

**NOTICE OF MEETING LOCATION****REPRESENTATIVE ASSEMBLY  
OF THE DAVIS DIVISION OF THE ACADEMIC SENATE**

To: Representative Assembly Members of the Davis Division of the Academic Senate

From: Davis Division of the Academic Senate Office

Re: Notice of Meeting Location

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The **June 7, 2013** Representative Assembly meeting will be held in the **Memorial Union, MU II**.

Directions to the room can be found at the following website: <http://campusmap.ucdavis.edu/?b=104>.

The MU II is located on the second floor.

The meeting is scheduled to begin at **2:10pm**.

MEETING CALL  
REGULAR MEETING OF THE REPRESENTATIVE ASSEMBLY  
OF THE DAVIS DIVISION OF THE ACADEMIC SENATE

*Friday, June 7, 2013*  
**2:10 – 4:00 p.m.**  
**Memorial Union, MU II**

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| 1. Summary of the April 30, 2013 Meeting  | 3  |
| 2. Announcements by the President - None  |    |
| 3. Announcements by the Vice Presidents - None  |    |
| 4. Announcements by the Chancellor - None   |    |
| 5. Announcements by the Deans, Directors or other Executive Officers – None   |    |
| 6. Special Orders   |    |
| a. Remarks by the Divisional Chair – Bruno Nachtergaele   |    |
| b. Remarks by the Academic Federation Chair – Ellen Bonnel  |    |
| c. Remarks by the Staff Assembly Vice Chair – James Cubbage   |    |
| 7. Reports of standing committees   |    |
| a. Committee on Committees – Jim Chalfant   |    |
| i. Confirmation of 2013-2014 standing committee appointments  | 6  |
| b. Committee on Elections, Rules & Jurisdiction – David Rocke   |    |
| i. Davis Division Regulation Changes  |    |
| 1. DDR A540: Grades   | 10 |
| 2. DDR 547: Adding or Dropping a course   | 14 |
| 8. Reports of special committees  |    |
| a. *Academic Senate Administrative Oversight Committee Final Report – André Knoesen   |    |
| Note: In an effort to save natural resources, we posted the final report to the Academic Senate website under “What’s New” -                                    |    |
| <a href="http://academicsenate.ucdavis.edu/documents/AOSC_FINAL%20REPORT_2013.pdf">http://academicsenate.ucdavis.edu/documents/AOSC_FINAL%20REPORT_2013.pdf</a> |    |
| 9. Petitions of Students – No items   |    |
| 10. Unfinished Business – No items  |    |
| 11. University and Faculty Welfare – No items   |    |
| 12. New Business – No items   |    |
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| a. Crediting Contributions to Diversity in Teaching, Research, Professional and University Service – Affirmative Action & Diversity Committee                   | 16 |
| b. Final UC-wide Review – Open Access Policy Proposal   | 33 |

Abigail Thompson, Secretary  
Representative Assembly of the  
Davis Division of the Academic Senate

\*Consent Calendar. Items will be removed from the Consent Calendar on the request of any member of the Representative Assembly.

All voting members of the Academic Senate (and others on the ruling of the Chair) shall have the privilege of attendance and the privilege of the floor at meetings of the Representative Assembly, but only members of the Representative Assembly may make or second motions or vote.

MEETING CALL  
REGULAR MEETING OF THE REPRESENTATIVE ASSEMBLY  
OF THE DAVIS DIVISION OF THE ACADEMIC SENATE

*Tuesday, April 30, 2013*  
**2:10 – 4:00 p.m.**  
**Memorial Union, MU II**

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1. Summary of the February 28, 2013 Meeting 3  
**Motion: to approve the 2/28/13 meeting summary**  
**Motion seconded and no further discussion**  
**Action: Approved by acclamation**
2. Announcements by the President - None
3. Announcements by the Vice Presidents - None
4. Announcements by the Chancellor
5. Announcements by the Deans, Directors or other Executive Officers
  - a. Remarks by the Interim Vice Provost of Undergraduate Education – Carolyn de la Peña  
**“The View From Three Months In: Successes and Challenges in Undergraduate Advising”**
    - i. Recent Provost advising allocations to colleges and subsequent improvements
    - ii. Recent Technology Improvements: Portal to Portal
    - iii. The future: enhancing technological tools, coordinating across advisers, enhancing training, clarifying the role of peers and faculty

Interim Vice Provost of Undergraduate Education, Carolyn de la Peña, presented on improving undergraduate advising. Advising happens in a number of places and by a number of people, but there is no map of advising at UC Davis nor is there a consistent advising platform. Technology tools insist that we sort out advising sources. Issues include: old programs for training advisors no longer exist; it is hard for students to know who should advise them about what; there are major structural challenges between Student Affairs and Undergraduate Education as each group oversees different types of advising, with no one person overseeing the whole system.

Undergraduate Education is analyzing what technologies will function best for a campus wide advising format to introduce consistency. Some other steps towards improvement include: the Blue Ribbon committee is making recommendations on how to improve advising, and the Council of Associate Deans granted a proposal for appointing an academic advising coordinator who reports to her office (will create the map, define responsibly for each type of advisers).

In addition, faculty have a strong role in advising students. Faculty and the Senate should work to incentivized transformational advising and mentoring.

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Peer advising exist in multiple ways, so if a department loses peer advisors due to budget cuts, it will still exist in the colleges and in student housing.

Advising happens in many places and by the time students are in the dean's office to be dismissed, they say they were told different things and there is no accountability. Through technology and the coordination of people's roles in the advising chain, we can help students find consistency and gain the appropriate knowledge.

We are still working out how to best advise transfers when they come in with quasi-equivalents, and enforcing prerequisites versus recommended preparatory courses.

6. Special Orders

a. Remarks by the Divisional Chair – Bruno Nachtergaele

The Office of the President is organizing how UC will utilize the 10 million from the government to support innovative learning technologies. There will be opportunities to propose requests for funding, and obtain information on how to access additional funds for online education. On campus there will be a joint senate/administration retreat on May 17, 2013. There is ongoing discussion between the Office of the President, the Senate and the government in Sacramento. We maintain that we need the resources and freedom to do what we know to be best for UC and the education of our students.

There is a proposal to increasing retirement contributions on July 1, 2013 to 6.5% for the employee contributions and 12% for the employer, and to 8% employee, 14% employer on July 1, 2014. Academic Council voted to support the increase of the employee contribution to 8% because it is necessary to return the retirement program to a sustainable path. In addition, the UC committee on Faculty Welfare proposed a letter to increase faculty salaries to offset this increase.

All faculty are invited to attend the Academic Awards celebration on May 14.

7. Reports of Special Committees

a. \*Academic Senate Administrative Oversight Committee Update – André Knoesen 15

8. Reports of Standing committees

a. CERJ Legislative Changes

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i. DDR 528: Credit by Examination

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DDR 528 establishes rules for receiving credit by examination. Previously, DDR 528 stated that if the student does not go to the exam, the student receives an “Enrolled- No Work Submitted” grade. Enrolled-No Work Submitted no longer exists, so this option is removed from the DDR 528 language, leaving the rest of the available grading options for faculty to use at their discretion.

**Motion: To approve the removal of Enrolled – No Work Submitted from DDR 528**

**Motion seconded and no further discussion**

**Action: Passed by acclamation**

9. Petitions of Students

10. Unfinished Business

11. University and Faculty Welfare

12. New Business

13. Information Item

- a. 2013 Distinguished Teaching Award Recipients (confirmed by the Representative Assembly by electronic ballot on 4.12.13)

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Meeting adjourned

Abigail Thompson, Secretary  
Representative Assembly of the  
Davis Division of the Academic Senate

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## Divisional Officers – 2013-2014

Chair: Bruno Nachtergaele (confirmed through August 31, 2014)

Vice Chair: Andre Knoesen

Secretary: Abigail Thompson

Parliamentarian: Janet Shibamoto-Smith

### **Academic Freedom & Responsibility:**

Moradewun Adejunmobi (Chair), Robert Berman, Lawrence Bogad, Christopher Elmendorf, Eric Rauchway

University Committee on Academic Freedom Representative: Moradewun Adejunmobi

### **Administrative Series Personnel Committee:**

John Adaska

### **Admissions & Enrollment:**

Rena Zieve (Chair), Yuk Chai, Patrick Farrell, Carlos Jackson, Martine Quinzii

Board of Admissions and Relations with Schools Representative: Patrick Farrell

### **Affirmative Action & Diversity:**

Colleen Clancy (Chair), Janet Foley, Mark Jerng, Courtney Joslin, Kyu Kim, Brian Osserman, Halifu Osumare

University Committee on Affirmative Action & Diversity Representative: Colleen Clancy

### **CAP Appellate Committee:**

Dennis Styne (Chair), Zhaojun Bai, Frances Dolan, Laurel Gershwin, Terrence Nathan

### **CAP Oversight Committee:**

Trish Berger (Chair), Deborah Diercks, Daniel Gusfield, Andrew Ishida, James Jones, Debra Long, Peter Mundy, David Simpson, Xiangdong Zhu

University Committee on Academic Personnel Representative: James Jones

### **Courses of Instruction:**

Daniel Potter (Chair), Roland Freund, Terry Murphy, Kriss Ravetto-Biagioli, William Ristenpart, Craig Warden, Becky Westerdahl

### **Distinguished Teaching Awards:**

Charles Walker (Chair), Judy Callis, Hildegard Heymann, Ronald Olsson, Dean Tantillo

### **Elections, Rules & Jurisdiction:**

David Rocke (Chair), Steven Carlip, John Hunt

**Emeriti:**

Charles Hess (Chair), Stephen Brush, Kent Erickson, Alan Jackman, John Oakley, Francisco Samaniego, Rajinder Singh

**Excellence in Teaching:**

Hsuan Hsu

**Faculty Privilege and Academic Personnel Advisers:**

Walter Stone (Chair), Richard Bostock, Philip Kass, Janine Lasalle, James Maclachlan, Jodi Nunnari, Julia Simon, Nolan Zane

**Faculty Research Lecturer:**

Richard Robins (Chair), Floyd Feeney, Robert Feenstra, Jodi Nunnari, Michael Turelli

**Faculty Welfare:**

Lori Lubin (Chair), Aldo Antonelli, Julie Dechant, Mike Degregorio, Kirk Klasing, Lisa Miller, Stephen White

University Committee on Faculty Welfare Representative: Lori Lubin

**Grade Changes:**

Benjamin Highton (Chair), Hussain Al-Asaad, Elizabeth Applegate, Robert Bell, Florin Despa

**Graduate Council:**

Rachael Goodhue (Chair), Vacant (Vice Chair), Enoch Baldwin, John Bolander, Peter Dickinson, Beth Freeman (Fa, Wi, Su), Timothy Lewis, Markus Luty, Kyaw Paw U, Annabeth Rosen, Venkatesan Sundaresan, Catherine Vandervoort

Coordinating Committee on Graduate Affairs Representative: Vacant

**Information Technology:**

Boris Jeremic (Chair), Giacomo Bonanno, Niels Jensen, Anne Schilling, Vladimir Yarov-Yarovoy

University Committee on Computing and Communication Representative: Vacant

**International Education:**

Andres Resendez (Chair), Christopher Fassnacht, Ermias Kebeab, Walter Leal, S. Geoffrey Schladow, Jocelyn Sharlet, Travis Tollefson

University Committee on International Education Representative: Andres Resendez

**Joint Academic Federation/Senate Personnel:**

Kyaw Paw U, Diana Strazdes, Vacant

**Library:**

Maxine Craig (Chair), Michael Rogawski

University Committee on Libraries and Scholarly Communication Representative: Maxine Craig

**Nash Prize Selection Committee:**

Daniel Simmons

**P&T Hearings:**

Floyd Feeney (Chair), Colin Carter, Angela Cheer, Alan Conley, Katherine Florey, Roslyn Isseroff, David Richman, Annabeth Rosen, Janet Shibamoto-Smith, Valley Stewart, Lisa Tell

**P&T Investigative:**

Stephen Lewis (Chair), Afra Afsharipour, David Biale (Wi, Sp, Su), Nancy Lane, Andrew Waterhouse

**Planning & Budget:**

Debbie Niemeier (Chair), David Block, Gregory Clark, Deborah Diercks, Niels Jensen, Ian Kennedy, Peter Pascoe, Christopher Reynolds, Michael Turelli

University Committee on Planning and Budget Representative: Debbie Niemeier

**Instructional Space Advisory Group:**

Andreas Albrecht, Kent Wilken

**Public Service:**

Lynn Roller (Chair), Robin Erbacher, Carol Hess, Jerold Last, Joan Rowe, Dean Tantillo

**Research:**

Eduardo Blumwald (Chair), Nicole Baumgarth, Sue Bodine, Frederic Chedin, Roland Faller, Janet Foley, Ting Guo, Dave Hwang, Nelson Max, Sally Mckee, David Pleasure, John Ragland, J Taylor, Bella Merlin Turner, Anne Usrey

University Committee on Research Policy Representative: Sally Mckee

**Undergraduate Council:**

Matthew Traxler (Chair), Joseph Biello, Seeta Chaganti, Shirley Chiang, Jesus De-Loera, Julia Menard-Warwick (Fa, Wi, Su), Douglas Miller, Jeanette Natzle, Ronald Phillips, John Smolenski, Carl Whithaus, Jeffrey Williams

University Committee on Educational Policy Representative: Seeta Chaganti

**General Education:**

John Smolenski (Chair), Rebecca Ambrose, Manuel Calderon De La Barca Sanchez, Terrence Nathan, Laurie San Martin, Donald Strong

**Preparatory Education:**

Joseph Biello (Chair), Desiree Martin, Robert Newcomb, David Wittman

University Committee on Preparatory Education Representative: Joseph Biello

**Special Academic Programs:**

Jeffrey Williams (Chair), Raul Aranovich, Alessa Johns, Mark Rashid, Robert Taylor



**Undergraduate Instruction & Program Review:**

Susan Ebeler (Chair) (Wi, Sp, Su), Carl Whithaus (Chair), Steve Wheeler

**Undergraduate Scholarships, Honors & Prizes:**

Carlos Jackson (Chair), Adewale Adebani, Matt Bishop, Scott Dawson, Fidelis Eke, Simona Ghetti, Mark Halperin, Ellen Hartigan-O'Connor, James Housefield, Matthias Koeppe, C.-Y. Cynthia Lin, Bo Liu, Kent Pinkerton, Kent Pinkerton, Kurt Rohde, Naileshni Singh, Teresa Steele, Daniel Sumner, Spyros Tseregounis, Qinglan Xia, Huaijun Zhou

## PROPOSED REVISION OF DAVIS DIVISION REGULATION A540 GRADES

Submitted by the Committee on Elections, Rules and Jurisdiction

Endorsed by Undergraduate Council, Graduate Council, and Executive Council

Davis Division Regulation A540(C) contains a provision for the granting of the grade "Incomplete" ("I") "only when the student's work is of passing quality and represents a significant portion of the requirements for a final grade." The proposed amendment would clarify the phrase "is of passing quality." It would specify that the condition required for the I grade depends entirely upon the quality of the completed work *per se*, and not upon whether that work would be sufficient to pass the course as a whole.

### Rationale

The phrase "of passing quality" is sufficiently vague that it could be interpreted as meaning, "of such quality as to suffice for the passing of the course." Although this interpretation is rare, it has been used as a reason to deny a student who otherwise meets the conditions for an Incomplete the ability to receive that grade. The proposed amendment would protect deserving students from receiving a failing grade through no fault of their own, merely because the amount of work completed would not be sufficient for the course to be passed. This appears to be in conflict with the purpose of the existence of the grade Incomplete as well as with established practice by faculty.

Proposed Revision: Davis Division A540 shall be amended as follows. Deletions are indicated by ~~strikeout~~; additions are in **bold type**.

### A540. Grading

Except as provided otherwise in Davis Division Regulations A545 and A548, and in Regulation 70 of the Faculty of the School of Medicine, the following provisions apply to the grading of the work of all students subject to Davis Division Regulations.

(A) The work of each student shall be reported in terms of the following grades: A (excellent), B (good), C (fair), D (poor), F (failure), I (incomplete), and IP (in progress). Grades of A, B, C, and D may be modified by plus (+) or minus (-) suffixes. (En. 4/23/78, Am. 11/28/79)

(B) Grade points per unit shall be assigned by the Registrar as follows: A - 4; B - 3; C - 2; D - 1; F, I, or IP - none. "Minus" grades shall be assigned three-tenths grade point less per unit than unsuffixed grades, and "plus" grades (except A+) shall be assigned three-tenths grade point more per unit. The grade of A+ shall be assigned 4.0 grade points per unit, the same as for an unsuffixed A; but when A+ is reported it represents extraordinary achievement.

(C) The grade Incomplete shall be assigned only when the student's **completed work (judged by itself and not in relation to the work required to pass the course as a whole)** is of passing quality and represents a significant portion of the requirements for a final grade, but is incomplete for good cause as determined by the instructor. "Good cause" may include illness, serious personal problems, an accident, a death in the immediate family, a large and necessary increase in working hours, or other situations deemed to be of equal gravity. The student is

entitled to replace this grade by a passing grade and to receive appropriate grade points and unit credit provided he or she satisfactorily completes the work of the course in a way specified by the instructor before the end of the third succeeding term of the student's academic residence as defined in Regulation 610. If a degree is conferred upon the student before the expiration of the time limit for conversion, the time limit for conversion for the graduated student shall be the end of the third regular term succeeding the term in which the Incomplete grade was assigned. If the time limit for conversion expires before a degree is conferred upon the student and the Incomplete grade has not been replaced, the grade shall revert to an F, a Not Passed, or an Unsatisfactory, depending on the grading system in effect in the particular instance. If the time limit expires after a degree has been conferred and the Incomplete grade has not been replaced, the Incomplete grade shall remain on the student's record. If the degree has not been conferred, and the work has not been completed before the end of the term three calendar years after the grade Incomplete has been assigned, and during which the student has not been in academic residence as defined in Regulation 610, the grade Incomplete shall remain on the student's record, unless the course is repeated. This time-limit for the completion of courses assigned the grade Incomplete shall apply to all and only those courses in which the grade Incomplete is assigned on or after September 1, 2010. (En. 1/20/75, Am. 5/29/75, effective Fall 1975; Am. 10/25/76, effective Winter 1977; Am. 6/4/79, Am. 11/28/79, effective Fall 1980; Am. 6/3/80, Am. 12/3/80; Am. 4/25/83; Am. 11/30/83) (Am. 9/1/2010, 2/24/2011)

In calculating an undergraduate student's grade point average, grade points and units for courses graded Incomplete shall not be counted except that, in ascertaining compliance with the 2.000 minimum grade point average required for the receipt of a bachelor's degree, all incomplete units attempted for a letter grade shall be counted and assigned a grade point value of zero. Any undergraduate student who accumulates more than 16 units of Incomplete for which final grades have not been assigned shall be subject to academic probation or disqualification. (Am. 1/27/81)

(Am. 9/1/2010) In calculating a graduate student's grade point average, grade points and units for courses graded Incomplete shall not be counted except that, in ascertaining compliance with the minimum grade point average required for receipt of a degree, all incomplete units attempted for a letter grade shall not be counted and assigned a grade point value of zero. Any graduate student who accumulates more than 8 units of Incomplete for which final grades have not been assigned shall be subject to academic probation. (Am. 10/25/76, effective Winter 1977; Am. 1/27/81)

(D) For a course extending over more than one term, where the evaluation of the student's performance is deferred until the end of the final term, provisional grades of In Progress shall be assigned in the intervening terms. Subject to the provisions of Academic Senate Regulation 634, grade points and units for courses graded In Progress shall not be counted in calculating a student's grade point average. Provisional grades shall be replaced by final grades if the student completes the full sequence. The student may receive final grades, grade points, and unit credit for completed terms when he or she has not completed the entire sequence if the instructor certifies that the course was not completed for good cause.

(E) All grades except Incomplete or In Progress are final when filed by the instructor in the end-of-term course report. The correction of clerical and procedural errors shall be governed by guidelines established by the Davis Division and shall be under the supervision of the Davis Division Grade Changes Committee. No change of grade may be made on the basis of reassessment of the quality of a student's work or, with the exception of Incomplete or In Progress grades, the completion of additional work. No term grade except Incomplete may be revised by re-examination. Students who believe that their failure to submit work subject to

grading was due to circumstances beyond their control, resulting in a grade of F may petition the Grade Changes Committee for removal of the grade. (Am. 9/1/2012)

(F) Repetition of courses not authorized by the Davis Division Committee on Courses of Instruction to be taken more than once for credit is subject to the following conditions.

- (1) An undergraduate student may repeat only those courses in which he or she received a grade of D, F, or Not Passed, as well as courses in which a grade of I has become permanent on the student's record because the work was not completed within three years, as described in (C) above. Departments may restrict repetition of a course if it is a prerequisite to a course already completed with a grade of C- or better. Courses in which a grade of D or F has been earned may not be repeated on a Passed or Not Passed basis. (En. 4/21/80, Am. 3/11/81) (Am. 9/1/2010)
- (2) A graduate student, with the consent of the appropriate graduate adviser and the Dean of Graduate Studies, may repeat any course in which he or she received a grade of C, D, F or Unsatisfactory, as well as courses in which a grade of I has become permanent on the student's record because the work was not completed within three years, as described in (C) above, up to a maximum of three courses for all courses repeated. Courses in which a grade of C, D, or F has been earned may not be repeated on a Satisfactory or Unsatisfactory basis. (Am. 10/25/76, effective Winter 1977) (Am. 9/1/2010, 9/1/2011)
- (3) Repetition of a course more than once requires approval by the appropriate dean in all instances.
- (4) Degree credit for a course will be given only once, but the grade assigned at each enrollment shall be permanently recorded. (Am. by mail ballot 5/7/74)
- (5) In computing the grade point average of an undergraduate who repeats courses in which he or she received a grade of D or F, only the most recently earned grade for each course and corresponding grade points shall be used for the first 16 units repeated. In the case of further repetitions, the grade point average shall be based on all grades assigned and total units attempted.
- (6) In computing the grade point average of a graduate student who repeats courses in which he or she received a grade of C, D, or F, only the most recently earned grade for each course and corresponding grade points shall be used.

(G) The Registrar shall enter the notation "NG" on the end-of-term course report and on the student's record for a student whose instructor has not yet submitted an appropriate grade (letter grade or P, NP, S, U, I, or IP) ~~nor designated the student as E-NWS~~. The instructor must indicate in the "memorandum" column on the course report the reason for not submitting a grade. Conditions for removing the NG are: (Am. 9/1/2012)

- (1) The NG notation shall be replaced by the appropriate grade upon written submission of that grade by the instructor.
- (2) The NG and relevant course notation both shall be deleted from the student's transcript if it is established that an administrative error resulted in improper assignment of NG to the student.
- (3) The Registrar shall change the NG notation to an F grade if the NG has not been removed under the provisions of (1) or (2), unless the instructor in charge indicates

otherwise to the Registrar. To ensure that the student is aware that an NG must be removed, the Registrar shall provide the following written notification to all affected students: "NG must be removed within one term or the NG will be changed to a grade of F. If this course appeared on your midterm course check list, see your instructor immediately; if it did not appear, see the Registrar."

## PROPOSED REVISION OF DAVIS DIVISION REGULATION 547

### Adding or Dropping a Course

Submitted by the Committee on Elections, Rules and Jurisdiction

Endorsed by Undergraduate Council, Graduate Council, L&S Faculty Executive Committee, Faculty Welfare, and Executive Council

This proposal would make the deadlines for adding, dropping, or withdrawing from a course consistent. In addition, this proposal would address the deadlines for adding, dropping, or withdrawing from a course during Summer Session.

#### Rationale.

The current reading of Davis Division Regulation 547 creates several problems for the Registrar's Office. In order to enforce the policy it requires staff to determine the individual deadlines for each student and each course they want to drop. This is both time consuming and filled with potential for error. Additionally, there is much confusion each term across campus on trying to assist students in understanding when the last day for them to drop or withdraw actually is. In order to figure out the right answer for each student the advisor must spend a significant amount of time trying to review the meeting schedule and even then there is much uncertainty. Finally, the current regulation does not address summer at all therefore the Registrar's Office is left to try to apply the same practice we use during the academic year but that doesn't always work.

Proposed Revision: Davis Division Regulation 547 shall be amended as follows. Deletions are indicated by ~~strikeout~~; additions are in **bold type**.

#### 547. Adding or Dropping a Course

- A. The deadline to drop a course is the twentieth day of instruction, except for courses that a department or program has noted in the Class Search Tool to have a ten-day drop deadline. The deadline to add a course is the twelfth day of instruction. Courses may be added or dropped at any time before these dates by any method mutually agreed upon by the Registrar and the Chair of the Davis Division of the Academic Senate. (Am. 5/27/93; Eff. 9/1/93; Am. 6/8/98; Eff. 9/1/99)
- B. At any time after the add deadline and before the close of business on ~~the business day preceding the scheduled final examination for a course (or close of business on the last day of scheduled final examinations if no final examination is scheduled for a course);~~ **the last day of instruction for the term, or, for summer sessions (excluding special session) the close of business on the last day of instruction in the fifth week of the session,** approval to add a course may be granted upon petition by the student and certification by the appropriate authority. Approval of such petitions may be granted only in cases where substantial evidence indicates that the student did attempt to add the

course prior to the deadline, but was prevented from doing so by clerical error or other situation beyond the student's control. The petition must be approved by the appropriate dean and, in addition, by the appropriate committee of the faculty of the student's college or school or the appropriate subcommittee of the Graduate Council. The faculty committee may authorize an administrative officer to act on its behalf, but at least once each quarter the committee should receive and review a summary of the actions taken in its name.

- C. At any time after the drop deadline and before the close of business on ~~the business day preceding the scheduled final examination for a course (or before close of business on the last day of scheduled final examinations if no final examination is scheduled for a course)~~ **the last day of instruction for the term, or, for summer sessions (excluding special session) the close of business on the last day of instruction in the fifth week of the session**, approval may be granted upon petition by the student and certification by an appropriate authority that, due to unexpected circumstances beyond the student's control, one or more courses should be dropped. The circumstances may include illness, serious personal problems, an accident, a death in the immediate family, a large and necessary increase in working hours, or other situations deemed to be of equal gravity. The petition must be approved by the appropriate dean and, in addition, by the appropriate committee of the faculty of the student's college or school or the appropriate subcommittee of the Graduate Council. The faculty committee may authorize an administrative officer to act on its behalf, but at least once each quarter the committee should receive and review a summary of the actions taken in its name. An undergraduate student is permitted to drop a course subsequent to the drop deadline even if doing so would reduce that student's study list below 12 units, but such a student no longer can be certified as a full-time student.
- D. To drop a course or withdraw from the University after close of business on ~~the business day preceding the scheduled final examination for a course (or after close of business on the last day of scheduled final examinations in the case of withdrawal or if no final examination is scheduled for a course)~~, **the last day of instruction for the term, or, for summer sessions (excluding special session) the close of business on the last day of instruction in the fifth week of the session**, the student or an appropriate faculty member must submit a petition to the Davis Division Grade Changes Committee or, for professional faculty or students in professional courses in their own professional schools, to the grade change committee of that school. Approval will be granted only in the most unusual circumstances and only in those cases where it is clear that by not approving the petition the student would be treated unfairly.

# Crediting Contributions to Diversity in Teaching, Research, Professional and University Service

Affirmative Action & Diversity Committee of the  
Academic Senate  
Spring, 2013





# Outline of Presentation

- UC's Commitment to Diversity
- Academic Personnel Manual (APM) 210– section dealing with *appointment and promotion*
  - APM210.1-d
- Crediting Contributions to Diversity:
  - Examples
  - Entry into My Info Vault

# UC Diversity Statement

- Initiated by the Academic Senate University Committee on Affirmative Action and Diversity (UCAAD) in 2005
- Adopted by the Assembly of the Academic Senate May 10, 2006
- Endorsed by the President of the University of California June 30, 2006
- Adopted by the UC Regents September 20, 2007
- See:  
<http://diversity.universityofcalifornia.edu/diversity.html>

# APM 210: Criteria for Appointment, Promotion, and Appraisal

## APM 210.1-d:

- “The University of California is committed to excellence and equity in every facet of its mission. Teaching, research, professional and public service contributions that promote diversity and equal opportunity are to be encouraged and given recognition in the evaluation of the candidate’s qualifications. These contributions to diversity and equal opportunity can take a variety of forms including efforts to advance equitable access to education, public service that addresses the needs of California’s diverse population, or research in a scholar’s area of expertise that highlights inequalities.”

# APM 210–Teaching

- In judging the effectiveness of a candidate's teaching, the committee should consider...[the] extent and skill of the candidate's participation in the general guidance, mentoring and advising of students; effectiveness in creating an academic environment that is open and encouraging to all students, including development of particularly effective strategies for the various under-represented groups.
- Among significant types of evidence of teaching effectiveness are development of new and effective techniques of instruction, including techniques that meet the needs of students from groups that are under-represented in the field of instruction.

# Examples of Diversity in Teaching

- Contributions to **pedagogies addressing different learning styles**, for example:
  - Developing effective teaching strategies for the educational advancement of students from under-represented groups
  - Designing courses or curricula that meet the needs of educationally disadvantaged students
- Experience **teaching students who are under-represented**, for example:
  - Teaching at a minority-serving institution
  - Record of success advising women and minority graduate students
  - Experience teaching students with disabilities

More Examples at: [http://www.ucop.edu/academic-personnel/\\_files/documents/eval-contributions-diversity.pdf](http://www.ucop.edu/academic-personnel/_files/documents/eval-contributions-diversity.pdf)

# APM 210 – Research and Creative Activity

- Textbooks, reports, circulars, and similar publications normally are considered evidence of teaching ability or public service. However, contributions by faculty members to the professional literature or to the advancement of professional practice or professional education, including contributions to the advancement of equitable access and diversity in education should be judged creative work when they present new ideas or original scholarly work.

# Examples of Diversity in Research

- Research contributions to **understanding the barriers facing women and minorities in academic disciplines**, for example:
  - Studying patterns of participation and advancement of women and minorities in fields where they are under-represented
- Research **interests that will contribute to diversity and equal opportunity**, for example, research that addresses:
  - Race, ethnicity, gender, multiculturalism and inclusion

More Examples at: <http://www.ucop.edu/academic-personnel/files/documents/eval-contributions-diversity.pdf>

# APM 210–Professional Activity

- The candidate's professional activities should be scrutinized for evidence of achievement and leadership in the field and of demonstrated progressiveness in the development or utilization of new approaches and techniques for the solution of professional problems, including those that specifically address the professional advancement of individuals in under-represented groups in the candidate's field.



# Examples of Contributions to Diversity in Professional Activity

- Engagement in **activity designed to remove barriers and to increase participation by groups historically under-represented** in higher education:
  - Participation in academic preparation, outreach, or tutoring
  - Participation in recruitment and retention activities
  - Service as an advisor to programs such as Women in Science and Engineering

More Examples at: [http://www.ucop.edu/academic-personnel/\\_files/documents/eval-contributions-diversity.pdf](http://www.ucop.edu/academic-personnel/_files/documents/eval-contributions-diversity.pdf)

# APM 210– University Service

- Contributions to student welfare through service on student-faculty committees and as advisers to student organizations should be recognized as evidence, as should contributions furthering diversity and equal opportunity within the University through participation in such activities as recruitment, retention, and mentoring of scholars and students.

# Examples of Contributions to Diversity in University and Public Service

- Participation in **service that applies up-to-date knowledge to problems, issues, and concerns of groups historically under-represented** in higher education:
  - Engagement in seminars, conferences, or institutes that address the concerns of women and under-represented minorities
  - Election to office, or undertaking service to professional and learning societies, including editorial work, or peer reviewing for a national or international organization addressing disparities in access to higher education

More Examples at: <http://www.ucop.edu/academic-personnel/files/documents/eval-contributions-diversity.pdf>

# MyInfoVault: Candidate's Statement on Diversity

- Beginning in July 2012, faculty may elaborate on their diversity activities in the MIV system through the Candidate's Statement on Diversity.
- NOTE: Failure to include any of these statements will not result in a “blank” section on the dossier—inclusion of the statements will simply add that section.

Enter Data ▾ My Dossier ▾ CV & Biosketches ▾ Actions ▾ Reports ▾ Preferences ▾

Personal ▶

Ag. Experiment Station ▶

Candidate's Statements ▶

Creative Activities ▶

Education ▶

Employment ▶

Extending Knowledge ▶

Grants and Contracts ▶

Honors and Awards ▶

List of Evaluations ▶

Position Description ▶

Publications ▶

Service ▶

Teaching ▶

▶ **Candidate's Statement**

▶ **Diversity Statement**

▶ **PDF File**

▶ **Individual PDF files**

▶ **Curricular Development**

▶ **My Authored Works**

[PDF](#) Honors and Awards

[PDF](#) Grants and Contracts

If you have problems creating or viewing your dossier, please contact t

In My Info Vault:

Go to:

→ Create My Dossier

→ Enter Data

→ Candidate's Statements

→ Diversity Statement



[Enter Data](#) ▾ [My Dossier](#) ▾ [CV & Biosketches](#) ▾ [Actions](#) ▾ [Reports](#) ▾ [Preferences](#) ▾

[Home](#) > Diversity Statement

## Candidate's Diversity Statement (This data appears in the Dossier, CV.)

### Diversity Statement for

[Add a New Record](#)

[Resequencing](#)

No Items Found

In My Info Vault:  
Go to:  
→ Create My Dossier  
→ Enter Data  
→ Candidate's Statements  
→ Diversity Statement  
→ Add a New Record

[Home](#) > [Diversity Statement List](#) > Diversity Statement Form

### Add “Diversity Statement”

\* = Required Field

[Do you want to format text?](#)

[illegible]

† = Field supports carriage returns (by pressing the "Enter" key on the keyboard), and the data will

## In My Info Vault:

Go to:

→ Create My Dossier

→ Enter Data

## → Candidate's Statements

## → Diversity Statement

→ Add a New Record

- Statements may be added under each category



Home > Diversity Statement List > Diversity Statement Form

## Add "Diversity Statement"

\* = Required Field

[Do you want to](#)

\* Year:

Description/Elaboration of Diversity Activities in Teaching

**B** *I* U | | | |

**Information about Diversity Statement Form**

Consistent with the requirements of both the UC Davis [Instructions to Appointment and Promotion Committees: APM-210](#) and the UCOP Vice Provost for Academic Personnel [Evaluation Contributions to Diversity for Faculty Appointment and Promotion Under APM-210](#), faculty contributions to diversity and equal opportunity in the four areas of evaluation (teaching, university and public service, and scholarly and creative activities) must receive recognition and reward in the academic review process for appointment and promotion.

In these instructions, the term "diversity activities" includes not only these activities contributing to diversity and equal opportunity, but also include faculty contributions to affirmative action in these four areas of evaluation that are consistent with the [University of California Affirmative Action Guidelines for Faculty Recruitment and Retention](#).

Rolling over information icon reveals links to APM-210, as well as the UCOP Vice Provost for Academic Personnel's document containing examples of activities within each category.





*Robert L. Powell*  
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*Chair of the Assembly and the Academic Council  
Faculty Representative to the Board of Regents  
University of California  
1111 Franklin Street, 12th Floor  
Oakland, California 94607-5200*

May 30, 2013

**SENATE DIVISION CHAIRS  
SENATE COMMITTEE CHAIRS**

Dear Colleagues:

As you know, over the past year the Senate has engaged in a thorough systemwide review of a proposal by UCOLASC to adopt an Open Access (OA) policy for the University of California. The Academic Council considered responses by the nine undergraduate divisions, UCAP, UCFW, UCORP and UCBP at its meeting in January 2013. At that time, Council requested that UCOLASC further revise the policy to address division and committee concerns and provide additional information about specific questions. UCOLASC Chair Chris Kelty provided a revised proposal, additional information such as lists of publishers that allow green OA, scholarly societies that support OA, and statistics from institutions that have instituted OA policies. In addition, UCOLASC asked Provost Dorr to provide assurances about how UCOP would interpret and support implementation of the policy. In a letter dated May 6, Provost Dorr responded positively to the proposal and addressed the particular funding and implementation questions.

At its meeting on May 22, Council voted to send the revised proposal, associated materials and the provost's letter for expedited final review. I realize that it is a difficult time of year to initiate this process, but I believe it is critical that the same committees that reviewed the earlier version advise on the revised proposal with its supporting material. ~~To that end, I request responses to the review by July 17. Please send comments to [senatereview@ucop.edu](mailto:senatereview@ucop.edu).~~

Some respondents have questioned why there is no non-commercial use clause in the license grant. Chair Kelty has addressed this in the enclosed FAQ. The Provost also specifically states in her letter that UC will not sell or make commercial use of the articles placed in the open access repository and will abide by the wishes of the faculty. In addition, I will seek further advice on this topic from colleagues in the law schools and will forward any opinion I receive to you.

I wish to thank you for your time and the insights you have contributed to improving this proposal and for conducting another review on such a short time line. I also wish to thank UCOLASC for its extraordinary effort and leadership on this issue.

Sincerely,

A handwritten signature in black ink, reading "R. L. Powell". The signature is written in a cursive style with a large, stylized "P" and "L".

Robert L. Powell, Chair  
Academic Council

Cc: Martha Winnacker, Senate Executive Director



MAY 09 2013

SANTA BARBARA • SANTA CRUZ

ACADEMIC COUNCIL

OFFICE OF THE PROVOST AND EXECUTIVE VICE PRESIDENT

OFFICE OF THE PRESIDENT  
1111 Franklin Street, 12<sup>th</sup> Floor  
Oakland, California 94607-5200

May 6, 2013

ROBERT L. POWELL  
ACADEMIC COUNCIL CHAIR

Dear Bob,

I am writing in response to your April 11 letter on the Council's review of the UC Open Access (OA) policy and requesting a formal statement from UC administration regarding some aspects of the proposed OA policy. I am heartened by the Senate's engagement with this important issue and pleased to partner with you and your colleagues in moving this issue forward. For the sake of clarity, I will address each of the issues that you raise separately, below.

1. **Oversight.** I agree that the UC Open Access Policy will require joint oversight by faculty and the administration, due to the substantial role that UCOP will play in implementing the policy and managing its ongoing administration.

You have requested that UCOP adopt this as a Presidential policy which seems appropriate under Standing Order 100.4 of the By-Laws of the University (Duties of the President of the University) which states:

*The President is authorized to develop and implement policies and procedures on matters pertaining to intellectual property, including patents, copyrights, trademarks, and tangible research products, and to execute documents necessary for the administration of intellectual property, including those which may contain commitments existing longer than seven years. The President annually shall report to the Board [of Regents] on matters pertaining to intellectual property.*

A Delegation of Authority can be made from the President to the Provost. As the primary stakeholder in the Open Access Policy, the Academic Senate would be consulted, per the policy review process, before any changes could be made to the policy. I furthermore hereby formally agree that implementation of the policy and any future changes to the policy will be done only in consultation with the Academic Senate.

Development of a "Presidential Policy" can take several routes, once the Senate has a final policy to recommend. I would likely work with the Vice President for Research and Graduate Studies, the Vice Provost for Academic Personnel, and the Executive Director of California Digital Library in managing an appropriate review.

2. **Scope of the license grant.** The University of California has no intention of altering, selling, or otherwise using articles for which license has been granted. UCOP and the California Digital Library, as responsible stewards of the articles deposited in the eScholarship repository, will abide by the articulated wishes of the faculty via the Academic Senate to make the articles freely available in eScholarship. They will never sell the content of the repository; that would be contrary to the purpose of the repository.

3. **Improvement of deposit capabilities in eScholarship.** I recognize the importance of enhancing the eScholarship repository's article deposit mechanisms in support of the policy. From conversations with CDL staff, I understand that there are two complementary approaches for achieving this goal: a refinement of the current manual deposit workflow and the establishment of an automated harvesting tool. Both of these approaches need to be designed to minimize faculty time and effort in depositing articles, while still supporting significant levels of systemwide participation in the policy. For the current budget cycle (FY14), I am recommending the allocation of systemwide funds to support a 1-year implementation of a tool that can support robust and efficient deposit and harvesting into eScholarship. The implementation of this tool will begin with three campuses: UCSF (which already has an open access policy) and two other campuses to be determined. The system will be designed in consultation with the faculty on these three campuses and evaluated by faculty participants before being extended to all ten campuses. CDL will also continue to seek advice from UCOLASC as well as SLASAC during this time. Funding for future years will be determined through normal UCOP budget procedures.
4. **Cost Allocation.** I understand the faculty's concerns about personally bearing the article processing costs (APCs) charged by some open access journals. Although the proposed UC Open Access Policy does not require faculty to publish in open access journals (as stated in the letter from Chris Kelty that you forwarded: *"the proposed policy does not require faculty or the university to pay any fees or charges to publish articles..."* Faculty members are expected to continue to publish in the journals of their choice"), it may encourage authors to explore that option, which may in turn lead to more authors paying APCs. At this point, it is impossible to know what it would take to support all of the APCs that may be incurred by faculty systemwide; however, there are a few initiatives underway to help address the changing landscape.

The UC Libraries have long been committed to engaging with all aspects of scholarly communication, including the reform and reining-in of an increasingly economically unsustainable system. An Open Access Publishing fund was launched last year by the UC Libraries to assist authors in covering the cost of APCs levied by some open access publications. The outcomes of this pilot will be assessed, and the sustainability will be evaluated. In addition, the UC Libraries are currently working on an analysis of open access publishing charges that will help to determine what fees are reasonable by discipline. While no article accepted for publication should go unpublished solely due to an author's inability to pay the publication fee, the University cannot promise to cover all fees in every situation. UC librarians have been and will continue to be available to help authors find solutions should this circumstance arise. As you are aware, if a particular publisher will not accept the terms of UC's Open Access Policy, there may be room for compromise. Authors can negotiate an embargo period (before the article is made publicly available) or, if all else fails, authors can opt out of the policy. Assistance will be available at each campus library, and through the eScholarship team, to help individual authors.

It appears to me that the revised draft of the UC Open Access Policy has ably addressed the concerns that were raised during the review by faculty in the fall. I hope that, along with the revised Policy text and annotations, this letter will help allay faculty fears concerning implementation of the Policy.

Academic Council Chair Robert L. Powell  
May 6, 2013  
Page 3

Please let me know if you have any questions or further concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Aimée Dorr". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aimée Dorr  
Provost and Executive Vice President

cc: President Yudof  
Vice President Beckwith  
Vice Provost Carlson  
Executive Director Farley

Robert L. Powell  
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Chair of the Assembly and the Academic Council  
Faculty Representative to the Board of Regents  
University of California  
1111 Franklin Street, 12th Floor  
Oakland, California 94607-5200

April 11, 2013

**AIMÉE DORR**  
**PROVOST AND EXECUTIVE VICE PRESIDENT**

Dear Aimée:

After an extensive Senate review process, the Academic Council recently considered a proposed policy for increasing open access to scholarly works. The proposed policy would be a collective commitment by the Senate to make their scholarly articles available to the public now and in the future. It would also express the responsibility of individual faculty members concerning the management of their copyrights in scholarly articles. The policy has two components – a default non-exclusive license to the University to exercise copyright rights in faculty members' scholarly articles combined with deposit of the final version of each published article in the eScholarship repository of the CDL. The policy would include a generous opt-out provision and would not impose compliance sanctions. Because members of the faculty own the copyright in their scholarly works, it is essential that such a policy originate in the Senate. At the same time, its implementation would require substantial Administration engagement.

The proposed policy was developed by the University Committee on Libraries and Scholarly Communication in close collaboration with the University Librarians and the California Digital Library and has been broadly reviewed by the Academic Senate.

The Senate response has been generally very favorable to the idea of open access, but predictably has included many requests that the proposed policy be revised for clarification and assurance. The committee has revised the proposed policy to address some of the concerns. However, a number of concerns cannot be resolved without a firm and credible indication that the Office of the President would interpret the policy as the faculty do, and would provide the necessary resources and support (especially to the California Digital Library) to make the policy a reality.

We write now to request a formal statement that would address the following issues and would be circulated with a revised policy in a second round of review:

**Oversight**

- This policy originates as an Academic Senate Policy but would require joint oversight and a substantial UCOP role for implementation. Faculty thus want assurance that UCOP would

adopt it as a presidential policy, but that its implementation and any changes to the policy itself would be undertaken only in consultation with the Senate, and only on the basis of agreement by both parties.

### **Scope of the license grant**

- The proposed policy rests on the 1992 University Policy on Copyright Ownership, which affirms faculty members' ownership of their copyrights. Thus, the proposed default grant of rights to the University as described in the policy will be made under the explicit assumption that the UC will be a responsible steward of these rights, granting them back to faculty as necessary, and making use of those rights only to the extent covered by this policy. Accordingly, faculty would like assurance that UCOP and CDL will not do anything with the articles other than making them openly and freely available, or granting those rights back to the authors themselves. Specifically, the license grant is made with the understanding that the University will not alter, sell or otherwise use articles for which the license is granted to generate revenue without express permission of the faculty copyright holder.

### **Implementation and improvement of the eScholarship repository**

- For the policy to be effective, faculty authored work must actually be made freely available, and the primary mechanism for this will be CDL's eScholarship repository. Faculty would like assurance that the workflow and burden of making deposits to eScholarship will be eased through technological improvements in CDL's eScholarship repository, including development of an automatic deposit capability for those who wish to use it. Without these improvements, the deposit mechanism is too cumbersome and difficult to support the widespread use that will be essential to achieve the goal of open access.
- The details and estimated costs of these improvements have been spelled out in detail by CDL, and are readily available from them. Faculty would object to imposing these costs on the existing, extremely overtaxed budgets of the libraries.

### **Cost Allocation**

Faculty are aware that publication does not happen for free, but have also come to recognize that its financial costs (not including their own freely contributed labor) are overwhelmingly borne by the libraries in the form of subscription fees for journals. Some publishers have proposed an alternative model that would achieve open access by shifting costs to authors in upfront payments for publication. While the faculty recognizes that the latter model has benefits for dissemination, they fear that they will be asked as individuals to shoulder publication costs that are now borne by institutions.

- Faculty would like UCOP to show a credible commitment to ensuring that the University will create institutional mechanisms at least as robust as library subscription budgets for covering publication costs, so that individual faculty authors are not left on their own to secure funds for publication. Specifically, the faculty would welcome hearing that no peer-reviewed research conducted at UC, regardless of discipline, would ever fail to be published because a faculty member could not afford to do so.

The faculty recognize that there is great uncertainty in the future of the scholarly publishing system, but feel that it is the obligation of the University to ensure that all research, across all disciplines, is adequately and equitably supported.

We will be happy to discuss this request with you at greater length and look forward to receiving a letter that would help reassure the faculty in these matters.

Sincerely,



Robert L. Powell, Chair  
Academic Council



Christopher Kelty  
UCOLASC Chair

Cc: Academic Council  
Martha Winnacker, Senate Executive Director

Encl.



# **Revised Draft of Proposed Open Access Policy for the University of California; Version of 3/20/13 *with annotations and differences.***

## **Preamble<sup>1</sup>**

The Faculty of the University of California is committed to disseminating its research and scholarship as widely as possible. In particular, as part of a public university system, the Faculty is dedicated to making its scholarship available to the people of California. **Furthermore, the Faculty recognizes the benefits that accrue to themselves as individual scholars and to the scholarly enterprise from such wide dissemination, including greater recognition, more thorough review, consideration and critique, and a general increase in scientific, scholarly and critical knowledge. Faculty further recognize that by this policy, and with the assistance of the University, they can more easily and collectively reserve rights that might otherwise be signed away, often unnecessarily, in agreements with publishers.** In keeping with ~~this commitment to open dissemination and public access~~ **these facts, and for the primary purpose of making our scholarly articles widely and freely accessible,** the Faculty adopts the following policy:<sup>2</sup>

## **Grant of License and Limitations**

Each Faculty member grants to the University of California a nonexclusive, irrevocable, worldwide license to exercise any and all rights under copyright relating to each of his or her scholarly articles, in any medium, and to authorize others to do the same.<sup>3</sup> **Faculty members grant this license for the purpose**

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<sup>1</sup> Section headings have been added to make the policy easier to navigate.

<sup>2</sup> The preamble has been expanded to include a clearer statement of the intended benefits of this policy: 1) to make our work more accessible; 2) to accrue the individual benefits, such as increased citation and re-use by other scholars; and 3) to collectively reserve broad rights by entrusting the University to hold them on our behalf. The preamble is also intended to communicate that the primary purpose of this action is to make our work freely available, and not for any commercial advantage or use that the University might want to consider, whether beneficial or not (see also notes 3-5 below).

<sup>3</sup> This license grant has two functions: 1) to preserve the rights that faculty might want to use *in their own articles* by systematically granting those rights to the university, who may grant them back to us as needed (this is the purpose of the phrase “and to authorize others to do the same”); and 2) to enable the University to make our articles available to those who would use them (i.e. readers of our articles). Faculty have an incentive to make this grant as broad as possible so as to preserve as many rights as possible—any restriction on this grant simply means that those rights will go to the publisher instead. However, it is clear that faculty members do not intend UCOP to make unapproved and systematic use of the articles (especially commercial ones), and that restriction is stated after the license grant (see notes 4-5 below). By granting broad rights to the University, we also allow faculty to individually choose (at the point of

of making their articles widely and freely available in an open access repository and so that the University can grant these rights back to the author.<sup>4</sup> Any other systematic uses of the licensed articles by the University of California must be approved by the Academic Senate.<sup>5</sup> This policy does not transfer copyright ownership, which remains with Faculty authors under existing University of California policy.<sup>6</sup>

### Scope and Waiver (Opt-Out)

The policy applies to all scholarly articles authored or co-authored while the person is a member of the Faculty except for any articles published 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. ~~This policy does not transfer copyright ownership, which remains with Faculty authors under existing University of California policy. Application of the license will be waived.~~ **Upon express direction by a Faculty member, the University of California will waive the license** for a particular article or ~~access~~ **delay access to the article** for a specified period of time.<sup>7</sup>

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deposit) to direct UCOP which rights will be passed on to other users. Although it cannot be specified in the text of the policy itself, the **default** license used by eScholarship will be a non-commercial license (CC-by-NC). But by preserving this broad license grant, faculty may also choose to make other commercial uses of their own works—such as republishing them, excerpting them, or collecting them in an edited volume for sale.

<sup>4</sup> This sentence clarifies the intention of the license grant by spelling out what uses the Senate authorizes CDL to make of the articles, namely, to make them freely available, and to grant back to the Author the rights granted to the University. However, the language cannot be so restrictive that it contradicts the license grant and invalidates the policy. Rather, the design of the policy is such that the Senate is expected to maintain oversight of what the license grant is used for, and in the case that faculty object, to review or ultimately rescind the policy.

<sup>5</sup> This sentence clarifies that any other systematic uses (that is, uses made of all of the articles as a whole, not any particular article) is subject to restriction by the Senate. The intention is to disallow any other uses unless approved by the Senate.

<sup>6</sup> The 1992 UC Copyright Policy clearly states that Faculty retain their copyrights in scholarly works, and this policy does not change that; further the license grant above, being nonexclusive, does not constitute a transfer of copyright to the University of California.

<sup>7</sup> This sentence has been rewritten to more clearly express that it is the Faculty member who will direct the University to waive the license (not the University or the publisher). The waiver itself (also known as the “opt-out” clause) has not been revised here and applies only to the license, not to the policy as a whole. To obtain a waiver requires only that faculty communicate their intention to do so; no one must grant permission or otherwise negotiate to waive the license. This waiver is separate from the deposit

## Deposit of Articles

To assist the University in disseminating and archiving the articles, **Faculty commit to helping the University obtain copies of the articles.**<sup>8</sup> Specifically, each Faculty member **who does not permanently waive the license above** will provide an electronic copy of his or her final version of the article to the University of California by the date of its publication,<sup>9</sup> **for inclusion in an open access repository.**<sup>10</sup> ~~The University of California will make the article available in an open access repository.~~ When appropriate, a Faculty member may instead notify the University of California if the article will be freely available in another repository or as an open-access publication.<sup>11</sup> **Faculty members who have permanently waived the license reserve the right to deposit a copy with the University of California or elsewhere for archival purposes.**<sup>12</sup>

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obligation, but as should be clear from the following paragraph, the deposit obligation in this version clearly applies only to those people who DO NOT opt out of the license.

<sup>8</sup> This added line states generally that faculty will hereby commit to helping the University of California make their work more available, and to indicate that it is the responsibility of both parties to do so.

<sup>9</sup> Faculty members are expected to deposit the final version at the time of publication of the official version, to the extent practicable. If they have opted to delay access (e.g. for 6 months, 12 months or even longer), they may deposit the article either at the time of publication (with the understood requirement that CDL will only make it available when the embargo period is over), or at the time at which the embargo period expires.

<sup>10</sup> This sentence states the obligation by Faculty to deposit a copy of their final version of the article by the date of its publication. This obligation applies to all faculty **who DO NOT** opt out of the license in the preceding paragraph. If a faculty member prefers not to deposit for any reason, he or she can do so by waiving the above license, which can be done by simply visiting the eScholarship site and communicating the title of the article and name of the journal. The sentence also declares again that the purpose of this deposit is to make the work available in an open access repository, and not for any other purpose.

<sup>11</sup> Publication in an open access journal, or deposition in another open access repository satisfies the deposit obligation under this policy. If research is covered by another mandate, or a faculty member chooses to publish in open access journals, it is not necessary to also deposit an article in eScholarship, though eScholarship may still display the meta-data and permanent location of the article.

<sup>12</sup> This sentence clarifies that even if a faculty member opts out of the license, he or she may still deposit a copy in eScholarship or elsewhere, even though no longer obligated to. This line is important in indicating to publishers that the faculty member is not hereby relinquishing the right to keep an archival copy of his or her articles.

**Notwithstanding the above, this policy does not in any way prescribe or limit the venue of publication. This policy neither requires nor prohibits the payment of fees or publication costs by authors.**<sup>13</sup>

### **Oversight of Policy**

The Academic Senate and the University of California will be **jointly** responsible for implementing this policy, resolving disputes concerning its interpretation and application, and recommending any changes to the Faculty. **Any changes to the text of this policy will require approval by both the Academic Senate and the University of California.**<sup>14</sup> The Academic Senate and the University of California will review the policy within three years, and present a report to the Faculty **and the University of California.**

The Faculty calls upon the Academic Senate and the University of California to develop and monitor mechanisms that would render implementation and compliance with the policy as convenient for the Faculty as possible.

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<sup>13</sup> This sentence clarifies that the choice of where to publish is not in any way limited by this policy, and remains the responsibility of the author and his or her co-authors. Furthermore, the policy only requires that an *additional copy* of an article be deposited, and does not in any way require or even encourage a faculty member to pay to publish the original article in an open access journal.

<sup>14</sup> This sentence further asserts the intention of the Academic Senate to oversee the policy jointly with the University of California, and to ensure that changes cannot be made unilaterally by either party.

## Definitions and Notes:

**“University of California”:** Throughout the policy “University of California” refers to the University of California Office of the President, the system wide administrative body responsible for the operation of the University. Practically speaking, the primary entity responsible for implementing this policy is the California Digital Library. CDL is co-funded by UCOP and the ten campus libraries.

**“Academic Senate”:** Through the policy “Academic Senate” refers to the system-wide faculty Senate, which is composed of senate representatives from all of the campus divisions. Practically speaking, the relevant committees that would oversee this policy include the Academic Council, the University Committee on Library and Scholarly Communication, and the University Committee on Research Policy, and other system-wide committees as necessary.

**“scholarly articles”:** the term is intended to mean published, peer-reviewed research articles. However, the least restrictive term available is preferred. Any greater precision of the term tends to exclude one discipline or practice; for example, to say “scholarly journal articles” might exclude those who publish in edited volumes; to say “peer-reviewed scholarly articles” might exclude law reviews (reviewed by students) or those reviewed by editorial collectives; etc.

**“co-authored”:** Current copyright law gives all co-authors equal rights in a publication; even if one author objects to making a work openly available (or not), the co-authors still retain the right to do so. There is no conflict if two different universities (or funders) require one or another author to make a work open access.

**“access delayed”:** Also known as an “embargo”—this term refers to the length of time after publication that an article will remain inaccessible. Most publishers who demand waivers in order to publish are actually satisfied with a temporary delay of access (usually 6-12 months).

**“final version”:** In this policy, final version is taken to mean (at minimum) the post-peer review, revised and copy-edited version of a paper, but not necessarily the typeset publisher's copy (unless allowed by the publisher, which CDL will help to determine). Faculty members are expected to deposit the final version at the time of publication of the official version, to the extent practicable. If they have opted to delay access (e.g. for 6 months, 12 months or even longer), they may deposit the article either at the time of publication (with the understood requirement that CDL will only make it available when the embargo period is over), or at the time at which the embargo period expires.

### **A note on the scope of this policy**

This is an Academic Senate Policy; should it be approved, it will apply to all Senate Faculty (also known as “ladder” faculty) throughout the UC system. If it is subsequently adopted by the Office of the President as a presidential policy, it will presumably apply to all academic personnel as defined in the APM; however, that designation of scope is the prerogative of the Office of the president, not the Faculty Senate.

### **What are creative commons licenses and how are they used?**

To make our articles available for any use other than reading on a screen (copying, printing, use in a classroom, inclusion in a course reserve or course reader, and so on), eScholarship must indicate what license rights are given to the end-user of the article. The standard licenses for this purpose are the Creative Commons licenses ([creativecommons.org](http://creativecommons.org)), which very clearly indicate what can be legally done with an article. All Creative Commons licenses that eScholarship uses require attribution. The default license restricts end-users from making “commercial” use of an article. Faculty may remove this restriction if they wish and choose a CC-by license (“attribution only”).

### **Differences of this policy from existing and proposed federal and state legislation**

The proposed policy reserves a non-exclusive right for authors by granting it to our employer on the understanding that they will use those rights to make our articles available (*immediately*, or after a delay designated by the author) and also enable authors to make other uses of these works, by granting those rights back to the authors.

Existing federal legislation (the NIH Public Access Act) does not preserve such rights, but only requires that NIH-funded research articles are made publicly accessible 12 months after the date of publication, via the PubMed repository.

Proposed legislation in Congress (the FASTR Act), and a directive from the White House Office of Science and Technology Policy mirror the NIH Public Access legislation. FASTR would extend the requirement to all federal funders with budgets over \$100 million, and would require deposit 6 months after publication. The OSTP directive applies to the same agencies and recommends 12 months, but leaves it in the hands of the agencies to develop the ultimate policy.

The proposed state legislation (AB 609) is nearly identical to the Federal FASTR act, but is intended to cover only state-funded research (and is not intended to apply to all state employees in the University systems)

The proposed UC policy would cover all faculty, but allow individuals to opt out; federal and state legislation only covers those who receive federal or state funds, and does not allow opt-out.

The proposed UC policy clearly defines what legal rights authors will retain, and the implementation would clearly communicate those rights; the federal and state legislation use the term “public access” but do not define what rights are included when a work is made publicly accessible. The CA legislation may include a specification that the works be made available for commercial use, but as of 3/20/2013, it has not been amended.

If both the UC policy and the federal or state legislation were passed, compliance with the federal legislation would also satisfy the UC policy (authors would not have to deposit twice—but would retain greater rights than under the federal legislation alone).

Although the systems are compatible, the UC policy is preferable for faculty on several counts: it allows opt out, it clearly specifies the rights reserved, and it covers all research, not just federally funded research.

### **Differences of this policy from the UCSF policy adopted May 21, 2012.**

The UCSF policy does not grant as broad a set of rights, because it restricts the use of the articles by the phrase “provided they are not sold” to the license grant. The intention of this language is that it prevent UC from selling the articles; the actual effect is that it restricts all subsequent uses of the articles (for instance, the subsequent inclusion of an article in an edited volume). The proposed policy would preserve broader rights, but attempts to limit any systematic use of the articles by UC other than making them freely available; furthermore it leaves the choice of such restrictions (commercial/non-commercial uses) in the hands of the authors rather than dictating acceptable uses in the policy.

The UCSF policy requires deposit even in the case of opting out from the license. The revised policy proposed here only obligates deposit by those who do not opt out of the license.

## **Revised Draft of Proposed Open Access Policy for the University of California; Version of 3/20/13.**

### **Preamble**

The Faculty of the University of California is committed to disseminating its research and scholarship as widely as possible. In particular, as part of a public university system, the Faculty is dedicated to making its scholarship available to the people of California. Furthermore, the Faculty recognizes the benefits that accrue to themselves as individual scholars and to the scholarly enterprise from such wide dissemination, including greater recognition, more thorough review, consideration and critique, and a general increase in scientific, scholarly and critical knowledge. Faculty further recognize that by this policy, and with the assistance of the University, they can more easily and collectively reserve rights that might otherwise be signed away, often unnecessarily, in agreements with publishers. In keeping with these facts, and for the primary purpose of making our scholarly articles widely and freely accessible, the Faculty adopts the following policy:

### **Grant of License and Limitations**

Each Faculty member grants to the University of California a nonexclusive, irrevocable, worldwide license to exercise any and all rights under copyright relating to each of his or her scholarly articles, in any medium, and to authorize others to do the same. Faculty members grant this license for the purpose of making their articles widely and freely available in an open access repository and so that the University can grant these rights back to the author. Any other systematic uses of the licensed articles by the University of California must be approved by the Academic Senate. This policy does not transfer copyright ownership, which remains with Faculty authors under existing University of California policy.

### **Scope and Waiver (Opt-Out)**

The policy applies to all scholarly articles authored or co-authored while the person is a member of the Faculty except for any articles published 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. Upon express direction by a Faculty member, the University of California will waive the license for a particular article or delay access to the article for a specified period of time.

### **Deposit of Articles**

To assist the University in disseminating and archiving the articles, Faculty commit to helping the University obtain copies of the articles. Specifically, each Faculty member who does not permanently waive the license above will provide an electronic copy of his or her final version of the article to the University of California by the date of its publication, for inclusion in an open access



repository. When appropriate, a Faculty member may instead notify the University of California if the article will be freely available in another repository or as an open-access publication. Faculty members who have permanently waived the license reserve the right to deposit a copy with the University of California or elsewhere for archival purposes.

Notwithstanding the above, this policy does not in any way prescribe or limit the venue of publication. This policy neither requires nor prohibits the payment of fees or publication costs by authors.

#### Oversight of Policy

The Academic Senate and the University of California will be jointly responsible for implementing this policy, resolving disputes concerning its interpretation and application, and recommending any changes to the Faculty. Any changes to the text of this policy will require approval by both the Academic Senate and the University of California. The Academic Senate and the University of California will review the policy within three years, and present a report to the Faculty and the University of California.

The Faculty calls upon the Academic Senate and the University of California to develop and monitor mechanisms that would render implementation and compliance with the policy as convenient for the Faculty as possible.

## Proposed UC Open Access Policy: Questions and Concerns

### July 2012

This document lists the most commonly expressed questions and concerns about a proposed open access policy for the University of California. Concerns and questions were submitted by the Library and COLASC committees of all ten campuses, The California Digital Library, the University Council of Librarians, several Graduate Student Associations, the Library Association of the University of California, as well as the University Committee on Academic Personnel (UCAP) and the University Committee on Research Policy (UCORP), the University Committee on Academic Freedom (UCAF) and the University Committee on Faculty Welfare (UCFW), as well as many faculty members on each campus polled via town-halls, surveys and on-line discussions between Dec 2011 and July 2012.

**Additional questions not addressed here can be found on the Reshaping Communication Website (<http://osc.universityofcalifornia.edu/openaccesspolicy/>)**

#### Academic Freedom/Waiver of license

Issues of academic freedom are the most commonly expressed concerns about an open access policy. Many, if not all of these concerns, are answered by the fact that the proposed policy has an *extremely generous opt-out clause*. Scholars may opt out for whatever reason: if they disagree with the policy, or want to support subscription access, or co-author with others who disagree with it, or want to retain full control over their own copyright, or are asked to by a publisher, etc. Thus the policy balances the need for academic freedom with the need for greater access to research. The disadvantage, of course, is that it allows publishers to abuse the opt-out clause by routinely demanding opt-out waivers in order to publish. But from the perspective of achieving more open access, a policy with an opt-out clause is preferable to no policy at all.

#### Commercial use and Reuse

The proposed policy limits the use that UC may make of our scholarly articles to depositing them in an open access repository. Other uses (such as republication or resale by UC) are not authorized by the policy. However, the policy does not restrict the uses that *end-users* may make of these articles. In effect, it requires that articles by default be released under a Creative Commons Attribution license (CC-by), a form of license that requires attribution but does not restrict the use, commercial or otherwise, that may be made of these articles. Many faculty have insisted that open access versions of articles must be restricted to non-commercial uses only. The expressed intention in most cases is to protect our work from unscrupulous commercial re-use. In practice, the only legal way to attempt this (a so-called “non-commercial” restriction on the license used to redistribute the work) may also drastically restrict *legitimate* commercial reuses, such as republication of the work in another scholarly volume, re-use in a course reader, print republication in a foreign country, text mining, etc. It is also not clear that unscrupulous uses can be so prevented—fraud and plagiarism are not forestalled by copyright license restrictions. Furthermore, a more “open” license also introduces more, rather than less, competition into the scholarly publishing marketplace, something that is desperately needed in an industry that currently operates largely in secrecy and with little overt competition.

### Deposit Requirement

Another concern occasionally raised about the policy is the requirement to provide a copy of each article for deposit in eScholarship. This concern takes two forms. The first concerns the extra amount of work it will require of faculty; the second concerns the lack of ability to opt out of this requirement (the opt-out waiver applies only to the license requirement). While it is undeniable that this requirement makes work for faculty in an absolute sense, it is not clear whether that work is onerous. In fact, it may well have extensive benefits for faculty. In practical terms, the amount of work required is extremely small—far less work, for instance, than submitting an article to a manuscript management system for a journal. Some of the deposit of articles may be automated; eScholarship can find and deposit some articles on behalf of faculty, requiring only a simple email response agreeing to the action, some articles (those that are already open access) may require no action at all. For those that do require deposit, the process can be streamlined to the point where it requires only a simple upload and verification of basic data.

Deposit benefits faculty in the discoverability of their research—the more accessible, and the better the metadata about an article, the more likely it will be found in a search or linked to by other sources, improving the impact of the research. In addition, because eScholarship is designed to function as an archive, it also provides faculty with a permanent place to store and retrieve all articles, for any purpose—from promotion and tenure, to requests for articles, to use as a backup personal archive.

The obligation to make our work available is paramount, and the proposed policy has no simple opt-out clause as in the case of the license. Allowing opt-out from deposit would have the unfortunate effect of giving publishers the power to demand even more rights (including the right to archive the work) which many faculty members do not want to give up. In the case where there are concerns about the use of previously copyrighted materials (images, graphs, passages requiring permission, etc), those concerns can be dealt with in the implementation of the deposit process itself.

### Definitions: “scholarly article” and “final version”

Some have expressed concern about the definition of the terms “scholarly article” and “final version.” In both cases, the language has been chosen for two reasons. First, because it is strategically “vague” meaning that the definition of “scholarly articles” and “final version” is not specified in the text of the policy itself, but in the implementation and oversight of the policy. It will be easier to create a FAQ and an interface in the deposit process that explains what kinds of materials are covered by the policy and where the limitations might be, than it is to do the same in the policy language itself. The more tightly worded a policy is, the more exceptions it creates, and so the option has been to use this wording. The second reason is that this is the same language that nearly all of the other existing scholarly policies use, and so in preference for compatibility with other universities and publishers, the proposed policy retains these terms as well.

### Faculty Oversight and Review

A final concern often expressed is that this policy will require clear *faculty* oversight and review. The policy thus requires oversight by both the Academic Senate and the UC Office of the President. In practice, oversight has been and will continue to be the primary responsibility of UCOLASC and the California Digital Library, who historically have worked very closely with each other and are in frequent consultation on issues regarding scholarly communication. The policy sets a limit of three years within which these two entities must report on the policy to the Faculty.

## Other Issues

Many other concerns have been raised which are valid, but which would not in fact be at issue if this policy were passed. These include:

### Copyright transfer to the University

- The policy does not transfer copyright to the university, only a very limited non-exclusive license.

### Peer review concerns

- The proposed policy assumes no change in the current system of peer review.
- Further, open Access has no effect on how peer review is conducted. The quality of a journal and its peer review is independent of whether it is distributed freely or not, and under this policy, faculty are not required to publish in OA journals—they may and must continue to publish in the most appropriate venue.

### Faculty (or students) should not be limited in where to publish

- Although we might want to encourage publication in OA venues, this policy makes no requirements on where to publish; there is no expectation or requirement to publish articles in open access venues, only that UC will have the right to make a version available in eScholarship.

**Additional questions not addressed here can be found on the Reshaping Communication Website (<http://osc.universityofcalifornia.edu/openaccesspolicy/>)**