comments from FCR and from the Faculty Affairs Council, and has written a balanced letter of response to the President on the proposed revisions to Executive Order 36 and the Intellectual Property rules. Both Councils are awaiting President Huntsman's reply.

The proposal to reorganize Faculty Councils into joint Faculty/Administration councils continues to be studied. For example, a joint Research Council could have appointed IPMAC as a subcommittee to deal with the IP revisions and then disbanded the subcommittee. This kind of structure would avoid the proliferation of standing committees that has arisen at the University, Ross Heath said, while still getting the job done.

Mac Parks disagreed with this view, commenting that the issues IPMAC deals with require a standing committee – the IP revisions would never have been completed had they been dealt with in the Faculty Council on Research, or in an all-University council. There simply is too much turnover, Parks said.
Status of University Councils reorganization

Announcements
Sandra Silberstein is consolidating the views of FCR and the Faculty Affairs Council on the proposed revisions to the Intellectual Property policy, and will write a letter to the President. Mac Parks has feedback from other sources, which will also affect the final form of the policy.

Kiyak reported that the proposed University Councils are on hold for now. The working committee will meet on June 1 – Kiyak will know more about this by the next FCR meeting.

Brent Stewart announced that the Bush administration has reconvened the President's IT Advisory Committee and Ed Lazowska has been asked to co-chair the Committee. This national-level appointment is quite a coup for the UW.

FCR Review of Potential ITAR Projects
Parks commented on the complex International Traffic in Arms Regulations and how they relate to the UW. Among other things, ITAR covers satellite technology, remote sensing, propulsion systems, and astro/aero technologies, any or all of which may relate to UW research. Carol Zuiches would like FCR to review ITAR projects in the same way as Classified Research projects.

To accomplish Zuiches request, Parks has submitted to FCR some proposed changes to the Handbook and a policy he would like FCR to act on. The Handbook lets FCR determine the scope of its review, and Parks believes FCR should expand that scope to include review of ITAR projects. Parks said ITAR regulations will soon be administered under the auspices of the recently-formed Department of Homeland Security.

Concerns were expressed about the volume of ITAR projects FCR might have to review, since there is confusion among researchers about what projects are subject to ITAR. What would FCR do if 50 projects came up for review? What would FCR do after an ITAR review?

Kiyak said FCR would develop written criteria to follow and would use these to determine whether the projects passed or not.

Parks said he feels it is the responsibility of the faculty to determine whether the UW wants these ITAR projects. Zuiches added that Principal Investigators in these projects are held personally liable if they fail to comply with ITAR rules (penalties can include imprisonment and/or fines). In addition, ITAR projects change the fundamental way the UW does business. In view of this, Zuiches does not think Grant and Contract Services should be making the decisions about whether to accept or reject ITAR projects.
Stewart Tolnay restated his concern from the last meeting; i.e., weighing the advantages and disadvantages of these projects, coupled with the expanded definition of what FCR looks at, means that he needs to know much more about the criteria. At present, these projects fall far outside his expertise in Sociology, Tolnay added. If FCR decides a project should not be approved, that's also a very weighty matter.

Parks agreed it's a weighty issue, but also agreed with Zuiches that GCS should not be making the decision. The UW Handbook, Parks said, already mandates that research projects

- Must be unique to the UW
- Must have scholarly benefit
- Must constitute a very substantial public service

These criteria set the parameters for the discussion of any given project, and are probably sufficient to guide the discussion of ITAR.

Given Parks' statement, Dworkin asked why changes to the Handbook would be necessary. Parks responded that the changes he is recommending are meant to include ITAR in the scope of what FCR may review, accept, and reject. The three existing criteria he cited would not change. In addition, any research that placed restrictions on open publication, or on nationality, access to facilities, or participation – especially by grad students – would be rejected.

Brent Stewart asked how the proposed joint faculty/administration councils would be affected if they were called upon to vote on the ITAR regs. Parks said not a lot of thought had been given to that. Kiyak said it would be positive for faculty and administration to look at ITAR projects together.

Jon Blake observed that joint councils would dilute the faculty decision-making responsibility for these projects. As an ex-officio member without vote and without expertise in some of these areas, he would feel uneasy representing the Libraries in voting on these issues. He does not feel in a position to make such a profound judgment.

Dworkin countered that the actions of councils are always advisory – in that context, it would be an improvement if the faculty and the administration vote together.

Parks said it would be better not to get the ITAR issue intertwined with the proposed joint councils issue – even if there were a larger committee, ITAR issues would still have to be dealt with.

Stewart cited several classified research projects FCR has approved in the past couple of years, which have all been approved. Does FCR have real veto power, or is this vote just passed on to someone else who could change it? Kiyak said the vote is informational and advisory. Zuiches said that is true, but if FCR rejected a project, she would not sign it.

Kiyak asked what would happen if the project meant survival to, for example, APL. Parks said anything major enough to be rejected by FCR would also trigger major reservations with Zuiches or with Craig Hogan.

Stewart said that the Classified Research subcommittee that reviews these projects has developed criteria for evaluating them. He would like to see these criteria added to a form the P.I. would fill out upfront and could just check off, so the information on classified or ITAR projects could be
available from the beginning. This would eliminate a lot of time and emails when the project came up for review.

Zuiches said she will be glad to meet with the subcommittee to draft such a form. Kiyak said this could be an agenda item for a future subcommittee meeting.

Zuiches commented that the Principal Investigator's best protection from ITAR is an open publication clause. If a project allows open publication, it does not come under ITAR. Zuiches again stressed that it is the P.I. who needs this protection, since the P.I. is personally liable for fines and jail time if they violate ITAR rules. There are one or more cases where a P.I. has gone to jail as a result of ITAR violations.

It was moved, seconded and passed to accept the text of Parks' May 18 document as a Council Resolution, as follows:

> Following the procedures expressed in the University Handbook, the Faculty Council on Research requests that all grants or contracts containing provisions that restrict participation in, access to, or dissemination of research be submitted for its review. This includes, but is not limited to, unclassified or non-proprietary agreements that contain restrictions on the nationality of those who may participate in the research, restrictions on who may have access to research facilities, and restrictions on publication or dissemination of research findings.

News from Washington D.C. : Barbara Perry, AVP & UW Director of Federal Relations

Kiyak introduced Barbara Perry, who directs the University's Federal Relations office in Washington D.C.

SERVICES: Perry said she started the D.C. office seven years ago, with a mandate to
- Monitor Federal legislation that affects the UW
- Help the UW with government relations
- Advocate for National Science Foundation and National Institute of Health grant monies
- Work with the AAU to develop strategies that support research
- Monitor congressional appropriations bills and related authorizing language
- Act as a one-stop-shopping conduit for Washington State's congressional delegation if they need witnesses, consultation, or other help
- Act as broker and advocate for legislation that specifically affects the UW

Perry described her work as brokering between the two Washingtons. She has been doing this kind of work for 32 years and can also help with such small but important things as providing UW visitors a place to leave their luggage on the way to the airport. Her office is the University's office in D.C., where FCR members could, for example, use the conference rooms for "rump sessions" when they are in D.C. attending a conference. Perry is also on the Seattle campus 10-12 days per month; her current Seattle office is in Cunningham Hall.

Stewart asked whether Perry's office provides lobbying services – she said it does, except in the case of "earmarking" issues that have to be worked out with the Dean of the appropriate school.

Vogt asked whether Perry's office has a Web page or newsletter – there is a newsletter, said Perry, and she will make sure FCR members get it via email.
**ISSUES:** Perry told FCR members that NIH has been engaged in a huge ramp-up (15% increases for the past 5 years), but that is dropping to 2% in the current budget. Congress has dug a huge deficit hole and does not seem to be shy about digging further to fund defense and terrorism concerns. On the other hand, they are reining-in domestic spending.

However, Congress does support and understand the value of basic research and that the UW is superior in health and technology. They will not savage those budgets, but the increases will be more modest.

Perry said it is useful for her to hear FCR grappling with the Homeland Security issues voiced earlier in today's meeting – any insights are welcome.

Dworkin said he was troubled by the increasing vetting of CDC and NIH appointees in terms of their political beliefs and philosophical issues such as abortion. This has never been a consideration in decades past, but now constitutes a litmus test for who gets appointed and who does not. Some people who are supposed to go off the boards have been asked to stay on until these kinds to litmus tests can be conducted with their replacements. Others have been removed without being told. Does the UW get involved in these kinds of issues, or come to anyone's defense if asked for help?

Perry has heard a little bit about this issue but did not realize how widespread it was. If she knows of things like this, she can ask that certain questions be aired at confirmation hearings. Dworkin will forward some professional association email he has on this issue.

Tolnay was concerned about the plans to outsource scientific review staff and program officers. Is this happening? Zuiches said it is happening – a solicitation went out to vendors for outsourcing NIH staff. Craig Hogan said this is similar to what NASA is doing. Zuiches said this will mean downsizing the NIH centers – grants administration across the board is being outsourced.

Perry said this has not surfaced in her circles, but maybe it should. Tolnay said program staff he works with are very concerned. Perry recommended he work with his professional association to draft a one-page position paper to summarize the concerns and write a letter to her and to Washington State congresspersons. In general, Perry said, we will be seeing large-scale changes in the way most scientific disciplines are funded. This is sure to cause changes in the way they are staffed.

Blake said that both public and academic libraries are concerned about the government's ability to secretly access citizens' circulation records under the USA PATRIOT Act. This is more far-reaching than any other law ever enacted. The measure is so draconian that librarians are breaking the law if they even talk to each other about how many records have been demanded. Book sellers are also caught up in this net.

Further, if an FBI agent walked into a lab and questioned any worker, that worker is prohibited from even telling their supervisor that they have been questioned. Coming to grips with this Act is a real civil liberties issue. In the current climate, said Perry, it is difficult to find anyone in Congress who will stand up and complain.

Kiyak thanked Perry for coming to FCR, and expressed appreciation for Perry's work and her offer to forward her newsletter to FCR members. Perry invited FCR members to contact her with their legislative-oriented needs and concerns.
UW Purchasing Dept. Customer Satisfaction Survey
Kahl presented a document with survey results, and said he would like to talk about the results at the next FCR meeting. He will be on the June 12 agenda.

Post Doc Concerns
Jarda Ruzicka said that the post docs are concerned because they are not allowed to receive career services – why is this? Parks said this is because they are not students. Kiyak said that recommendations from David Boulware's subcommittee should shed some light on this and can be reviewed at the next meeting. Ruzicka expressed concerns about the new salary floor for post docs as well. These topics can be discussed further at the next meeting.

The meeting was adjourned at 10:45. Minutes by Linda Fullerton, Recorder.