# COUNCIL ON FACULTY WELFARE,
# DIVERSITY, AND ACADEMIC FREEDOM (CFW)
# MEETING NOTICE

Tuesday, June 11, 2013  
3:30 - 5:30 P.M.  
Aldrich Hall, Room 338

## I. CHAIR’S REPORT

A. Senate Cabinet Actions and Discussions  
Meeting(s) – April 16, May 7 & 21, 2013

## II. CONSENT ITEMS

A. Draft Minutes – April 9, 2013  
2A (pgs. 3-6)  
B. 2013-2014 CFW Chair, Jean-Daniel Saphores

## III. SUBCOMMITTEE ON EMERITI AFFAIRS

A. Status Report

## IV. FACULTY WELFARE ISSUES UNDER REVIEW

## V. UCI SENATE ISSUES UNDER REVIEW

## VI. UC SENATE ISSUES UNDER REVIEW

A. UC Review of Proposed Revisions to APM - 241, Faculty Administrators  
6A (pgs. 7-13)  
*Lead Reviewers: FW Subcom. - Meenakshisundaram, Dalton, Guidotti, Olivieri*  
*Issue: Request for Formal Systemwide Review and Comment*  
*Action/Deadline: Comments/Memo to Senate Chair prior to June 18 Cabinet Mtg.*

B. UC Expedited Review of Open Access Policy  
6B (pgs. 14-34)  
*Issue: Request for Formal Systemwide Review and Comment*  
*Action/Deadline: Comments/Memo to Senate Chair prior to July*

## VII. STATUS REPORTS

A. University Committee on Faculty Welfare (UCFW)  
Gopi Meenakshisundaram, UCFW Rep  
(April 12 & May 10, 2013)  
7A (pgs. 35-38)

B. University Committee on Affirmative Action and Diversity  
Grace Tonner, UCAAD Rep  
(April 18, 2013)

C. University Committee on Academic Freedom  
Jean Daniel Saphores, UCAF Rep

D. Academic Personnel  
Joan Tenma, Director, AP

E. Equal Opportunity & Diversity Status Report  
Gwen Kuhns Black, Associate Director, OEOD

F. Human Resources/Benefits Status Report  
Melody McCulloch, Benefits Supervisor  
(Alternate: Kellie Jones)
VIII. INFORMATION ITEMS  (Includes correspondence generated from previous meeting)
   A. Status Report for 2012-13  8A (pgs. 39-41)
   B. APM – 600, Visiting Scholars Memo  8B (pg. 42)

IX. NEW BUSINESS

X. ADJOURNMENT

Distribution
   Gopi Meenakshisundaram, Chair  Emeriti Members: (3)
   Bruce Blumberg  Alan Elias
   Zhongping Chen  Julian Feldman
   Teresa Dalton  William Parker
   Lucile Faurel  (UCIEA President is Ex-Officio
to Emeriti Subcom.)
   Michelle Garfinkel
   Patrick Guidott  Representatives:
   Sabee Molloi  Ashlie Lobos, ASUCI Rep
   Vincent Olivieri  Linda Murphy, LAUC-I Rep
   Nasrin Rahimieh  Victor Quintanar, AGS Rep
   Jean Daniel Saphores  Consultants:
   Annette Schlichter  Gwen Kuhns Black, OEOD
   Grace Tonner  Melody McCulloch, Human Resources
   Kyoko Yokomori  Alternate: Kellie Jones
   c: Mary Gilly, Senate Chair

A Reminder:
Members should be prepared to lead discussions on topics for which they are listed on the agenda. For more complex
issues, the reviewers may want to engage in an email dialogue or meeting prior to the CFW meeting. Senate Councils are
working to improve the level of advice and counsel that they offer, and this step will improve the quality of CFW’s
discussions. Following the Council’s discussion, and if a written response is required, a reviewer a may be asked to
prepare a draft memo for the Chair’s signature. To promote careful review, each agenda item will be distributed to the
designated reviewers and/or subcommittee a week prior to the meeting.

Agendas, minutes, and enclosures are for your information only.
Please do not share the document(s) with others.
COUNCIL ON FACULTY WELFARE, DIVERSITY,
AND ACADEMIC FREEDOM (CFW)
MINUTES
Tuesday, April 9, 2013
3:30 - 5:30 P.M.

I. CHAIR’S REPORT
New Member Welcome
Chair Meenakshisundaram introduced and welcomed Nasrin Rahimieh to the Council.

California SB520
SB520 is a bill regarding online education. It would require California State University (CSU) schools, University of California (UC) schools, and community colleges to give credit for online education courses. Which courses are eligible and not eligible for credit will be decided on by a six member faculty panel. Most of the will be organized by private partners. The UC Academic Senate, CSU system and community colleges are resistant to the changes as each have already begun creating their own set of online courses. The Senate Council chairs have met with Senator Ted Steinberg to discuss concerns.

Negotiated Salary Trial Plan
The Negotiated Salary Trial Plan draft implantation procedures and forms have been sent to UC Office of the President (UCOP) and are awaiting final approval. UCOP will compare the implementation guidelines submitted by the three participating campuses to ensure consistency. While we wait for approval, the draft procedures will also be sent to the academic units for the purpose of starting their planning process.

II. CONSENT ITEMS
The minutes from the February 12, 2013 March 12, 2013 meetings were unanimously approved.

III. SUBCOMMITTEE ON EMERITI AFFAIRS – Status Report
None

IV. FACULTY WELFARE ISSUES UNDER REVIEW
A. Graduate Student Mentorship

Issue
Graduate student mentorship has become a recent topic of concern. A review conducted by a national council recently concluded graduate students do not receive enough training in communication, teamwork, and understanding of the transferability of their skills. Some of these exist here at UC Irvine. How do we promote and incentivize mentorship on our campus?

Discussion
The graduate student mentorship discussion is being driven by both the Graduate Division and the graduate students. Students feel there is great variability within some departments regarding student mentorship. Due to this variability, students would like to see a reward system implemented for faculty who put in the extra time to mentor. Graduate Division has been in consultation with organizations and has reached similar conclusions. The overall sentiment is that graduate students have good general skills within their fields but lack knowledge and experience in teamwork and communication.

Several suggestions were made to address incentivizing membership and increasing opportunities for students. Students made the suggestion faculty be rated in terms of percentile for student advancements and departmental presentations. One Council suggestion was for students to diversify by seeking out additional faculty support as opposed to focusing on one source for mentorship.
Another suggestion raised was to work through the department chair, as they balance the workload for faculty within their department. One example might be for the chair to assign formal teaching to those who don’t work with graduate students. Members noted schools in science related fields have the opportunity to send students to conferences for presentations and poster sessions for development. Therefore, another example might be for department chairs in non-science related units to create programs and opportunities structured around department interests where students can become involved in ways to develop their skill set.

Members also noted a distinction between mentoring and advising suggesting students outline their expectations for mentorship. Additionally, members recommended students seek faculty outside of their advisors with whom they get along and can communicate with as an additional source of mentorship. Academic Personnel shared UC Advance will be having a discussion on faculty mentorship on April 10. Some of the principles discussed could possibly apply to graduate mentorship. Documents have been uploaded to the UC Advance website and can be shared with graduate students as helpful resources for becoming better mentees.

**Action**
None required at this time.

V. UCI SENATE ISSUES UNDER REVIEW
None

VI. UC SENATE ISSUES UNDER REVIEW
A. UC Review of Proposed Revisions to APM Section IV, Salary Administration (APM – 600 Series)

**Issue**
The Council was asked to review and comment on the proposed revisions to APM Section IV, Salary Administration. The proposed revisions are in response to campus requests to update the APM, correct updated delegations of authority, to make technical corrections identified in past reviews, and to make the series congruent with the overall APM style and format.

**Discussion**
Members did oppose the changes made. However members noted it was difficult to review the document as it did not include the usual strike-outs and underlines, and the modifications spanned multiple sections of the document. Council members were concerned about the transparency of the document given how the changes were presented.

**Action**
The Council’s comments will be forwarded to the Senate Chair.

VII. STATUS REPORTS
Faculty Welfare Subcommittee – Gopi Meenakshisundaram, Rep to UCFW
No report

**Affirmative Action Subcommittee** – Grace Tonner, Rep to UCAAD
No Report

**Academic Freedom Subcommittee** – Jean-Daniel Saphores, Rep to UCAF
California SB520 (SB520)
SB520 would force UC, CSU, and the community colleges to accept for credit, courses taught by other entities including private institutions. All members present strongly opposed the bill. Members were concerned about maintaining the quality and integrity of our programs. Members
preferred California SB547 that would give us ultimate veto on which courses are transferable. Members also felt this would allow the best avenue for maintaining quality. Members do not want to be viewed as opposing online education but would like the opportunity to learn more and evaluate possible advantages. Members were also concerned about SB520 due to the possibility of privatization. Members are strongly opposed to privatizing the University.

**Academic Freedom Issues**

UC Davis had a recent case where a medical school faculty member was punished by their dean for opinions expressed regarding an inefficient medical test. The topic was one on which the faculty member was well versed. The dean’s actions were found to be inappropriate and the dean will be resigning. This issue is particularly relevant as UC Irvine is one of the only campuses that does not have a stand-alone committee on academic freedom. A guide was circulated to the members on how to investigate academic freedom issues.

**Forum for Contentious Issues**

UCAF is considering a forum to discuss contentious issues. For instance, a current chair from UC Los Angeles is in Veterinary Science and is using animals for experiments. Some people are strongly opposed to the use of animals for experiments. This forum would be a place where all parties could debate in a civilized manner.

**Faculty Recruiting**

In the school of Engineering, the dean is pushing for new hires in fields that can get research money. This is an issue because faculty in areas more difficult to obtain research funding are still needed to teach core classes in structure and design. Concerns have been raised that dictating department make-up while disregarding faculty advice could be infringing upon academic freedom.

**Academic Personnel – Joan Tenma**

No Report

**Equal Opportunity and Diversity Status Report – Gwen Kuhns Black**

No Report

**Human Resources Status Report on Benefits – Melody McCulloch**

No Report

**VIII. INFORMATION ITEMS**

None

**IX. NEW BUSINESS**

**Trash Service**

Jean-Daniel Saphores received an e-mail from a faculty member regarding diminished trash service in their building. Due to budget cuts, service has been reduced to from once a week to once a month. The faculty members shared the trash in Engineering Hall often overflows, smells, and is not attracting cockroaches and other pests. Due to the faculty member’s allergies and mention of pest issues, the Council suggested the issue be referred to the UC Irvine department of Environmental Health and Safety. Jean-Daniel will respond directly to the faculty member.

**Faculty Responsibility for Benefits**

Chair Meenakshisundaram shared there is increasing concern faculty will be required to cover their benefits. At UC San Francisco some of the benefits have been transferred to the “Y” component of the health services faculty. The recent trend has been for benefits to move down from UCOP to individual campuses. As campuses find difficulty in covering the funding, the benefit coverage is
starting to trickle down to schools due to lack of funding. As a result of these changes individual FTE faculty members at UC San Francisco have been asked to pay a portion of their benefits. Chair Meenakshisundaram asked that more information be gathered at UC Irvine on what is being discussed, the current practice, and how it is changing so the Council can better put it into context of what is happening at other campuses. Members suggested the Council contact the dean of the School of Medicine to get specifics on this information.

Travel Documentation
The School of Humanities has implemented new rules regarding travel documentation for conferences and other trips made by faculty. Faculty members feel the new rules have become extreme and have created a culture of suspicion. One example of a new rule implemented is if the faculty member does not have a receipt for a purchase made at a conference, they must take a picture of themselves in front of the conference or get someone else who participated in the conference to bear witness they participated. Simply having your registration or name badge is no longer sufficient. The new changes are in response to a recent audit. The Council recommended the issue be discussed with the faculty chair or the school administrator. If the changes were introduced by members at this level, then the issue should be brought directly to the dean.

X. ADJOURNMENT: 5:03 P.M.

Submitted by Charlene Mandau
April 25, 2013

LIANE BROUILLETTE, CHAIR
COUNCIL ON RESEARCH, COMPUTING AND LIBRARIES

ALAN TERRICCIANO, CHAIR
COUNCIL ON ACADEMIC PERSONNEL

GOPI MEENAKSHISUNDARAM, CHAIR
COUNCIL ON FACULTY WELFARE, DIVERSITY, AND ACADEMIC FREEDOM

RE: SYSTEMWIDE REVIEW OF APM 241: APPOINTMENT OF MULTICAMPUS RESEARCH UNIT (MRU) DIRECTORS

EXPECTED COUNCIL AGENDA DATE: June 18, 2013

The Academic Council has requested systemwide review of Vice Provost Carlson’s proposal to revise APM 241 at the request of the Academic Planning Council. The proposed revisions will bring APM - 241 into conformance with Regents Policy and with the Compendium of Universitywide Review Processes for Academic Programs, Academic Units, and Research Units. The Academic Planning Council is a Joint Senate-Administration-Student coordinating body that guides Universitywide strategic academic planning.

The current version of APM - 241 is at variance with Regents Policy 2307 in its specification of how systemwide Multicampus Research Unit (MRU) directors are chosen: the former invests the authority to appoint MRU directors with campus Chancellors; the latter invests appointment authority with the President of the University. The Compendium conforms to Regents Policy. The Academic Planning Council members believe that the appropriate means of bringing all three documents into alignment is to revise the APM to conform to Regents Policy 2307.

Vice Provost Carlson’s letter and the proposed revisions are attached in a single pdf and the proposed revisions are also available on the web at http://www.ucop.edu/academic-personnel/academic-personnel-policy/policies-under-review/index.html. Click on the small black arrow to the left of the heading “Systemwide Review” and select this policy.

I would ask that your Councils consider the proposed revisions, and be prepared to present your comments at the June 18th Senate Cabinet meeting. If you have any questions, please do not hesitate to contact me.

Mary Gilly, Senate Chair

C: Mia Larson
   Charlene Mandau
   Thao Nguyen
   Luisa Crespo
April 15, 2013

COUNCIL OF VICE CHANCELLORS
LABORATORY DIRECTOR ALIVISATOS
ACADEMIC COUNCIL CHAIR POWELL
ANR VICE PRESIDENT ALLEN-DIAZ

Section 241, Faculty Administrators (Positions Less Than 100%)

Dear Colleagues:

Attached for Systemwide Review are proposed revisions to Section 241 of the Academic Personnel Manual (APM - 241), Faculty Administrators (Positions Less Than 100%). Proposed revisions are responsive to the Academic Planning Council’s request to bring APM - 241 into conformance with Regents Policy and with the Compendium of Universitywide Review Processes for Academic Programs, Academic Units, and Research Units. The Academic Planning Council is a Joint Senate-Administration-Student coordinating body that guides Universitywide strategic academic planning. A membership list is attached to this letter.

The current version of APM - 241 is at variance with Regents Policy 2307 in its specification of how systemwide Multicampus Research Unit (MRU) directors are chosen: the former invests the authority to appoint MRU directors with campus Chancellors; the latter invests appointment authority with the President of the University. The Compendium conforms to Regents Policy. The Academic Planning Council members believe that the appropriate means of bringing all three documents into alignment is to revise the APM to conform to Regents Policy 2307.

Systemwide Review is a public review distributed to the Chancellors and Executive Vice Chancellors requesting that they inform the general University community, affected employees and unions about policy proposals. Systemwide Review usually includes a mandatory, three-month full Senate review.

Employees should be afforded the opportunity to review and comment on the draft policy, available online at: http://www.ucop.edu/academic-personnel/academic-personnel-policy/policies-under-review/index.html. Also attached is a model communication which may be used to inform non-exclusively represented employees affected by these proposals.
April 15, 2013
Page 2

This letter and attachments anticipate that you will begin Systemwide Review of the proposed draft and submit comments no later than July 15, 2013. Please send comments on the proposed policy to ADV-VPCARLSON-SA@ucop.edu. Questions may be directed to Janet Lockwood at Janet.Lockwood@ucop.edu or (510) 987-9499.

Sincerely,

Susan Carlson
Vice Provost
Academic Personnel

Attachments: Proposed Revised APM - 241, Faculty Administrators (Positions Less Than 100%)
Academic Planning Council Membership List
Model Communication

cc: President Yudof
Chancellors
Provost Dorr
Executive Vice President Brostrom
Senior Vice President Vacca
Vice President Beckwith
Vice President Dickett
Vice Provosts – Academic Personnel
Academic Personnel Directors
Executive Director Fox
Executive Director Rodrigues
Executive Director Tanaka
Executive Director Winnacker
Director Chester
Interim Chief of Staff to Provost Greenspan
Deputy Compliance Officer Hilliard
Senior Counsel Van Houten
Manager Lockwood
Planning Analyst Landes
Human Resources Policy Analyst Bello
Senior Administrative Analyst Rupert
241-4 Definition and Policy

A faculty member (as defined in APM - 110-4(15)), who is appointed to assume administrative responsibility in addition to, or in partial replacement of, his or her faculty responsibilities is considered a Faculty Administrator. In this case, scholarly activity is expected to continue at a proportionate level that would allow for normal progression in the faculty member’s series.

Faculty may be appointed to administrative service positions (less than 100%) in the following titles:

a. College Provost  
b. Vice Provost, Associate Vice Provost  
c. Associate Vice Chancellor, Associate Dean  
d. Department Chair, Department Vice Chair (See APM - 245, Department Chairs)  
e. Director, Associate Director  
f. Faculty Assistant to the Dean or Vice Chancellor or Chancellor, Academic Assistant to the Vice Chancellor or Chancellor  
g. Interim or Acting appointment in the titles listed above

Chancellors may designate additional eligible titles as appropriate.

241-10 Criteria for Appointment

The appointment process and criteria for appointment of a Faculty Administrator shall be developed by each campus.

241-14 Eligibility

a. Faculty Administrators or Acting and Interim Faculty Administrators appointed at less than 100% time are subject to APM - 241.

b. Faculty Administrators or Acting and Interim Faculty Administrators appointed at 100% time are subject to APM - 246, Faculty Administrators (100% Time).

241-16 Restrictions

Faculty Administrators are subject to all Academic Personnel policies (APM).
Faculty Administrators with concurrent appointments that are covered by the Health Sciences Compensation Plan are subject to APM - 670, Health Sciences Compensation Plan.

241-17 Terms of Service

Subject to APM - 241-20, Faculty Administrators shall be appointed for a period of up to five years, subject to reappointment.

241-18 Salary

Faculty Administrators are normally compensated with stipends and/or additional summer compensation, when appropriate. Stipends shall be paid in accordance with APM - 633, Stipends/Academic Appointees. Stipend ranges shall be developed by each campus.

241-20 Conditions of Employment

A Faculty Administrator serves at the discretion of the Chancellor. The Chancellor may terminate the appointment at any time, with or without cause.

Termination of a Faculty Administrator appointment does not terminate the underlying faculty appointment.

A Faculty Administrator may engage in outside activities as defined by and in accordance with APM - 025, Conflict of Commitment and Outside Activities of Faculty Members, and, if a Faculty Administrator has a concurrent Health Sciences Compensation Plan appointment, in accordance with APM - 670, Health Sciences Compensation Plan and Guidelines on Occasional Outside Professional Activities by Health Sciences Compensation Plan Participants.

241-24 Authority

a. The Chancellor has authority to appoint and reappoint Faculty Administrators, including those serving in an Interim or Acting capacity, and to approve administrative compensation up to the established Indexed Compensation
Level (ICL)\(^1\) in accordance with campus procedures. The Chancellor may redelegate authority to a designee for implementing APM - 241 (see APM - 100-6-d).

b. The Director of an Organized Research Unit (ORU) is appointed by the Chancellor or Chancellor’s designee after a nomination procedure agreed to by the Chancellor and the Academic Senate. The founding Director of an ORU may be specified in the proposal to establish the ORU. When a new Director is appointed for an existing Unit, the ORU Advisory Committee should be solicited for nominations.

c. The Director of a Multi-campus Research Unit (MRU) is appointed by the President or Chancellor or his/her designee after consultation with the appropriate Division Academic Senate and with the advice of a Search Committee appointed by the Vice President of Research and Graduate Studies Chancellor of Research or his/her equivalent. Nominations for membership on the Search Committee are solicited by the Vice President of Research and Graduate Studies Chancellor of Research or his/her equivalent from the Chair of the Academic Division Senate and the Chancellors. Normally, at least one member of the MRU Advisory or Executive Committee serves on the Search Committee.

\(^1\) As stated in Regents Standing Order 100.3(b).
241-80 **Review Procedures**

The administrative review procedures outlined in this section are separate and distinct from the formal academic review procedures governing the underlying faculty appointment as described in APM - 210, Review and Appraisal Committees, and APM - 220, Professor Series.

The President or Chancellor, as appropriate, shall conduct a review for each Faculty Administrator no later than once every five years to determine whether reappointment to another term is warranted.

The President or each campus, as appropriate, shall develop criteria and procedures for conducting Faculty Administrator reviews.
Revised

LIANE BROUILLETTE, CHAIR
COUNCIL ON RESEARCH, LIBRARIES & COMPUTING

STEPHEN RITCHIE, CHAIR
COUNCIL ON PLANNING AND BUDGET

GOPI MEENAKSHISUNDARAM, CHAIR
COUNCIL ON FACULTY WELFARE, DIVERSITY, AND ACADEMIC FREEDOM

RE:   SYSTEMWIDE EXPEDITED REVIEW OF THE REVISED OPEN ACCESS POLICY

EXPECTED COUNCIL DUE DATE:   July 17, 2013

On behalf of Academic Council Chair Powell, I enclose his request for an expedited review of the revisions to UCOLASC's Open Access proposal. The review packet also includes: 1) a letter from Chair Powell requesting assurances from the administration regarding its interpretation of the policy and its funding and implementation; 2) a letter from Provost Dorr that supports the proposal and answers these questions; 3) a revised version of the policy clearly annotating the differences from the prior version; 4) a clean version of the revised policy; and 5) a document addressing frequently asked questions and concerns.

I would ask that your Councils consider the proposal, and be prepared to email your concerns to me by July 1. Please note that the Academic Council may have underestimated the remaining concerns expressed by several divisional Senates. They did understand the difficulty of doing a review at this time of year but believed that the policy revisions and the Provost’s letter addressed most of the concerns. They were concerned that if this carried over to next year, the education process with new committees would delay the response. However, if there remain too many concerns for this to be done now, please bring this to my attention as soon as possible.

Mary Gilly, Senate Chair

C:   Charlene Mandau
     Thao Nguyen
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.

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,

Robert L. Powell, Chair
Academic Council

Cc: Martha Winnacker, Senate Executive Director
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 SLASIA 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.
Please let me know if you have any questions or further concerns.

Sincerely,

Aimée Dorr
Provost and Executive Vice President

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

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:

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.

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1 Section headings have been added to make the policy easier to navigate.

2 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).

3 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.\textsuperscript{4} Any other systematic uses of the licensed articles by the University of California must be approved by the Academic Senate.\textsuperscript{5} This policy does not transfer copyright ownership, which remains with Faculty authors under existing University of California policy.\textsuperscript{6}

**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.\textsuperscript{7}

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\textsuperscript{4} 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.

\textsuperscript{5} 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.

\textsuperscript{6} 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.

\textsuperscript{7} 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.** 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.** 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. **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.**

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8. 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.

9. 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.

10. 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.

11. 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.

12. 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. ¹³

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. ¹⁴ 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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¹³ 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.

¹⁴ 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), 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 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/)
# UNIVERSITY OF CALIFORNIA
## UNIVERSITY COMMITTEE ON FACULTY WELFARE
### ACADEMIC SENATE

Notice of Meeting  
Friday, May 10, 2013  
9:30a.m. – 3:30p.m.  
UC Office of the President – Room 5320  
1111 Franklin Street, Oakland  
Phone (Academic Senate): 510-987-9143  
Fax: 510-763-0309  
http://www.universityofcalifornia.edu/senate

SharePoint url:  
https://sp2010.ucop.edu/sites/senate/ucfw/default.aspx

Teleconference Participants:  
Please dial: 1-866-740-1260  
Enter code: 9870155 (#)

## AGENDA*

<table>
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<th>Action</th>
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<th>Enclosures</th>
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| **Information/ Discussion 9:30-9:45** | I. Chair’s Announcements  
- Dan Hare, UCFW Chair | |
| **Action** | II. Consent Calendar  
1. DRAFT Minutes of April 12, 2013 meeting | 1 (pp 1-6) |
| **Information/ Discussion 9:45-10** | III. Report: UCFW Health Care Task Force (HCTF)  
- Robert May, HCTF Chair | |
| **Information/ Discussion 10-10:30** | IV. Report: UCFW Task Force on Investment and Retirement (TFIR)  
- Shane White, TFIR Chair | |
| **Information/ Discussion 10:30-11** | V. Consultation with UCOP – Academic Personnel  
- Susan Carlson, Vice Provost  
1. Faculty Data Overview | 2 (pp 7-15) |
| **Discussion/ Action 11-12** | VI. Review Items  
1. Senate By-Law 55 (Comments due May 15)  
2. Systemwide Review of APM 600 Section IV, Salary Administration (Comments Due May 15)  
3. Systemwide Review of Proposed Revised APM Section 241, Faculty Administrators (Positions Less than 100%) (Comments Due June 21) | 3 (pp 16-24)  
4 (p 25) (links at left) |
| **Discussion 12:30-1** | VII. Divisional Reports and Concerns  
- Members | |
| **Information/** | VIII. Consultation with UCOP – Human Resources | |

* This Agenda may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited.
Discussion 1-2:30

- Dwaine Duckett, Vice President
  1. RASC, UC Path, and Retirement Counseling
     - Joe Lewis, Director, Retirement Administration Services Center (RASC)
     - Gary Schlimgen, Executive Director, Retirement Programs and Services
     - Michael Waldman, Customer Service Manager, RASC
     - Anne Wolf, Systemwide Coordinator, Internal Communications, University Affairs

Discussion 2:30-3
IX. Consultation with Academic Senate Leadership

Discussion 3-3:30
X. New Issues for Discussion

Agenda Enclosures:
1. DRAFT Minutes of April 12, 2013 (pp. 1-6)
2. Faculty Profile Data (pp. 7-15)
3. SBL 55 review packet (pp. 16-24)
   (see also email from Chair Hare of April 14, 2013)
4. DRAFT APM 600 response (p. 25)
5. RASC/Retirement Counseling background info (pp. 26-27)

Information Items:
A. Systemwide Guidelines for Academic Senate Committees
B. Approved minutes can be found at: http://www.universityofcalifornia.edu/senate/committees/ucfw/

Important Meeting Information

Location: The meeting will convene in Room 5320, University of California, Office of the President, 1111 Franklin Street, 5th Floor, Oakland. Directions and a map are located online at: http://www.ucop.edu/services/directions-franklin.html

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Oakland, CA 94607-5200
Account/Fund Number: M-430384-19900-3

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This Agenda may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited.
UNIVERSITY COMMITTEE ON FACULTY WELFARE

Notice of Meeting
Friday, June 14, 2013
9:30a.m. – 3:30p.m.
UC Office of the President – Room 5320
1111 Franklin Street, Oakland
Phone (Academic Senate): 510-987-9143
Fax: 510-763-0309
http://www.universityofcalifornia.edu/senate

SharePoint url:
https://sp2010.ucop.edu/sites/senate/ucfw/default.aspx

Teleconference Participants:
Please dial: 1-866-740-1260
Access code: 9870155 (#)

AGENDA*

<table>
<thead>
<tr>
<th>Action</th>
<th>Item</th>
<th>Enclosures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information/</td>
<td>I. Chair’s Announcements</td>
<td></td>
</tr>
<tr>
<td>Discussion</td>
<td></td>
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<tr>
<td>9:30-9:45</td>
<td>• Dan Hare, UCFW Chair</td>
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<tr>
<td>Action</td>
<td>II. Consent Calendar</td>
<td>1 (pp 1-6)</td>
</tr>
<tr>
<td></td>
<td>I. DRAFT Minutes of May 10, 2013 meeting</td>
<td></td>
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<tr>
<td>Information/</td>
<td>III. Report: UCFW Health Care Task Force (HCTF)</td>
<td></td>
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<tr>
<td>Discussion</td>
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<tr>
<td>9:45-10:15</td>
<td>• Robert May, HCTF Chair</td>
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<td>Information/</td>
<td>IV. Report: UCFW Task Force on Investment and</td>
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<tr>
<td>Discussion</td>
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<tr>
<td>10:15-10:30</td>
<td>• Shane White, TFIR Chair</td>
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<td>Information/</td>
<td>V. Consultation with UCOP – Academic Personnel</td>
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<tr>
<td>Discussion</td>
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<tr>
<td>10:30-11</td>
<td>• Susan Carlson, Vice Provost</td>
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<tr>
<td>Discussion</td>
<td>VI. Consultation with UCOP – Budget</td>
<td></td>
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<tr>
<td>11-11:30</td>
<td>• Patrick Lenz, Vice President</td>
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<tr>
<td>Information/</td>
<td>VII. Consultation with UCOP – Human Resources</td>
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<td>Discussion</td>
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<tr>
<td>11:30-12</td>
<td>• Dwaine Duckett, Vice President, via phone</td>
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<tr>
<td>Discussion/</td>
<td>VIII. Systemwide Review Item</td>
<td></td>
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<td>Action</td>
<td></td>
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<tr>
<td>12:15-12:45</td>
<td>• Open Access Policy: Final Expedited Review</td>
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</table>

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July 17, 2013

Discussion 12:45-3:15
IX. Faculty Salaries, the Salary Scales, and Competitive Remuneration

**Executive Session; Members Only, Please**

Discussion 3:15-3:30
X. New Issues for Discussion

**Agenda Enclosures:**
1. DRAFT Minutes of meeting of May 10, 2013 (pp. 1-6)

**Information Items:**
A. Systemwide Guidelines for Academic Senate Committees
B. Approved minutes can be found at: http://www.universityofcalifornia.edu/senate/committees/uefw/

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Alternates: If you are unable to attend this meeting, please ask your Divisional Senate office to find an alternate, and notify the committee analyst, Kenneth Feer: kenneth.feer@ucop.edu
Divisional Senate contact information can be found at: http://www.universityofcalifornia.edu/senate/links.html
### COUNCIL ON FACULTY WELFARE ISSUES UNDER REVIEW

<table>
<thead>
<tr>
<th>Issue</th>
<th>Date Received</th>
<th>Date of CFW Mtg.</th>
<th>Designated Reviewers</th>
<th>Action Required w/Response Deadline</th>
<th>Review Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. UC Retirement Plan - On-going Issue</td>
<td>Status reports will be provided when available</td>
<td>CFW Chair reports at all meetings if information is available from UCFW or Senate Cabinet meetings.</td>
<td>Ongoing issue</td>
<td></td>
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<tr>
<td>2. Emeriti Issues from Subcommittee on Emeriti Affairs</td>
<td>Status reports at all meetings.</td>
<td>Emeriti Subcom.</td>
<td>Status Reports may be provided at all meeting. Issues to consider: - Are there new issues with increase in retirements? - Office space and staff support issues for retired faculty - Recalls: Are there new issues and policy implications?</td>
<td>Ongoing issues</td>
<td></td>
</tr>
<tr>
<td>Resolution from the Emeriti Re: Request for UCI to consider a retirement community for the campus</td>
<td>5/8/12</td>
<td></td>
<td>Resolution – Requested CFW’s support. CFW approved a statement that will be forwarded to the Senate Chair. memo dated 5/24/12. Senate Cabinet endorsed CFW’s statement at its mtg. on 6/5/12. A memo was forwarded to the EVC/Provost requesting consideration for a retirement community at UCI (6/13/12). Follow-up with Luisa for an update re: discussions during the summer. Report at 1st FQ Meeting</td>
<td>Yes</td>
<td></td>
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<tr>
<td>3. Faculty Housing (University Hills and ICHA Management)</td>
<td>On-going Issue</td>
<td>Issues to consider: - Future development plans for faculty housing off &amp; on campus. - When University Hills reaches build-out, will ICHA’s role as developer change. If yes, how? - defer 2012-13</td>
<td>Ongoing issue</td>
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<tr>
<td>4. Campus Child Care</td>
<td>Status reports will be provided when available</td>
<td>Gopi Meenakshi Sundaram will be CFW’s rep. for the Chancellor’s Advisory Com. on Child Care. Meetings: February 3, 2012, (Agenda and minutes are in CFW Status Report notebook.) June 8 meeting</td>
<td>Ongoing issue</td>
<td></td>
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<tr>
<td>5. OEOD’s Data</td>
<td>AA&amp;D Subcom.</td>
<td>Gwen Kuhns Black provides CFW with data and reports when available.</td>
<td>Ongoing issue</td>
<td></td>
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<tr>
<td>6. Elect a Vice Chair for CFW</td>
<td></td>
<td>Vice Chair would attend Cabinet mtgs. when Chair is not available.</td>
<td>Ongoing issue</td>
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<tr>
<td>7. Parking and Transportation Services – Annual Report from Director Ron Fleming</td>
<td>Usually a Spring Quarter Meeting</td>
<td>Information Item – No action</td>
<td>Annual Report</td>
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<td>8. UCI Librarian – invite new UCI Librarian, Lorelei Tanji</td>
<td></td>
<td>Invite new UCI Librarian to report.</td>
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<tr>
<td>9. Senate Membership for Clinical Professor</td>
<td>10/25 1/10/12</td>
<td>College of Medicine will be asked about its plans to improve morale for Clinical Professors. Memo sent to Dean Clayman, School of Medicine (11/15/11) Dean Clayman’s memo of response (12/27/11)</td>
<td>Ongoing issue</td>
<td></td>
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<tr>
<td>Issue</td>
<td>Date</td>
<td>Mtg. Date</td>
<td>Action Required w/ Response Deadline</td>
<td>Completed</td>
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<td>10. Faculty Welfare – Mental Health Support Issues</td>
<td>Brought forward from last year</td>
<td>1/10/12</td>
<td>The Senate Cabinet has asked CFW to review current policies and procedures, identify areas where faculty mental health policy can be strengthened, and propose new policies as needed. Improving campus awareness of available options is also needed. - CFW Work Group (Gopi, Guidotti, Olivieri) will gather information and report back.</td>
<td>On Hold</td>
<td></td>
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<td></td>
<td></td>
<td>6/12/12</td>
<td>Invited to present info on Mental Health Initiative and discuss awareness programs at UCI</td>
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<td>11. ICHA Priority Sales List</td>
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<td>Shall we invite Chuck Hayward or Sales person? Moving Clinical Faculty from Tier 3 to Tier 2 – is that a feasible request?</td>
<td>On Hold</td>
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<td></td>
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<td></td>
<td>As of 3/20/12 - Issue is on hold. UCSF has an action for clinical faculty membership on the table. CFW will wait to see the outcome before moving forward with its proposal.</td>
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<tr>
<td>12. Memorial Resolutions</td>
<td>Ongoing CFW duty – see Irvine Bylaw 99</td>
<td></td>
<td>CFW’s bylaw includes a duty for requesting memorial resolutions from Dept. Chairs when a faculty member dies. When received, the Memorial Resolution will be published in the next Divisional Senate Assembly Agenda under Section 5. Special Orders – Consent Calendar. The document will also be forwarded to the UC Senate Office for publication.</td>
<td>Annual Responsibility</td>
<td></td>
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<td>For more information – see notebook w/ procedures and records on Carol’s bookcase.</td>
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<tr>
<td>13. Hearing Issues</td>
<td>Brought forward from last year</td>
<td>6/12/12</td>
<td>Emeriti Member of CFW requested assistance in improving the sound quality in the Senate Conference Room, sent along a NY Times’ article + offered several options. Disability Services has been contacted – awaiting a reply</td>
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<tr>
<td>14. UCI Mental Health Initiative</td>
<td>10/30/12</td>
<td>11/27/12</td>
<td>Gopi Meenak. Council to review 3 point list for mental health issues and review statement for Cabinet to forward to Interim EVC</td>
<td>Memo sent to Cabinet 11/28/12</td>
<td></td>
</tr>
<tr>
<td>15. Graduate Student Mentorship</td>
<td>03/17/13</td>
<td>04/2013</td>
<td>Victor Quintanar Discussion on graduate student mentorship and incentives for faculty.</td>
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**UCI SENATE ISSUES UNDER REVIEW**

Updated 6/6/2013
<table>
<thead>
<tr>
<th>Issue</th>
<th>Date</th>
<th>Mtg. Date</th>
<th>Reviewers</th>
<th>Action Required w/ Response Deadline</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>16. UC Climate Survey</td>
<td>Brought forward from last year</td>
<td>Monthly updates when available</td>
<td>Gwen Kuhns Black, OEOD, reported on issue and will provide updates. Grace Tonner will be CFW Rep to UCI Work Group</td>
<td></td>
<td>Trial began 01/14/13 and to end on 02/14/13</td>
</tr>
<tr>
<td>17. Smoke-Free Policy Proposal</td>
<td>Brought forward from last year</td>
<td>Monthly updates when available</td>
<td>Smoke-Free Policy Proposal – Information Item Michelle Garfinkel and Bruce Blumberg will represent CFW on Chancellor’s committee which will work on implementation plan for UCI. Ramona Agrela and Joe DiMento to attend Feb. 12 CFW meeting.</td>
<td></td>
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<td>18. Chancellor’s advisory Committee on the Status of Staff (CACSS – Diversity Subcommittee)</td>
<td>Brought forward from last year</td>
<td>Monthly updates when available</td>
<td>New Chancellor’s Advisory Committee. Gwen Kuhns Black, a CFW Consultant, is a member and will provide CFW w/ information.</td>
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<td>19. Campus Diversity Roundtable</td>
<td>Brought forward from last year</td>
<td>Monthly updates when available</td>
<td>Grace Tonner will represent CFW and will have the opportunity to report at CFW’s monthly meetings. Gwen Kuhns Black may also report.</td>
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<tr>
<td><strong>UNIVERSITYWIDE SENATE ISSUES UNDER REVIEW</strong></td>
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<tr>
<td>27. UC Review of APM 430</td>
<td>03/06/13</td>
<td>03/12/13</td>
<td>Subcom on FW</td>
<td>Review and Comment by March 26.</td>
<td>Memo sent 03/18/2013</td>
</tr>
<tr>
<td>28. UC Review of APM 700</td>
<td>02/26/13</td>
<td>03/12/13</td>
<td>Subcom on FW</td>
<td>Review and Comment by March 15.</td>
<td>Memo sent 03/18/2013</td>
</tr>
<tr>
<td>29. UC Review of APM 600</td>
<td>03/07/13</td>
<td>04/09/2013</td>
<td>Subcom on FW</td>
<td>Review and Comment by May 7.</td>
<td>Memo sent 04/29/2013</td>
</tr>
</tbody>
</table>

**OTHER BUSINESS THAT REQUIRES ACTION**
None
April 29, 2013

MARY GILLY, CHAIR
ACADEMIC SENATE – IRVINE DIVISION

RE: Systemwide Review of Proposed Revised APM Section IV, Salary Administration (APM - 600 Series)

The Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) reviewed the proposed revisions to APM Section IV, Salary Administration at its April 9, 2013 meeting. The proposed revisions are in response to campus requests to update the APM, correct updated delegations of authority, to make technical corrections identified in past reviews, and to make the series congruent with the overall APM style and format.

The changes are not submitted for review with the usual strike-outs and underlines. The Council found it quite difficult to review given the modifications span multiple sections of the APM. Consequently the Council had trouble comprehensively reviewing all facets of the changes. Given the summary and intentions of the review, CFW does not oppose the changes. However, the Council wants to emphasize the need to follow conventional formatting to present the changes to the policies and procedures, not only to get useful feedback from the stakeholders, but also to promote transparency and trust among the constituents.

CFW appreciates the opportunity to comment.

Gopi Meenakshisundaram, Chair
Council on Faculty Welfare, Diversity, and Academic Freedom

c: Luisa Crespo, Executive Director
    Shira Long, Senate Analyst