



UNIVERSITY OF HAWAI'I SYSTEM

TESTIMONY

HCR 238 / HR173
Urging the University of Hawaii to Abandon the
University Affiliated Research Center

Testimony Presented Before the
House Committee on Higher Education

March 29, 2005

By

Dr. Gary K. Ostrander
Vice Chancellor for Research and Graduate Education
University of Hawai'i at Mānoa

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Chair Tommy Waters and Members of the Committee on Higher Education:

Thank you for the opportunity to testify this afternoon on HCR 238 / HR 173.

The University of Hawai'i at Mānoa, was recommended as the fifth University Affiliated Research Center (UARC) of the Navy in July of 2004. This is the first UARC that the United States Navy has designated within the last 58 years. The other four designated UARCs are: the Applied Physics Laboratory at Johns Hopkins University, the Applied Research Laboratory at the Pennsylvania State University, the Applied Physics Laboratory at the University of Washington, and the Applied Research Laboratories at the University of Texas at Austin. The impetus for the recommendation was the growth in the quality and quantity of research at the University of Hawai'i at Mānoa that was of interest to the Navy. In Fiscal Year 2004 the University of Hawai'i received \$54 million dollars in sponsored research from the Department of Defense. The proposed UARC represents a unique funding opportunity for the University of Hawai'i at Mānoa. It will allow us to further enhance our research profile in areas that we have demonstrated excellence and in doing so will broaden the base of support for the research enterprise.

The resolutions before you today appear to be based on either inaccurate information or information that has changed since the University first considered the UARC initiative. I respectfully offer the following updated information relative to the UARC to inform the discussion.

The Memorandum to the Board of Regents for Approval to Establish the Applied Research Laboratory – University of Hawai'i at Mānoa (ARL-UHM) reads “The start-up cost for the ARL-UHM is estimated to be in the range of \$1.5 to \$2.0 million per federal fiscal year (October 1 - September 30). The total estimated start-up budget includes staff-up, facilities and other operational expenses (as more fully set forth below)”. The memorandum also reads “It is expected that the ARL-UHM will become self sufficient in its 4th or 5th year of operation”. The start-up investment in the proposed UARC is currently projected to be between \$1.5 million and \$3.5 million from the University's Research, Training Recovery Funds over the next three years. The exact amount depends on the staffing plan, facilities requirements, and upgrades to University laboratories to perform the necessary research. The office of the Vice President of Research has

committed \$500,000 and the Office of the Chancellor has authorized up to \$1 million per year for three years toward these costs. This initial investment is in line with similar investments that the campus has made in the past towards the financing and establishment of research initiatives, programs and centers that benefit the research productivity and infrastructure at the University of Hawai'i at Mānoa. The resolution implies that the University would be investing \$6,000,000 to \$8,000,000 in start-up funds. This will not occur.

The resolution implies that University researchers and students are “prohibited from applying for certain other kinds of grants, thereby further limiting access to both public and private funding” which is misleading. The Navy-sponsored UARCs and participating faculty can also compete for research, science and technology work through broad agency announcement advance notices, or similar announcements of opportunities as is currently the case for many of our faculty. In addition, the UARC designation does not preclude faculty participation from existing funding mechanisms (e.g., NIH, NSF, NOAA, private foundations, state agencies, etc.).

The resolution states the University of Hawaii plans to sign a contract with the United States Navy to create a UARC in the second quarter of 2005. The University of Hawaii is still under the fact-finding stage with the Navy relative to the contract. This step must be completed before contract negotiations can begin. The University will conduct full consultations as directed by the Board of Regents before the contract is submitted to the Board of Regents for their final decision.

The proposed UARC will have no dedicated building or research facilities. The University will lease a small administrative space at the Mānoa Innovation Center that will house the core administrative personnel. No classified military research will be generated at the Manoa Innovative Center adjacent to Noelani Elementary School.

According to BOR policy 5-15d, the Managerial Group that oversees existing classified research for the University of Hawaii is: the Secretary of the Board of Regents, Vice President for Legal and University General Council, Vice President for Administration and Chief Financial Officer, Vice President for Research, Vice President for Academic Affairs and Chief University Information Officer. Recognizing that research is a faculty enterprise, regardless of the University's organizational structure and titles at any point in time, the “Managerial Group” should always include the senior academic administrator responsible for University research. This is the current practice for all of the University's classified research and will continue to be unless the Board of Regents changes the policy.

The resolution implies that policy 5-15e governs the UARC. This is not precise. Board of Regents policy 5-15e governs classified research in existence currently at the University. If the UARC has a research project that is classified, then the same policy will apply to such a project. Furthermore, the resolution implies that the Board of Regents cannot affect the “policies or practices in the performance of classified contracts from the Department of Defense” when in reality they establish the policies by which the University has oversight on classified research.

There have been significant discussions and deliberations around the UH-Mānoa campus on classified research. As these discussions are concluded, and if there are changes in existing policies regarding classified research, the administration will work with the faculty and the Board of Regents to develop/formalize UARC-related policies. These policies will protect the rights of faculty members to make a choice as to the research they decide to pursue as well as the right to refuse participation.

The resolution appears to misquote the UH Mānoa Faculty Senate by stating that the Senate opposed “the development of more classified research...”. The resolution on classified and proprietary research recently passed by the UH Mānoa Faculty Senate states: “Be it resolved that the Mānoa Faculty Senate affirms that the University of Hawaii at Mānoa support only research for which there is a reasonable expectation that timely publication of the results of the research will not be restricted by its sponsor.”

The UARC will leverage the research facilities of the Mānoa campus for conducting unclassified research. If classified work were to be performed under this contract, we would work with the faculty involved to use any of the Department of Defense facilities in the State or the mainland that is equipped to do so, rather than establishing another facility.

A number of public hearings have been scheduled,

- April 6 at 2:00 p.m. in the Architecture Auditorium
- April 7 at 3:00 p.m. in the Architecture Auditorium
- April 21 at 3:00 p.m. in the Architecture Auditorium

Additionally, the Mānoa leadership has begun a number of consultations with:

- Undergraduate students
- Graduate students
- Mānoa Faculty Senate
- Mānoa Faculty Congress
- Native Hawaiian organizations
- Legislators
- Community members
- Industry representatives and
- Business groups
- Unions

In view of the inaccuracies in the resolutions and the fact that public hearings and consultation are ongoing it is humbly recommended that this resolution be filed.

Thank you for the opportunity to testify before your committee this afternoon.