

IUPUI Faculty Council Committee Annual Report 2008-09

Committee Name: Research Affairs Committee

Chair: Charles Goodlett (Science)

Secretary: N/A

Members: (for 2008-09) Simon Atkinson (Medicine; Executive Committee Liaison), Vicky Champion (Nursing), Akin Ecer (Engineering & Technology), Jon Eller (SLA), David Ford (SLA), Dominique Galli (Dentistry), Richard Gregory (Dentistry), Robert Harris (Biochemistry), Alexander Its (Science), Robert Katz (Law), Mike Kowolik (Dentistry), Toni Laskey (Medicine; Pediatrics; Health Services Research), Laura Littlepage (SPEA), David Stocum (Science), Anna McDaniel (Nursing), Eric Wright (SPEA); Kody Varahramyan (Vice Chancellor for Research; Administrative Liaison)

Action Items:

Action Item(s)	Status
Discussed policy on distribution of the share of revenues resulting from development of intellectual property that is returned to a campus unit	In the spring 2009, approved a recommendation for revenue distribution that has been forwarded to the IFC President.
Met with John Talbott (Asst VP Research Administration) to review reorganization of Research Administration	Discussed ongoing reorganization of personnel and staffing of OVPRA, issues concerning the operation of compliance units, and the administration of pre- and post-awards by Contracts and Grants.
Met with Dr. John S. Applegate about plans for the VP for Research position	RAC members participated in the interviews for the VP for Research during the spring
Met with Dr. Craig Stewart, AVP for Research Technologies, to discuss the IU Information Technology Strategic Plan	Provided comments concerning the campus issues related to UITS plans.
During two meetings and in a subcommittee, discussed a proposal from members from the School of Engineer that the campus change its policy prohibiting research that is restricted by export control regulation. Sherry Oswald, J.D., Export Control Manager of the IUPUI Office of Research Administration and Eric Swank, Executive Director of the IU-Bloomington Research Compliance office, participated in these discussions with the committee.	The RAC, by a majority vote, approved a resolution that the IUPUI Faculty Council should proceed with an effort to seek a change in the IUPUI campus policy prohibiting research that is restricted by export control regulations. This has been forwarded to the IFC President for action this fall.

Action Items to be carried over to 2009-2010:

Action Item(s)	Status
Discussion of the process of evaluation of Signature Centers that will directed by VC Varahramyan, including need for external peer review, and contribution of the RAC to that process.	Recommendations about the process, content, and timeline of the evaluation of SCs were discussed in detail, and VC Varahramyan has incorporated the RAC suggestions into the process at is moves forward during 2009-10. Members of the RAC will participate in the Signature review process, and external peer review will be included.
Discussed concerns about review process and selection of campus-wide limited-submission applications for external funding.	Policies and procedures for campus wide review were clarified with the Vice Chancellor's office. Discussions about transparent and fair implementation of those policies will continue and will be communicated to the VC.
Discussed concerns about the selection process and policies for system-wide approval of proposals requiring President's signature.	No action taken. This may be brought up again by members with specific concerns.

Suggested new action items for 2009-2010:

Action Item(s)	Status
There is an ongoing campus committee charged by the Chancellor to evaluate the animal facilities, operations, and administration. It is chair by VC Varahramyan	Once the formal report is available, the RAC should provide its perspectives to the VC and the Chancellor.
Office of the Vice President for Research	Robert B. Schnabel was named as Interim Vice President for Research, and a search will proceed to fill the position. The RAC will invite Dr. Schnabel to attend a meeting this fall. It also will seek an active role in the renewed search.

The new IP policy adopted by the Trustees in May 2009 assigns a portion of IP revenues as follows:

c) Campus units that have been involved in the development of the intellectual property, such as departments in which the Creator holds FTE appointment, centers initiating or managing project contracts and grants, and the relevant school, shall share 15% of net revenues. Campus faculties shall develop policies governing the distributions of such revenues among campus units in a manner appropriate to the campus, and adhering to the principle that a unit's degree of direct engagement in intellectual property development shall be reflected in its share of revenues. These policies permit and encourage units that cooperate in support of projects that generate intellectual property to execute agreements in advance concerning distribution of the campus units' share of revenues.

RAC: Dominique Galli, David Ford, David Stocum, and Antoinette Laskey
 CAD: Victoria Champion, Hasan Akay, David McSwane, Mathew Palakal

The table shown below provides the recommended distribution of the 15% net revenues among the possible units. Each of the given columns refers to a possible case involving the presence or absence of one or more units. For example, the last column, for which the entries for departments and centers are left blank, corresponds to the case where no departments and centers have been involved, and the entire 15% of net revenues should go to the school.

Unit	% Net Revenue	% Net Revenue	% Net Revenue	% Net Revenue
Schools	5	5	5	15
Departments	5		10	
Centers	5	10		

Moreover, it is recommended that the units receiving the returned revenues use the given funds in support of the research, scholarship, and creative activity that produced it.

Additionally, if the conditions arise that result in the 15% of net revenues from section 3(b) to be assigned to the originating administrative unit, it is recommended that the distribution of the given revenue be determined based on the conditions defined in the above table.

April 23, 2009

RAC subcommittee report on the proposal to request a change in the IUPUI campus policy for performing research subject to export control regulations

The IUPUI campus, like the IU-Bloomington campus, currently prohibits any sponsored research that restricts publication or open communication of research results, including research activities or results that are restricted due to federal laws regulating the export of objects, software, or technology to foreign countries (referred to as Export Control). In contrast, the campus does currently accept sponsored research for which a non-disclosure agreement between the sponsor and the University governs restrictions on publication of proprietary materials or information used in the research, but which does not restrict publication of results (after a period of review by the sponsor). Export control research that is currently not permitted includes certain research or technology that can have dual use (commercial or defense) that is restricted due to national security reasons [regulated by the Export Administration Regulations (EAR)], or certain research involving defense or military applications [regulated by the International Traffic in Arms Regulations (ITAR)]. Currently on this campus, any export control research that requires restrictions on the publication or public dissemination of export control research is not permitted.

The School of Engineering and Technology (SET), a Purdue school within the IUPUI administrative structure, has requested that this campus policy be revised to permit faculty to engage in export control research that is subject to the regulations of ITAR or EAR, i.e., to accept restrictions on publication of research results or restrictions on the involvement of certain foreign nationals in this research. The prohibition against such sponsored research currently limits the SET faculty research (and potentially others as well), and puts them and the University at a disadvantage in developing engineering and technology research on this campus. Notably, Purdue University currently permits such restricted research, if the faculty member agrees to restrictions of the research that are regulated by ITAR or EAR, under the following stated guidelines:

The investigators will cooperate with Office of Research Administration staff to manage the specific export control issues. Management mechanisms include, but are not limited to the following:

- *A customized Technology Control Plan (TCP) that will outline the provisions for protecting the controlled technology and technical data such as physical/information security plans and end-of-project security measures;*
- *Export Control Training for all the personnel involved in the project;*
- *Personnel screening against Denied Persons Lists;*
- *Obtaining an export license from the appropriate federal agency, if required.*

This issue was discussed on Monday, April 20, 2009, by a subcommittee composed of Charles Goodlett, Robert Harris, David Stocum, Akin Ecer, and Hasan Akay, together with Sherry Oswald, J.D., Export Control Manager of the IUPUI Office of Research Administration and Eric Swank, Executive Director of the IU-Bloomington Research Compliance office. There was strong advocacy for adopting a change in the campus export control policy by the SET members (Akay; Ecer) to permit individual faculty to perform such research if both the faculty member and the Office of Research Affairs agree to the restrictions and develop a control plan to assure compliance. Concern was expressed by Harris that such restrictions on research run counter to the goals and practice of science, bring potentially very serious consequences for individuals and the campus if compliance is breached, and can interfere with the academic freedom and training mission for students involved in research in the laboratory of the faculty member. Both Goodlett and Stocum indicated that the current policy may be unfair to faculty willing to agree and comply with the regulations for such export control research but are denied such opportunities that are available in other universities, and that at the very least this issue should be re-evaluated by the IUPUI Faculty Council or campus as a whole. Goodlett particularly was concerned that faculty in the Purdue School of Engineering and Technology were prevented from pursuing research activities that are permitted and supported on the Purdue campus. Oswald indicated that her office is capable of devising and implementing proper compliance support and technology control plan for export control research, if the campus policy is changed to permit such research.

In view of these differing opinions, this subcommittee recommends that the full Research Affairs Committee should discuss and vote on the following proposal:

The IUPUI Faculty Council should proceed with an effort to seek a change in the IUPUI campus policy prohibiting research that is restricted by export control regulations, so long as the Office of Research Administration and the individual faculty member involved both agree to the restrictions and implement a plan appropriate to comply with restrictions as required by law.

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On May 4, 2009, the full Research Affairs Committee had an extended discussion of the proposal to have the IFC seek a change in the current policy prohibiting research that requires restriction on publication of results due to export control regulations. Sherry Oswald of the IUPUI Office of Research Administration and Eric Swank, Executive Director of the IU-Bloomington Research Compliance office, provided details of the policies and procedures associated with export control regulations and the role of the Office of Research Administration in overseeing compliance. After all members had full opportunity to present their viewpoints and engage in full debate, a vote was taken on the following:

The IUPUI Faculty Council should proceed with an effort to seek a change in the IUPUI campus policy prohibiting research that is restricted by export control regulations, [to permit such research] so long as

the Office of Research Administration and the individual faculty member involved both agree to the restrictions and implement a plan appropriate to comply with restrictions as required by law.

The vote was 10 yes and 3 no, with no abstentions. The RAC Chair will now report this vote to the IFC President that the IFC take this majority positive vote as a recommendation to pursue such a change in the IUPUI export control policy.