

**ANNUAL REPORT of the COUNCIL on SPONSORED ACTIVITIES  
2001-2002**

The Council met three times during the past academic year; November 26, 2001, March 13, 2002, and May 29, 2002.

Members were:

Julie Dolan alt. VP/Treasurer; Robert Donin, General Counsel; Robert Greenberg, DMS, Chair; Robert Hansen, Tuck; Todd Heatherton, Psychology & Brain Sciences; William Hickey, DMS; Richard Howarth, Environmental Sciences; Edwin Johnson, VP/Treasurer; Rob McClung, Biology; Erland Schulson, Thayer; Martin Wybourne, Physics/Dean's Office; and Charles Wyman, Thayer.

The Council had a full agenda this past year. At the November meeting a motion was made and carried to make the General Counsel or his designee to a standing member of the CSA. The Chair forwarded a letter to the President to ask him to bring it to the Steering Committee of the General Faculty and then to each of the faculties for their consideration.

**Compliance**

The Compliance Assurance Advisory Committee (CAAC) Chaired by John Carfora reported that they have created a website to assist them in their efforts to create an awareness within the Dartmouth community of issues related to compliance. Dartmouth is well positioned as a result of the work of the CAAC and has been cited as a model for other universities by federal officials. The CAAC reports to the Vice Provost and the CSA.

The CAAC invited Dr. Lawrence Rhodes, Director of NIH's Office of Research Integrity to visit the College in October 2001. Dr. Rhodes made two presentations: one in Borwell and the other on the Hanover campus. He also spoke to a class of DMS graduate students. His presentations focused on the issue of scientific misconduct and how his office manages its program to deal with it.

With John Carfora's departure to Boston College, William Hickey has offered to be interim chair of this important group.

**Functions of the CSA**

At the November meeting each member was given an excerpt from the Organization of the Faculty of Arts & Sciences Dartmouth College handbook which describes the functions of the Council.

They are:

To propose and endorse internal policies regulating the activities sponsored by agencies outside the College.

To propose and endorse institutional positions in response to policies of external sponsoring agencies as they affect the College.

To review periodically the scope and impact of sponsored activities in relation to institutional purposes.

To propose and endorse institutional policies with regard to patents, copyrights, technology transfer, and the like.

To submit a report to the General Faculty at the end of each academic year.

The Chair noted that Function #3 states that the Council review periodically the scope and impact of sponsored activities in relation to institutional purposes. He commented that this function has not been addressed lately and should be. Dr. Greenberg asked that John Kavanagh report on this issue at the next CSA meeting.

At the November meeting two subcommittees of the CSA were established. The first, the CSA Subcommittee on Restrictions Concerning the Disclosure of Research was created to review issues pertaining to the perception that sponsor-imposed restrictions on the disclosure of research results were becoming more pervasive. The members of that subcommittee are: William Hickey, DMS; Robert Donin, General Counsel's Office, Chair; Erland Schulson, Thayer; Chip Cobb, ISTS; Nancy Wray, Grants & Contracts; and John Kavanagh, Grants & Contracts.

The second subcommittee, the CSA Committee on Conflict of Interest, was established to review the College's Conflict of Interest policies with the hope that it can be improved and also coordinated with the policies of the hospital and the clinic. The members are Robert Greenberg, DMS, Chair; Charles Wyman, Thayer; Todd Heatherton, A&S; Robert Donin, General Counsel's Office; Nancy Wray, Grants & Contracts; and John Kavanagh, Grants & Contracts.

In March John Kavanagh distributed two lists to the members to help define how the CSA will meet its obligation as defined in Function #3. The first list contains six recommendations for the Council to consider.

Review the College's mission statement as it relates to research/sponsored activities.

Define the role of the Office of Grants & Contracts relative to College's mission, goals and priorities.

Identify core research programs and support services the College should consider in planning for future growth.

Identify research trends both internal and external, and determine what we need to do to take advantage as these changes occur.

As part of the process described in recommendation #4 identify the College's strengths and weaknesses as they relate to a changing environment for sponsored research.

Make recommendations to senior officers to assist them in allocating resources to support the research enterprise.

The second list identifies issues that should be within the domain of the CSA and will be topics for the Council to consider for the foreseeable future. They are not listed in order of importance nor are they to be considered all encompassing.

We have concerns with the increase in restrictions placed on sponsored research by funding agencies. These include restrictions on the right to publish, restrictions on foreign nationals access to research data, restrictions on our rights to the retention of our data and attempts to limit our rights to our intellectual property.

We need to be aware of our status as a not-for-profit entity and what actions or activities could erode that tax status.

We need to define who can be a Principal Investigator and who can submit proposals and receive awards in the name of the Trustees.

We need to foster the transfer of knowledge for the public good in accordance with the precepts of good science and federal regulations.

We need to monitor internal policies that affect research particularly conflict of interest, conflict of commitment and misconduct in science.

We need to consider the use and appropriateness of appropriated funds ("earmarking") and its role in supporting research at the College.

We need to be informed on compliance issues and provide guidance to the committee charged with responsibility for keeping the College from violations of compliance regulations.

We need to maintain an awareness that cost sharing is real cost to the institution and assist in getting that information out to all faculties.

### **Patriot Act**

At the fall meeting of the CSA Michael Blayney and Nancy Wray briefed the members on the Patriot Act, which was passed by Congress on October 26, 2001. One part of the Patriot Act concerns the control of biotoxins used in research (e.g., the equine encephalitis and ebola viruses, and the anthrax bacteria), often referred to as "select agents." Since 1996, the

Department of Health and Human Services has had statutory authority to promulgate and enforce regulations to protect against unauthorized access to select agents while ensuring their availability for legitimate research purposes. The Patriot Act strengthens this authority. The statute criminalizes possession of such select agents except for medical or clinical purposes, or for bonafide research. In addition, it prohibits possession by "restricted persons" including, e.g., illegal aliens, citizens of countries that sponsor terrorism or people dishonorably discharged from the U.S. military.

The Patriot Act, and other restrictions that the federal government is reportedly considering with respect to access to "sensitive" research by foreign nationals, raises concerns that the federal government will want greater access to foreign students' records. Concerns were raised by members with respect to the recruitment and use of foreign graduate students, faculty and others on research projects. Bob Donin offered the services of his office to review the legislation and report back to the Council.

At the May 2002 CSA meeting Ellen Arnold from the Office of the General Counsel, and Michael Cimis and Lisa Tiraboschi from Environmental Health and Safety made presentations to report on the impact of the Patriot Act on the College. They stated that the Act impacts Dartmouth in four areas:

Privacy and student records

Information technology

Environmental health and safety

Student and exchange visitor information

The Act enables federal law enforcement officials to gain access to information in these four areas more quickly than in the past. Additional information on the Patriot Act and its impact on the College can be obtained from the Office of Grants& Contracts.

The Department of Environmental Health and Safety has initiated a survey of College labs to determine what agents are being used or stored to determine if any select agents are present on campus. A letter from the Provost has gone out to ask faculty to assist in making that determination. Once the survey has been completed a procedure for registering the materials will be established.

### **Policy on the Acceptance of Equity in Academic- Industry Collaborations**

The Council approved a policy on equity that was presented to them by the Committee on Equity and Entrepreneurial Activities. Bob Donin chaired that committee. A copy of the policy and Bob Donin's letter to the President's Executive Committee which highlights the key points in the policy are attached to this Annual Report.

As described in Bob Donin's letter to the PEC the Equity policy has three purposes:

To make clear that the College may, on a case by case basis, accept equity as full or partial consideration for its contribution to ventures with industry, subject to appropriate approvals.

To establish the basis on which equity received by the College in covered transactions will be shared among various units of the College and the individual creators (generally faculty).

To establish policies and procedures to avoid institutional conflicts of interest and insider trading.

The CSA approved the Equity Policy and recommended that it be approved by the President's Executive Committee.

### **Sponsored Activities Awards and Proposals for FY 2002.**

The College had another remarkable year of growth in sponsored activities with an increase of 22% in the dollar value of awards received in Fiscal Year 2002 compared to FY 2001. This is the second year in a row we have had increases of more than 20%, compared with increases in the two prior years averaging 13.5%. The total amount of awards received this past year was **\$156.95 million**, an increase of **\$28.74 million** over last year's total of **\$128.2 million**.

Attached to this report is a copy of the Executive Summary of the Grants & Contracts's Annual Report which provides additional information with graphs showing where the growth occurred. The Medical School total was \$111.7 million compared to \$80.8 million in 2001, an increase of 38%. The Office of the Provost showed an increase of 31%, from \$8.5 million in 2001 to \$11.2 million in 2002. Offsetting these increases, both the Faculty of Arts and Sciences and the Thayer School of Engineering showed decreases. Arts and Sciences dropped from \$19.3 million in 2001 to \$17.6 million in 2002 (-8%). The Thayer School fell 12% from \$15 million in 2001 to \$13.3 million in 2002.

Faculty engaged in sponsored activity submitted 1012 proposals to external funding agencies with a requested dollar value of \$240.7 million. This was the first year we submitted more the 1000 proposals. All areas of the College showed an increase in proposal activity. A breakdown by area can be seen in the Executive Summary.