University Senate

October 10, 2012

Members Present

Members present at the meeting: 97

Call to Order

Senate Chair Smith called the meeting to order at 3:18 p.m.

Approval of the Minutes

Chair Smith asked for additions or corrections to the minutes of the September 20, 2012 meeting. Hearing none, she declared the minutes approved as distributed.

Report of the Chair

Nominations Committee
Smith stated that outgoing Senators should have received a message from the Senate Office requesting volunteers to serve on the Nominations Committee. This important committee is charged with soliciting nominations from the membership of the Senate for the Executive Committee, Chair-Elect, the Committee on Committees, and other University-wide committees and councils whose members will be elected at the annual transition of the Senate in May. The Committee serves a very important purpose yet meets only a few times during the period of late-January through March. The Senate relies on the good judgment of the members of the Nominations Committee to present candidates that reflect the quality and diversity of our campus community.   Smith encouraged any outgoing senators to consider serving on this important committee. Those interested can send an email to senate-admin@umd.edu. The Senate will vote on the Nominations Committee slate at its December meeting.

BOR Staff Awards
Smith stated that the Staff Affairs Committee is currently accepting nominations for the prestigious Board of Regents' Staff Awards. Eight individuals within the University System of Maryland will be selected as award recipients, including one non-exempt and one exempt staff member for each of the four award categories. Recipients will receive a $1,000 award and system-wide recognition. The nomination process is detailed on the Senate website and nomination packages must be submitted to the Senate Office by Friday, November 9, 2012. Smith encouraged senators to nominate a staff member for an award.

Next Meeting
Smith announced that the next Senate meeting would be held on Thursday, November 1, 2012. President Loh will be presenting his State of the Campus Address. This meeting will be held in the Colony Ballroom of the Union to accommodate the larger audience that is anticipated.

Review of the Interim Faculty Parental Leave Policy (Senate Doc. No. 12-13-04) (Action)

Ellin Scholnick, Chair of the Faculty Affairs Committee, presented the committee's report and made a motion to amend the Interim Faculty Parental Leave Policy. Smith opened the floor to discussion of the committee's recommendations.

Senator Gullickson, Faculty, College of Arts & Humanities, stated that she does not object to the recommendations but raised concerns about colleagues having to pick up teaching for half a semester. Did the committee discuss this kind of problem?

Scholnick stated that the committee did discuss this issue and the policy has other mechanisms to fill in the gap through collegial leave or modified duties. The Family Leave Act already allows for eight weeks of leave.

Hearing no further discussion, Smith called for a vote of the Senate. The result was 71 in favor, 5 against, and 9 abstentions. **The motion to approve the recommendations passed.**

**Special Order of the Day
Patricia Steele
Dean of the Libraries & Chair of the Open Access Task Force
*Open Access at Maryland – Is it Time?***

Chair Smith welcomed Patricia Steele, Dean of the Libraries & Chair of the Open Access Task Force, to present to the Senate.

Overview
Steele gave a brief overview on open access (OA) and explained that open access is not free. Neither is open access publishing a vanity press. OA publishing does in fact involve peer review. OA is not here to threaten academic life, favorite publishers, or professional societies. Open access is not to be ignored. In fact, OA cannot be ignored. Open access is in the air. We hear a lot of rhetoric about open access to affordable health care, government records, private lands, natural resources, and financial markets. So, why shouldn't our own scholarship be open?

Maryland Timeline
Steele reviewed the Maryland Timeline related to Open Access. In August 2004, the Digital Repository at the University of Maryland (DRUM) was established. In April 2008 the Libraries passed a resolution in support of open access. However, in April 2009, the Senate rejected a resolution on open access. In October 2010, the Libraries sponsored an Open Access Week. In April 2011, the University Library Council recommended the creation of a joint Provost/Senate task force to review open access and that recommendation was approved by the Senate.

Open Access Task Force
Steele explained that the charge to the task force was to evaluate the Berlin Declaration and decide whether our University should endorse it. The task force was asked to review the work of our peers on this issue as well as whether open access aligns with our mission. If necessary, the task force was asked to make recommendations for policy changes.

Key Points
Steele stated that the academy should own its scholarship, and that we have an unsustainable business model as far as publishing is concerned. In effect, scholars give away their scholarship to publishers who then charge the libraries who distribute that scholarship. There is a $1B market for publishers. How do we use a productively disruptive technology or other innovation to find a new paradigm to make this work? A promising possibility is Open Access, which allows us to think differently about our relationship with the publishers. The models we develop should be ones that give scholars, researchers, and the libraries that serve them more control. Open access is a significant factor in the future of academic publishing. UM needs to recognize that and define strategies to shape its development

Berlin Declaration
Steele gave an overview of the Berlin Declaration, which was developed in 2003. She explained that the two conditions are that everything is available freely and there is a copy put into a repository such as DRUM. The same rigors of peer review and standards applied to paper publishing should be applied to open access. 391 institutions worldwide have signed the Berlin Declaration. Signatories will work to encourage researchers to publish work according to the principles of the open access paradigm, and develop means and ways to evaluate open access contributions and online journals in order to maintain the standards of quality assurance and good scientific practice. They will also advocate that open access publication be recognized in promotion and tenure evaluations.

Open Access Models
There are a couple of models for open access publishing. The Gold Access model is when your article that is peer-reviewed, edited, and ready for print is available openly. There are costs (approximately $3,000) associated with this

model because there are author's processing fees for publishers. These can be paid by grants. The Green Access Model allows authors to make a pre-print available in his/her institutional repository. Sometimes there is an embargo period during which the article is closed-access.

Barriers
Steele reviewed some of the barriers to open access. There is an assumption that there is no rigor applied to OA's peer review, but that is not true. The impact on current publishing models and professional societies is also a concern. There are disciplinary differences, and new forms of scholarship are not yet trusted. There is great uncertainty over sustainability of these models and deep reliance on current impact measures. There are also concerns about preservation. 80% of what the Libraries purchase is electronic so there are concerns about how to preserve those resources for the future.

Current Practices
There is an addendum that authors can include when they submit articles to publishers. It could allow embargo periods or submission to repositories. There are some concerns that the addendum could affect an author's relationship with the publisher compromise a press's willingness to publish his/her work. However, most publishers are now more accepting of authors retaining some copyright rights.

Role of Libraries
Steele noted that DRUM is available for journal articles. They are also working with faculty on open access publishing. Libraries have joined a coalition with grant funding to see how a group of libraries can work together to provide open access. Libraries can also help with funding fees for open access publishing. Some universities have established funds for faculty. Libraries can help with education, new models, and stewardship to control costs.

Strategies
Open access must be a priority for the administration. We need to incorporate incentive and reward structures that align with the goal of open access. We need to model new behaviors in evaluation, promotion, and tenure process. We also need more mechanisms to encourage thinking beyond today.

Taking the Pulse
Is this the future?
Do we agree that we can't ignore this?
Where is Maryland now and where should it be?
How should we get there?

Q & A
Senator Cooperman, Faculty, College of Arts & Humanities, stated that he was on the University Library Council (ULC) when open access was reviewed. He

was astonished by the fears and questions that came forward during that review. He stated that we now distribute information electronically, have developed mechanisms that make it legal by password protection, and our students consume information that way. The flow of information is far too large to be accommodated by the old style, and open access is a necessary step in the right direction. However, if the University adopts this change, our obligation is to develop a University Press to produce the scholarly output of its faculty. We should not be fooled by the existing financial model and should take advantage of this to develop new ways to distribute information.

Steele responded that there is a movement of University presses coming into the libraries so that they are a part of an infrastructure within the institution.

Senator Davis, Faculty, A. James Clark School of Engineering, asked whether Google has already circumvented open access through free online .pdf files of articles. He further noted that if publishers print books at a reasonable cost, they would probably sell more books.

Steele responded that publishers fear the lack of control that comes with electronic forms. It is difficult for publishers to understand that if they give away more, they will get more. There are some e-textbook models where a professor can guarantee that his/her students will buy a journal. In the future we expect a machine/kiosk where students can select and print journals.

Senator Musser, Faculty, College of Agriculture and Natural Resources, stated that he did not know much about open access before the presentation. However, we should not fight over quality because it is the same as in the current situation. The only issue is control and access.

Senator Ellis, Non-Tenured Research Faculty, stated that he currently does work that is federally funded and requires certain elements to be publicly available. When it involves large end data sets, we have full-time staff develop applications to make those data sets interactive and usable beyond simple downloads. That is quite expensive compared to the funding required to post the written aspect of journal articles in an open source way. Has the task force considered open access models that involve data sets or other expensive aspects of publishing?

Steele responded that the task force has not yet considered that aspect. However, the libraries have recently started a scholarly support service for data. We are now part of the Academic Preservation (AP) Trust, which is made up of 12 universities that are putting together a shared repository. We need to work with authors on how to organize the data stored in this repository.

Senator Mallios, Faculty, College of Arts & Humanities, stated that he had learned a lot about open access from the presentation, but he expressed concern about the descriptions of publishers. He has had very reasonable interactions

with them and would like evidence about how publishers are squeezing us. Is it part of the open access model for faculty to pay to have journals printed? How is this transition going to happen? Who is going to get these people to the other side?

Steele responded that we are under the control of the publishers, especially in the sciences. There are already author-processing fees in the print world that can move to open access. We need to figure out how to balance the transition over time. If we support a model where the publishers still get a revenue stream. In any event, we need to keep pushing publishers and have higher expectations as an academy.

Senator Gullickson, Faculty, College of Arts & Humanities inquired whether the University would become an electronic publisher of our own work and noted that it is hard to see how we get there. She raised concerns about the unintended consequences. If people go to an electronic format, what happens to the books?

Steele stated that Libraries ensure that books will survive in print. However, printing on demand is a technology that will be a big part of our future. The pre-1923 materials that are open access can be printed or read online. Steele noted that at her past university, they started open access with folklore because clientele did not want to wait for a printed journal. The Libraries are already dealing with the kind of technology that will enable this. So it is a matter of how much the University wants to put into that type of model. It is possible but it is a matter of whether the university wants to enact the practice.

Senator Lathrop, Faculty, College of Computer, Mathematical, and Natural Sciences, stated that the National Science Foundation (NSF) has data sharing policies. "Investigators are expected to share with other researchers at no more than incremental costs and within a reasonable time the primary data, samples, physical collections and other supporting materials created or gathered in the course of the work under NSF grants." We do not have a plan on how to handle this big data. The volume of data compared to the print articles could be a thousand times (or more) larger.

Steele stated that the needs have to be assessed first before moving forward. We need to help shape what this means because NSF has not yet explained what this means.

Hearing no further discussion, Smith thanked Steele for her presentation.

New Business

Smith opened the floor to any New Business.

A verbatim tape of the meeting is on file in the Senate Office.

Senator Lindemann, Faculty, College of Arts & Humanities, made a motion to pass a resolution regarding marriage equality. She stated that it is a matter of social and political import facing the voters of the State of Maryland in the upcoming election. Voters can weigh in on the Civil Marriage Protection Act, which was passed by the Legislature and signed into law by Governor O'Malley last spring. Voters will be asked to affirm or reject a law that extends to same-sex partners the right to civil marriage while protecting the rights of clergy not to perform marriages that violate their religious beliefs. She proposed a resolution that expressed the Senate's support for the principle of marriage equality and encouraging voters to vote in favor of Question 6. The law has the support of Governor O'Malley, President Loh, and the SGA. There will be two important events tomorrow on campus in relation to Question 6 including a panel discussion by LGBT Studies and a rally featuring Senator Ben Cardin.

Whereas the University of Maryland supports those in same-sex relationships by offering campus level spousal benefits to domestic partners; and,

Whereas the State of Maryland offers domestic partner benefits to all state employees; and,

Whereas the University System of Maryland does not offer domestic partner benefits including tuition remission, bereavement leave, and elements of family policies; and,

Whereas the University System of Maryland does recognize same-sex marriages performed in the District of Columbia and other states that currently offer marriage equality; and,

Whereas university employees in same-sex relationships must leave the State of Maryland to obtain a legal document in order to qualify for benefits offered to all married employees;

Be it resolved that the University Senate supports marriage equality and encourages voters to vote yes on Question 6 (to uphold the Civil Marriage Protection Act) in the upcoming election.

The motion was seconded. Smith opened the floor to discussion of the resolution.

Senator Hample, Faculty, College of Arts & Humanities, stated that he has not been on the Senate for long but he is curious about the level of political activity involved. If we pass this, we are establishing ourselves as supporters of one political group over another. We would never endorse a presidential candidate so where is the line for us for issues that go beyond the campus or the University System?

Lindemann stated that the resolution is consistent with the University's values of fairness, equity, and inclusion. If the law were to pass, it would rectify a basic inequity among employees of the University.

Samantha Zwerling, SGA President-Non-Voting Ex-Officio, provided the SGA perspective on marriage equality and whether it is our right to support such a resolution. She stated that students are able to get married because they are over 18, and we want to attract the best and brightest faculty so we should support this resolution.

Senator Ellis, Non-Tenured Research Faculty, stated that regardless of the broader political ramifications, the University Senate has taken positions on political issues at stake in elections in the State of Maryland, at least in part because they impact university policy.

Senator Gullickson, Faculty, College of Arts & Humanities stated that the Senate has in the past passed resolutions directed towards the Board of Regents (BOR) and state government asking for same-sex domestic partner benefits. We have not been successful, but we have made our position known. This resolution follows the Senate's past work.

Senator Davis, Faculty, A. James Clark School of Engineering, stated that he was Chair of Senate when we first passed domestic partner benefits. He was disappointed that it took this long for us to get to this point, yet he raised concerns about the language related to the upcoming election. We should not make a political statement about what to do in the upcoming election. We could be subject to some criticism if we are overtly political in this particular case. This is a civil rights issue that we should absolutely support but we might be going beyond our purview by telling people how to vote.

Senator Davis made a motion to amend the resolution by removing: "*and encourages voters to vote yes on Question 6 (to uphold the Civil Marriage Protection Act) in the upcoming election.*" The motion was seconded.

Smith opened the floor to discussion of the amendment.

Senator Lindemann, Faculty, College of Arts & Humanities, stated that she appreciated the rationale for the amendment, but it seems to water-down the resolution.

Senator Mallios, Faculty, College of Arts & Humanities, stated that he respects the idea behind the amendment but strongly supports the resolution. We do not want to politically dial this back. We want to have confidence of the immediacy and conviction that drives this in the first place. This is a special kind of political issue that goes to what all reasonable and compassionate people should agree

upon. That is what distinguishes this from endorsing a political candidate. While he understands the other perspective, he will vote against the amendment.

Senator Popkin, Undergraduate, College of Behavioral & Social Sciences, echoed the past two comments. He thinks there should be a strong stance whatever you believe. He encouraged senators to vote in opposition to the amendment.

Senator Miletich, Undergraduate, College of Arts & Humanities, stated that the language at the end of the resolution helps with voter education. This resolution will be for press purposes, as it will be noted in the Diamondback. Taking that language out keeps voters in the dark about what is prompting this resolution. This specific language will educate the voters on what is happening right now.

Senator Burns, Undergraduate, College of Computer, Mathematical, and Natural Sciences, stated that removing the language would weaken the resolution. Endorsing a particular candidate would not be something that we should do on behalf of the University but for a small resolution, we need to fully support it.

Senator Lieb, Undergraduate, College of Computer, Mathematical, and Natural Sciences, stated that he supports the resolution. It is a divisive issue, but he rejects the amendment. If we are going to be taking a stance on a contentious issue, it should be a very clear, direct, and concrete stance. The original language does provide a better indication of how we want to represent ourselves on this issue.

Hearing no further discussion, Smith called for a vote on the amendment. The result was 25 in favor, 47 against, and 2 abstentions. **The motion to approve the amendment failed.**

Hearing no further discussion on the original resolution, Smith called for a vote on the resolution. The result was 63 in favor, 8 against, and 3 abstentions. **The motion to approve the resolution passed.**

Adjournment

Senate Chair Smith adjourned the meeting at 4:47 p.m.

A verbatim tape of the meeting is on file in the Senate Office.