

November 2, 2011

**MOLLY THEODOSSY**

Policy Coordinator  
Office of the Provost/Executive Vice Chancellor

**Re: Review of PPM 230-10 Sponsored Programs: Publication Rights**

The Davis Division of the Academic Senate forwarded your request for review to all of the standing committees of the Division as well as Faculty Executive Committees within each college/professional school. The Committees on Faculty Welfare, Planning and Budget, Research and Graduate Council as well as the College of Letters and Sciences responded.

While the Davis Division agrees in principle such a policy is necessary, we suggest the following:

- Item II.C.3. is somewhat oxymoronic, and question the clarity of the language. Can one accept funding that allows for some censorship of results (say, in the interest of national security), or not?
- Graduate Council suggests the following revision to section III.A.1: add: "PI should include justification assurances that students and postdocs will not be disadvantaged."
- The wording in the document is confusing, vague and too broad. For example, C2 "The statement of work I written" makes no sense and C3 is extremely vague. In addition, there must be wording added that protects graduate students and postdocs. They should not be involved in research activities where their publication rights are abridged.

Additionally, the following response from Committee on Faculty Welfare justifies clarification before the Division provides a definitive position on the policy as currently written:

"The members of the Faculty Welfare Committee need additional information before we can complete our assessment of the proposed revision of PPM 230, section 10. This policy seeks to protect the rights of faculty members to publish their research by requiring the approval of key University officials when a granting agency makes funding contingent on restricting future publication rights. The proposed policy would make receiving University authorization for faculty members who pursue these grants more time-consuming and difficult. We strongly support the rights of faculty to publish but we do not understand from the material presented why the policy change under consideration would further those rights.

The original policy sought to shield the publication rights of faculty when a granting agency made financial support for research dependent on restricting the dissemination of research results. The typical justification for constraining publication was that the dissemination of research findings could harm national security. To receive a grant when publication raises such risks a faculty member would be asked to obtain an exception to the University's policy protecting the publication rights of faculty. The petition for an exception under the old policy would have to be reviewed and accepted by the faculty member's department chair, the dean of that individual's college or school, and the Vice Chancellor-Research.

The new policy requires that a faculty member must win the approval of the same offices - department chair, dean of the relevant college or school and vice chancellor - research - as the old policy and then go up the chain-of-command to the Chancellor. If the Chancellor agrees that the restrictions on publication are necessary to protect national security then the Office of the President must also review and endorse the proposed restrictions before the faculty member can accept the agency's grant.

This policy would make it more difficult and time-consuming for faculty members to obtain University authorization from five officials at higher levels of the administration rather than previous requirement for support from three. Without additional information, however, we are left wondering why this change is necessary and what these higher level reviews are meant to accomplish? Has there been a substantial increase in agency restrictions on publication? Would the office of the Chancellor or the President have expertise in evaluating these constraints that are currently missing from our department chairs, deans, and the Vice Chancellor - Research?"

We look forward to a response regarding the issues raised by the Committee on Faculty Welfare.

Sincerely,

A handwritten signature in cursive script that reads "Linda F. Bisson". The signature is written in black ink and is positioned centrally below the word "Sincerely,".

Linda F. Bisson, Chair  
Davis Division of the Academic Senate  
Professor of Viticulture and Enology