

The Chair asked Mr. Block, Vice President and Provost, to present the Agenda.

The first two items on the Agenda were Consent items, both of them Conflict of Interest exemptions. The first involved sponsored research contracts with Medical Predictive Science Corporation, a biotechnology company in which two members of the faculty of the Medical School own more than three percent of the company's equity. The second also involved Medical School sponsored research contracts, but with JKM Technologies, LLC, in which a member of the faculty of the School of Medicine owns more than 3 percent of the company's equity.

The following resolutions authorizing the Conflict of Interest exemptions, were approved by the Committee and recommended to the full Board for approval:

CONFLICT OF INTEREST EXEMPTION (MEDICAL PREDICTIVE SCIENCE CORPORATION)

WHEREAS, the University of Virginia wishes to enter into sponsored research contracts with Medical Predictive Science Corporation (MPSC), for developing systems for heart rate variability measurement and analysis; and

WHEREAS, Pamela M. Griffin, M.D., and Randall J. Moorman, M.D., have disclosed in advance their equity interests of eight percent each, in the Medical Predictive Science Corporation; and

WHEREAS, the University's entry into research agreements with Medical Predictive Science Corporation would thereby expose Drs. Griffin and Moorman to violation of the Virginia Conflict of Interests Act unless approved by the Board as permitted by §2.2-3106(C) (7) of the Code of Virginia;

RESOLVED that the conflict of interest of Pamela M. Griffin, M.D., and Randall J. Moorman, M.D., is approved by the Board of Visitors in order to permit the University to enter into agreements with Medical Predictive Science Corporation, for research funding for the development of systems for heart rate variability measurement and monitoring; provided, as specified by the law, Drs. Griffin and Moorman file the required annual disclosure statement of personal interests in Medical Predictive Science Corporation, the University files the required annual report concerning the contracts with the Secretary of the Commonwealth, and the relevant department chair vigilantly oversees application of University resources in the best interests of the University and in accordance with policy.

CONFLICT OF INTEREST EXEMPTION (JKM Technologies, LLC)

WHEREAS, the University of Virginia wishes to enter into sponsored research contracts with JKM Technologies, LLC, to test the biomechanical and physiological effects of several shoe prototypes; and

WHEREAS, D. Casey Kerrigan, M.D., has disclosed in advance her equity interests of 100 percent, in JKM Technologies, LLC; and

WHEREAS, the University's entry into research agreements with JKM Technologies, LLC, would expose Dr. Kerrigan to violation of the Virginia Conflict of Interests Act unless approved by the Board as permitted by §2.2-3106(C) (7) of the Code of Virginia;

RESOLVED that the conflict of interest of D. Casey Kerrigan, M.D., is approved by the Board of Visitors in order to permit the University to enter into agreements with JKM Technologies, LLC, for research funding for the testing of the biomechanical and physiological effects of several shoe prototypes; provided, as specified by the law, Dr. Kerrigan files the required annual disclosure statement of personal interests in JKM Technologies, LLC, the University files the required annual report concerning the contracts with the Secretary of the Commonwealth, and the relevant department chair vigilantly oversees application of University resources in the best interests of the University and in accordance with policy.

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The next item, a regular Action Agenda item, also was related to Conflict of Interest matters. Mr. Block asked Mr. David Hudson, Associate Provost for Research, to explain the proposed resolution.

Mr. Hudson told the Committee that the General Assembly at the last Session had passed legislation giving the Board of Visitors authority to delegate to the President of the University the responsibility for approving Conflict of Interest exemptions of the sort just voted on by the Committee. The proposed resolution, Mr. Hudson said, would cover this delegation.

On motion, the Committee approved the following resolution and recommended it to the full Board for approval:

DELEGATION OF APPROVAL AUTHORITY TO THE PRESIDENT WITH REGARD TO
EMPLOYEE PERSONAL INTERESTS IN CONTRACTS FOR RESEARCH AND
DEVELOPMENT OR COMMERCIALIZATION OF INTELLECTUAL PROPERTY

WHEREAS, Virginia Code § 2.2-3106 was recently amended to allow delegation to the President the authority to approve a waiver of the Virginia Conflict of Interests Act (the "Act") related to a contract for research and development or commercialization of intellectual property between the University and a business in which a University employee has a personal interest; and

WHEREAS, Virginia Code § 2.2-3106(E) requires that any such delegation be made a part of the University's policy, mandated by Virginia Code § 2.2-3106(C) (7) (iii), governing the waiver of such conflicts; and

WHEREAS, the Board wishes to delegate such authority to the President of the University;

RESOLVED that the President of the University pursuant to Virginia Code § 2.2-3106(E), is delegated the authority to approve waivers of the Virginia Conflict of Interests Act as it applies to contracts for research and development or commercialization of intellectual property between the University and a business in which a University employee has a personal interest. In evaluating requests for waivers and exercising the authority granted hereunder, the President shall comply with the Act and the University's policy on Conflict of Interests. This delegation shall be effective until revoked by the Board. The University Comptroller shall revise the policy as necessary to incorporate (i) this delegation of authority to the President and (ii) the requirements imposed by Virginia Code § 2.2-3106(E) in the event of such delegation.

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The Provost then gave his customary report.

He described briefly a pilot program conducted over the summer for incoming athletes and students at risk. The program enrolled 22 students, of whom 13 were athletes, who were suggested by the Admissions Office. Students were in two classes, one of which taught them study skills. Eight graduate students assisted in the program.

Ms. Dorsey asked the Provost to give a report to the Committee after the first semester on the students' work in their regular classes.

The Provost announced the appointment of three vice provosts, thus completing the staffing of his office. The three are Dr. Leigh Grossman, a professor in the Department of Pediatrics and Chief of the Division of Pediatrics Infectious Disease, who has been named Vice Provost for International Affairs. Dr. Grossman will assume her new duties in January; Mr. William Quandt, the former Vice Provost, has agreed to continue until then. Ms. Gertrude Fraser, Associate Professor of Anthropology, will become Vice Provost for Faculty Advancement in January. Mr. Milton Adams, Professor of Biomedical Engineering and an Associate Dean in the School of Engineering, has been appointed Vice Provost for Academic Programs.

A study on diversity in graduate education, the report of a group brought together by Dr. Gomez and Mr. Harmon, is now in draft form.

Following the report given by Dr. Hamner on the University's intellectual property/commercialization activities, given at the May meeting of the Committee, the Provost said he has discussed these issues with Mr. Crutchfield and Mr. MacWright, the Director of the Patent Foundation. He will appoint an outside committee to visit Charlottesville and evaluate all University activities and offices involved in the letting of industrial contracts and the licensing of intellectual property. He hopes to be able to report on this study at the January meeting of the Committee.

The Provost and Dr. Gomez next led a discussion on scientific research at the University.

They opened by posing the question, "Why invest now in science and technology programs?" Among the answers they suggested were enhanced opportunities for students and faculty at the University, improved national visibility of the University's research efforts, and the economic benefits to the state. Referring to the recent *US News & World Report* ratings, they noted that while the University ranks first among public institutions and 21st overall among all American universities, our ranking is only 49th in total R&D expenditures. The School of Medicine ranks 27th in the country in research and the School of Engineering 38th. In Arts & Sciences, Biology is 36th, Chemistry 47th and Physics 38th.

As to goals, Dr. Gomez and the Provost posed the question, "Where do we want to be in 10 years?" They answered, "internationally recognized leader in targeted areas of science and technology, at least 10 science/engineering programs in the top 10 of NRC/NIH rankings, and at least 10 new National Academy

members." The latter goal, they noted, is a reflection of interesting research programs at an institution.

In order to meet these goals, they said that over the next five years, the University should recruit 10 National Academy-level faculty teams, continue to recruit and retain exceptional junior faculty, insure competitive compensation for outstanding faculty, and attract the best graduate students. To sum up, the University must attract superstars who in turn will attract others.

As for buildings over the next five years, the University - particularly the Medical School - is desperately short of research space. The Provost proposed three projects: an advanced research and technology facility to house new faculty (at a cost of \$15million); a Materials Science and Nanotechnology Building at \$38.9million; and Medical Research Building 6 (MR-6) for \$60.8million. Over ten years, there should in addition be an Engineering Information Technology Building at \$30million and a Life Sciences Building at \$53million.

To sum up, the Provost and Dr. Gomez said that over the next five years, it would cost \$50million to recruit ten "National Academy caliber" faculty teams, \$60.8million for MR-6, and \$15million for an Advanced Research and Technology facility. Mr. Sandridge noted that this would be a \$125million investment over the next five years.

Mr. Wynne observed that this is a good time to borrow money. Several Members emphasized the importance of good publicity in making known both the University's accomplishments in research and its needs. Ms. Dorsey said that someone experienced in marketing as well as in communications should be involved in these efforts.

When called upon to comment, Dr. Garson said strategic planning for achieving the Medical School's goals has been done and the School is striving to be among the top 20 in the country. Mr. Miksad, Dean of the School of Engineering, said the efforts proposed by the Provost are vital for his school. Mr. Ayers, Dean of Arts & Sciences, said there is a need in Arts & Sciences to build up the junior ranks in the science faculties - around 25% of the current faculty were hired before 1970.

The Chair said he would try to set shortly a meeting of the Committee after the October Board of Visitors meeting and before Christmas.

On motion, the meeting was adjourned at 3:50 p.m.

AGG:lah

These minutes have been posted to the University of Virginia's Board of Visitors website.

<http://www.virginia.edu/bov/educationalminutes.html>