THE UNIVERSITY OF MICHIGAN

REGENTS COMMUNICATION

Received by the Regents
July 21, 2006

ITEM FOR INFORMATION

Subject: Implementation of the Regents' Policy on Research Grants, Contracts, and Agreements, FY04 & FY05

A. The Regents' Policy

In April 1987 the Regents approved a policy on research grants, contracts, and agreements to replace the previous policy on classified research. The policy requires that the Vice President for Research, after an annual consultation with the Senate Assembly Research Policies Committee, provide the Regents with a report on its implementation.

B. Implementation Procedures for the Regents' Policy

The Vice President for Research has promulgated implementing procedures for the Regents' Policy. These procedures:

a) Define three categories of restrictions on openness of research: "standard," "non-standard," and "classified."
b) Impose no special justification and documentation requirements for sponsor-imposed restrictions falling within the defined set of "standard restrictions."
c) Require explicit documentation, review, and approval for acceptance of a research award containing "non-standard" or "classified" restrictions.

Modifications in the definition of non-standard restrictions have been made over the years in consultation with the Senate Assembly Research Policies Committee.

C. The Role of Contract Negotiators in the Division of Research Development and Administration (DRDA)

Negotiations with prospective sponsors, particularly those in the private sector, frequently encounter terms and conditions in the initial contract negotiation documents that are not in keeping with Regental policy.

During FY04, the University processed 595 proposals to for-profit entities for research funding (13% of total research proposals). Four hundred twenty seven (427) were funded. During FY05, the figure was 621 proposals (14% of total). Four Hundred and eight (408) were funded.

Our contract negotiators have become very adept at interacting with these sponsors and have been very successful at removing non-standard restrictions, such as provisions for sponsor approval for release of research results. If our contract negotiators cannot remove non-standard or classified restrictions and the proposed PI still wants to proceed, s/he prepares a description of the restriction and a justification for why acceptance will not unduly constrain the research and educational environment. The justification must be reviewed and approved by the department chair, the dean, and ultimately by the Vice President for Research.

D. Experience during FY04 & FY05

In FY04, the Vice President reviewed thirteen (13) new requests for approval of contractual restrictions on openness from five different academic units. These requests represented 0.3% of the 4,492 proposals submitted and 0.7% of the 1,871 awards accepted during that same period.

Requests to the Vice President for Approval of
Contractual Restrictions on Openness During FY04

Non-Standard Restrictions		Classified Restrictions	
Requested:	13	Requested:	0
Approved:	11	Approved:	0

In FY05, the Vice President reviewed seventeen (17) new requests for approval of contractual restrictions on openness from five different academic units. These requests represented 0.4% of the 4,506 proposals submitted and 0.9% of the 1,824 awards accepted during that same period.

Requests to the Vice President for Approval of
Contractual Restrictions on Openness During FY05

Non-Standard Restrictions		Classified Restrictions	
Requested:	17	Requested:	0
Approved:	17	Approved:	0

E. Summary reports covering FY88-FY05

Yearly since FY88, the Office of the Vice President for Research reported on the requests for acceptance of non-standard or classified restrictions that have been submitted to the Vice President for review and approval.

Requests to the Vice President for Classified and Non-Standard Restrictions Compared with
Proposal and Award Activity FY88-FY05

			Non-Standard Restrictions		Classified Restriction	
	Proposals	Awards	Requested	Denied	Requested	Denied
FY 88	2287	1949	16	1	2	0
FY 89	2812	1666	6	0	5	0
FY 90	2904	1551	11	0	1	0
FY 91	2807	1513	18	0	5	0
FY 92	3078	1641	8	0	4	0
FY 93	2939	1494	7	0	1	0
FY 94	3141	1532	9	0	4	1

			Non-Standard Restrictions		Classified Restriction	
	Proposals	Awards	Requested	Denied	Requested	Denied
FY 95	3054	1545	9	0	1	0
FY 96	3048	1533	9	1	0	0
FY 97	3171	1656	10	0	1	0
FY 98	3063	1619	10	0	0	0
FY 99	3329	1600	6	0	0	0
FY 00	3459	1713	9	1	0	0
FY 01	3529	1700	6	0	0	0
FY 02	3538	1715	15	0	1	0
FY 03	3899	1711	11	1	0	0
FY 04	4492	1871	13	2	0	0
FY 05	4506	1824	17	0	0	0

The picture for FY04 and FY05 is very similar to that seen in previous years. The number of requests for classified research has been 1 or fewer for the last 11 years. The number of non-standard restrictions still constitutes a very small and relatively stable proportion of research agreements proposed or accepted by the University.

F. Observations on the Operation of the Policy

The Regents' Policy requires that the Vice President consult with the Senate Assembly Research Policies Committee (RPC) each year on the implementation of the policy. The RPC consultation for FY04 occurred on May 20, 2005. The RPC consultation for FY05 occurred on May 5, 2006. At both meetings my staff provided an account of how the implementation process works and answered questions about the considerations taken into account by the Vice President in deciding to approve specific requests. The committee explicitly supported OVPR's implementation of the Regents' Policy for FY04 and FY05.

Respectfully submitted,

Stephen R. Forrest
Vice President for Research

July 2006