

The Executive Council of the Faculty Senate
March 17, 2009 – 2:00-4:00 pm
Board Room, Newcomb Hall

Meeting Minutes

Present: Edmund Kitch, Ann Hamric, David Kovacs, Daniel Willingham, Robert Bloodgood, Elizabeth Powell, Martha Snell, Teresa Culver, John Brown, Robert Kemp, Pamela Norris, Kevin Lee, Arthur Garson

Guests: Herbert Tucker, Chair of the Grievance Committee
 Brian Pusser, Chair of the Task force on Scholarly Publications &
 Authors' Rights
 Madelyn Wessel, Special Advisor to the University Librarian

Edmund Kitch, Chair of the Faculty Senate, called the meeting to order.

Ed Kitch opened the meeting by giving the Council members an overview of the work of the Faculty Senate Task Force on Scholarly Publications and Authors' Rights. This task force is being chaired by Brian Pusser, a professor in the Curry School of Education.

Brian Pusser, Chair of the Task Force on Scholarly Publications and Authors' Rights

Professor Pusser and Madelyn Wessel, a member of the Task Force, reported on the work of the group. Professor Pusser presented a resolution draft for the Executive Council's review. The title of the resolution is "A Resolution on Open Access and Scholarship" – *Adapted from the resolution passed on February 12, 2008, by the Faculty of Arts and Sciences at Harvard University*. If approved by the Executive Council the resolution will then go before the full Senate for approval.

Professor Pusser gave thanks to the Task Force members for their dedication and hard work. He also recognized Karin Wittenborg, University Librarian. Mr. Pusser explained that the resolution and recommendations arose out of the work of the University Libraries Subcommittee on Intellectual Property over a period of several years.

Ms. Wessel, a Task Force member and a lawyer for the University of Virginia Library, acknowledged that publishers are not all enthusiastic about open access requirements, but pointed out that the proposed resolution closely tracks Harvard's recently adopted open access policy as well as the new NIH rules requiring open access to research resulting from NIH grants. She stated that publishers are accommodating to such requirements, especially where care is taken to allow for first publication rights and the required open access copy involves the author's final manuscript.

Here is a list of some of the comments and concerns of the Executive Council:

- Will major publishers such as Elsevier agree, or force individual scholars to negotiate individually over open access rights?
- The resolution should clearly define what constitutes a scholarly article. Are books, for example, intended to be included?
- How would the actual process be managed by individual faculty authors and how would the waiver be handled by the University?
- Will faculty lose the freedom to choose which journals they want to publish in?
- What part of the University would handle hosting faculty scholarship?
- It was suggested that a document be created that describes the benefits of open access and the resolution to distribute to faculty, along with the resolution itself.

Ms. Wessel agreed to revise the resolution and the accompanying explanatory memorandum to address these questions before these materials are posted on the web and distributed to the full Senate.

It was asked if there is a timeline to implement the resolution. Ms. Wessel said the Library will work with the Provost on a timeline. Professor Pusser invited comments from the Councilors.

The Executive Council plans to present the resolution to the full Senate at the working meeting on April 8, 2009, and bring the resolution to vote at the April 27, 2009, Senate meeting. Ed Kitch will send a memo to the full Senate explaining the agenda for the April 8, 2009, meeting.

Ed Kitch presented two documents 1) Policy on Disciplinary Suspension or Termination of Academic Faculty, a Provost's document, and 2) Grievance Procedure for Academic Faculty, a Faculty Senate document. He gave an overview of both documents and recent changes to the two documents. Mr. Kitch said the administration and the Faculty Senate have worked with each other in a collaborative manner on the procedures cited in both documents.

Herbert Tucker, Chair of the Faculty Grievance Committee

Professor Tucker gave an overview of the changes made to the Grievance Procedure for Academic Faculty document and why the changes were necessary. Professor Tucker said he will make an additional change in the document before it is brought to the full Senate on April 8, 2009. The Councilors discussed the Grievance Procedure changes with Professor Tucker. It was suggested that the changes be highlighted when presenting the document to the full Senate for review. The revised Grievance Procedure document will be brought to the Senate for vote at the April 27, 2009, meeting.

The meeting adjourned at 4:00 p.m.

Submitted by David Kovacs, Secretary of the Faculty Senate