April 17, 2015

Joel Aberbach
Chair, Academic Senate

Re: Guidelines for Pilot Program to Accept Equity for Access to University Facilities or Services

Dear Professor Aberbach,

On behalf of the 2014-2015 Committee on Library and Scholarly Communication, I am writing to provide you with the membership’s feedback concerning the draft guidelines for the pilot program to accept equity for access to university facilities or services, reviewed at our meeting on April 6, 2015.

The Committee members agreed that this was an exciting idea, but raised a few concerns. Mainly, members inquired if this pilot program would also incorporate professional schools and self-supporting programs. We understand that this is a general guide but are also aware of the existence of privately funded programs, with donors, boards, and added levels of politics and interests. Who would have ownership over projects created by students in these schools and programs? Furthermore, what are the implications for the library system, infrastructure and desirable librarian skills intended for the new incubator spaces?

We thank you for the opportunity to review the draft guidelines. If you have additional questions, please do not hesitate to contact me at dsabean@history.ucla.edu, or via the Committee on Library and Scholarly Communication’s committee analyst, Elizabeth Feller, at efeller@senate.ucla.edu or x62470.

Sincerely,

David Sabean
Chair, Committee on Library and Scholarly Communication

cc: Leo Estrada, Vice Chair, Academic Senate Office
    Jan Reiff, Immediate Past Chair, Academic Senate Office
    Linda Mohr, CAO, Academic Senate
Elizabeth Feller, Committee Analyst, Committee on Library and Scholarly Communication  
Members of the Committee on Library and Scholarly Communication
April 28, 2015

To: Joel Aberbach, Chair
    UCLA Academic Senate

From: Miguel Unzueta, Chair
    Council on Research

Re: Draft Guidelines on Accepting and Managing Equity in Return for Access to University Facilities and/or Services

Dear Joel,

At its meeting on April 20, 2015, the Council on Research reviewed and discussed the Draft Guidelines. Members expressed concerns that not enough background and explanatory material was included with the draft especially considering the impact the guidelines will have on University resources. A suggestion was made to contact Tom Unterman who is a member of the Working Group for Westwood Tech Transfer, which has been addressing matters discussed in the Draft Guidelines. Members of COR proceeded to draft an initial review of the guidelines which were then presented to Unterman for review. The following was a result of that collaboration:

Highlights:

These draft guidelines follow President Napolitano’s decision to initiate a pilot program in which the university can and should accept equity in for profit companies for which a campus has provided incubator space or services (and presumably also intellectual property which has been an ongoing practice). The document presents a list of proposed rules that would guide campuses as to how such interactions are to take place.

The rules are proposed for the various campuses and seek to create a systematic and consistent approach, consistent with the university’s educational, research, and public service missions. They contemplate that each campus will identify a Designated Campus Manager (“DCM”) who is responsible for managing agreements (for UCLA this will presumably be Westwood Technology Transfer, the affiliate non-profit authorized by the Regents to carry on this function), as well as a campus conflict of interest committee.

Safeguarding’s are proposed to assure:
- Fair and full valuation of a campus’ contribution
- Legal issues prevent the use of space that is financed by tax-exempt bond
- University employees not influencing decision making if they have a financial interest in a participating company
- Avoidance of the conflicts and other issues involved in either (a) holding a control position or (b) exercising management direction and control
Each campus’ policy should be consistently applied for all companies, recognizing that valuation and the value of services will be different in each circumstance. The guidelines should be clear and accessible.

Ultimately, when a campus’ equity interest is converted to cash, the cash proceeds (including gain or reduced by loss) will be returned to the originating campus (or Lawrence Livermore lab, which is a special case). The section reads somewhat ambiguously, as the word, “Laboratory” is defined as ‘Lawrence Livermore’ but could be construed as the laboratory of the investigator. This wording should be clarified to avoid misunderstanding.

Several forms are provided for disclosures. They appear to have been well thought through, though an information link is provided to https://patron.ucop.edu/equity/equity.html, which is dead, and could not be visited. This should be fixed.

Appendix F is a helpful fact sheet, presumably provided for faculty that states the university policy in general terms and clarifies the intent.

A further concern raised by the Council involved the effect the guidelines may have on the ability of researchers to access existing space and resources on campus that may be committed to incubators or accelerators, both during the pilot program and afterwards, if the program is fully implemented.

Thank you for the opportunity to review and opine on the issue. Should you have any questions, please do not hesitate to contact me (x66570; miguel.unzueta@anderson.ucla.edu) or Academic Senate MSO|EA, Serge Chenkerian (x63802; schenkerian@senate.ucla.edu).

Sincerely,

Miguel Unzueta, Chair
Council on Research

cc: Leo Estrada, Vice Chair, Academic Senate
Jan Reiff, Immediate Past Chair, Academic Senate
Linda Mohr, CAO, Academic Senate
April 20, 2015

Joel Aberbach
Chair, UCLA Academic Senate

Re: Draft Guidelines for Pilot Program to Accept Equity for Access to University Facilities or Services

Dear Professor Aberbach,

The Council on Planning and Budget (CPB) discussed the draft guidelines for the pilot program to Accept Equity for Access to University Facilities and Services at its meeting on April 13, 2015.

We support the proposed administrative structure, whereby the university would become a shareholder of the intellectual property created on campus. The Council is pleased to register its full support for the proposed pilot program. Overall, members welcomed the idea and identify the three-year reevaluation period as sensible. The program is an important step in the right direction to attempt retaining intellectual property, which has not happened formally before.

Members suggest exploring what other universities are accomplishing in this area. Additionally, we encourage the development of a long-term professional relationship with students in the University. Every year, the university loses tremendous intellectual capital with every group of graduating students.

Thank you for the opportunity to review this revised proposal. If you have any questions for us, please do not hesitate to contact me at sears@issr.ucla.edu or via the Council on Planning and Budget’s Analyst, Elizabeth Feller, at efeller@senate.ucla.edu or x62470.

Sincerely,

David O. Sears, Chair
Council on Planning and Budget

cc: Leo Estrada, Vice Chair, Academic Senate
Jan Reiff, Immediate Past Chair, Academic Senate
Linda Mohr, Chief Administrative Officer, Academic Senate Office
Elizabeth Feller, Committee Analyst, Council on Planning and Budget
Members of the Council on Planning and Budget
April 28, 2015

To: Joel Aberbach, Chair
    Academic Senate

From: Alex Bui, Chair
    Graduate Council

Re: Draft Guidelines for a pilot program to accept equity for access to university facilities or services

At its meeting on April 3, 2015, the Graduate Council reviewed and discussed the draft guidelines for a pilot program to accept equity for access to university facilities or services. In general, members were supportive of a “pilot” program given the dramatic increase in research initiatives and enterprises at the university and the fact that the practice is already occurring in many capacities. Members still feel that the document should provide a more transparent background for these guidelines and have policies in place to prevent overuse of facilities by private companies, and/or their being given priority in utilizing those resources.

Thank you for the opportunity to review and comment. If you have any questions or comments, please feel free to contact me.

cc: Serge Chenkerian, MSO, Academic Senate
    Kyle Cunningham, Principal Committee Analyst, Graduate Council
    Linda Mohr, CAO, Academic Senate
April 28, 2015

Joel Aberbach, Chair
Academic Senate, Los Angeles Division

Re: Draft Guidelines for Pilot Program to Accept Equity for Access to University Facilities or Services

Dear Joel,

The Undergraduate Council (UgC), at its meeting on April 24, 2015, reviewed the draft guidelines for a Pilot Program to Accept Equity for Access to University Facilities or Services. In general, council members found the program to be outside of our purview. The council did wish to express a desire that undergraduate education be prioritized in the allocation of any additional funds generated from this pilot program. For example, revenues from the equity gained for access to University facilities or services could be earmarked for undergraduate scholarships.

If you have any questions, please contact me (x69449; jwg@chem.ucla.edu) or Undergraduate Council Analyst Matt Robinson (x51194; mrobinson@senate.ucla.edu).

Sincerely,

Jim Gober, Chair
Undergraduate Council

cc: Serge Chenkerian, MSO/Executive Assistant, Academic Senate
    Linda Mohr, CAO, Academic Senate
    Matt Robinson, Committee Analyst, Academic Senate
MEMORANDUM

FACULTY EXECUTIVE COMMITTEE
College of Letters and Science

A265 Murphy Hall
Box 951571
Los Angeles, California 90095

To: Joel Aberbach, Chair, Academic Senate
Fr: Joseph Bristow, Vice Chair, College Faculty Executive Committee
Date: April 27, 2015
Re: College FEC response to draft guidelines for equity for access to facilities and services

The College FEC appreciates the opportunity to review the draft of the Guidelines on Accepting and Managing Equity in Return for Access to University Facilities and/or Services. The committee reviewed the draft document at its meeting on April 24, 2015. We were grateful to Professor William Ouchi for making a brief presentation on the draft guidelines. He provided us with a clear overview of the reasons why our campus needs a pilot program that provides UCLA with equity of access to facilities and services whenever resources such as laboratories are used to support entrepreneurial innovation.

While there were no major issues with the pilot program as drafted, the committee was interested in learning what steps the campus might take in providing a network to support faculty as they pursue these entrepreneurial endeavors. The "Summary of Some Material Issues for Campus and Laboratory Consideration" in Appendix F does help to articulate some issues for consideration. However, it is our hope to see opportunities for faculty to obtain additional guidance on how to work with corporations. A system to help faculty nurture initiatives that exist at our peer institutions will be a welcome addition.

There were two other points that our FEC representative raised in our discussion. The first observation was the degree to which activities that involve partnerships with industry might take much-needed laboratory space away from our students, especially at a time when space for instruction and learning is at such a premium on our campus. The second comment related to Professor Ouchi’s assurance that the board of industrialists that oversees the Westwood Technology Transfer company has been “scrubbed clean” of any conflict of interest with the development of marketable products developed on our campus. It was, we concluded, important to inform the campus community that the advisory board cannot at any point have a vested interest in the products whose development they have generously shepherded through the pilot program.

As always, our membership appreciates the consultative process and welcomes the opportunity to opine on important matters like this. You are welcome to contact me at jbristow@humnet.ucla.edu with questions. Mitsue Yokota, Academic Administrator, is also available to assist you and she can be reached at (310) 794-5665 or myokota@college.ucla.edu.

cc: Lucy Blackmar, Assistant Vice Provost, Division of Undergraduate Education
    Serge Chenkerian, MSO/Executive Assistant, Academic Senate
    Christina Palmer, Chair, Faculty Executive Committee
    Linda Mohr, Chief Administrative Officer, Academic Senate
April 24, 2015

Joel Aberbach, Chair
The Academic Senate

Dear Chair Aberbach,

The Committee on Instruction & Technology was recently asked to review and provide feedback on the UC Policy on Copyright and Fair Use. We apologize for the delay in responding.

At our meeting on April 8, and in subsequent email correspondence, members of the committee considered the policy at length. The members of CIT were unanimous in our support for such a policy at the system-wide level, and applaud the efforts of those who were intimately involved in crafting the current proposal.

Of particular concern to members of the committee was the absence of discussion of rich media in the policy document. Several members expressed surprise to see that this final version was so heavily weighted towards textual fair use. In the 21st century academy, professors, instructors, teaching assistants, graduate students, undergraduates and staff regularly use and cite a variety of rich media sources including music, still images, and moving images, and even three dimensional virtual models.

Consequently, we believe that the UC Statement should include at least a paragraph or two on the importance of the scholarly community – in its broadest sense – having access to rich media as part of their research, teaching and service missions, and that the UC should proactively protect (rather than simply react to objections to) the scholarly community’s fair use of rich media in academic contexts.

Fortunately, there is much guidance from various scholarly societies that deal with the use and analysis of rich media, including the American Musicological Society, the College Art Association, and the Society for Cinema and Media Studies. There are no doubt many more thorough arguments for fair use of rich media, but for brevity's sake we include URLs for the statements of these three societies:

- College Art Association, [http://www.collegeart.org/fair-use/](http://www.collegeart.org/fair-use/)

We offer these comments to assist with the development of this important policy.

On behalf of the Committee on Instruction & Technology,

Timothy R. Tangherlini
Chair