

## **EXTRAORDINARY PETITION PROCESS POSTING APPLICATIONS – OPTION A**

### **Background**

The Board adopted the extraordinary petition process in an effort to manage communications from applicants to the Board regarding pending applications. An extraordinary petition is a public document in which the applicant identifies the principal investigator's name and institution and communicates with the Board regarding some aspect of the application. The policy states that "Such a communication should only be submitted under extraordinary circumstances." Since the Board adopted the policy, numerous applicants have filed extraordinary petitions. While some of these petitions have pointed out what the applicant believed to be material errors in the review, other petitions have simply highlighted a difference of scientific opinion. Frequently, applicants complain that the reviewers either missed something in the application or misunderstood it. This puts the Board and CIRM staff in the difficult position of trying to adjudicate a dispute on the fly. Although Board members can review an application in closed session, the Public Records Act limits the number of members who can review the application without compromising its confidentiality. This makes it more difficult for the Board to reach a judgment. This proposal is intended to address concerns regarding the extraordinary petition process and to provide a mechanism to facilitate the Board's ability to make a determination.

### **Proposal**

When an applicant files an extraordinary petition, the applicant should be required to attach its application to the extraordinary petition. Because the extraordinary petition is a public document, the applicant should be permitted to redact proprietary information contained in the application. CIRM will retain ultimate authority concerning the designation of proprietary information, and if it concludes that information designated as "proprietary" by an applicant is not proprietary, it will notify the applicant before the application is made public, so that the applicant may determine whether or not it wishes to proceed with its extraordinary petition under those circumstances. To the extent that the petition involves non-proprietary aspects of an application, the Board can discuss the petition, if a member requests that the petition be discussed, in open session. On the other hand, if the petition addresses a proprietary issue, the Board can review the matter in closed session, if a member so requests, before reconvening in open session to debate the matter.

### **Justification**

Members of the Board have long expressed concern regarding the extraordinary petition process. This proposal will facilitate the Board's review of a dispute involving the review of an application.