Meeting Synopsis:

1. Call to order
2. Review of the minutes from June 7th, 2017
3. Review of the agenda
4. Introductions of FCR members
5. Update on the open access policy legislation – Gordon Aamot
6. Update from the Shared Resource Committee – Chuck Frevert
7. Discussion on pending contract waiver request
8. Adjourn

1) Call to order

Rosenfeld called the meeting to order at 9:00 a.m.

2) Review of the minutes from June 7th, 2017

The minutes from June 7th, 2017 were approved as written.

3) Review of the agenda

The agenda was approved as written.

4) Introductions of FCR members

Members introduced themselves. There were several new ex-officio members.

5) Update on the open access policy legislation – Gordon Aamot

Rosenfeld explained at the end of the past spring, the Advisory Committee on Intellectual Property, Policy, and Practice (ACIP3) was asked to consider options for implementing the previously drafted Open Access Policy through legally sufficient pathways. Gordon Aamot (Director, Scholarly Communication and Publishing, Research & Learning Services) and Liz Bedford (Scholarly Publishing Outreach Librarian, Scholarly Communication and Publishing) were present to present recommendations from the Advisory Committee concerning implementation pathways. A handout was passed around (Exhibit 1).
Pathways were discussed as included in the handout (Exhibit 1). Each implementation option involves a combination of changes to Executive Order No. 36 (Patent, Invention, and Copyright Policy), and action taken by the UW Faculty Senate and UW voting faculty. Aamot explained a Class C resolution option is not preferable in the opinion of the Advisory Committee, as UW faculty (outside of the Faculty Senate) would not have the opportunity to weigh in using this method. The pathways include both “opt-in” and “opt-out” policy implementation options.

Rosenfeld explained the bottom line is that all of the listed approaches are legally sufficient to enact an Open Access Policy, even for an “opt-out” policy. He noted the Faculty Council on Research should consider reaching some consensus on its preferred pathway, as a recommendation could be made to the Senate Executive Committee (SEC). He noted he believes an opt-out policy will be the most effective in increasing use of UW’s open access repository, and several other members agreed.

Additional discussion emphasized that a barrier to the Policy’s passing is UW faculty perceiving it as a “top-down” directive. Class A legislation might avert this outcome by inviting all voting faculty to participate in the decision. It was noted ease of contributing to open access by way of software, Symplectic Elements (a software system used by institutions to collect, understand and showcase the outputs of academic research), will likely help the Policy succeed. Alternatively, success is less likely if faculty perceive the Policy as another administrative burden. A member recommended the Policy’s preamble be revised to include a description of advantages to authors who use open access. He explained faculty need to be educated on the rationale behind increasing use of open access without being bogged down in the technical aspects related to implementation. Aamot and other members agreed.

Lidstrom (president’s designee) added as a point of information that the Revised Code of Washington (RCW) states any changes to Executive Order No. 36 (or any similar policies at other Washington state universities) must be approved by the Governor’s Office before becoming final.

6) Update from the Shared Research Resources Task Force – Chuck Frevert

Frevert presented an update on the work of the Shared Research Resources Task Force (SRTF), which originated as an idea in the final FCR meeting of spring, 2017. He used a PowerPoint as part of his presentation (Exhibit 2).

Frevert explained the SRTF met twice during the summer quarter, developed a set of goals, and formulated recommendations for the Office of Research, FCR, and other stakeholders to improve resource sharing at the UW. He explained after consulting with faculty and administrative personnel across campus, there is a clear desire to improve coordination of shared resources at the university. He presented the recommendations to the council (Exhibit 2):

- Develop a standing committee on UW Shared Research Resources
- Short term charges to the Committee on UW Shared Research Resources
  - Letter to the Deans, Chairs, and Center Directors
    - Develop a shared research resources inventory
- Provide recommendations/nominations for representation
  - Develop a survey to define the needs of the scientific community, directors and managers of shared resources and center directors

Discussion

Lidstrom highlighted the huge effort involved in creating an inventory of research resources across the university, which is made more difficult by the fact it must be updated regularly. Discussion emphasized that the inventory must be available online, searchable, and updated regularly. It was noted gathering the information has its own set of difficulties. A member recommended asking deans and department leads to forward information on their shared resources to a central unit in order to build the inventory, however some members felt this method would lead to an incomplete inventory. Another recommended Ronald Howell and the Washington Research Foundation be asked to help out with the effort. It was noted most university shared research resources are operated by a staff member or faculty member, and those operators might be useful to the initiative in various capacities if they could be contacted.

Lidstrom explained if the initiative is taken on, it must be done in a way that maximizes its usefulness. She noted the Office of Research already possesses several resources related to the initiative, and any web-based inventory would best serve the institution if placed on the Office of Research website. It was noted the cost of operationalizing the initiative is a factor, and the result would likely be prioritizing it over other projects.

7) Discussion on pending contract waiver request

The council considered granting a waiver for a research proposal restricted on grounds that the sponsor would like to restrict the future use of data (gathered as part of the research) in order to abate another company profiting from its use. Richard Glover (Senior Contracts Specialist, OSP) was present as a resource for discussion. There was some discussion of the contract and if its approval (for a waiver) would set a university precedent. Ultimately, time ran out and a vote was agreed to be taken electronically following the meeting.

8) Adjourn

Rosenfeld adjourned the meeting at 10:30 a.m.

Minutes by Joey Burgess, jmbg@uw.edu, council support analyst

Present: Faculty: Eliot Brenowitz, Chuck Frevert, Benjamin Marwick, Michael Rosenfeld (chair), Nicole Gibran
Ex-officio reps: Ann Glusker, Larry Pierce, George Sandison, Charles Hirschman
President’s designee: Mary Lidstrom
Guests: Rick Glover, Gordon Aamot, Liz Bedford
Absent: Faculty: Donald Chi, Paul Fishman, Todd Herrenkohl,  
Ex-officio reps: N/A

Exhibits
Exhibit 1 – openaccessimplementation_pathways_acip3.doc
Exhibit 2 – FCR Update_10.18.17.pdf
**Background**

*Executive Order 36* is the University of Washington’s Patent, Invention and Copyright policy. Current policy, as well as historical practice, stipulates that university faculty, staff and students retain all rights in copyrightable material they create, including scholarly works, subject to specific exemption or condition.

In April 2015 the Faculty Senate approved a *Class C "Resolution Concerning the UW Open Access Repository & Request for Advice on an Open Access Policy."* The resolution requested the Provost to direct the Vice Provost for Digital Initiatives and Dean of University Libraries to develop an open access publication policy for recommendation to the University.

**Proposed Open Access Policy**

The Faculty Senate discussed a *recommended policy* for the first time on March 2, 2017. During the discussion, there were several legal questions about the mechanism by which faculty would transfer ownership rights and the survivability of ownership over time. It was determined that these questions needed further discussion before the Senate could debate the merits of the policy. A sub-committee of the Advisory Council on Intellectual Property, Policy and Practice (ACIP3) met to discuss the legal issues over the summer. The faculty will revisit the topic in Fall 2017. The information below is a summary of subcommittee work.

**OPEN ACCESS LICENSE – LEGAL PATHWAYS**

(A) 

OPT IN

OR

(B) 

Policy put in EO 36; Senate uses Class C resolution to indicate support.

Policy described in EO 36; Senate Class A/B legislation. Disadvantage is that policy is spread across various places and authorities.

Initial granting of license takes place pursuant to EO36; use Class C resolution to indicate support. Disadvantage is that all legal eggs in one basket.

Initial granting of license takes place pursuant to a combination of EO 36 and Senate Class A/B legislation. Disadvantage is that “rule” is spread across various places and authorities.

OR

(C) 

Opt in grant is article by article.

Can opt in going forward. But can opt out at later date.

Opt out is article by article.

Can opt out going forward. But can opt in at later date.

* Confirmation step will be utilized on each article to ensure survivability of license vis-à-vis subsequent transfer of copyright.

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*Exhibit 1*
SOME THEORETICAL/POLICY CONCERNS

In a sense, the choice at level (A) pits faculty rights against the hoped for size of the repository.

In a sense, the choice at level (B) pits strength of legal arguments supporting initial grant of license against simplicity of policy/rule statement.

In a sense, the choice at (C) would go to the burden on individual faculty members.

In a sense (D) is the linchpin. If Eric Priest is right, then (D) can be handled by (B) or (C) and essentially can be removed from the picture. If not, then (D) may argue in favor of (C)'s article-by-article choices.

Irrevocability of license? Scope of license?

SOME PRACATICAL CONCERNS

If the software implementation puts the onus on the faculty, then practically speaking is not everything article-by-article?

What about faculty liability vis-à-vis signing transfers of copyright that contain no-encumbrance warranties?

What about administrative expense associated with each defined pathway?
Update on Shared Research Resources Task Force

Charles W. Frevert, DVM, ScD
Associate Professor
Department of Comparative Medicine,
University of Washington School of Medicine
Charges of the Shared Research Resources Task Force (SRTF)

1. Meet two times during the summer quarter of 2017.
2. Develop a set of goals for shared research resources.
3. Formulate recommendations to Mary Lidstrom in a White Paper on UW Shared Research Resources with a list of proposed actions.
SHARED RESOURCES TASK FORCE

1. Charles W. Frevert, Chair, Professor
   Department of Comparative Medicine,

2. David Castner, Professor, Co-Chair
   Chemical Engineering and Bioengineering

3. Caroline Harwood, Professor, Microbiology
   Associate Vice Provost, University of Washington

4. Michael E Rosenfeld, Professor
   Environmental and Occupational Health Sciences

5. Rachel Wong, Professor
   Chair of Biological Structure (away July 27-18)

6. Michael T Khbeis, PhD
   Associate Director Microfabrication Facility

7. Barbara Wakimoto, Professor
   College of Arts and Sciences: Biology

8. David S. Ginger
   Professor, College of Arts and Sciences: Chemistry
RECOMMENDATIONS OF THE SRTF

1. Develop a standing committee on UW Shared Research Resources

2. Short term charges to the Committee on UW Shared Research Resources
   a. Letter to the Deans, Chairs, and Center Directors
      i. Develop a shared research resources inventory.
      ii. Provide recommendations/nominations for representation
   b. Develop a survey to define the needs of the scientific community, directors and managers of shared resources and center directors.