

Minutes*

Faculty Consultative Committee
Thursday, June 20, 2013
12:00 – 3:00
Rooms 510/238A Morrill Hall

Present: Sally Gregory Kohlstedt (chair), James Cloyd, Chris Cramer, Nancy Ehlke, Michael Hancher, Scott Lanyon, Alon McCormick, James Pacala

Absent: None counted for a summer meeting

Guests: Professors Jigna Desai & Maria Gini (incoming 2013-14 committee member); Vice President Kathryn Brown, Brandon Sullivan (Office of Human Resources); Vice President Brian Herman; Nancy Sims, Karen Williams (University Libraries), Marilyn Becker, Jodi Carlson Grebinoski, Ann Hagen, Cynthia Murdoch, Susanne Vandergon (all P&A Consultative Committee); Vice Provost Arlene Carney (Faculty and Academic Affairs)

Other: Ken Savary (Office of the Board of Regents), Jon Steadland (Office of the President)

[In these minutes: (1) employee engagement; (2) MnDRIVE appropriation; (3) survey on research; (4) open access policy; (5) special committee on graduate education; (6) salary equity matters]

1. Employee Engagement

Professor Kohlstedt convened the meeting at noon and welcomed Vice President Brown and Dr. Sullivan to discuss "Designing a Survey Process to Enhance the Employee Experience."

Vice President Brown began by thanking Professor Kohlstedt for providing time with the Committee and said she and her office want to be helpful to it. There is much that could be discussed (the Huron consulting report about administrative costs, job families, changes in the UPlan), but Professor Kohlstedt suggested that she bring to the Committee a matter where the Office of Human Resources seeks the Committee's views. To that end, she asked Dr. Sullivan to join the meeting; Dr. Sullivan is starting a system-wide employee engagement program. Although employee engagement is a term used in academic research and the private sector, Vice President Brown and Dr. Sullivan acknowledged that this may not be the right name for the project. They are planning to do a survey of all employees—faculty and staff—about what connects them to the University, and how the institution can help them be more successful, committed, and engaged.

Dr. Sullivan provided a handout and said the question at hand is how to address the factors that can enhance the work environment for faculty and staff – particularly at the program and department-level. There is much attention being given to this topic and they know from the research that employee engagement makes a difference—but steps to improve it are often not done well. It is important to him that the University do it right; to do so, they have been gathering input from the people who are doing the

* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate; none of the comments, conclusions, or actions reported in these minutes represents the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.

work. This is an enterprise about teaching, research, and service, activities that are carried out in departments, and the uniqueness of those departments needs to be supported. One often hears that the pendulum in the institution swings back and forth between centralization and decentralization; this is not about one perspective or the other, but instead about how to enable faculty and staff to do their work and be excited about it—and what works could be different in different programs.

The survey they are proposing would replace the Pulse Survey, Dr. Sullivan told the Committee. The goal is to provide data to help departments and colleges "address workplace factors that enable research, teaching, service, and wellbeing." It would be a brief survey, about 25 items that would take about 10 minutes to complete, and one that is research-proven and tailored to universities. It will focus on factors that research demonstrates lead to a happy and productive workforce; there will be customized reports and presentations distributed quickly after the survey is administered, and various resources, including online tools and consultants, will be available to aid units in addressing the results. Dr. Sullivan said he has a faculty advisory committee to help inform design of the survey and has also received input and advice from deans, chancellors, and other leaders at the University. The plan is to administer the survey in October (2013), create college-level presentations during the following two months, and present the results to deans and college leadership in January (2014) and provide online reports and action-planning tools for department chairs and heads. From February to May (2014) the idea is to create and implement plans to address the results of the survey, which plans should reflect the culture and unique goals and challenges of each college and department.

It would be helpful to have norms across the institution, Professor Kohlstedt said, so that one can see where the negative factors are (e.g., teaching in bad rooms). Dr. Sullivan said this will be an annual process and they will identify comparable colleges and departments and develop benchmarks and comparison. Next spring they will help department and college leaders develop their plans, which should focus on one or two key priorities.

Professor Lanyon asked if the online reports will be available to chairs and departments. They will, Dr. Sullivan said; there will be presentations to deans and chairs, and then the chairs will see the reports for their departments.

Professor Cloyd asked if there is a staff or student counterpart to the faculty advisory committee. The survey does not include students, Dr. Sullivan pointed out, and they do not have a staff advisory committee but they have talked with many non-faculty governance leaders. Professor Cloyd said that staff play a big role in creating the environment on campus and they are also affected by it. He may be receiving the information he needs but it might be wise to have an identified staff committee as well.

Professor Cloyd also inquired if there are experts on campus on employee engagement. There are a number of such experts on the faculty advisory committee, Dr. Sullivan said. He also noted that, as a graduate of the doctoral program in psychology here at the University, this is also his area of expertise.

Professor Cramer endorsed the importance of anonymity in the survey because in small departments especially it could be possible to identify respondents. That is a common concern, Dr. Sullivan said, and they are having the results administered by a third party outside the University; no one inside the University will see names, and they will set a minimum N for aggregating data. The written comments will only be at the college level, not departmental. Dr. Sullivan solicited ideas from Committee members on the question of anonymity because, he said, he knows it is a sensitive issue. The

anonymity should be highlighted in the survey, Professor Cramer said. Especially for staff, Professor Desai added, and particularly if there is a small staff in a department. Aggregating some the data at the college level will help, Professor Cramer observed.

While "engagement" is a new term, Dr. Sullivan said, there has been a great deal of research on the subject. What that research indicates is that what sets great organizations apart is "passion and dedication to collective excellence and well-being." The degree to which these are present shapes the quality of experiences and outcomes in the workplace, including "recruiting, retaining, and developing top talent, resilience and well-being, collaboration and innovation, and sustaining a high level of performance." Engagement is a key factor driving recruitment and retention; when engagement in an organization is low, top talent will leave (and it is not all about money—but it is easier to steal talent with money if there is low engagement in the organization).

What creates an environment with high engagement is "commitment to each others' success, willingness to invest time and energy to transform good into great, and being empowered to do your best work." Dr. Sullivan outlined the factors that create commitment and that empower employees to be successful. There is nothing surprising on the list, he commented, but if they are followed consistently in an organization, they affect how people feel about their work and the organization's ability to retain them. Research at the University published in 2005 found that the factors he identified were "hallmarks of our most research-productive departments." This work supports a link between employee engagement and the University's research mission.

Professor Cloyd noted that the presentation indicates that one of the factors to empower success is "close gaps in resources needed for success." That may not be possible in some units, he said. If that is so, Dr. Sullivan said, then the unit has to change the other side of the equation so that work effort related to a unit's mission and resources are aligned. How that is handled will shape the engagement level of faculty and staff. The idea is that there should not be a gap between resources and what the unit is trying to do; when there is, people are frustrated. What if there is no control over the work effort side of the equation, Professor Cloyd asked? For example, if a unit has 150 students showing up for the class, but there are not enough resources to support a program of that size, people must find ways to deal with the problem. Units do not always have the luxury of saying that they will adjust the work side of the equation. One of their hopes, Vice President Brown said, is to facilitate discussions with colleges and departments on how to address those kinds of situations and how people can work together to do so.

There are circumstances where people are caught and empowerment to change does not exist, Professor Cloyd cautioned. Dr. Sullivan said that they expect most actions will be at the department level, but if there really is a larger resource issue, and people respond accurately to the surveys, then they would support the idea of a dean grappling with the problem at a higher level, Dr. Sullivan said. They want to make connections to broader themes they should be attending to. The challenge is how to pull that off, which is why it is important to get faculty in leadership roles to support and drive the process.

Professor Kohlstedt said that she had a similar response to a broad based survey where the issues may seem intractable. In some cases there may be a bureaucracy (e.g., NIH requirements) that does not allow very much choice. Dr. Sullivan said as they receive the results, they can identify what individuals and units can control and what they cannot; in cases where they cannot, either the problem has to be carried to a higher level or, if it cannot be dealt with, people may have to just live with it. Overall, the

focus of the survey process will be on issues that can be affected locally, whether at the department or college level.

These kinds of efforts are often top-down, Dr. Sullivan said, and people are cynical about them because the goal is seen as getting people to work harder. That is not their objective, he said; they want to help units enhance the employee experience and the work environment.

Professor Cramer said that faculty feel more confident about surveys when there is immediate feedback from leaders on the steps to be taken because of the results of the survey. What will foster success are prolific and high-visibility responses that are responsive to the results. Dr. Sullivan said he hoped that chairs and deans will share the results quickly and involve the faculty in discussions about how to address the results. They need a good survey, but ultimately this is more about the responses. How can they accomplish that? Roll out the responses fast and respond at multiple levels, Professor Kohlstedt said, starting with the president. There will be a more positive reaction if the responsible individuals at all levels are addressing the survey results rather than the results just leading to more scurrying at lower levels.

Professor Pacala asked if employees will be able to look at the raw data. Dr. Sullivan said they would not, although the expectation is that department chairs and other leaders will share the results openly. The Pulse survey high-level results were available and the same will probably be true for the new survey, but not the raw data for colleges and departments. Professor Pacala observed that Professor Carole Bland did a big survey of the Medical School about a decade ago and any faculty member could look at the data for his or her own department and for all other departments. They found that very useful. Dr. Sullivan said he likes the idea philosophically; how would deans and department chairs feel if the results were publicly available? Professor Pacala suggested providing data on means and spreads for departments and colleges so that one can compare. Professor Lanyon said that he saw no problem in making the information on all departments available if the question of anonymity is dealt with. Professor Cramer urged that any written comments not be available because they could be identified with an individual. But he said he believes in more transparency and that deans should be willing to share the data. Dr. Sullivan said the leader reactions could be a sticky issue but it does help if the data can be made available. Professor Pacala commented that if he were a cynical faculty member, he would say that the results will be filtered by the time the leaders pass them along to the faculty. Dr. Sullivan said their expectation is that chairs and heads would provide the results for a department to the faculty in the department. One question is whether that will happen; they could take the position that the results must be made available. Everyone should see the report for his or her department.

Professor Pacala said that this is the same case as the decanal reviews: this Committee encouraged a strong expectation that the dean would share the results of the review with constituents. That does seem to be happening at some level, Professor Kohlstedt said. One difference, it was noted, is that the Minnesota Data Practices Act governs decanal reviews, as personnel matters, but there is no such legal restriction on survey results.

Professor Cloyd said that one would think pride in the organization would have an impact on engagement. What do the best organizations do to communicate pride in the organization? That is a big part of the picture, Dr. Sullivan agreed: connecting individuals with the purpose of the organization, and with more detail than the mission statement. Individuals need to understand how they are contributing to the mission. On the academic side, that seems to be more program-specific, perhaps is seen at the college

level, but not usually at the institutional level. How does the broader mission bring people together? He worked previously at a local corporation, where it is easier to link people to the mission—what the organization is and what it is about—but it's much more complicated at a university. Professor Cloyd agreed it is a daunting task but perhaps the University could learn from other organizations and apply what they have learned.

Dr. Sullivan observed that there is the University's mission "up here" at a high level, which can seem far removed to many people, such as the people cleaning the floors. If leaders at each level can connect the dots for people, see it as part of their job to help employees understand their contribution to the mission, that helps. The local corporation he worked for is a great company, but the University has a more compelling mission and there is a great opportunity for leaders to help employees understand that how they do their jobs affects the delivery of the mission.

Professor Kohlstedt asked if the survey is about a shared vision. The results might be different across colleges, and if there are places where the connection to mission and engagement are better, it should be possible to look at what those colleges are doing and learn how they are being successful. Dr. Sullivan concurred; he said there are tremendous examples in the institution and they want to identify where those are.

Professor McCormick asked if there have been communications with the other CIC schools about engagement. They have done considerable benchmarking with them, Dr. Sullivan said. About 75% of them have done some kind of survey, but about half of those did not include faculty members. Where they do include the faculty, the institutions struggle to make the surveys relevant to the faculty because they typically are not focused on the academic side. One encouraging example comes from the University of Iowa, which had a short survey, had a faculty committee involved in its preparation, and shared the results quickly—and they achieved nearly a 70% response rate. The survey cannot be corporate style, top-down, with reports only to the president and the vice presidents, so there is no sense of local impact, Dr. Sullivan said; they want to be able to use the results to help support departments.

Dr. Sullivan reviewed the action plan, which involves two levels. The president and chancellors, provost and deans, and vice presidents will receive a presentation on each of their full organizations and a report for the team that works directly with the leader; they will also be provided a consulting report for action planning. Chairs and heads and directors/managers/supervisors will receive the report for their department, reports for the leaders' team, online action planning tools and resources, and consulting support as needed. The departments will create an action plan—what they want to work on, and Human Resources will make people available to help where departments request it.

To whom will the action plan be available, Professor Kohlstedt asked? Everyone? The dean and some others? If it is a report for colleagues in the department, it might contain more candor. Dr. Sullivan said it is his hope that the deans will ask department heads to work on a plan, that it be a continuing conversation, and that it be done in the spirit of supporting department heads and chairs address the results in a meaningful way. There will be different activities, depending on the purpose of the action plan, which will affect who has access to it.

Professor Lanyon said that the survey results will only be as good as the response rates. One way to increase response rates is to involve department heads—but they are asked to do many, many things. As a department head, he jettisons many things because he knows his colleagues won't participate. It

must be made clear to deans and department heads that THIS survey is important and needs to be completed. The best way to do that, Dr. Sullivan asked? By presidential endorsement, Professor Cramer responded. Professor Lanyon agreed; the president can convince the deans that this is an important University effort; the deans will have to buy in and convince the department heads. The president might also say that the survey will be used for five years (for example) and that it will bring about change. It should also be tied to actions, Professor Lanyon said, so that a year later, people can see that the survey results actually changed something.

Professor Cloyd asked if the president might not invite department heads to meet with him and emphasize the importance of the survey, and that it will translate to action. The intent would not be to bypass the deans but to give middle management an opportunity to interact with the president. And if this is not enough of a priority for the president to do so, that also sends a message to the department heads, Professor Lanyon observed.

Professor McCormick said it will be important for the survey form to be clear so that respondents will know who will have access to the raw data.

Vice President Brown thanked the Committee for its time and said she believed faculty members will be at the heart of this effort. Professor Kohlstedt thanked Vice President Brown and Dr. Sullivan for bringing the proposal to the Committee.

2. MnDrive Appropriation

Professor Kohlstedt welcomed Vice President Herman to discuss the plans for the MnDRIVE appropriation from the state. (The appropriation funded research in four areas: "Advancing industry, conserving our environment; Supporting robotics, sensors, and advanced manufacturing; Securing the global food supply; Advancing the treatment of brain conditions" and provided \$18 million each year of the biennium.) The Committee would like to know about implementation, leadership, and personnel issues (e.g., new faculty, support for current faculty, graduate student support, etc.). She said the Committee understood that Dr. Herman is only just beginning to plan for the appropriation and that it is interested in his vision.

Vice President Herman said he just received his charge letter from the president last week so the process at this point is not defined. He offered several observations, however, about allocating the funds. First, the University must look at the legislation to be certain about the context and areas for funding and the allowable investments. He will meet with Vice President Pfitzenreuter and Ms. Tonneson so that everyone is clear about where funds can be used. Second, they know the money must be invested broadly in the general areas established by the legislation, but there is no specific legislative language on the point. Third, he is pulling together the deans and faculty leaders from the areas to be funded to discuss the best path forward, but there is no concrete plan yet. Fourth, one real challenge is that the University must show it has done something practical with the funds and must report what it has done to the legislature next year.

There have been suggestions about how the funds might be invested, Dr. Herman related, and he reported several of them. One, use some of the money for research infrastructure that supports the four areas of research—and that has broader use as well. For example, the proteomics infrastructure would support MnDRIVE research as well as other areas of the University. Informatics is a more and more

important part of research applications, so it could receive investment because robotics, food, and neuromodulation/brain research all require it. Another potential use of the funds is for cluster hiring in targeted areas that are programmatically aligned with the MnDRIVE initiatives. A fourth suggestion is joint recruitment of faculty members, in concert with industry, and for which industry would add resources and would participate in the recruitment; there is no flesh on the proposal but the idea is that industry would help recruit faculty.

Professor Kohlstedt asked if there is any model or precedent for the last possibility. Not that he is aware of, Dr. Herman said, and there are issues that would have to be addressed (e.g., conflict of interest, loyalty).

A fifth suggestion for use of the funds is to create trans-disciplinary programs at the University, Dr. Herman said. There are multi-disciplinary and interdisciplinary programs; the new lexicon is about merging and creating new programs that did not exist before and that are focused on target areas (e.g., brain and neuromodulation); companies might be interested but need help with the large amounts of data required. Yet a sixth possible area, from the food group, is to use the funds to collect into one unit the approximately 50 centers and institutes that deal with food, which are at present all over the University. Tracking the funding and what they do is not easy and the situation presents a confusing face to industry.

They need to identify a governance structure for the MnDRIVE funds, Dr. Herman said, one that includes groups such as this Committee.

The University actually has less than a year to develop a report, Professor Kohlstedt observed, because it is already June and the legislature convenes again in January. Dr. Herman said they expect to determine by the end of the summer what the University needs to report—and he is sensitive to the fact that many faculty members are not on campus during the summer.

Professor Kohlstedt said it was interesting that the president told the Board of Regents that the MnDRIVE funds could include hiring up to 50 new faculty members—but the cycle for hiring is not right for having a report to the legislature early in 2014. Dr. Herman agreed that hiring could not really start until next year. But they could start hiring postdocs and recruiting students, Professor Kohlstedt observed. Dr. Herman concurred and said he would speak to Provost Hanson about doing so because postdocs and students will be an important part of the efforts. Professor Hancher observed that hiring faculty members is a long-term commitment but the funds are short-term. Dr. Herman corrected Professor Hancher: the funds are recurring. What the legislature is interested in is enhancing workforce training and creating more jobs; from the University's standpoint, this is a pilot, with efforts focused in the four areas identified in the appropriation. If those efforts prove productive, the University can say so and perhaps identify additional areas for investment in the future.

Professor Hancher noted that there is an office of bioinformatics; will it be the basis for investing in that area? Dr. Herman said he has reconstituted an informatics committee, with representatives from all over the University, to look at the plans. He said he wants to be sure that units across the institution benefit from an investment in informatics. It is clear this is an investment the University must make and he has talked with the Board of Regents about the plans for the long-term investment.

Professor Gini said that there is a general concern that when money shows up, many come to the table. The need for informatics is general, for example, but the University needs to identify centers of

excellence; informatics is good for everyone but it appears the legislature liked specific initiatives. She said she was concerned about the possibility of sprinkling funds everywhere as opposed to focusing the money on certain efforts. Dr. Herman said he is responsible for getting people together to agree on a path; he will not decide by himself. He has heard from people who expect to receive part of the money, but the president has said that it must be used to move the good to great, so there is need for discussion about how to spend the money wisely.

Professor Kohlstedt said Dr. Herman faces a significant task; she wished him luck.

3. Survey on Research

Vice President Herman said he wished to raise with the Committee an additional matter. He has spoken previously about the strategic planning process in his office, a process that is moving forward. One part of it will be a survey with four questions addressed to the broader community, both internal and external partners; he said he would like to know if it makes sense. He read the proposed questions:

1. How does research at the University most benefit you?
2. What is the most important research priority you would like to see the University undertake?
3. What improvements should the University make to better support research?
4. How can the Office of the Vice President for Research improve the research enterprise at the University?

These are purposely broad questions, Dr. Herman said, because they want to be sure they get to the essence of where the research enterprise should be in ten years or so. He asked the Committee's views.

Professor Cloyd said that sequencing could be important and that Dr. Herman should think about when he wants the survey completed.

Committee members agreed to review the questions and provide comments to Dr. Herman.

Professor Kohlstedt thanked Vice President Herman for joining the Committee on short notice.

4. Open Access Policy

Professor Kohlstedt now welcomed Msses. Williams and Sims and members of the P&A Consultative Committee to the meeting to review a revised draft policy on open access. She noted that the Committee had seen an earlier draft policy, had suggested changes, and the revised version was back before the Committee today. (The text of the draft policy, with footnotes and FAQs, is appended to these minutes.)

Ms. Williams reported that the draft policy came from a subcommittee of the Senate Library Committee that was charged to consider whether the University should have an open access policy, a policy that reinforces the idea of making University scholarship open and free. This policy covers scholarly articles where it is not usual for the author to expect to be paid, and authors retain a non-exclusive right, so the articles are placed in the libraries' digital conservancy. Harvard and Yale adopted such a policy and there are now 56 institutions—many public—that have done so.

Ms. Williams also noted recent federal action at policy and legislative levels that would require that articles and in some cases, data, resulting from Federally-funded research, be made available to the public. The NIH has required open access to published articles for several years, and recently the White House Office of Science and Technology Policy has put forth a policy that requires major granting agencies to develop open access plans for published research and data. Pending legislation, FASTR, would cement these requirements as law.

Professor Hancher said that an earlier subcommittee report was sensitive to the distinction between the published version of an article and a pre-publication version. That distinction is not recognized in this draft; is that what is intended? Does it cover the published article or the last authorial version? Ms. Sims said that the draft policy never made that distinction; it was discussed but never part of a policy draft. Professor Hancher said there could be cases where a publisher denies access; could the author have a version that would be acceptable? The policy is about the article, Ms. Sims said, that there is no legal distinction between a typeset article and some other version. This policy only requires that the University have some non-exclusive rights to host and distribute the article; authors may also grant the same rights to publishers. Authors may choose which version of their article to post to the University site, as they see fit. . That question should be addressed in the FAQs, Professor Hancher suggested.

Ms. Williams noted that there is an easy opt-out for an author; anyone can say that the policy does not apply to this article.

Are there publishers unwilling to take an article if this agreement is in place, Professor Lanyon asked? Ms. Williams said she did not know of any to date. Many schools have similar policies, so publishers are familiar with the practice, and again, opting out is always possible.

Professor Pacala asked if there are other potential repercussions of the policy. Could it possibly hurt faculty members? Ms. Williams said that the Libraries will be working to ensure there is little burden on faculty members to get articles into the digital conservancy; the libraries will take responsibility for doing that. Some institutions are able to automate the process by harvesting published works; they will do that as well but will check with the faculty member before depositing an article in the conservancy. Nothing will happen without the approval of the faculty member/author.

They have clearly addressed the concerns the Committee expressed earlier, Professor Kohlstedt concluded.

Professor Cloyd said he was hearing "we are from the libraries and we are here to help you." They need to get that message out—that they have made the process as painless as possible. Many people avoid uploading data because it is a painful process; what will be involved? Ms. Williams said that will depend on the size of the article and data. Small data sets can be put in the University Digital Conservancy. For some disciplines, there are already repositories that can handle data. For larger sets, there is a jointly authored proposal from the Association of American Universities, the Association of Public and Land Grant Universities, and the Association of Research Libraries addressing the storage, access, and preservation needs.

What is "data," Professor Cloyd asked? "We hope the agencies allow scholars to define their data," Ms. Williams said. What about case report forms, Professor Cloyd inquired? They will not violate federal laws, Ms. Williams said, and agencies are required to set up policies and guidelines for their grant

recipients by August. A number of agencies are required to do so and others have signed on as well. The Association of Research Libraries provided comment to OSTP that included a request for agencies to be as deliberately consistent as possible in their compliance requirements to minimize the cost and complexity to both PI's and the administrators.

Professor Cramer said his advice concerning this policy is that people should dump stock in publishers and invest in disk drives. He asked if he would still be able to check standard "copyright transfer" boxes on journal submission websites, because those boxes don't include language about how he is reserving a right for himself and his university. Ms. Sims said that an author is only transferring those rights that he or she has, and since the University has reserved its own rights prior to the author making a transfer, there's no conflict there. Look at what happened with patents. The author still owns the copyright. One can sign a copyright transfer agreement, although one cannot transfer all rights exclusively to the publisher unless the author opts out of the policy. Some authors may want to reserve rights, for which the University has a policy. The majority of publishers are very aware of these policies but some professional societies may not be.

In terms of downsides, Professor Hancher said, the American Historical Association is generally unhappy with these policies because a robust open access project would mean weakening of payments to publishers, which could lead to payments by page by authors, as is the case in the sciences now, possibly because funding to pay the charges is part of a grant. There are no such funds available in the arts and social sciences, so there is concern there will be collateral damage in those fields. They talked a lot about that in the subcommittee, Ms. Williams said, but this is different. Professor Hancher is referring to open access journals, she said, but this policy is about individual faculty decisions about individual articles. They are related, Professor Hancher said, but he will vote in favor of this policy because authorial copyright remains firmly under control.

This policy is a very good one, Ms. Williams said. They looked at all the others that preceded it and made improvements on them.

Ms. Sims said the fear that open access policies such as these will undercut private publishers and others is well-founded. Whether gold open access (immediate open access in traditional journal venues, often funded by author fees) is inevitable is hotly contested. In the health sciences, publishing has not suffered even though NIH now requires open access. Professor Hancher said the fear is that resources will be less robust. That is why the University established the open access publication fund, Ms. Sims said, in order to fund scholars who have no way to pay publication charges.

Ms. Hagen noted that she and her colleagues were present at the meeting because this portion of it was a joint Faculty Consultative Committee/P&A Consultative Committee meeting. She observed that the proposed policy refers only to faculty members; it should include staff because many staff members publish articles. Ms. Sims and Williams clarified that the policy draws the definition of "faculty" from the Regents Policy on copyright, which includes some staff members. [<http://regents.umn.edu/sites/default/files/policies/Copyright.pdf> , section II(4)] Staff members who do not fit that definition are not covered by this policy, because the copyright in work they produce as part of their employment duties is owned by the University.

Professor Kohlstedt said the Committees should act on the proposal; it was left open whether the policy would go to the Faculty Senate or to the University Senate (Faculty and Staff Delegation) for final approval. The Committees voted unanimously in favor of the draft policy.

Professor Kohlstedt thanked Ms. Sims and Williams for joining the meeting and also thanked the P&A Consultative Committee members for meeting with the Faculty Consultative Committee on this matter.

5. Special Committee on Graduate Education

Professor Kohlstedt recalled that the Committee had talked about a special committee on graduate education at a number of recent meetings, and has had conversations with Provost Hanson about it. The result is a proposed jointly-appointed special committee to look at key questions; the draft charge that the Committee reviewed earlier is now in the provost's hands. The idea is to establish a general committee that would have four task forces; the goal is to get it up and running over the summer so that it can bring recommendations forward at the end of the calendar year. Provost Hanson has agreed that Professor Lanyon should chair the special committee.

Professor Lanyon reported that he has reviewed reports on graduate education that have been prepared at the University in the last 20 years. He said he believes the special committee should look at those reports so that it does not reinvent the wheel and that it would be helpful to have some who served on earlier committees to also serve on the special committee. The focus of this special committee will be on programs ranked by the National Research Council and other University programs that are considered strong by other measures (e.g., NSF, graduate fellowships, by faculty leaders such as McKnight faculty).

The Committee considered individuals who might be appointed to the special committee and agreed on several. The Committee also agreed with Professor May's suggestion to ask recently-retired Jon Butler from Yale to serve.

6. Salary Equity Matters

Professor Kohlstedt next welcomed Vice Provost Carney to the meeting and asked for a motion to close the meeting. The motion was adopted unanimously.

Vice Provost Carney explained that she asked the meeting be closed because she wished to discuss a draft memo to the tenured and tenure-track faculty about salary equity and wanted to be sure it reflected the contributions of this Committee before it is circulated. She assured the Committee that process of dealing with questions about salary equity will be "totally transparent" for the faculty.

Following a 45-minute discussion with Vice Provost Carney, Professor Kohlstedt thanked her for bringing the draft to the Committee for review and adjourned the meeting at 3:00.

-- Gary Engstrand

University of Minnesota

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[NOTE FOR READERS: THE MS WORD VERSION HAS MUCH FORMATTING IN THE POLICY AND FAQs THAT DOES NOT SHOW UP IN THE EMAIL VERSION]

**Proposed University of Minnesota Open Access Policy [ANNOTATED]
(revised draft 05/07/13)**

As a publicly funded land-grant institution, the University of Minnesota is committed to ensuring the greatest possible scholarly and public access to the research and scholarship produced by the University community¹. In addition to securing the public benefit of such access, this policy is intended to serve faculty interests by promoting greater reach and impact for articles, simplifying authors' retention of distribution rights, and aiding preservation. In keeping with these principles, the Faculty adopts the following policy:

Each Faculty member grants to the University of Minnesota a shared, limited, right to make available his or her scholarly articles² and to reproduce, display, and distribute those articles for the purpose of open access. More specifically, each Faculty member grants to the University of Minnesota a nonexclusive³, irrevocable, royalty-free, worldwide license to exercise such rights under copyright as are necessary to achieve the goals of open access, dissemination, and preservation, provided that the articles are not sold for profit⁴, and to authorize others to do the same.⁵ The University of Minnesota author retains copyright ownership⁶ unless that author chooses to transfer rights to other parties, such as a publisher.

The policy applies to all scholarly articles authored or co-authored while the person is a member of the Faculty as defined in the Board of Regents Policy: *Copyright**, except for any articles completed before the adoption of this policy and any articles for which the Faculty member entered into an incompatible licensing or assignment agreement before the adoption of this policy. The Provost or

¹ The University's threefold mission of research and discovery, teaching and learning, and outreach and public service, includes a commitment to "making the knowledge and resources created and preserved at the University accessible to the citizens of the state, the nation, and the world." <http://www1.umn.edu/twincities/history-mission/index.html>

² "Scholarly articles" is intentionally not clearly bounded, due to the wide varieties of scholarly activity undertaken across many disciplines. See the *FAQ* for a more detailed discussion of what is intended to be included, and excluded under this policy.

There is no intent to force faculty to give away works for which they would commonly receive royalties or other payment. Concerns about whether the policy applies to a particular work may be mitigated by the provision that the policy *will* be waived for *any* work at the request of the author.

³ "Nonexclusive" means that the rights granted to the University under this policy are also retained by the author, *and* can be granted to third parties.

⁴ "Not sold for profit" precludes for-profit sales, but could enable the bookstore, for example, to sell printed copies for the cost of reproduction.

⁵ "[A]uthorize others to do the same" allows the University to collaborate with other institutions or noncommercial preservation and access projects – but only as long as they share the specified purposes and are non-profit.

⁶ The phrasing "author retains copyright ownership" simply re-emphasizes that any right granted to the University is nonexclusive – that is, also retained by the author. Authors will still be able to transfer rights to publishers, or grant publishers similar nonexclusive licenses. However, unless an author requests a waiver of the policy, she will not be able to sign an *exclusive* license with other parties, since the University will retain the limited rights above.

Provost's designate will waive⁷ application of the license for a particular article or delay access for a specified period of time upon express direction⁸ by a Faculty member.

Faculty members may take action individually to make their work available to the public via the University Digital Conservancy or other non-profit open-access repositories.⁹ The University Libraries, at the direction of the Provost's Office, will also provide active support services¹⁰ such as identification of eligible articles and communications with Faculty members about their options for achieving public access via the University of Minnesota Digital Conservancy or other non-profit open-access repositories.

The Office of the Provost will be responsible for interpreting this policy, resolving any dispute concerning its interpretation and application, and recommending changes to the Faculty from time to time. The policy will be reviewed after three years and a report presented to the Faculty.

* The University of Minnesota Board of Regents Copyright Policy, as adopted December 14, 2007, defines "Faculty" in §II.4: "*Faculty* shall mean members of the faculty as defined by Board of Regents Policy: *Employee Group Definitions*, along with individuals who are not so defined but who are University employees holding faculty-like appointments (namely, University employees who teach or conduct research at the University with a level of responsibility and self-direction similar to that exercised and enjoyed by faculty in a similar activity. Post-doctoral fellows, researchers, and scholars shall have the same ownership rights as faculty and are covered under this policy."

(Note for readers of the Annotated Proposed Policy: The numbered footnotes are the explanatory annotations. The asterisked paragraph immediately above will be included in the text of the final policy; hence its presentation as a separate note.)

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Proposed University of Minnesota Open Access Policy – Frequently Asked Questions:
Updated 05/07/13

Why an open access policy?

What will actually happen to my articles?

What are the “public benefits” of open access?

How does this policy benefit authors?

What works are covered by this policy?

What does “scholarly articles” mean?

⁷ Grant of waiver is *mandatory* on request, not at the discretion of any individual or group. Any faculty member who does not wish to grant a license to the University for any article, for any reason, needs only to say so.

⁸ Waiver requests must be made in writing, or via a system such as an online form that may be made available for this specific purpose.

⁹ Authors may choose to upload to the University Digital Conservancy or to another online public access archive (such as arXiv.org) independently.

¹⁰ To eliminate any administrative burden on faculty authors, the University Libraries will also develop automated processes to harvest articles from eligible publications and transfer them to the University Digital Conservancy or other appropriate repository. This process will include communication with authors, including opportunities for authors to choose not to share their works by requesting an automatic waiver.

What works fall outside the “scholarly articles” definition?

How does the proposed policy relate to current University policies on publishing and copyright?

Is the University taking away my rights to my scholarly articles?

How much additional work will this policy create for authors?

What if I don’t want to make a work publicly available?

What if I want to delay public access to my article for a period of time after publication? [I.e., I want to follow a publisher embargo period]

What if a publisher refuses my article because of this policy?

I still have questions!

Why an open access policy?

The goal of this policy is to further access to research and scholarship, at the University of Minnesota and around the world. It is a manifestation of our mission as a public, land-grant institution to make “the knowledge and resources created and preserved at the University accessible to the citizens of the state, the nation, and the world.”

Adopting an open access policy puts us in good company with colleagues at many of the most forward-thinking and prestigious research institutions in the world. Increasingly, both public and private research funding organizations are also adopting open access policies. A list of institutions, organizations, and funders with open access policies is available at <http://roarmap.eprints.org/>

What will actually happen to my articles?

They’ll be made available to the world via our open access repository, the Digital Conservancy (or a similar successor service.) Maintained by University Libraries staff, materials in the Conservancy will benefit from greater exposure to search engines (including Google Scholar), greater accessibility to scholars around the world (and often increased citation counts), and will be preserved and migrated to new distribution formats as those inevitably progress. It is possible that copies of articles may be made available to other non-profit open access repositories in the future, or that they may be used in non-profit coursepacks (here, or at other institutions), or in emerging forms of research such as computational analyses.

Articles will **never be sold for-profit, nor transferred to anyone else for for-profit purposes** – the license granted to the University under this policy is flexible, but limited to the goals of open access, dissemination, and preservation. Moreover, sale for profit is expressly prohibited by the terms of the license.

What are the “public benefits” of open access?

The most obvious public benefit of open access is that research results will be more accessible to more people in more locations. Currently, most individuals have very limited access to research publications – open access makes published results available to researchers and scholars affiliated with smaller institutions or non-profit organizations, and researchers and scholars in developing countries. This may spur additional scholarly progress or entrepreneurial innovation.

Even individuals who do currently have access to publications via subscription services may find benefits from open access, such as easier collaboration with colleagues at other institutions, or more accessible and affordable course readings for students.

How does this policy benefit authors?

As the policy text mentions, open access can “promote greater reach and impact for articles” – a number of studies have shown that articles that are freely available online often have increased citation rates and impact, though these benefits seem to vary across disciplines. Open access articles are also more easily discovered by researchers using online tools such as Google Scholar, and are more easily linked to and discussed in public forums.

While many publishers have policies allowing some sharing of published articles, many authors are interested in retaining more expansive rights, such as the right to use works in their own teaching, or the right to re-use parts of existing works in future works. Although authors retain ownership of all rights in their articles under this policy, the limited grant of rights to the University under this policy can provide leverage for authors to jump-start other rights negotiations with publishers.

What works are covered by this policy?

The policy applies to all scholarly articles authored or co-authored by faculty (and equivalent individuals) as part of their employment with the University of Minnesota. The policy does not apply to articles completed before the policy is adopted, nor to articles for which the author has agreed to incompatible publication terms prior to adoption of the policy.

What does “scholarly articles” mean?

The term “scholarly articles” is intended to encompass the kinds of articles in which research results are shared in order to advance research and human knowledge, without expectation of payment on the part of the author(s). If one wishes to accommodate the varying publication practices across scholarly disciplines, and new practices that may develop in the future, an exhaustive and exact definition of the term is not possible, however, typical examples include articles published in peer-reviewed journals and conference proceedings.

What works fall outside the “scholarly articles” definition?

Many of the types of works commonly produced by faculty would clearly fall outside the definition of a “scholarly article” - including teaching materials, books, edited volumes, commissioned articles or reports, fiction, poetry, musical compositions, computer code, popular writings, or many other copyrighted works. Regardless of the applicability of the policy, faculty creators are welcome to deposit any such works in the University Digital Conservancy.

How does the proposed policy relate to current University policies on publishing and copyright?

Under the proposed policy, authors retain full copyright ownership as specified under existing Regents and Administrative policies. However, the University will now have a limited, nonexclusive license to preserve and provide access to the research produced here.

Is the University taking away my rights to my scholarly articles?

No. The grant of rights to the University under this policy is a nonexclusive license – that is, an agreement that more than one entity will *share* rights. The author remains the copyright owner of the work. As the author, you can exercise your copyright in any way you like, including transferring all your rights to a publisher – or sharing rights with a publisher with a separate nonexclusive license. The University simply has a limited, shared license to save copies for posterity, and make them available to the world.

How much additional work will this policy create for authors?

Authors are already able to upload materials for which they have the necessary rights to the University Digital Conservancy via a convenient online form. That will be one option for authors to make sure their works are available. But the University Libraries will also provide additional services, such as routinely harvesting eligible articles from online publications (where this is possible), and depositing them into the University repository with little to no work required by authors. Notifying the authors and extending the opportunity to exercise the automatic opt-out/waiver options will precede any automatic posting.

What if I don't want to make a work publicly available?

Any author may opt-out of application of the policy at any time by requesting a waiver of the license for any work. According to the terms of the policy, such waivers must be **automatically** granted. Authors can request waivers before or after publication.

What if I want to delay public access to my article for a period of time after publication? [I.e., I want to follow a publisher embargo period]

Many publishers already allow authors to share their works publicly after a delay of 6 to 18 months. Any author who wishes to delay public access to an article in compliance with such a policy can simply exercise the opt-out/waiver option to prevent any automated distribution of the article via University Libraries support services. The article will still be welcome for deposit in the University Digital Conservancy (or other repositories) after the delay period.

What if a publisher refuses my article because of this policy?

Few publishers are unwilling to accept articles subject to an institutional open access policy like this one – in fact, many publishers already allow authors to deposit copies of their articles in institutional repositories. However, should a publisher raise difficulties because of this policy, the author may request, and automatically obtain, a waiver of the license for any work.

I still have questions!

Faculty Consultative Committee
Thursday, June 20, 2013

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For any additional questions or concerns, please contact Nancy Sims, Copyright Program Librarian (nasims@umn.edu).