

COMMITTEE ON RESEARCH (COR)**Tuesday, September 25, 2013****10:00 – 11:30 AM****KL 232**

Documents found at [UCMCROPS/COR1314/Resources](#) and
[UCMCROPS/LibraryW.Group1314/Resources](#)

AGENDA

- I. Chair's Report – *Ruth Mostern***
A. Updates from September 17 and September 24 Division Council meetings
- II. Consent Calendar**
A. Approval of the agenda
B. Approval of the September 11 meeting minutes Pg. 3
- III. Interim Head Librarian Donald Barclay – 10:15--10:45**
A. UCM Library's plan for implementation of the Open Access Policy. The California Digital Library has established a [wiki](#) to track the implementation of the Open Access Policy.
Documents available at [UCMCROPS/LibraryW.Group1314/Resources/Open Access Policy](#)
B. Open Access Policy FAQ Pg. 8
- IV. Lab Safety Issues – *VCR Traina***
Discussion: GSR health coverage. Please note that guests are not permitted during this discussion.
- V. Campus Review Item**
A. UC Merced's Smoke and Tobacco Free Policy Pg. 16

Action requested: Review policy and send comments to committee analyst by Friday, September 27. Final memo with compilation of comments will be transmitted to the Senate chair by the deadline of Tuesday, October 1.

VI. Other Business

Pg. 23

The Office of Research and Graduate Studies (ORGS) has asked for UCORP's help in collecting stories illustrating the negative consequences to research from the federal funding sequestration. Please refer to the [email](#) from UCORP and ORGS.

Ongoing Business

Lab Safety – *Jason Hein*

ORU Policy – *Roummel Marcia*

Faculty Research/Travel/Shared Equipment Grants – *David Noelle*

Indirect Cost Return – *YangQuan Chen*

Committee on Research (COR)
Minutes of Meeting
September 11, 2013

Pursuant to call, the Committee on Research met at 10:00 am on September 11, 2013, in Room 324 of the Kolligian Library, Vice Chair Roummel Marcia presiding.

I. Vice Chair's Report

In Chair Mostern's absence, Vice Chair Marcia briefed the committee on the time-sensitive issues on the agenda.

II. Consent Calendar

--The agenda was approved as presented.

--The August 28 meeting minutes were approved as presented.

III. Course Buyout Policy

A draft policy was developed by the Provost and School Deans in 2012. The Provost and Deans are now seeking approval of the policy for five years after which a re-evaluation of the policy will occur. Prior to this meeting, COR members were asked to review the draft policy as well as the 2012 memo from then-Senate Chair Susan Amussen to then-EVC Keith Alley which included DivCo's comments on the draft course buyout policy.

The consensus among COR members is that the revised policy from the Provost did not address all of the issues contained in the 2012 memo from former Senate Chair Amussen to former EVC Alley. COR members agreed that DivCo's comments were reasonable and there is no rationale for why the revised course buyout policy does not include the comments.

ACTION: Committee analyst will draft a memo on behalf of COR that requests clarification on why the revised course buyout policy did not incorporate the comments from the 2012 DivCo and that COR believes the comments from DivCo are reasonable. The draft memo will be distributed to COR members for approval and then transmitted to Senate Chair López-Calvo by the deadline of Monday, September 23.

IV. Lab Safety Issues

A COR member related a specific incident that occurred in his School. A student on a graduate student researcher (GSR) appointment suffered a dental injury. The GSR had to pay entirely out of pocket as he is not considered a University employee. The overhead costs for GSRs are paid by the individual PIs who employ them from their grants; therefore, as non-University employees, the GSRs are not covered under University health insurance. COR members held a brief discussion on the ramifications of this policy and the various difficulties that GSRs face with securing health coverage.

A COR member also mentioned that last semester, he drafted a charge for the new Campus Safety Committee and was informed that potential faculty members on this committee must be approved by the Senate Committee on Committees (CoC). CoC has not yet provided a status update.

ACTION: The issue of GSR health coverage will be placed on the next COR agenda on September 25 for further discussion with VCR Traina with the goal of assisting the particular GSR mentioned above. COR member Jason Hein was identified as the lead for lab safety issues and will update COR throughout the AY 13-14 on any further issues. The committee analyst will request an update on the Campus Safety Committee from the CoC analyst.

V. ORU Policy

At the August 28 meeting, COR agreed that one of its AY 2013-2014 goals is to review UCM's ORU policy as well as the ORU policies of other UC campuses with the intention of deciding whether UCM's policy should be revised. The action item for today's meeting is to identify the COR member who will take the lead on this issue throughout the AY 13-14 year.

ACTION: COR Vice Chair Roummel Marcia was identified as the lead for ORU policy and will update COR throughout the year.

VI. Faculty Research/Travel/Shared Equipment Grants

At the August 28 meeting, COR agreed that one of its AY 2013-2014 goals is to review UCM's call for faculty research/travel/shared equipment grants as well as the calls for similar grants at UC campuses with the intention of deciding whether COR should revise the eligibility for these grants. After that meeting, the committee analyst compiled the grant criteria and eligibility from other UC campuses and posted them on the COR UCMCROPS site for committee members to review and compare. The action item for today's meeting is to identify a COR member to take the lead on this issue for COR throughout the AY 13-14.

A COR member related that faculty members have complained about the lack of transparency in the criteria used to award the grants. It was suggested that the call for 2014 grants include language on criteria.

The committee discussed changing the eligibility of the grants, such as gearing the grants towards untenured faculty members who need bridge funding (as done on another UC campus), gear the grants towards faculty members who have specific research needs (e.g., equipment, data) to apply for extramural funding (as done on another UC campus).

COR discussed the difficulties the committee may face as they review the grants in spring semester. COR is comprised of just five members. A COR member suggested the call go out earlier than April in order to give the committee more time to review the grants. Other issues include: how to distribute funds equitably across the Schools, how to balance funding numerous small need-based bridge funding proposals versus fewer larger-scale proposals and how to weigh proposals from faculty members who have already been awarded a Senate grant against faculty members submitting a first-time proposal.

Another COR member requested the committee strategically reconsider these grants in terms of strategic goals and planning. Specifically, should these

grants always remain small, at \$5,000, or do we eventually want them to grow to be much more significant awards?

COR also discussed the Senate research/travel/shared equipment grants in relation to the Hellman awards which have a more specific purpose.

A COR member requested that awardees of the grants be listed publicly.

ACTION: COR member David Noelle was identified as the lead on the grants issue and will review the UCM Senate grant criteria and eligibility and those of other UC campuses.

VII. Indirect Cost Return

At the August 28 meeting, COR agreed that the issue of indirect cost recovery be added as an ongoing issue/goal for the committee in AY 2013-2014. At that meeting, VCR Traina announced that UCM is undergoing a change to its distribution model. After the meeting, the committee analyst compiled the rates and distribution models from other UC campuses and posted them on COR UCMCROPS for committee members to review and compare. The action item for today's meeting is to identify a COR member to take the lead on this issue for AY 13-14 and compare the rates and models of other UC campuses to UCM.

ACTION: COR member YangQuan Chen was identified as the lead for this issue and will keep COR informed throughout AY 13-14 on his comparison of UC campus rates and models.

VIII. Physics Proposal

At the August 28 meeting, a COR member was identified to take the lead on reviewing the proposal and providing comments at today's meeting. Prior to today's meeting, Chair Mostern also submitted her comments and Vice Chair Marcia read them to the committee members.

The lead COR member provided an overview of his comments and the committee held a brief discussion. A COR member inquired whether there is a minimum threshold for the approval of a graduate group and was informed that it varies across disciplines. The approval process at both the campus and systemwide level at CCGA is rigorous and comprehensive. There was also an inquiry about the rejection of a graduate proposal, and, the possibility of a graduate program being disestablished. The committee discussed the program review assessment cycle and the fact that graduate programs are subjected to periodic review.

ACTION: The COR member who took the lead on reviewing the Physics proposal will email his review to the committee analyst. The review will be posted on the COR UCMCROPS site. The analyst will compile all comments from COR and distribute to the committee for final review. Upon approval, committee analyst will transmit a memo with all comments on behalf of COR to Senate Chair López-Calvo by the deadline of Friday, September 20.

IX. Open Access Policy

Vice Chair Marcia briefly reiterated that this policy was already approved by the UC in July 2013. Interim Head Librarian Donald Barclay will attend the next COR meeting on September 25 to discuss the Library's implementation plan. COR members related their own experiences with uploading journal articles to the online system; the process is arduous and sometimes problematic and the committee looks forward to discussing this with Barclay.

ACTION: Committee analyst will email the COR members the Open Access Policy FAQs document.

There being no further business, the meeting adjourned at 11:15 am.

Attest: Roummel Marcia, Vice Chair

Minutes prepared by: Simrin Takhar, Senate Senior Analyst

UC OA Policy Frequently Asked Questions

Why have the faculty of the University of California adopted an Open Access Policy for scholarly articles?

A University of California Open Access Policy represents a powerful, collective statement about the faculty commitment to promote the access to and use of scholarship by the wider public. The primary aim of this policy is to make UC scholarship more easily and broadly discoverable and available to anyone in California or the world. As faculty members, we are asserting our control over the publication of scholarly research and recognize the responsibility for making that process sustainable and true to the intentions of scholars. The faculty is also sending a strong collective message to publishers about the values and the system we would like in the future.

What do faculty need to do to comply with this policy?

By passing the policy on July 24, 2013, UC faculty members have committed themselves to making their scholarly articles available to the public by granting a license to UC and depositing a copy of their publications in [eScholarship](#), UC's open access repository. The policy automatically grants UC a license to make any scholarly articles available in an open access repository. UC will not do so, however, until an author takes the action of depositing an article in UC's eScholarship repository or confirms the availability of the article in another open access venue – i.e., a repository (such as PubMed central, ArXiv or SSRN) or an open access journal.

When does this policy take effect?

Faculty on three campuses (UCLA, UCI and UCSF) will begin depositing articles in eScholarship on November 1, 2013. Progress on deposit implementation will be reviewed during the following year. Deposit of articles by faculty on the remaining campuses is expected to begin on November 1, 2014. Of course, faculty at all campuses are welcome to [deposit articles in eScholarship](#) before these dates.

The California Digital Library and the campus libraries will assist faculty by providing a streamlined deposit system into eScholarship and an automated 'harvesting' tool in order to ease the process of depositing articles, under the following projected timeline:

Nov 1, 2013	Faculty deposit implemented for UCSF, UCLA, UCI
May 2014	6-month review by Academic Senate
June 2014	Harvesting tool project completed for UCSF, UCLA, UCI
July/Aug 2014	Review of harvesting tool by Academic Senate
Nov 1, 2014	Faculty deposit implemented for remaining UC campuses, contingent on Senate reviews
June 2015	Harvesting tool implemented for remaining UC campuses, contingent on Senate reviews, funding

Do Faculty need to notify publisher(s) about this policy?

The UC libraries will take steps to notify many publishers about the policy and the license granted therein to UC to make articles openly accessible. If Authors wish, they may also submit a standard addendum when signing the publisher's copyright agreement to further assert the terms of the policy. Simply fill in the fields on the [Addendum request form](#) developed for this

policy and send it to the publisher along with the publication agreement. Please note: whether or not an addendum is used, the license to UC will still have force, but it is good practice to include it.

Does this policy supercede the UCSF open access policy, adopted May 21, 2012?

Not immediately. UCSF will continue to operate with the original policy during the 2013-14 academic year, while this new UC-wide policy is being evaluated.

Why does the policy use an automatic license? Why not just let faculty members opt in to the policy on an individual basis?

Because it is much harder for individuals to negotiate these rights on an individual basis than to assert them collectively. By making a blanket policy, individual Faculty benefit from membership in the policy-making group, without suffering negative consequences. Faculty retain both the individual right to determine the fate of their work, and the benefit of making a collective commitment to open access. Before Congress enacted the National Institutes of Health (NIH) Public Access Policy, participation in the program was optional. During that period, there was only a 4% level of compliance. Opt-out systems achieve much higher degrees of participation than opt-in systems, while remaining non-coercive. The University can work with publishers on behalf of the Faculty to simplify procedures and broaden access while Faculty can retain rights to do as they wish with the output of their research.

Can Faculty opt out of this policy?

Yes. The policy allows Faculty members to opt out on a per-article basis. Faculty members may waive the open access license for each article permanently, or delay appearance of the article (embargo it) for a specified period. If for any reason, the scholar does not want to make the work publicly available, he or she simply needs to submit [a waiver request](#), and automatically receive a waiver letter verifying this choice. Faculty can still choose to deposit the article in the repository if they wish, as long as the agreement signed with the publisher reserves that right.

What kinds of writings does this apply to?

It applies to “scholarly articles.” Using terms from the Budapest Open Access Initiative, scholarly articles are articles that describe the fruits of research and that authors give to the world for the sake of inquiry and knowledge without expectation of payment. Such articles are typically presented in peer-reviewed scholarly journals and conference proceedings. The UC open access policy is not meant to address other written products, such as books, popular articles, commissioned articles, fiction and poetry, encyclopedia entries, ephemeral writings, lecture notes, lecture videos, or other copyrighted works

What version of their article should Faculty submit to the repository?

The policy requires that the author submit the "final version", which safely means the manuscript copy post-peer review but before a publisher typesets and finalizes it. Some publishers allow the deposit of the publisher's final typeset version, and others do not. The eScholarship deposit process will attempt to determine which version can be deposited based on the journal. In the case that the author is publishing in an open access journal, the version submitted will likely be the final published version with typesetting and journal branding intact.

Does this policy require faculty to deposit even if they opt out?

Faculty at UCSF are still required to deposit for archival purposes. At the other campuses, if authors choose to **permanently** waive the open access license for a particular article, they are not required to deposit that article. If they choose to embargo (delay public access to) a publication, they are required to deposit it before the expiration of the embargo.

Which publishers allow this policy?

[There is a very long list of publishers that already allow so-called “green open access”](#) with or without an university open access policy. A handful of large publishers object to these policies and will demand that faculty members embargo or delay access (or opt out permanently) in order to publish an article. UC provides an automated system to allow you to specify your publisher's embargo requirement, enabling you to complete the deposit process immediately with the confidence that the University will not provide access to your manuscript until the embargo period has passed. Additionally, your publisher may require written assurance that the embargo restriction will be met. The embargo option on the [UC Open Access Policy waiver and embargo](#) site will generate a form that acknowledges your publisher's embargo requirement.

Does this policy require that Faculty publish in particular journals or pay fees or “Article Processing Charges” to publish?

No. Faculty are strongly encouraged to continue to publish as normal, in the most appropriate and prestigious journals. Faculty are not required to pay to publish articles or pay to deposit them in an open-access repository under this policy, unless they choose to do so. But the policy also seeks to raise awareness that there are other options for your publications, including open access journals (some of which charge author fees and some of which do not), which will make your work more widely available.

What effect will this have on the ability of Faculty to publish in top-ranked journals?

None. The policy is completely agnostic with respect to where a Faculty member chooses to publish: it only requires that Faculty retain the right to make the work available in a repository. If a publisher refuses to publish a work due to the terms of the policy, the Faculty member has several options: he or she can choose to publish elsewhere, ask his or her University Librarian or CDL to negotiate with the publisher, embargo (delay public access to) the article for as long as the publisher requests, or simply opt out of (waive) the open access license. [A simple web form](#) is available to help with this process.

Are there benefits to depositing an article even if a faculty member opts out of the license grant?

Faculty can still choose to deposit the article in the repository if they wish, as long as the agreement signed with the publisher reserves that right. There are many benefits to depositing even if one opts out of the policy: ensuring that an easily accessible, permanently archived copy will be available for use and re-use in teaching; sharing copies with other scholars; republishing or reusing elements of an article; facilitating the creation of a dossier of publications in the promotion and tenure review process; and creating a meta-data record that facilitates findability and citation of work. In addition, UC (via CDL) often negotiates open access rights independently and can sometimes make a work available after an embargo period.

Doesn't the opt-out approach mean that the policy has no teeth? Won't publishers just demand that all authors opt out?

[Many publishers already allow deposit of articles in their standard agreements and will have no issue with this policy.](#) The intent of this policy is not to make publishers capitulate to Faculty demands for open access, but to find ways to make our work have greater impact and accessibility. If there is any message to publishers, it is that we hope they will continue to explore options for more sustainable open access publishing solutions in the future, so that policies such as this one become unnecessary.

Publishers usually require Faculty to check a box indicating transfer of copyright before a paper is published. Will Faculty be in compliance with the policy if they checked the box?

Faculty are free to transfer their copyright to whomever they wish, but as of the effective date of the policy, articles are subject to a pre-existing license. Publishers who require copyright transfer can be alerted to the policy using an addendum such as the standard [UC OA Policy Addendum](#), which can be submitted along with the publisher's article publication agreement. Or faculty might want to offer a modified publication agreement instead of transferring copyright to any publisher. Many faculty members routinely modify their agreements to do just that, and many publishers comply. If faculty members truly want to transfer all rights to someone for an article, they may permanently opt out of the license for that article.

Does the policy allow commercial re-use of an article?

The UCSF policy does not allow commercial re-use. The policy passed by the Academic Council does, but only if a faculty author chooses to do so. Uses of the article are governed by the copyright license under which it is distributed, and faculty authors choose which license to use at the point of deposit. Faculty members may choose to restrict commercial re-use by choosing a Creative Commons license with a "Non Commercial" (NC) restriction when they deposit their article; or they may choose to allow it by choosing a license like the "Attribution only" license (CC BY). If no license is specified, a non-commercial license will be used by default.

Here is a summary of the terms available with a Creative Commons license:

- **Attribution** means: You let others copy, distribute, and display your copyrighted work - but only if they give you appropriate credit. All Creative Commons licenses have this requirement.
- **Noncommercial** means: You let others copy, distribute, and display (and possibly adapt) your work but for noncommercial purposes only.
- **No Derivative Works** means: You let others copy, distribute, and display only identical copies of your work, not translations or other derivative works based upon it.
- **Share Alike** means: You allow others to distribute adaptations, translations, or other derivative works only under a license identical to the license that you chose for your work.

Why would anyone allow the commercial re-use of an article?

Because there are many "commercial" uses that faculty want to encourage: re-use in a course reader, print distribution in a developing nation, republication in an edited volume, etc. Restricting the use of articles to "noncommercial" purposes can prevent all of these uses. At the same time, a copyright license that permits commercial re-use does not condone unscrupulous or

illegal uses of works. Finally, releasing the articles in unrestricted form can encourage new and creative forms of re-use and analysis that might be prevented if restrictions are added to the works.

Does the eScholarship repository or the University of California intend to make money from these articles?

No. The policy explicitly states that the purpose of this license is “for the purpose of making their articles widely and freely available in an open access repository” and that “Any other systematic uses of the licensed articles by the University of California must be approved by the Academic Senate.” Provost Aimee Dorr has also assured the Faculty Senate that UC has no intention to make any commercial use of these articles, and the Faculty Senate is committed to monitoring this effort to ensure that this promise is kept.

What happens in the case of co-authorship? What if a faculty member has co-authored with someone at a university that does not have this kind of policy?

Under US copyright law [all joint authors own the work jointly and equally](#). This means that each author can grant third parties permission to use the work on a nonexclusive basis without the consent of other joint authors. Generally speaking, co-authors should always clearly indicate to each other at the point of authorship what their preferences are, to avoid misunderstanding. If you have signed a contract or agreement with another institution regarding your publications, you should consult with that institution. Otherwise, UC faculty have the right to make work available under this policy independent of their co-authors’ institutional policies or preferences.

Are (Clinical faculty/Postdocs/Grad students/undergrads) covered by this policy?

As of August 2013, the policy covers only tenure-track ladder faculty; however, the Academic Council has advised the office of the president to adopt this policy as a “presidential policy” and to determine the scope of the policy.

Can faculty members make their work open access if it has copyrighted images in it?

In some cases yes, and in some cases no — if permission was required in order for the image to be used, it depends on the permission rights you or your publisher agreed to for the use of the image(s). If you have negotiated a broad right to reproduce the image online, then you can likely deposit it in an open access repository, depending on the wording in the permission agreement. You may also be able to rely on fair use to use the image, or a similar one obtained from a separate source. If you do not have the rights, you can negotiate for additional rights, opt out of the policy for that article, or deposit a version of the article that does not include the image(s). If you need help determining what rights you have, contact help@escholarship.org,

My publisher is offering me Open Access for \$(absurd amount). Should I pay for this?

Not unless you want to. The policy gives you the right to make a version of the article available in the eScholarship repository without paying fees to anyone. Paying for this kind of open access (often called “hybrid” open access, because it makes a single article in a closed access journal openly available) will allow your article to be immediately available on the publisher’s site. You should however, verify that the license terms and availability of the article will be better than the rights you have already reserved under this policy

Can I speak with someone directly about the policy and/or its implementation?

For any questions specifically about the waiver/embargo/addendum request process, eScholarship repository services, or copyright issues related to the policy, please contact:

Access & Publishing Group
California Digital Library
help@escholarship.org

Campus Contacts

Campus library staff are available to answer general questions about the policy and its implementation.

- **Berkeley**
Jean McKenzie, jmckenzi@library.berkeley.edu
Margaret Phillips, mphillip@library.berkeley.edu
- **Davis**
Open Access support team, OAsupport@lib.ucdavis.edu
- **Irvine**
Carol Hughes, hughes@uci.edu
- **UCLA**
Angela Riggio, ariggio@library.ucla.edu
- **Merced**
Susan Mikkelsen, smikkelsen@ucmerced.edu
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- **Santa Cruz**
Scholarly Communications and eResearch Team, scer@library.ucsc.edu

FREQUENTLY ASKED QUESTIONS ABOUT OPEN ACCESS PUBLISHING IN GENERAL (NOT SPECIFIC TO THE UC OA POLICY)

Is OA publishing intended to move the burden of subscription costs on to Faculty?

No. Open Access is an effort to make research publications as widely available as possible. Many publishers now offer open access by allowing authors to pay to publish articles, sometimes known as “Gold Open Access” models. Such a model can relieve the pressure on over-taxed library subscription budgets and achieve open access, but the balance and the costs of doing so are far from clear. Over the past 20 years, libraries have been hit with dramatically increasing subscription costs and decreasing funding by parent universities, and publishers have failed to make work as widely available as current technologies allow. Some mix of subscription and “pay-to-publish” models will likely emerge in the future, but faculty and universities must remain vigilant that this is achieved on their terms, not those of the publishers.

What about the article processing charges (APCs) – or other author-side costs – associated with Open Access? How can you say there are no costs associated with the UC Open Access Policy?

At the moment, there are two primary versions of open access dissemination for research publications: “gold OA” (open access journals) and “green OA” (pre- or post-print deposits in open access repositories). Both of these approaches are intended to lower the access barriers to scholarly research output. Open access journals come in various models, including traditional serials with print-based layouts, tables of contents and a select number of articles, or “mega” journals with unlimited articles and little organization. Many of these journals charge APCs in lieu of subscription fees to support the open access publication (including the peer-review and copy-editing) of their content.

The deposit of published materials into open access repositories like eScholarship, on the other hand, does not involve author fees. UC’s Open Access Policy utilizes this “green” open access approach of archiving previously published papers, most of which will not have originally been published in open access journals.

Will funding agencies pay for publication costs?

Yes. Some funders will pay publication fees. For example, according to published NIH policy, “The NIH will reimburse publication costs, including author fees, for grants and contracts on three conditions: (1) such costs incurred are actual, allowable, and reasonable to advance the objectives of the award; (2) costs are charged consistently regardless of the source of support; (3) all other applicable rules on allowability of costs are met.” Authors should check directly with their funders to determine their funding policies.

Will my Institution help pay for publication costs?

In some circumstances. First, it is important to note that Article Processing Charges (APCs) are not charged by all open access journals. Many journals, especially outside the sciences, use other business models. Where APCs are relevant, it is predicted that the less a library spends on increasing subscription costs, the more the library will have resources available to support Faculty publications in Open Access journals. Some UC campuses have already started [OA funds](#) for exactly this purpose.

Are OA journals peer-reviewed to the same degree as more traditional publications?

Yes. A journal's economic or access policy does not determine its peer review policy. Most scholarly journals, whether open access or controlled-access journals, are rigorously peer-reviewed. There are both open and controlled journals that are not peer-reviewed. Many publishers now have an open access option for individual articles. This open access option does not change the quality of the peer review or editorial process for those journals or articles.

There are a lot of bad open access journals out there. How do we distinguish the good journals from the bad ones?

Open access is not a designation of quality. OA journals should be judged by exactly the same criteria as any traditional publication: the caliber of the research published, the peer review process, the composition of the editorial board and staff, impact factors or any other trusted metrics of quality. Contact your campus library if you would like more information about a particular publisher or journal.

Do articles published in OA journals get as much credit during T&P reviews as articles published in commercial journals? Would there be a disproportionate impact on junior Faculty who have not yet been tenured?

The proposed policy does not change the tenure and promotion process. The policy does not prescribe or proscribe the venues in which an author may publish. It could have a positive effect on some scholarship by leading to more visibility and higher rates of citation, but ultimately, faculty are expected to publish in the best and most appropriate venues, whether they are open access or not.

UC Merced Smoke and Tobacco Free Policy

DRAFT: September 12, 2013

Smoke and Tobacco-Free Frequently Asked Questions

[To be included on the smokefree.ucmerced.edu website]

1. When does the Smoke & Tobacco-free policy go into effect?

The policy goes into effect on January 1, 2014.

2. Whom does the policy affect?

This policy affects students, faculty, staff and visitors at all University of California controlled properties.

3. What is considered a tobacco product and is therefore prohibited by the policy?

Cigarettes, e-cigarettes, cigars, snuff, water pipes, pipes, hookahs, chew, and any other non-combustible tobacco product.

4. Why are e-cigarettes included in this policy?

E-cigarettes are not approved by the U.S. Food and Drug Administration as a tobacco cessation strategy. As an unregulated nicotine product, their use is prohibited on University property for the purposes of this policy. However, other forms of approved nicotine replacement therapy such as gum and patches are allowed.

5. What does “regulated” mean in reference to this policy?

Regulated refers to products that have gone through clinical trials and are recognized as approved cessation products by the U.S. Food and Drug Administration (FDA) to help individuals who use tobacco to quit.

6. Why is smokeless tobacco included in this policy?

- Smokeless tobacco spit is considered a biohazard and contains at least 24 carcinogenic chemicals.
- Spit tobacco often creates unwanted hazardous waste and byproducts, which campus maintenance staff members then have to dispose of.
- A dip of smokeless tobacco typically contains 3-5 times more nicotine than a cigarette. Research shows that smokers have difficulty switching from cigarettes to smokeless tobacco. Instead, many become dual users of both cigarettes and smokeless products – increasing the addiction.
- Smokeless tobacco use is a precursor to cigarette use. Specifically, adolescents who use smokeless tobacco are more likely to become cigarette smokers according to the Centers for Disease Control (CDC).

7. Is there anywhere I can smoke or use tobacco?

Neither smoking nor the use of tobacco products are permitted within the boundaries of the University of California controlled properties. A detailed map of

UC Merced [insert link to map] shows the UCM property boundaries. Note that Ranchers Road is UCM property. Once outside the boundaries of University controlled properties, smoking and use of tobacco products is subject to local jurisdiction. We ask that faculty, staff, students and visitors be courteous when going off campus to smoke or use tobacco products by disposing of tobacco products and packaging in appropriate receptacles and being aware of others nearby who may not wish to be exposed to secondhand smoke.

8. Can I smoke or use tobacco in my personal vehicle?

Smoking/use of tobacco is not permitted in your personal vehicle, whether parked or in motion, if the vehicle is located on UC property.

9. Are there designated smoking areas on campus?

Effective January 1, 2014, the University of California is a smoke/tobacco-free university. Smoking areas or smoking shelters will not be designated on University property.

10. How is the policy being enforced?

Through the authority provided in California Government Code 7597.1, the governing bodies of the University of California have the authority, in establishing policy for smoking and tobacco use, to set enforcement standards at local campuses.

Violations of the policy by students, faculty or staff will be addressed in a matter consistent with any other policy violation. Violations by non-affiliates may be addressed by UCPD. In all cases, respectful communication of the policy is the most appropriate form of addressing policy violations. Non-compliant or repeat offenders will be referred to the appropriate supervisor/organization as follows:

Faculty member - referred to Academic Senate

Staff member - referred to unit supervisor

Volunteer - referred to unit supervisor

Student - referred to Student Judicial Affairs or Housing and Residential Life Conduct

Visitor - referred to UC Police

Vendor/Contractor - referred to Purchasing, Facilities or Design and Construction

11. What should I do if I see someone smoking on University grounds?

Faculty, staff, and students who see individuals smoking on University properties may respectfully inform these individuals of the University policy prohibiting smoking/tobacco use anywhere on University properties.

12. Do I have to quit using tobacco?

No. The policy does not require individuals to quit; however, the policy prohibits smoking and using tobacco products on all University controlled properties. In addition, the sale and advertising of tobacco and tobacco related products are

prohibited at all UC-controlled properties.

13. What resources are available to help me stop using tobacco products?

The new policy is an important campus health and safety initiative. Anyone can access cessation support services by calling 1-800-NO-BUTTS. Additional assistance to UC Merced students who wish to overcome addiction to tobacco products is available through:

Student Health Services
H. Rajender Reddy Health Center
health.ucmerced.edu
(209) 228-2273

UC Merced faculty and staff can access cessation support services through:

Human Resources

[Insert the link]

14. What is the percentage of faculty, staff and students who smoke or use tobacco at UC?

Approximately 10 percent of UC employees smoke, below the state average of 12 percent and well below the national average of nearly 20 percent. Around 8 percent of UC students smoke, compared to the national average of 16 percent.

15. If I choose to continue to smoke or use tobacco and do not have enough time to step off campus to smoke what am I supposed to do?

The University is aware that nicotine is a highly addictive drug and simply waiting until lunchtime or after work will be difficult for some. We encourage the use of nicotine replacement products such as gum or lozenges for times when it is inconvenient to smoke. Please work with your health care provider to determine the appropriate product.

16. What about University of California neighbors?

UC asks that students, faculty and staff help maintain a positive relationship with our neighbors that border the campuses. We encourage you to respect other's property by not littering and not congregating in areas to smoke. We will be reaching out to our neighbors and informing them of the upcoming policy and encouraging open communication if a problem arises.

17. A smoke/tobacco-free policy will force students, faculty and staff to leave campus to smoke. What about the personal safety of these individuals, especially in the early morning or evening when it is dark?

UC encourages all individuals to be mindful of their personal safety while on or off campus. Medications such as the nicotine patch, gum, lozenge, nasal spray or inhaler are options that can be considered to meet nicotine needs without leaving campus.

18. Don't I have a right to smoke or use tobacco products on campus?

Using tobacco is a personal choice, not a constitutional right. There is no constitutional right to smoke. In addition, prohibiting smoking and the use of tobacco products on campus preserves everyone's right to breathe clean, smoke-free air while allowing adults who smoke and use tobacco products to continue to do so off campus. This decision supports the rights and privileges of both smokers and nonsmokers alike.

19. Do smoke/tobacco-free policies really help?

Yes. According to the CDC, smoking bans and restrictions lead to a reduction in the amount of daily smoking among students and employees and an increase in the number of individuals who stop smoking. Smoke/tobacco-free campuses and workplaces reduce the risk of developing heart disease and lung cancer due to secondhand smoke exposure.

20. Will this policy negatively affect enrollment or employment?

In surveys of other colleges and universities that have established a smoke-free policy, there has not been a decline in student enrollment or applicants seeking employment. Surveys consistently show that most students would prefer to attend a tobacco-free college.

21. Are there any other educational institutions that have gone smoke/tobacco-free?

Yes. According to the American Nonsmokers' Rights Foundation, as of July 8, 2013 there are 1,182 one hundred percent smoke-free college campuses. Of these, 798 have a one hundred percent tobacco-free policy.

22. Are there exceptions to the policy?

Tobacco use is permitted for the following exceptions:

1. Tobacco use for university-approved ceremonial purposes is allowed in a space designated for the ceremony. Preapproval is required.
2. UC Merced Institutional Review Board-approved medical research only if tobacco use is integral to the research protocol.

23. Who do I contact if I have additional questions about the policy?

For comments or questions regarding this policy, members of the campus community and the community at large are encouraged to contact smokefree@ucmerced.edu.

Smoke and Tobacco-Free Policy Frequently Asked Questions for Supervisors and Managers

1. How should managers/supervisors talk to employees about the policy?

We recommend that managers/supervisors remind employees of this policy and seek their cooperation with compliance.

2. What should managers/supervisors do if one of their employees violates the policy?

Supervisors are encouraged to communicate the University's cessation assistance resources to employees and consult with Employee and Labor Relations prior to implementing disciplinary action.

A face-to-face meeting with the employee to discuss concerns is always the best place to start. The following tips can help:

- Emphasize that you don't expect or require the employee to quit smoking/tobacco use but that the employee must comply with the smoke/tobacco-free policy while on University property.
- If the employee indicates an interest in quitting, direct him or her to available resources.

Continued non-compliance will be addressed through existing corrective action procedures and handled on a case-by-case basis.

3. I supervise several employees who smoke. How will they manage under the new policy?

Should they choose to do so, employees may use their allotted work breaks to travel off campus to smoke. However, employees will not be given additional break time for smoking. Supervisors must be clear with employees on this matter.

4. How will you protect individuals who are helping to enforce this policy?

There will be no reprisal against anyone seeking assistance in enforcing this policy in a courteous and respectful manner.

UC Merced Smoke and Tobacco Free Policy

DRAFT: September 12, 2013

Responsible Department: Human Resources
Effective Date: January 1, 2014

I. Policy

UC Merced prohibits smoking, the use of tobacco products, and the use of unregulated nicotine products (e.g. e-cigarettes) in all facilities and on all university-owned and leased properties, both indoor and outdoor. This policy applies to all members of the UC Merced community including faculty, staff, students, volunteers, contractors, visitors and anyone on university-controlled properties.

The sale and advertising of tobacco products are also prohibited in University of California-owned and occupied buildings except for advertising in non-university newspapers, magazines or other written materials sold, bought or distributed on campus.

Tobacco use is permitted for the following exceptions:

1. Tobacco use for university-approved ceremonial purposes is allowed in a space designated for the ceremony. Preapproval is required from the Executive Vice Chancellor and Provost.
2. UC Merced Institutional Review Board-approved medical research, only if tobacco use is integral to the research protocol.

II. Background

The Surgeon General of the United States has determined that cigarette smoking is the leading preventable cause of illness and premature death in the nation. Moreover, research indicates that non-smokers who are regularly exposed to passive (secondhand) tobacco smoke are also at increased risk of illness. For these reasons, the Surgeon General has urged employers to implement broad-based health promotion programs with special emphasis on smoking cessation. The response to the Surgeon General's advice and the medical evidence has been an overwhelming trend toward protection of the health and safety of non-smokers.

In January 2012, UC President Yudof mandated that the UC chancellors create a smoke-free environment on all UC campuses within 24 months. Smoke-free was defined by President Yudof as meaning that smoking, the use of smokeless tobacco products, and the use of unregulated nicotine products (e.g., "e-cigarettes") are strictly prohibited in indoor and outdoor spaces, including parking lots and private residential space.

References *[Include links when policy is published on web]*

1. [President's letter to chancellors](#), et al., dated 1/9/2012
2. [Smoking Policy Subcommittee of the Occupational Wellness Forum](#), 10/25/11, Smoke-free Policy Proposal
3. [California Government Code Sections 7596-7598](#), Smoking in State Buildings

III. Compliance and Enforcement

Compliance is grounded in informing and educating violators about this policy. The first level of enforcement action will be to respectfully inform violators to comply with the policy. Non-compliance and repeated violations of this policy are subject to corrective action under the Student Code of Conduct, Human Resources Policies and Procedures, other applicable University Regulations or Policies and citation and fines per California Government Code section 7597.1. Visitors to campus who do not comply with this policy may be asked to leave.

Non-compliant or repeat offenders will be referred to the appropriate supervisor/organization.

There shall be no reprisal against anyone seeking assistance in enforcing this policy.

IV. Cessation Resources

In addition to providing a healthy learning and work environment, the University is committed to supporting healthy behaviors. Anyone can access cessation support services by calling 1-800-NO-BUTTS.

Additional assistance to UC Merced students who wish to overcome addiction to tobacco products is available through:

Student Health Services
H. Rajender Reddy Health Center
health.ucmerced.edu
[\(209\) 228-2273](tel:(209)228-2273)

Additional assistance to UC Merced faculty and staff who wish to overcome addiction to tobacco products is available through employee health benefit plans.

Simrin Takhar

Subject: FW: Request for UCORP's help soliciting for faculty stories of sequestration impact

From: University Committee on Research Policy Distribution List [UCORP-L@LISTSERV.UCOP.EDU] on behalf of Kenneth Feer [Kenneth.Feer@UCOP.EDU]

Sent: Friday, September 20, 2013 11:24 AM

To: UCORP-L@LISTSERV.UCOP.EDU

Subject: Request for UCORP's help soliciting for faculty stories of sequestration impact

Dear UCORP,

The Office of Research and Graduate Studies has asked your help in collecting stories illustrating the negative consequences to research from the federal funding sequestration. Follow the links below to share your experience, if applicable and if you desire. You may share the links widely.

-Ken

From: Jeff Hall

Sent: Tuesday, September 17, 2013 9:22 AM

To: Kenneth Feer

Cc:

Subject: Request for UCORP's help soliciting for faculty stories of sequestration impact

Ken,

I am writing to follow up on our call this morning regarding RPAC's project to collect stories from UC investigators who have suffered from federal sequestration-related cuts to their research funding. As with our recent successful collaboration with the Academic Senate that obtained a significant faculty response to the NSF Administrative Burden Survey, we are asking UCORP to collaborate with us again to invite UC faculty to contribute their sequestration stories.

RPAC has launched a new website to appeal directly to UC faculty to "Speak out about sequestration": <http://www.ucop.edu/research-policy-analysis-coordination/research-sponsors-agreements/federal-government/sequestration/call-for-stories.html> . We hope to strengthen our research funding advocacy by using the investigators' anecdotes to illustrate how sequestration cuts are affecting their ability to research and innovate.

RPAC has also pulled together some general information resources about sequestration:

<http://www.ucop.edu/research-policy-analysis-coordination/research-sponsors-agreements/federal-government/sequestration/sequestration.html>

Please let me know if UCORP requires additional information about this project beyond that provided here in order to send the word out to UC campus investigators.

We will report the progress and results of this project on a future UCORP meeting. Thank you for your support and assistance.

best,

Jeff

Jeff Hall
Director, Research Policy Development
UCOP Office of Research & Graduate Studies / RPAC
510. 987-0688 / jeff.hall@ucop.edu