

Minutes\*

**Senate Research Committee  
Monday, February 10, 2014  
2:00 - 4:00  
238A Morrill Hall**

- Present: Kathleen Thomas (chair pro tem), Jayne Fulkerson, Jeanette Gundel, Goran Hellekant, Brian Herman, Seung-Ho Joo, Michael Kyba, Frances Lawrenz, Amanda Maxwell, Richard Nho, Suzanne Paulson, Scott McIvor, LaDora Thompson, Thomas Vaughan, Joel Waldfogel
- Absent: Maria Gini (chair), J. Michael Autry, John Bischof, Arlene Carney, Daniel Habchi, Philip Herold, Brian Johnston, Tucker LeBien, Hinh Ly, James Orf, Emily Saunoi-Sandgren, Michael Schmitt, Kyla Wahlstrom, Lynn Zentner
- Guests: Douglas Armato, director; Joy Kirchner, AUL for Content and Collections, University of Minnesota Libraries; Pamela Webb, Associate Vice President for Research

[In these minutes: (1) Open access presentation; (2) University Press presentation; (3) "OmniGuidance" presentation.]

## **1. Open Access Presentation**

Professor Thomas called the meeting to order and invited Ms. Kirchner to begin the first of two presentations on open access.

Ms. Kirchner, AUL for Content and Collections, University of Minnesota Libraries, guided members through a PowerPoint presentation titled "Principle of Openness: Contribute, Access, Use." She highlighted the following points:

- What do we mean by open?
  - Open to contributions and participation.
  - Open and free to access.
  - Open to use and reuse with few or no restrictions.
  - Open to indexing and machine-readable (ability to textmine)

Open scholarship content can contain one or more of these characteristics. Ms. Kirchner then showcased several examples explicating the above characteristics that included:

- Firefox (Mozilla) is an open "to contributions" example because users can participate in building and contribute expertise as opposed to Microsoft software. See: (<http://www.mozilla.org/en-US/mission/>). Biodiversity Heritage Library of open natural history content allows users to textmine content.

Ms. Kirchner then defined one aspect of "open." Open Access:

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- The standard definition of Open Access comes from Peter Suber: "Open access literature is digital, online, free of charge, and free of most copyright and licensing restrictions." – Peter Suber
- She then explained Gratis vs. Libre
  - Gratis: You can read it for free. Permission required for anything beyond Fair Use provision.
  - Libre: With credit given, OK to text-mine, re-catalog, mirror for preservation, quote, remix, etc.
  - Most Open Access is gratis. You get to "libre" via Creative Commons licensing, usually. Ms. Kirchner included a Creative Commons license on her PowerPoint presentation as an example of its use. Creative Commons licensing is a way authors and creators can explicitly indicate how others can use their work with varying degrees of openness. It does not negate copyright.
  - Ms. Kirchner explained that it is common for instructors or others to want to "mash-up" copyrighted works. A "mash-up" is an example of building upon another author's work by combining copyrighted pieces and adding new original content thereby creating a new work. This happens often in scholarly practice. Depending on how much of the copyrighted work is included, one may need to seek permission to use the content if it falls outside of Fair Use determinations. Utilizing creative commons licensed work that allows others to build upon the work, would mean others could do this freely without needing explicit permission. One would just need to cite the original work and point to the creative commons license attached to the work: (see <https://creativecommons.org>).
- Two (and a half) Roads to Open Access
  1. Open Access publishing (gold). These are Open Access works that are born open access.
  2. Author self-archiving (green). This is when an author publishes in a subscription-based journal but makes the work open access by self-archiving the author's version (preprint) in an open access repository (ie. UDC (<http://conservancy.umn.edu>), ArXiv (<http://arxiv.org>))

2.5 Hybrid open access publishing. This is an option many commercial publishers are offering: the ability for an author to pay their publisher to make the published version open access. Costs vary depending on publisher.
- Gold Roads examples
  - Plos Biology.
  - Journal of Digital Humanities.
- Green Roads examples
  - The University's Digital Conservancy.
  - Disciplinary repositories (i.e. SSRN, ArXiv)
- Hybrid Models
  - The costs vary with each publisher. Libraries have no way of tracking when authors have paid for this option. No discount on subscriptions when authors pay for this option.
- Rise of the open access Mega Journal
  - They have rigorous peer review and are scholarly. Huge uptake. PLOS One, Springer, Nature also have options. The articles within these journals are openly available and their editorial scope is based on the soundness of the science, not necessarily on editorial scope.
- Open Access Publishing Issues and Questions
  - Has taken time for impact factors and reputation to build. Open access journals have only been around a short time.

- Business models still emerging.
- Author-pay model has better traction in the Scientific Technical and Medical (STM) community.
- "Open" has many flavors
  - ejournals, preprints, data banks.
- UMN Libraries Activity
  - Digital Conservancy.
  - Open Access Fund.
  - Data curation pilots.
  - eLearning contributions (OER, MOOCs).
  - Open Scholarship support.
  - Open Access journal memberships.
  - Draft Open Access Policy.

Ms. Kirchner then updated members on the Open Access Publishing Fund and the results from the first year of operation. She distributed a handout and the following points were discussed:

- Since the fund was opened in fall of 2012, 26 applications were processed. Of these, 15 have been funded at some level out of the open access funds. There are two applications pending.
- A member asked if the intent is to increase the amount of the fund in the future. Ms. Kirchner explained that it is a two-year pilot and is funded through a partnership between the Libraries and Office of the Vice President for research (OVPR). We are in discussions about next steps post pilot.
- Members discussed the challenges that faculty seeking tenure face when publishing their work. In response to a question, Ms. Kirchner stated that it does take time for "impact" to build but there are many examples of Open Access journals that have high impact such as PLOS Biology. Professor Hellekant added that other factors should be considered in addition to impact. Professor Thompson noted that in some cases, if work is available through open access, it has a chance to create a greater impact. Ms. Kirchner confirmed that there is a growing body of evidence that has indicated that works that are openly available (open access) do increase impact rates. She agreed to send research on this topic.

## **2. University Press**

Mr. Armato, director, University of Minnesota Press (U of MP), presented information about the University Press (UP) system regarding its funding model and why open access is challenging in this system:

- The UP system publishes mainly Humanities and Social Sciences research and it is not customary to charge page or submission fees.
- If the UP system is to move to open access, how will the publishing activity then be funded within the current system?
- Books have a very different funding model than journals. Subscriptions are paid for in advance for journals, whereas books are sold as individual entities.
- Moving the UP system to an open access model will involve a large up front cost because approximately 80 institutions bear the cost of publishing for nearly two thousand institutes of higher education.

- The UP model is nonprofit and primarily North American, as opposed to the European commercial publishing system that results in higher fees. The North American UP system is distributed and was formulated in the 1930s. The fees associated with publishing in the UP system are reinvested in other scholarly works being produced.
- The UP system collectively publishes 12,000 books and 400 journals annually. The U of MP publishes 100 books and 6 journals annually.
- Approximately 25% of the U of MP's published works are from scholars within the University or University PhD's.
- Mr. Armato explained that the U of MP works to represent the University in the most professional way and removing parts of the review process would harm the final product and reputation of authors.
- A potential model for bringing Open Access to the UP system, involves creating a coalition of institutions through Knowledge Unlatched, a UK startup, to help with the "first copy" costs.
- Forerunners is a project, being launched by the U of MP this year, releases prepress versions of works in progress under Creative Commons licenses, with the final version published using the traditional UP model. More information can be found here:  
<http://www.uminpressblog.com/2013/11/upweek-announcing-forerunners.html>
- A member asked if it would be possible to promote access without foregoing revenue. Mr. Armato explained that the U of MP is involved in some open access projects such as Debates in the Digital Humanities in cooperation with CUNY. It would also be possible to create a "rolling wall" of switching books to open access as they become part of the backlist. This is difficult because the backlist titles fund many of the expenses.
- The U of MP has digitized the entire backlist collection to 1925 and they are now available in e-book form. They also work closely with the nonprofits JSTOR and the University Press Content Consortium (UPCC) to make e-books more widely available.
- The move to e-books by libraries has been much slower than anticipated, especially in comparison to the swift adoption of ejournals.

Mr. Armato distributed a handout containing charts that displayed the following:

- U of MP Revenue Sources
  - 75% of the funding is from sales. This would not be available in an OA model.
- Allocation of U of MP O&M Funds
  - 9.8% of UP funding is from the University.
- Composition of Book Sales Revenue
  - 24% of revenue is from sales to libraries.
- Frontlist vs. Backlist
  - More of the expenses are from backlist sales than frontlist.
- Expenses
  - 18% of expenses are attributed to manufacturing.

### **3. "OmniGuidance"**

Pamela Webb, Associate Vice President for Research, and Suzanne Paulson, finance director, Sponsored Financial Reporting, presented information regarding "OmniGuidance," a combined, simplified version of eight previous research government regulations. A handout of a PowerPoint presentation was distributed and the following points were highlighted:

- The regulation changes that will most affect the University are:

- A-21 - Cost Principles for Educational Institutions.
- A-110 - Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education.
- A-133 - Audits of States, Local Governments, and Non-Profit Organizations, Hospitals and Other Non-Profit Organizations (Hospitals to be dealt with at a later date).
- Goals of Updated Regulations
  - The University commented extensively on these changes.
  - A commitment to streamlining and pressure from the auditors has created these changes.
  - There is a focus on metrics that demands the impact of regulations be quantified.
- OmniGuidance Implementation Plan
  - December 26, 2013 the new regulations were released and they become effective exactly one year later. The audit year beginning with July 2015 will be held to the new regulations.
  - The regulations cannot be changed, but how they are implemented can still be influenced. For example, they are asking that a blanket approval be given for every federal research award to a research university.
- Funding Opportunity Announcements (FOA)
  - Standard minimum 60-day lead time.
  - Announcements will be in a standard format and posted.
  - This will make eligibility and general navigation of FOAs much easier.
- Award Notices
  - Create a unique, government-wide identifier number. This will create consistent language.
  - Terms and conditions are spelled out.
- Cost-Sharing
  - Voluntary committed cost-sharing is not expected in research proposals.
  - Cost-sharing obligations must be included in FOAs and in the budget.
  - Cost-sharing may not be used as a factor in the review of applications.
- Performance Measurement (Financial and Performance Reporting)
  - Stronger certification language reminds signers of statutory penalties for false certifications and their personal liability. The audit community is in support of this change and this could trickle down to the faculty and prolong the process.
  - Increased focus on obligation to relate progress/performance to per-unit cost where possible.
  - They are trying to influence the Office of Management and Budget (OMB) to clarify in an FAQ to confirm that the Research Performance Progress Report (RPPR) will meet this requirement. They would like "must" to be defined as being satisfied with the RPPR.
- Changes in Effort Reporting
  - Changes are promising but not yet entirely clear.
  - Eliminated the word "certification."
  - Eliminated the specific examples of methods acceptable for effort validation. Salaries can be estimated, but they must be verified after the fact.
  - Charges must still be based on percentage distribution of total institutional base salary activities, if time cards aren't used.
  - This is an area of opportunity to improve or change the current method of effort reporting. How can we do project certification or another approach and still comply with this requirement?
- Conflict of Interest Requirements

- New obligation for every federal agency to have conflict of interest (COI) regulations in place and require reporting for "potential" conflicts, as opposed to the current reporting of "actual" COIs.
- There is no obligation that each agency has to do this the same way. This could result in 26 different processes. OMB has stated that this is not their intention, so they are trying to influence how this is implemented.
- Restriction on Profit
  - Recipients may receive fixed price awards only if they will "realize no increment above actual cost," therefore a narrow interpretation would mean the remaining portion would have to be returned.
  - The wording does not allow for the possibility of keeping the money that is not used without earning interest. They hope to influence how this is defined.
- Subawards and Subrecipient Monitoring
  - Sponsors (agency and pass-through) obligated to honor our negotiated Facilities & Administrative (F&A) rate.
  - Subrecipients without a negotiated rate can get an automatic 10% Modified Total Direct Cost (MTDC) F&A rate.
  - The regulations for hospitals have not yet been changed.
  - Increased burden for vendor vs. subrecipient classification via increased documentation.
  - New option for each federal agency to require us to document how we decided each transaction is a subaward versus a vendor agreement. The definition of each has not changed. They hope this can be influenced to be waived for all research institutions or at least have a common procedure between all agencies.
  - Increased burdens for subaward issuance. The University currently has 1,500 subawards.
- Changes in Direct Costing Rules
  - Administrative and clerical salaries can now be direct charged under certain circumstances (services provided are integral to the award, specifically identified with the activity, explicitly included in the budget or have prior written approval of the Federal agency).
  - This raises questions for modular grants and they want to influence how this is implemented. Part of the rules state that this cannot be in the direct cost pool. The University will then have to take it out of the F&A pool to avoid double dipping.
  - Professor Kyba noted that this is not a positive change from his own faculty perspective because currently administrative support is not within grant budgets.
  - Dependent care during conferences beyond the non-federal entity can be direct charged if the entity has a consistent policy paying these costs across all fund sources. For this to be implemented, the University would have to change or create new policy.
  - Entertainment costs still unallowable unless it has a specific programmatic purpose and is approved in the budget or by federal agency written approval.
  - Page charges are still allowable costs after award end date but before closeout, in essence adoption of the National Science Foundation (NSF) model. Even if the page charge is received 30+ days after the end date of the grant, it can still be direct charged to the grant. However, it must be before the final financial reporting is submitted.
  - Devices under \$5,000 may be direct charged (allocable portion only) if essential to the performance of the Federal award.

Ms. Webb concluded her presentation by emphasizing that work is still being done regarding these changes. They are concerned about the purchasing rules. There is an indication that they would have to

Senate Research Committee  
Monday, February 10, 2014

7

bid everything over \$3,000, as opposed to the current \$50,000 minimum. These changes are being implemented in 10 months and they will have to review the University's procedures to understand the impacts.

In the interest of time, Professor Thomas adjourned the meeting.

Jeannine Rich  
University of Minnesota