1. Call to Order

2. Approval of the October 7, 2021 Minutes (Action)

3. Report of the Chair

4. Special Order
   Darryll J. Pines
   President of the University of Maryland
   2021 State of the Campus Address

5. Technical Revisions to the University of Maryland Web Accessibility Policy (VI-1.00[E]) (Senate Document #21-22-20) (Information)

6. Special Order
   Brian Butler, Chair, University Library Council & Member of PACT, Associate Dean & Professor, College of Information Studies
   Philip Cohen, Member of PACT, Professor - Sociology, College of Behavioral & Social Sciences
   Adriene Lim, Dean, University Libraries, Co-Chair of UMD PACT
   Discussion of Draft Policy on Equitable Access to Scholarly Articles

7. New Business

8. Adjournment

*Also accessible via Zoom for those who are unable to attend in person

CALL TO ORDER

Senate Chair Williams called the meeting to order at 3:16 p.m.

Williams welcomed Senators and stated that due to the number of special order presentations, the Senate Executive Committee (SEC) had preemptively extended the meeting until 5:15 p.m. to allow sufficient time for all agenda items. She explained the procedures for the meeting and provided brief instructions on using TurningPoint for voting.

APPROVAL OF THE SEPTEMBER 8, 2021 SENATE MINUTES

Williams noted that there had been an error in the minutes where the header of the previous minutes referenced a set of minutes with an inaccurate date. She stated that the minutes had already been corrected to reflect that change.

Williams asked if there were any additional corrections to the September 8, 2021 Senate meeting minutes.

Senator Raugh, faculty, College of Computer, Mathematical, and Natural Sciences (CMNS), stated that the time of adjournment noted in the minutes did not reflect the specific end time of the meeting.

Williams noted that the additional revision would be made and asked if there were any additional corrections; hearing none, she asked if there were any objections to approving the minutes as corrected. The minutes were approved as corrected (**in blue**).

The meeting was adjourned at 4:~~xx~~ **30** p.m.

President Pines had not yet arrived so Chair Williams asked if there were any objections to moving to the Chair's Report until he arrived; hearing none, she started the Chair's Report.

REPORT OF THE CHAIR

Chair Williams reported that following the Senate's approval of the Review of the Interim University of Maryland Grading Symbols and Notations Used on Academic Transcripts Policy at the previous Senate meeting, and the President's subsequent approval, the APAS Committee had been automatically charged with a Review of the Interim Emergency Pass/Fail Guidelines.

Williams stated that the guidelines were put in place on an interim basis in January 2021 to address concerns expressed by students about the ongoing impact of the pandemic, but that they would also serve as standard emergency guidelines that could be invoked by the President and Provost during any future emergency.

Williams noted that President Pines had arrived so the Senate would be returning to the original order of the agenda to allow him to provide his briefing.

SPECIAL ORDER: PRESIDENTIAL BRIEFING

Darryll J. Pines, President of the University of Maryland

Chair Williams invited President Pines to provide his briefing to the Senate.

Status of Covid-19 at the University of Maryland (UMD)
President Pines stated that the campus community had achieved a vaccination rate of 98%. He shared data comparing the number of cumulative positive cases per week, starting from the end of August through the beginning of October for both Fall 2020 and Fall 2021 semesters.

- The number of positive cases on campus in Fall 2020 was about 3-4 times higher than cases in Fall 2021, which notes the significance in the context of the increased in-person campus presence.
- The number of people on campus during the Fall 2020 semester was about 20%-25% of the total number of people on campus during the current Fall 2021 semester.
- That data shows that the campus community is safe and that vaccines have worked.
- The campus community has passed the peak period of the Delta variant, and is now reporting 3-5 positive cases a day, as typical for a population of 48,000-50,000 people.
- The campus has remained safe following 3 on-campus football games with large populations ranging from 35,000-45,000 people, and that campus community members should feel comfortable with in-person indoor and outdoor activities.

Cabinet Leadership Update
President Pines stated that there had been several recent changes in senior leadership positions at the University including the following:

- Jennifer King Rice is now the Senior Vice President and Provost.
- Greg Oler is the new Vice President for Finance and Chief Financial Officer (CFO).
- Amitabh Varshney, the current Dean of CMNS, is now also serving as the Interim Vice President for Research. Laurie Locascio, the former Vice President of Research, is undergoing confirmation hearings to become the new Director of the National Institute of Standards and Technology (NIST). Varshney served as Interim Vice President for Research prior to assuming his position as Dean of CMNS.
- Rosalind Hamlett is the new Assistant to the President responsible for working primarily in communications and as the President's speechwriter.

Indicators of Excellence (Teaching, Service, and Research)
President Pines acknowledged the recipients of the Distinguished Staff Service Awards, Distinguished Scholar-Teachers, Distinguished University Professor, the Provost's Excellence for Professional Track (PTK) Faculty Awards, and the Presidential Medal Award from the 2021 convocation. He explained the awards, named the recipients, and acknowledged their accomplishments, praising them as some of the best people at UMD. President Pines stated that the Distinguished University Professor Award was the highest honor that UMD bestows on tenured faculty, and noted that he and Provost Rice hosted a dinner with the 2020 and 2021 recipients the previous evening, in honor of the recipients.

President Pines stated that a 2009 alum from the English Department at UMD, Reginald Dwayne Betts, had received the MacArthur Genius Award, becoming one of the 25 Fellows in the MacArthur 2021 class. President Pines shared a quote from Betts, in which he identifies UMD as the institution that helped him both develop his writing style, and be reminded of opportunities for growth and engagement following a criminal conviction. President Pines noted the degrees that Betts had earned following a period of incarceration. He also noted that Betts was now working on behalf of

incarcerated persons in various criminal systems, helping them transition back to society through education and opportunity acquisition.

President's Distinguished Forums
President Pines noted that the President's Distinguished Forums are a part of a class that he is teaching called "Grand Challenges of Our Time (UNIV 110)," in addition to being events open to the campus community. He stated that forums focus on social injustice, environmental injustice, criminal justice, climate change, and similar topics. He also noted that the forums were available on UMD's YouTube page. President Pines provided an overview of the forums that had already taken place and the forums that were scheduled for the rest of the Fall 2021 semester.

IonQ- A College Park Success Story
President Pines shared the sequence of events that led to the creation of IonQ as a startup company at the University in 2016, and the sequence of events that then led to IonQ going public on the New York Stock Exchange (NYSE) on October 1, 2021 as an Initial Public Offering (IPO). He also provided information about the establishment of the partnership between the Physics Department and NIST, the hiring of Dr. Christopher Monroe, the research done into quantum theories, the construction of the Physical Sciences Complex, and the establishment of IonQ as a startup firm in 2016.

President Pines stated that IonQ has the ability to develop a quantum computer that is faster and better able to handle more computations than any computer currently in existence.
- Staff had expended over 3,600 hours of time into the company.
- IonQ has submitted over 22 invention disclosures to the UMD Technology Office, and 75 patent applications which were paid for by the corporation and venture capitalists.
- President Pines stated that after the first patent was issued in 2018, the first venture capitalist investment of $20 million was acquired, ultimately helping IonQ go public on the NYSE.
- As an attendee at the IPO launch, Pines noted that the day had been a proud moment for UMD, the Physics Department, CMNS, and IonQ. He stated that 1/3 of IonQ is made up of UMD community members, including post-doctoral students, PhDs, and bachelor of science students.

President Pines provided an overview of some of the implications around the potential applications for quantum computing:
- Quantum computing can reduce development time for chemicals and pharmaceuticals with simulations;
- It solves optimization problems with unprecedented speed and scale;
- It can accelerate autonomous vehicles with quantum AI;
- It will transform cybersecurity; and
- It can enable rapid financial transactions.

Gamera Project
President Pines provided a brief overview of the Gamera Project, which is an initiative that he had started and concluded shortly before assuming his role as President. He noted that with the help of colleagues, he had also recently completed and published a book, "Gamera: A Human Powered Helicopter - In Pursuit of an Aviation Milestone," which tells the story of the Gamera Project. President Pines stated that the project had started in 2008, and that its maiden flight took place in 2011, prior to many record-breaking flights in 2012 involving both graduate and undergraduate students from the A. James Clark School of Engineering.

Chair Williams thanked President Pines for his presentation and opened the floor to questions. Williams stated that there was only time for 1-2 questions.

Senator Lekic, faculty, College of Computer, Mathematical, and Natural Sciences (CMNS), asked President Pines how the Western Gateway Project, involving the deforestation of the Guilford Woods region on campus, aligned with the long-term development goals of the University, which highlight the importance of preserving wooded spaces and promoting a sustainable campus. They also stated that they were aware of student opposition to the project from both undergraduate and graduate students. President Pines stated that the proposed development of the region was in response to a long-standing need for on-campus affordable housing for graduate students. He noted this was an emotional issue that people felt very strongly about, and stated that while the primary concerns about the project were around issues of deforestation, greenhouse gases, sustainability, and stormwater retention, the technical arguments in support of the project contain information about plans to alleviate those concerns. President Pines stated that updates regarding the status of the project, as well as answers to questions about sustainability, deforestation, and stormwater retention as it relates to the project, would be shared with the campus community in the near future. He also noted his strong commitment to the environment and his equally strong commitment to addressing graduate students' need for affordable housing.

Senator Perkey, graduate student, College of Behavioral & Social Sciences (BSOS), stated that the Graduate Student Government (GSG) would be hosting a presentation with the proposed developer, Gilbane Development, on October 15, 2021, and invited those at the meeting to attend if they were interested. She noted that the GSG was concerned about the misinformation being circulated regarding how graduate students felt about the project, because they were generally in support of it. Senator Perkey asked President Pines if UMD is listed as an arboretum. President Pines confirmed that it is an arboretum.

Williams thanked President Pines for his time and he thanked Williams and the University Senate for the opportunity to brief them.

REPORT OF THE CHAIR (CONTD.)

Senate Executive Committee (SEC) Update
Chair Williams stated that the SEC had met on September 20, 2021 and approved the agenda for the Senate meeting. She noted that the SEC had also considered the Interim Criminal Background Check Policy, which was approved by the President on an interim basis pending Senate review effective October 1, 2021. She stated that the SEC had voted to jointly charge the Faculty and Staff Affairs Committees with a review of the interim policy, in line with standard procedures.

Williams stated that the SEC had also considered two proposals at its last meeting. Williams noted that the first was a request related to the potential Western Gateway Development of Guilford Woods. The proposers requested that the October 7, 2021 Senate meeting agenda include two presentations, one pro and one con - related to the Development. In addition, the proposal requested that the Senate convene a task force that would be responsible for conducting an independent assessment on environmental and sustainability factors of the Development.

Williams noted that, as President Pines had stated, this was a fraught issue due to the need to balance the needs of graduate students with environmental concerns. Williams stated that in considering the proposal, the SEC relied on the University of Maryland Plan of Organization for Shared Governance (the Plan), which directs the Senate to carry out the formulation and review of policies and regulations, and identifies twenty-three (23) roles and responsibilities assigned to the

Senate. The SEC used those criteria, rather than the merit of the proposal, to evaluate whether the requests in the proposal principally fell under the Senate's purview. Williams stated that after substantial discussion, the SEC had determined that since the requested presentations would not involve an assessment of policies or regulations, it did not fall under any of the provisions in Article 1.3 of the Plan, and so did not fall under the Senate's purview. The SEC voted on a motion that no further action should be taken on the proposal by the Senate. The vote on the motion passed.

Williams stated that the second proposal was related to the Student Fee Process, which requested a number of changes associated with the processes and procedures regarding the student fee review process. In discussing this proposal, the SEC considered the context of the new state law passed by Governor Hogan, SB895 - University System of Maryland - Student Fees - Review and Spending. Williams stated that this law, which took effect on July 1, 2021, requires the President to present information on any mandatory or non-mandatory student fees and any changes to the use of revenue collected for specific fees to the student fees committee.

Williams stated that the Senate leadership had consulted with the administration prior to the SEC meeting to discuss the concerns raised in the proposal, as well as the best practice model that it highlighted. She stated that the administration had indicated that it was receptive to encouraging University fee advisory bodies to follow the best practices.

Williams stated that the SEC had considered these different factors, and decided that since the new state law is in the beginning stages of implementation at the University, creating a shifting baseline, and the administration is willing to make modifications to its current fee advisory bodies, it would be premature for the Senate to take immediate action on this proposal. The SEC agreed instead to forward the proposal for administrative action to the new Vice President for Finance & CFO, Greg Oler, to take appropriate action. Williams stated that this allows Oler's unit to consider the issues raised in the proposal while they implement the provisions in the new state law, collect any relevant data, and put best practices in place prior to reporting back to the SEC about what actions were taken during the 2021-2022 academic year. She noted that the SEC would reassess the process after the 2021-2022 fee review cycle to see whether the concerns raised in the proposal warrant further Senate action.

Volunteers for the Nominations Committee
Williams stated that outgoing Senators would soon receive an email about volunteering for the Senate Nominations Committee.

Williams stated that every year, the Nominations Committee solicits nominations for the Senate Chair-Elect and membership on the Executive Committee, the Committee on Committees, and other University-wide committees and councils. She stated that the Senate relies on the good judgment of the members of the Nominations Committee to present candidates that reflect the quality and diversity of the campus community. Williams noted that the committee would meet between January and April.

Williams noted that those who are interested in serving on the committee should look for an email with a link to a Google form, and complete the link as soon as possible. She noted that those interested may contact the Senate Office Staff for any needed additional information or assistance. Williams stated that the Senate will vote on the Nominations Committee's membership in December.

Williams welcomed the two newest deans at the University as voting members of the Senate: Dean Dawn Jourdan, School of Architecture, Planning, & Preservation, and Dean Samuel Graham, A. James Clark School of Engineering.

TECHNICAL REVISIONS TO THE UNIVERSITY OF MARYLAND DISABILITY & ACCESSIBILITY POLICY AND PROCEDURES (SENATE DOCUMENT #21-22-09) (INFORMATION)

Chair Williams stated that the revisions to the University of Maryland Disability & Accessibility Policy and Procedures were made to update the information in the policy with the new Americans with Disabilities Act (ADA) Coordinator's contact information, and a generic reflector for the email address that is directed to the new ADA Coordinator, so that a revision to the policy does not have to be made every time the person in the role changes. She also noted that broken links in the policy were updated, and that the technical revision was reviewed and approved by the Senate leadership, and subsequently by the President on September 21, 2021.

Williams restated the need for the Senate to complete all business on the agenda. She asked if there were any objections to limiting speakers to 2 minutes each on each motion or agenda item without the ability to speak again on an item until all others have had the ability to do so. Williams stated that this would ensure that all those who wish to speak have an opportunity to do so without further extending the meeting. She noted that if there are no objections, a timer would be displayed on the screen to help speakers manage their time. Hearing no objections, the two-minute rule was put in effect, and she proceeded with the meeting.

PCC PROPOSAL TO DISCONTINUE THE UPPER-DIVISION CERTIFICATE IN SCIENCE, TECHNOLOGY AND SOCIETY (SENATE DOCUMENT #21-22-08) (ACTION)

Valerie Orlando, Chair of the Programs, Curricula, and Courses Committee (PCC), presented the PCC Proposal to Discontinue the Upper-Division Certificate in Science, Technology and Society (Senate Document #21-22-08) and provided background information.

Chair Williams opened the floor for discussion of the proposal, noting the two minute speaker time limit; hearing none, she called for a vote on the PCC Proposal to Discontinue the Upper-Division Certificate in Science, Technology and Society (Senate Document #21-22-08). The result was 119 in favor, 3 opposed, and 9 abstentions. **The motion to approve the proposal passed.**

Williams stated that the Provost was not yet available to provide her presentation so she asked if there were any objections to moving to the Privacy Policy presentation; hearing no objections, she moved to Agenda Item #8.

SPECIAL ORDER

Derek Richardson, Chair, Information Technology (IT) Council
Joseph Gridley, Chief Data Privacy Officer
Update on the UMD Privacy Policy

Chair Williams invited Derek Richardson, Chair of the Information Technology (IT) Council, and Joseph Gridley, Chief Data Privacy Officer, to give their presentation on the draft privacy policy.

Richardson stated that the IT Council had been charged with developing a privacy policy for the University, in line with similar policies at peer institutions, and that Gridley had provided support in creating the draft policy.

Gridley provided an overview of the key elements and structure of the draft policy including: information on definitions of privacy, a timeline of work done so far, concepts that still need to be addressed, privacy principles, expectations of privacy, policy violations, and next steps.

He noted that the language currently in the University of Maryland Policy on Acceptable Use of Information Technology Resources regarding user privacy was no longer sufficient in the context of the increased use of data and increasingly complicated data sets and systems. Gridley stated that based on industry best practices, and national and international frameworks and regulations, the University is lacking a policy with clearly articulated principles, expectations, an implementation process, rules for exceptions, and consequences for violations.

Gridley's overview included the following key points in the draft policy:
- Definitions of each of the privacy principles.
  - Equity is included as a core principle to ensure that recent examples of other companies and institutions making prejudicial decisions based on data analyses from artificial intelligence would not be the practice at the University.
- User's reasonable expectation of privacy:
  - Data is subject to regulatory and university obligations, such as the Maryland Public Information Act and academic and employment misconduct investigations.
  - In the event of a cybersecurity attack, appropriate personnel would work with affected users to determine what data might have been shared.
- Standards associated with the Privacy Policy will be built by the campus community through shared governance, because the IT Council plans to solicit volunteers for a task force that will help draft the standards.
- Exceptions will be granted through a specific process based on consistent, transparent data, and requests for exceptions and relevant decisions will be documented and recorded.
- Policy violations will follow the same process as any other policies, with the exception that a consequence would potentially be able to be applied to a whole unit if the unit was knowingly operating in violation of the policy and its standards.

Gridley encouraged engagement from Senators and stated that the final policy and recommendations would be presented to the Senate at its meeting in December. He stated that the development of the associated standards would likely take place in Spring 2022 and he provided a reminder about the opportunity to volunteer for the associated task force.

Williams opened the floor to discussion of the draft policy.

Senator Hedberg, faculty, Division of Research (VPR), asked if the Privacy Policy would address instances in which faculty members are engaged in restricted research and are holding government clearances that require the signing away of some rights to privacy. Gridley stated that a contract with the Department of Defense (DOD) would supersede a University policy due to existing legal obligations. He noted that interaction between the Privacy Policy and research would have significant crossover and stated that collaboration would be taking place with existing research structures and support groups to ensure that a comprehensive policy is made without the creation of layering of numerous policies.

Williams asked if there were any additional questions or comments; hearing none, she thanked Richardson and Gridley for their presentation, noting that it would help prepare Senators for the upcoming vote on the privacy policy later in the semester.

Williams asked if there were any objections to moving back to the previous agenda item since the Provost had arrived to make her presentation. Hearing no objections, she moved to Agenda Item #7.

SPECIAL ORDER

Jennifer King Rice, Senior Vice President & Provost
Strategic Plan Update

Chair Williams invited Provost Rice to provide her presentation.

Provost Rice introduced herself and thanked Senators for the invitation and for their investment in the University Senate and the University's system of shared governance. Provost Rice provided an overview of her background, stating that her academic career at the University had started in the College of Education as an assistant professor of education policy. She stated that her work was primarily grounded in the field of economics, and was complemented by studies in philosophy and Africana Studies, because all three perspectives were essential to understanding structural inequality in society.

Provost Rice stated that while many economists of education look to academic achievement test scores as their primary outcome, her cross-disciplinary knowledge has enabled her to recognize broader purposes of public education. She noted some of those broader purposes as producing the next generation of individuals who can participate in a democracy, creating the ability to respect and work across differences, and the ability to be economically self-sufficient and contribute to the good of society. Rice stated her continued interest in broader outcomes as Provost, noting that her focus extended beyond fiscal resources. Provost Rice stated that while aligning fiscal resources with priorities and goals was important, allocating human capital, social capital, space, and time appropriately was also important.

Provost Rice stated that she had progressed through each rank as a tenure-track faculty member at the University before moving into a variety of leadership roles. She stated that she had served as the ADVANCE Professor for the College of Education, the Associate Dean for Graduate Studies and Faculty Affairs, and the Chair of the APT Committee on campus. She provided an overview of her commitments to leadership and emphasized the importance of excellence and equity, noting that inclusive excellence involves both recognition of diversity of thinking and diversity of background, and equitable policies that promote those things. Provost Rice noted the importance of the impact of actions and work on scholarly communities, real life communities, and the larger world. She also stated the importance of collaboration and the need for interdisciplinary collaboration to address grand challenges.

Provost Rice discussed the relevance of threats that the University and higher education as an enterprise are facing, including the ability to provide access and inclusivity, the ability to innovate and respond, and relevance. She noted that the threats could be overcome as the community works to re-imagine its future and discussed potential solutions.

Provost Rice stated that the idea that the University is currently on the edge of possibility was being heavily considered during the strategic planning process. She provided multiple examples of what she meant by the edge of possibility including:
- The University is positioned to contribute to the next generation of teachers, scientists and citizens who can save the world at a critical moment when the climate is in more danger than ever before.

- Researchers at the University are leading the way in preparedness and prevention of future pandemics while we continue to navigate the current pandemic.
- The University has more expertise than the vast majority of institutions to create an anti-racist society, to help with racial injustice and inequities that our society continues to face.
- The University has recruited a more diverse and academically talented undergraduate class, but there are still opportunities to expand access in Maryland, in the USA, and internationally.
- Provost Rice noted the members of the campus community have a unique opportunity to connect education and research to grand challenges by investing in civic engagement in the nation's capital, and an opportunity to enhance and demonstrate the impact of work being done at the University in a time where the relevance of higher education is being questioned.

Provost Rice noted that while much of the potential of this work will not be recognized until after her term as Provost, it was important to embrace the possibilities available to the University.

Provost Rice provided an overview of the principles used to develop the Strategic Plan and the work done thus far.
- The Strategic Plan is grounded in the six guiding principles of excellence, diversity, equity and inclusion, impact, innovation, collaboration, and service to humanity, which are present in all initiatives proposed as part of the Plan.
- The six Pillar Committees working on the Strategic Plan are Academic Excellence; Discovery, Creativity and Innovation; Strategic Partnerships; Access and Student Success; Operations and Resources; and Student Experience.
- The committee chairs are leading large and diverse groups of faculty, staff, students and external stakeholders in envisioning big ideas for the future of the University, and the work of the six Pillar Committees is also supported by the work of a catalyst committee.
- Huron is the consultant group that has been helping the groups with gathering data and process organization.
- Over 250 stakeholders have been engaged and directly involved in the process. he committees have collected and reviewed multiple sources of information including internal data, peer comparison data, environmental scans, and a summary of stakeholder themes from focus groups before conducting a Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis with the goal of setting key priorities and strategic initiatives.
- Five environmental trends and general conclusions of the SWOT analysis include:
  - Impacts of the Covid-19 pandemic, demographic and enrollment trends, the value and nature of post-secondary education, external funding, and workforce trends.
- Six cross cutting themes identified in the SWOT analysis include:
  - diversity, equity and inclusion; the size and scope of UMD;
  - the location and reach of UMD;
  - grand challenges facing society;
  - innovation and collaboration; and
  - opportunities to serve and meaningfully engage UMD's external and internal stakeholders.

Provost Rice noted that they had developed a Strategic Plan website that was made specifically for the planning process and explained how campus community members could engage in the process of formulating the Strategic Plan by responding to the question of the week. She noted that responses were being analyzed by the Office of Institutional Research, Planning and Assessment (IRPA) for use by the Pillar Committees.

Provost Rice provided a list of examples of the ideas that had been suggested by the Pillar Committees to date. She noted that the ideas would be a combination of transformative and incremental. Provost Rice stated that once the Pillar Committees submitted their final priorities and initiatives, she would review and analyze the information with President Pines to coordinate ideas into an actionable plan.

Provost Rice encouraged continued engagement from campus community members, noting that forums would be held to solicit feedback and share findings. She also thanked the chairs and members of the Pillar Committees for their work.

Senator Li, faculty, College of Behavioral & Social Sciences (BSOS), asked if there were any specific measures of programs under consideration in the Strategic Plan to advance globalization and internationalization. Provost Rice stated that globalization and internationalization would be a part of the Strategic Plan and that there were members on the Pillar Committees thinking about partnerships and initiatives for the university community to advance globalization efforts. She stated that the issue was important to her and to President Pines, and there is opportunity to link globalization and internationalization with the issue of grand challenges.

Senator Orlando, faculty, College of Arts & Humanities (ARHU), asked if the Strategic Plan included a vision to address the subpar conditions of certain buildings on campus. Provost Rice stated that the condition of the buildings on campus was a problem, and that work would begin on a new facilities master plan during the 2022-2023 academic year.

Senator Lin, faculty, College of Education (EDUC), stated that the University's Mission Statement and the guiding principles of the Pillar Committees did not include any language considering nature and the environment. Lin asked how campus community members can be more creative and bold when discussing the future in strategic plans, especially in relation to solving grand challenges. Provost Rice stated that a theme coming from the Pillar Committees was that existing structures were serving as barriers to bold ideas and interdisciplinary collaboration. She noted that the committees were proposing significant ideas to address this issue and that the campus community needed to be prepared for those ideas. She stated that methods of doing work would need to be reinvented and that APT and AEP standards would need to be updated to reflect an institutional commitment to interdisciplinary work across colleges. Rice also stated that she had been considering methods of facilitating interdisciplinary collaboration with the goal of addressing grand challenges, and thanked Lin for her suggestions on including the environment in considerations.

Chair Williams thanked Provost Rice for her presentation and noted the value of Senators hearing about her vision. She stated that due to time constraints, those who still had questions for the Provost should submit them in the Zoom chat to be forwarded to her.

Provost Rice thanked Chair Williams and the Senate for its time.

Williams stated that before moving on to the next agenda item, she wanted to encourage Senators to provide any additional feedback that they may have on the draft Privacy Policy as soon as possible. She noted that the Senate would be voting on the final version of the policy at its December meeting, so this is their opportunity to provide feedback and potentially help the IT Council revise the draft policy before it is finalized. Williams encouraged Senators to consult with their units and their colleagues, and get feedback submitted as soon as possible to umd-privacy@umd.edu.

SPECIAL ORDER

Sharon La Voy, Assistant Vice President, Institutional Research, Planning, & Assessment
Alan Socha, Assistant Director for Institutional Research, Planning, & Assessment
Course Evaluation Implementation Update

Senate Chair Williams invited Sharon La Voy, Assistant Vice President, Institutional Research, Planning, & Assessment, and Alan Socha, Assistant Director for Institutional Research, Planning, & Assessment to provide their presentation on the Course Evaluation Implementation Update.

La Voy thanked Chair Williams for the opportunity and the course evaluation advisory group for their time and attention. La Voy provided background information on the history of the course evaluation review and implementation and introduced Socha to provide the presentation.

Socha provided an overview of the work that the course evaluation advisory group had done including, data and psychometrics, feedback from the pilot of the new course evaluation tool, and conclusions.

The process for drafting course and instructor items included:
- A pilot in Spring 2021 using a total of 146 course sections taught by 120 different instructors that included each College.
  - 2,137 students had submitted evaluations, resulting in the receipt of 2,703 evaluations as some students were enrolled in multiple courses in the pilot.
  - The 29% response rate, which was lower than the 37% response rate to the official course evaluation, was likely due in part to the fact that students were given both evaluations and may have chosen the official one due to a belief that it would be more important.
  - The group of instructors and students who participated in the pilot were representative of all instructors and students at the University.
  - Representation was proportional, except for the slight over representation of white female instructors and students, noting the historical trend of white female students responding to campus surveys at slightly higher rates.

Socha provided an overview of reliability and group differences as they relate to research, as well as information regarding how they were assessed in the course of this work.
- All items met the benchmark of having an alpha of at least a .90, with course items having an alpha of .90, and instructor items having an alpha of .95.
- Socha stated that the working group had had positive results both in their analyses of correlation between items, and in their analyses assessing the tool's ability to measure multiple aspects of the course experience. He stated that the working group had analyzed group differences by student level, student sex, student race, instructor sex, instructor race and various interactions of those things.
- All statistically significant differences were within .30 on a scale of 0 to 4.
- All groups had responded slightly more positively than white males to all course items, except for one.
- White female instructors had received slightly more positive feedback on every item with a difference of .30.
- Graduate students responded slightly more positively to cognitive engagement and rigor, noting the expectation that graduate student courses would be more engaging and rigorous than undergraduate courses.

- Undergraduate students had responded slightly more positively to clear grading expectations, noting that undergraduate courses tend to have clearer expectations than a graduate course.
- The pilot also included an open-ended question to students to gather their feedback.

Socha stated that surveys were sent to, and focus groups were held with, instructors who had access to results of both the pilot and official evaluations. He stated that while there was some negative, neutral, and unrelated feedback, most student feedback was positive.

Socha provided an overview of instructor feedback on the pilot including:
- Instructors indicated that they did not receive helpful feedback about the classroom climate on the old evaluation, but did on the new, and that instructors also learned something different on the new evaluation tool.
- Instructors expressed that they valued the feedback more on the new evaluation tool, and felt that it was at least as fair if not more than fair than the old tool.
- Socha directed Senators to refer to their meeting materials for excerpts of quotes from students and instructors.

Socha provided an overview of the remaining work that needs to be done moving forward:
- The campus community needs to be educated on the new evaluation and its implementation.
- TA items need to be finalized.
- College and department item banks need to be created.
- Documentation and training on interpreting the results of the evaluation for instructors, chairs, administrators, and review committees need to be created.
- Training resources for students need to be created.
- Creation of data monitoring data procedures with a focus on unpacking race/ethnicity differences.

Chair Williams thanked Socha for his presentation and opened the floor to discussion and questions, noting the 2-minute time limit.

Senator Burroughs, undergraduate student, College of Arts & Humanities (ARHU), asked if there would be any inclusion of non-binary and gender non-conforming people within the evaluation tool, stating the importance of acknowledging those biases. Socha stated that the working group had been limited to the data that was collected by the University, which used the binary male/female options, but if additional data regarding non-binary and gender non-confirming people became available, it would be analyzed.

Chair Williams asked if there were any additional questions or comments; hearing none, she thanked La Voy and Socha for the presentation and expressed support for the work done thus far and anticipation of additional information and data in the future.

NEW BUSINESS

There was no new business.

ADJOURNMENT

The meeting was adjourned at 5:10 p.m.

Technical Revisions to the University of Maryland Web Accessibility Policy (VI-1.00[E])

PRESENTED BY	Reka S. Montfort, Executive Secretary & Director
REVIEW DATES	SEC – October 18, 2021	SENATE – November 10, 2021
VOTING METHOD	For information only
RELEVANT POLICY/DOCUMENT	VI-1.00(E) – University of Maryland Web Accessibility Policy
NECESSARY APPROVALS	N/A

ISSUE

The University of Maryland Web Accessibility Policy was last updated in 2018, and was approved by the President on April 5, 2018 (Senate Document #17-18-22). In August 2021, a new ADA/504 Coordinator, Emily Singer Lucio, joined the University, and technical revisions were subsequently made to the University of Maryland Disability & Accessibility Policy and Procedures in order to update contact information for the ADA Coordinator within that Policy (Senate Document #21-22-09). In that process, the Office of Diversity and Inclusion noticed that similar references in the University of Maryland Web Accessibility Policy included an incorrect phone number and email address. In October 2021, the University Senate Office worked with the Office of the President to make the appropriate revisions to the Web Accessibility Policy (VI-1.00[E]). The revisions were reviewed and approved by the Senate leadership. The President reviewed the revisions as technical amendments and approved the revised Policies and Procedures on October 18, 2021.

RECOMMENDATION(S)

The technical revisions are provided for informational purposes.

COMMITTEE WORK

N/A

ALTERNATIVES

N/A

RISKS

N/A

FINANCIAL IMPLICATIONS

N/A

VI-1.00(E)   UNIVERSITY OF MARYLAND WEB ACCESSIBILITY POLICY
(Approved by the President on an interim basis September 12, 2017; Amended and approved by the President on April 5, 2018; Technical amendments October 18, 2021)

I.   PolicyOLICY

The University of Maryland is committed to creating and maintaining a welcoming and inclusive educational and working environment for people of all abilities and to ensuring equal access to information and services for all its constituencies. Web-bBased iInformation and services delivery are the primary means by which the campus community and its visitors communicate and conduct business.

This pPolicy sets minimum standards for the accessibility of all uUniversity Web-bBased iInformation used to conduct uUniversity business and academic activities to ensure compliance with applicable state and federal regulations.

II.   DefinitionsEFINITIONS

"Web-bBased iInformation" includes Web pPages, Web content (hypertext, videos, documents, images, audio files, etc.), Web-based applications, online instructional content, services, and resources, including those developed by, maintained by, or offered through third-party vendors or open sources.

"University bBusiness and aAcademic aActivities" refers to those activities that students, faculty, staff and/or visitors must perform in order to effectively participate in a program, service, or activity offered by the uUniversity.

"Legacy Web-bBased iInformation" is any Web-bBased iInformation or service created, adopted, or modified before the establishment of this pPolicy.

"Web pPages" includes both Web pPages and websites used to conduct University bBusiness and aAcademic aActivities.

III.   RequirementsEQUIREMENTS

A. All Web-bBased iInformation newly adopted or redesigned by any uUniversity administrative, academic, or programmatic unit on or after the establishment of this pPolicy must be in compliance with the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) Version 2.0 AA conformance level.

B. Each uUniversity administrative, academic, and programmatic unit must establish priorities and timetables for updating its lLegacy Web-bBased iInformation.

C. All uUniversity Web pPages (newly designed, or legacy), must contain the words "Web Accessibility" in the footer or any visible location and link to a common

institutional Web page (https://www.umd.edu/web-accessibility) that contains the following statement: "*The University of Maryland is committed to equal access to Web content. If you need to request Web content in an alternative format or have comments or suggestions on accessibility, contact itaccessibility@umd.edu. For more information about accessibility at UMD, visit the UMD Accessibility Hub.*"

D. The unit that owns and controls the Web-~~b~~**B**ased ~~i~~**I**nformation is responsible for any remediation, for responding to requests to make content accessible, for replacing or modifying the original content, or for providing an equally effective alternative that communicates the same information and provides equivalent functions in a timely fashion (ideally within 10 business days).

IV. Exceptions~~XCEPTIONS~~

A. Any ~~u~~**U**niversity administrative, academic, or programmatic unit may request an exception to the requirements of this ~~p~~**P**olicy on the basis that compliance with the World Wide Web Consortium's standard: (a) would result in a fundamental alteration to the content or functionality of any Web-~~b~~**B**ased ~~i~~**I**nformation, (b) would result in an undue burden (including financial or administrative burden), and/or (c) is not technically feasible.

B. Units seeking an exception must submit an exception form found at https://itaccessibility.umd.edu/ explaining in detail why the policy exception is being sought and how, if the requested exception is granted, the unit will provide equally effective alternative access and ensure, to the maximum extent possible, that individuals with disabilities will receive the same benefits or services as their nondisabled peers.

V. Review~~EVIEW~~

The Division of Information Technology (DIT) IT Accessibility Specialist ~~(or designee)~~ in collaboration with the American with Disabilities Act (ADA) Coordinator will initiate a review and necessary revisions of this ~~p~~**P**olicy and its associated standards**,** as needed.

VI. Responsibilities~~ESPONSIBILITIES~~

A. Division of Information Technology (DIT)

1. Provides documentation and resources about Web accessibility.

2. Provides campus-wide solutions to audit Web-~~b~~**B**ased ~~i~~**I**nformation for compliance with the standards of this ~~p~~**P**olicy.

3. Works with the ADA ~~c~~**C**oordinator to initiate a review and necessary revisions of this ~~p~~**P**olicy and its associated standards as needed.

4. Consults with the ADA Coordinator on complaints, equally effective

alternatives, and exceptions to the required compliance.

5. Receives requests for exceptions and collaborates with the ADA Coordinator to evaluate and make decisions on requests for exceptions to this ~~p~~Policy.

6. Grants exceptions to this ~~p~~Policy.

B. ADA Coordinator

1. Works with the DIT IT Accessibility Specialist ~~(or designee)~~ to initiate a review and necessary revisions of this ~~p~~Policy and its associated standards as needed.

2. Collaborates with DIT to resolve complaints for Web accessibility and assesses equally effective alternatives.

3. Advises the DIT IT Accessibility Specialist ~~(or designee)~~ on requests for exceptions to th**is**~~e~~ ~~p~~Policy.

C. **Office of Strategic Communications** ~~University Relations~~

1. Provides standards and guidelines for Web ~~p~~Pages to the ~~u~~University.

D. University Administrative, Academic, and Programmatic Units

1. Comply with the requirements of this ~~p~~Policy.

2. Remediate complaints about Web-~~b~~**B**ased ~~i~~**I**nformation in order to meet the requirements of this ~~p~~Policy.

3. Purchase and produce Web-based services and resources that meet the requirements of this ~~p~~Policy.

VII. Contacts~~ONTACTS~~

A. Policy and Complaints
   DIT IT Accessibility Office | itaccessibility@umd.edu

B. Web Accessibility Testing, Training, Resources, and Technical Assistance
   DIT IT Accessibility Office | itaccessibility@umd.edu |
   https://itaccessibility.umd.edu/

C. ADA Coordinator
   ADAcoordinator@umd.edu ~~dissup@umd.edu~~ | **Phone: 301-405-2841** ~~301.314.7682~~ |
   Fax: 301-314-9992 ~~TTY/TDD: 301.314.7682~~
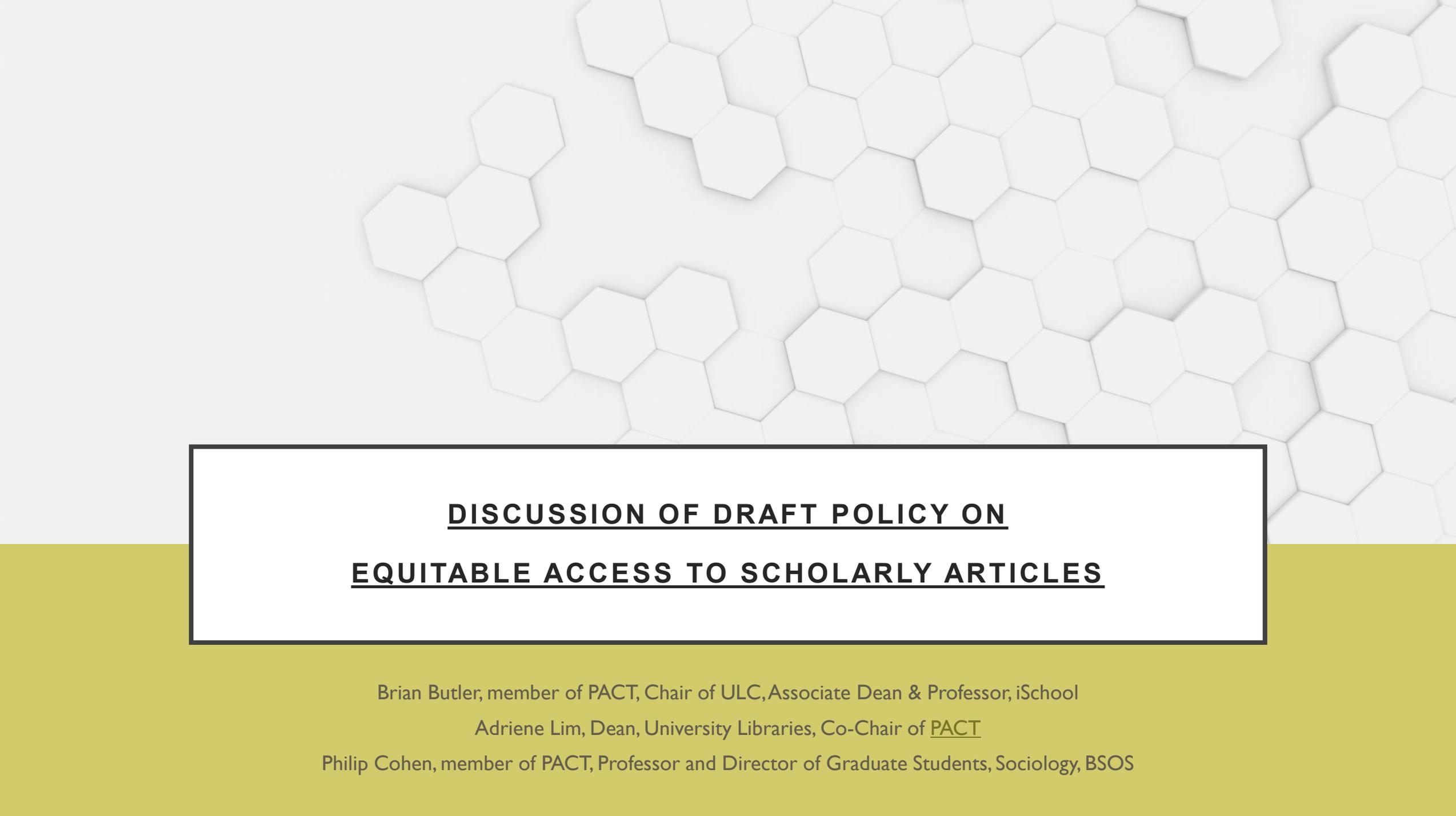
DISCUSSION OF DRAFT POLICY ON

EQUITABLE ACCESS TO SCHOLARLY ARTICLES

Brian Butler, member of PACT, Chair of ULC, Associate Dean & Professor, iSchool

Adriene Lim, Dean, University Libraries, Co-Chair of PACT

Philip Cohen, member of PACT, Professor and Director of Graduate Students, Sociology, BSOS

WHAT IS *UMD PACT*?

(**P**UBLISHING, **A**CCESS, AND **C**ONTRACT **T**ERMS)

UMD PACT is a cross-campus group working on ways to make Maryland's research more visible, accessible, affordable, and transparent, through:

- Sustainable, more equitable scholarly publishing

- Affordable, fair licensing of scholarly content

- Facilitating open research and data sharing

- Advancing open education and open educational resources

PACT is sponsored by the Office of the Provost, Division of Research, and the Senate-based University Library Council.

For more details about UMD PACT, visit: https://pact.umd.edu/

WHY IS THIS NEW POLICY IMPORTANT?

- **Social and economic justice** – The new policy will remove price and permission barriers as they relate to UMD's scholarly articles. Equitable access to knowledge is aligned with our land-grant mission and our social justice values.

- **Increased use and preservation of scholarly articles** –Work will be discoverable by the general public and other researchers through major search engines; and will be accessed and preserved in UMD's digital repository, DRUM.

- **Sustainable scholarly communication** – This model achieves open access to more research, while at the same time, helps us avoid overreliance on expensive Article Processing Charges (APCs)

WHY IS THIS NEW POLICY IMPORTANT?

- **Compliance with public-access mandates** – Increasingly, funding agencies are issuing/enforcing new mandates that call for sponsored research publications and data to be publicly accessible. This policy helps us prepare for and comply with these mandates.

- **Faculty author benefits –** Authors will retain extremely broad use and reuse rights with a minimum of effort, without the need to negotiate with publishers, and while preserving academic freedom and author choice.

- We request your support for adoption of a new rights-retention, equitable-access licensing policy based on a model created by Harvard University. Review the draft policy and FAQ at: "*Equitable Access to Scholarly Articles Authored by University Faculty*."

- In this model, faculty members grant an automatic, irrevocable, *non-exclusive*, worldwide license to the university to distribute their scholarly articles for non-commercial purposes.

- The license applies to all scholarly articles written while the person is a member of the faculty (except for any articles completed before the adoption of this policy).

WHAT IS THE PROPOSED CHANGE?

- This model preserves faculty members' right to publish in any journal of their choice.

- By design, the non-exclusive license takes precedence over any new publisher agreements.

- The new policy can also be used to confer a bundle of rights back to UMD authors without regard to the terms of any subsequent publishing contract, unless the faculty member chooses to opt out of the license for that article.

DETAILS ABOUT THE PROPOSED CHANGE

- The policy asks faculty to submit an electronic version of their final, peer-reviewed Author-Accepted Manuscripts (AAMs) for inclusion in DRUM, the university's digital repository.

- In the future, the Libraries will try to automate as much of the process as possible, perhaps through connections to the campus's Faculty Success / Digital Measures platform.

- This proven model has been in use for years by Harvard University and many other public and private institutions with no legal challenges to date.

DETAILS ABOUT THE PROPOSED CHANGE

- The policy builds upon the existing <u>UMD Intellectual Property Policy (IV-3.20[a])</u>, enacted in 2018, that affirms UMD personnel hold copyright in their scholarly works. (The new proposed policy does not affect the author's copyright ownership, but the IP policy will need to list the new open-access license as a factor affecting the IP policy.)

- The proposed model allows for <u>waivers</u> and embargoes as needed by faculty members, which again, preserves the author's choice.

DETAILS ABOUT THE PROPOSED CHANGE

HAVE OTHER UNIVERSITIES USED THIS MODEL?

Many other public and private universities across the world have adopted policies based on the Harvard model, including the following Big Ten Academic Alliance (BTAA) and regional institutions:

- Rutgers University (enacted 2015): https://www.libraries.rutgers.edu/services-for-researchers/open-access

- University of Illinois (enacted 2015): https://www.senate.illinois.edu/sc1512.pdf

- Indiana University Bloomington (enacted 2017): https://vpfaa.indiana.edu/policies/bl-aca-i24-open-access/index.html

- Penn State University (enacted 2019): https://openaccess.psu.edu/

- Virginia Tech University (enacted 2021): https://tinyurl.com/ysn6kw2q

WHAT ARE THE NEXT STEPS?

- [The UMD PACT (Publishing, Access, and Contract Terms)](#) group, has been working with the Senate-based University Library Council, and various groups/departments on campus to refine the draft and build support for the new policy during 2021.

- We hope the policy can be adopted during the Spring 2022 semester. We believe that this policy will, almost immediately, increase awareness of the issues and will improve UMD faculty members' retention of their copyrights and their subsequent open sharing of scholarly work.

OPEN FORUMS SCHEDULED

- Our extensive FAQ at: https://pact.umd.edu/key-issues/equitable-access-policy-faq addresses many questions, but we're also holding two open forums via Zoom to continue the discussion.

  - **Wednesday, Nov. 17, 2021, 1:00-2:00 pm -** Register at: https://umd.zoom.us/meeting/register/tJMrf-utqzsrGtXldew_vPBAEje1s2oG92xa

  - **Friday, Dec. 3, 2021, 10:00-11:00 am –** Register at: https://umd.zoom.us/meeting/register/tJItduutrz4qH9GREo3HdK9SSKXONjlaeMGf

QUESTIONS?

FOR MORE INFORMATION: SEE THE UMD PACT SITE AT
HTTPS://PACT.UMD.EDU/

SEND COMMENTS TO UMD PACT C/O CO-CHAIRS:
ADRIENE LIM - AILIM@UMD.EDU OR
HOLLY BREWER - HBREWER@UMD.EDU

THANK YOU!

Revised: 11/2/21

1 **University of Maryland, College Park**

2 **Equitable Access to Scholarly Articles Authored by University Faculty**

3 **DRAFT ONLY – REVISED VERSION: 9/16/21 – STILL UNDER REVIEW**

4 **I.   Purpose**

5 The University of Maryland is committed to disseminating its knowledge and research as widely
6 as possible. In furtherance of its land-grant mission of teaching, research, and public service, the
7 University adopts this policy of *Equitable Access to Scholarly Articles Authored by University*
8 *Faculty* to increase the visibility, readership, and impact of the University of Maryland's
9 Scholarly Articles, and to ensure that the Scholarly Articles are permanently available in the
10 University's digital repository to readers and researchers worldwide.

11 **II.   Definitions**
12
13 **A. University Faculty**

14 For this policy, University Faculty shall include individuals who receive a salary or other
15 consideration from the University for performance of services on a benefits-eligible basis and
16 who also hold faculty rank, including tenure-stream, permanent-status-stream, and PTK faculty.

17 **B. Scholarly Article**
18
19 A Scholarly Article is a work that describes the fruits of University Faculty members'
20 scholarship and research; is deemed a form of "Traditional Works of Scholarship" in *IV-3.20(A)*
21 *UNIVERSITY OF MARYLAND INTELLECTUAL PROPERTY POLICY*; and is given to the
22 world for the sake of inquiry and knowledge by the University Faculty member without
23 expectation of payment. Such articles are typically presented in peer-reviewed scholarly journals
24 and conference proceedings.
25
26 **C. Author Accepted Manuscript**
27
28 The Author Accepted Manuscript (AAM) is the version of a Scholarly Article that has undergone
29 peer review and has been accepted for publication by the publisher.

30 **D. University**

31 The University of Maryland, College Park.

32 **E. University Libraries**

33 The University of Maryland Libraries, College Park, is identified as the "University Libraries,"
34 and is the unit charged with ensuring that the Scholarly Articles addressed in this policy are
35 collected, organized, provided, and preserved. The University Libraries administers and manages

36 the University's digital repository, which enables discoverability of and equitable access to the
37 Scholarly Articles.

38 **F. Equitable Access**

39 For the purposes of this policy, equitable access refers to the removal of permission and cost
40 barriers related to the open discoverability, retrieval, and use of UMD's scholarly articles.

41 **III.   Policy**
42
43 **A. Equitable Access License**

44 Equitable access to Scholarly Articles will be achieved by an Equitable Access License. Each
45 University Faculty member grants permission to the University of Maryland to make available
46 their Scholarly Articles to the public. Specifically, each University Faculty member grants an
47 irrevocable, worldwide, royalty-free, nonexclusive license to exercise any and all rights under
48 copyright relating to each of their Scholarly Articles, in any medium now known or later
49 developed, and to authorize others to do the same for the purpose of making Scholarly Articles
50 widely available to the public ("Equitable Access License"), provided that the articles are not
51 sold for a profit. This policy does not transfer copyright ownership of Scholarly Articles to the
52 University. Copyright ownership remains with University Faculty as described in *IV-3.20(A)*
53 *UNIVERSITY OF MARYLAND INTELLECTUAL PROPERTY POLICY*, subject to this Equitable
54 Access License.
55
56 **B. Scope**
57
58 This policy applies to all Scholarly Articles authored or co-authored by a University Faculty
59 member, except for any articles completed before the adoption of this policy and any articles for
60 which the University Faculty member entered into an incompatible licensing or assignment
61 agreement before the adoption of this policy. See Section III.D below for information about
62 opting-out, waivers, and embargoes related to this policy.

63 **C. Deposit**

64 No later than the date of publication for a Scholarly Article, the University Faculty member will
65 provide an electronic copy of the University Faculty member's Author Accepted Manuscript to
66 the University Libraries, at no charge, in an appropriate format (such as PDF). Questions about
67 deposit should be referred to the University Libraries. The University will make the Scholarly
68 Article available to the public in an open access repository.

69 **D. Opt-Out / Waiver / Embargo**

70 Upon written direction by a University Faculty member submitted to the University Libraries,
71 the Equitable Access License will be waived by the University for that Scholarly Article. Upon
72 written direction by a University Faculty member submitted to the University Libraries, access to

73 a Scholarly Article covered under this policy will be removed, delayed, or embargoed for a
74 specified period of time.

75 **E. Policy Interpretation/Changes**

76 The Office of the Senior Vice President and Provost will be responsible for interpreting this
77 policy, resolving disputes concerning its interpretation and application, and recommending
78 policy changes as needed.

79 **END OF PROPOSED POLICY. PLEASE SEE NOTES THAT FOLLOW.**

80

81 **ADDITIONAL NOTES TO FACILITATE REVIEW OF POLICY**

82 **Further Information:**

83 For questions, additional detail, or help with compliance with this Policy, please contact the
84 University Libraries at libadmin@umd.edu.

85 **Related Policies and Documents**

86 USM's *Statement Supporting Open Access Dissemination of Scholarship*, 2017
87 https://www.usmd.edu/newsroom/docs/USMOpenAccessStatement.pdf

88 UMD's Intellectual Property Policy
89 https://policies.umd.edu/assets/section-iv/IV-320A.pdf

90 Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities, 2003,
91 https://openaccess.mpg.de/Berlin-Declaration with signatories including UMD:
92 https://openaccess.mpg.de/319790/Signatories
93
94 **EXPLANATORY NOTES NOT PROPOSED AS PART OF THE POLICY BUT**
95 **PROVIDED HERE ONLY TO FACILITATE REVIEW OF THE DRAFT (content**
96 **adapted from Harvard University's Office of Scholarly Communication)**
97
98 *Section I, Lines 5-10, regarding disseminating knowledge and research as widely as possible*:
99 The intention of the policy is to promote the broadest possible access to the university's research.
100 The preamble emphasizes that the issue is access, not finances.
101
102 *Section III, A, Line 46, use of the word "grants":* The wording here is crucial. The policy
103 causes the grant of the license directly. An alternative wording, such as "each faculty member
104 shall grant," places a requirement on faculty members, but does not actually cause the grant
105 itself.
106

107 ***Section III, A and B, Scholarly Articles:*** The scope of the policy is scholarly articles. Clearly
108 falling within the scope of the term are (using terms from the Budapest Open Access Initiative)
109 articles that describe the fruits of scholars' research and that they give to the world for the sake
110 of inquiry and knowledge without expectation of payment. Such articles are typically presented
111 in peer-reviewed scholarly journals and conference proceedings. Clearly falling outside of the
112 scope are a wide variety of other scholarly writings such as books and commissioned articles, as
113 well as popular writings, fiction and poetry, and pedagogical materials (lecture notes, lecture
114 videos, case studies). Often, faculty express concern that the term is not (and cannot be) precisely
115 defined. The concern is typically about whether one or another particular case falls within the
116 scope of the term or not. However, the exact delineation of every case is neither possible nor
117 necessary. In particular, if the concern is that a particular article inappropriately falls within the
118 purview of the policy, a waiver can always be obtained. One tempting clarification is to refer to
119 scholarly articles more specifically as "articles published in peer-reviewed journals or conference
120 proceedings" or some such specification. Doing so may have an especially pernicious unintended
121 consequence: With such a definition, a "scholarly article" doesn't become covered by the policy
122 until it is published, by which time a publication agreement covering its disposition is likely to
123 already have been signed. Thus, the entire benefit of the policy's nonexclusive license preceding
124 a later transfer of rights may be vitiated.
125
126 ***Section III, A, Line 47-48, exercise any and all rights under copyright:*** The license is quite
127 broad, for two reasons. First, the breadth allows flexibility in using the articles. Since new uses
128 of scholarly articles are always being invented — text mining/uses being a prime example —
129 retaining a broad set of rights maximizes the flexibility in using the materials. Second, a broad
130 set of rights allows the university to grant back to an author these rights providing an alternative
131 method for acquiring them rather than requesting them from a publisher. Even though the
132 university is being allowed to exercise a broad set of rights, it is not required to exercise them.
133 Universities are free to set up policies about which rights it will use and how, for instance, in
134 making blanket agreements with publishers. For example, a university may agree to certain
135 restrictions on its behavior in return for a publisher's acknowledgement of the prior license and
136 agreement not to require addenda or waivers. Harvard has provided a model agreement of this
137 type as well: http://osc.hul.harvard.edu/docs/model-pub-agreement-090430.pdf.
138
139 ***Section III, A, Line 50-51, not sold for a profit:*** This term may be preferable to the vaguer term
140 "noncommercial". The intention is to allow uses that involve recouping of direct costs, such as
141 use in course packs for which photocopying costs are recovered. Given that open access
142 availability allows seamless distribution using a medium with essentially zero marginal cost,
143 even this level of commercial activity may not be needed. Indeed, Harvard has stipulated in
144 agreements with publishers that it will refrain even from cost-recouping sales: "When Harvard
145 displays or distributes the Article, Harvard will not charge for it and will not sell advertising on
146 the same page without permission of Publisher. Even charges that merely recoup reproduction or
147 other costs, and involve no profit, will be forbidden." Allowing cost recovery does provide an
148 additional set of rights that can be negotiated in this way. Alternatively, the policy can eschew all
149 sales if deemed preferable, in which case, the phrase "for a profit" can be dropped.
150
151 ***Section III, A, Line 49, authorize others:*** The transferability provision allows the university to
152 authorize others to make use of the articles. For instance, researchers can be authorized to use the

153 articles for data mining. The terms of use of the institution's repository can take advantage of
154 transferability to make available an appropriately scoped set of rights automatically for articles
155 covered by the policy. The Harvard DASH terms of use
156 (http://osc.hul.harvard.edu/dash/termsofuse) provides an example. Most importantly, the
157 transferability provision allows the university to transfer the broad rights in the policy back to the
158 author, so that authors can legally distribute their articles from their own web sites (as they often
159 do illicitly now), to use them for their classes, to develop derivative works, and the like. In that
160 sense, the policy leads to authors retaining rights, not just universities obtaining rights.

162 **_Section III, A, Line 49, authorize others to do the same:_** This ordering of phraseology,
163 introduced in the MIT policy, makes clear that the transferability provision applies both to the
164 retained rights and the noncommercial limitation.

166 **_Section III, B, articles completed before the adoption:_** Application of the license retroactively is
167 problematic, and in any case, suspect. This clause makes clear that the license applies only
168 prospectively.

170 **_Section III, D, Line 71, will be waived: Not "may be waived."_** The waiver is at the sole
171 discretion of the author. This broad waiver policy is important for the palatability of the policy. It
172 is perhaps the most important aspect of this approach to open-access policies. The ability to
173 waive the license means that the policy is not a mandate for rights retention, but merely a change
174 in the default rights retention from opt-in to opt-out. Many of the concerns that faculty have
175 about such policies are assuaged by this broad waiver. These include concerns about academic
176 freedom, unintended effects on junior faculty, principled libertarian objections, freedom to
177 accommodate publisher policies, and the like. Some may think that the policy would be
178 "stronger" without the broad waiver provision, for instance, if waivers were vetted on some basis
179 or other. In fact, regardless of what restrictions are made on waivers (including eliminating them
180 entirely) there is always a de facto possibility of a waiver by virtue of individual faculty member
181 action demanding an exception to the policy. It is far better to build a safety valve into the policy,
182 and offer the solution in advance, than to offer the same solution only under the pressure of a
183 morale-draining confrontation in which one or more piqued faculty members demand an
184 exception to a putatively exceptionless policy. In any case, with several years of experience with
185 these policies, it has become clear that waiver rates are exceptionally low even with this
186 completely open waiver provision.

188 **_Section III, D, General note about the waiver of license:_** The waiver applies to the license, not
189 the policy as a whole. The distinction is not crucial in a pragmatic sense, as it is generally the
190 license that leads to waiver requests, not the deposit aspect of the policy, and in any case, an
191 author has a de facto waiver possibility for the deposit aspect by merely refraining from making
192 a manuscript available. Nonetheless, if it is possible to use this more limited formulation, it is
193 preferable in reinforcing the idea that all articles should be deposited, whether or not a waiver is
194 granted and whether or not they can be distributed.

196 **_Section III, D, Lines 73-74, will be delayed:_** Duke University pioneered the incorporation of an
197 author-directed embargo period for particular articles as a way of adhering to publisher wishes
198 without requiring a full waiver. This allows the full range of rights to be taken advantage of after

199 the embargo period ends, rather than having to fall back on what the publisher may happen to
200 allow. Since this is still an opt-out option, it does not materially weaken the policy. An explicit
201 mention of embargoes in this way may appeal to faculty members as an acknowledgement of the
202 prevalence of embargoes in journals they are familiar with.
203
204 ***Section III, C, Line 65, University Faculty member's Author Accepted Manuscript (AAM):***
205 The author-accepted version—the version after the article has gone through peer review and the
206 revisions responsive thereto and any further copyediting in which the author has participated—is
207 the appropriate version to request for distribution. Authors may legitimately not want to provide
208 versions earlier than the AAM, and insofar as there are additional rights in the publisher's
209 definitive version beyond the AAM, that version would not fall within the license that the author
210 grants.
211
212 ***Section III, C, Line 64, no later than the date of publication:*** The distribution of articles
213 pursuant to this policy is not intended to preempt journal publication but to supplement it. This
214 also makes the policy consistent with the small set of journals that still follow the Ingelfinger
215 rule. An alternative is to require submission at the time of acceptance for publication, with a
216 statement that distribution can be postponed until the date of publication.
217
218 ***Section III, E, Policy Interpretation/Changes:*** Specifying a review makes clear that there will
219 be a clear opportunity for adjusting the policy in light of any problems that may arise.
220
221 See the FAQ for this policy at: https://pact.umd.edu/key-issues/equitable-access-policy-faq.
222
223 DRAFT REVISION NOTES: Revised after PACT review on 2/8/21; Revised after Library
224 Forum on 2/11/21; Revised after PACT review on 7/16/21; Submitted for second legal review on
225 7/19/21. Revised after OGC final review and PACT discussion on 9/16/21.

UMD PACT

FAQ on the "Equitable Access to Scholarly Articles" Policy

DRAFT as of 8/5/21

FAQ Topics

Section I – What is the "Equitable Access" Policy and Why Does It Matter?

Q: What is the "Equitable Access" policy trying to achieve?

The overarching goals of the Equitable Access Policy are to: 1.) remove price and permission barriers to a large subset of UMD's knowledge for those who cannot afford the often-exorbitant subscription fees of for-profit publishers; 2.) help UMD faculty members comply with open access mandates from research funders; and 3.) enhance faculty authors' ability to retain their rights.

We believe equitable access to knowledge is a moral imperative and is in alignment with our land-grant mission as a public university. This policy relies on the unified action of the campus, as a body, to enable individual faculty to distribute their scholarly writings freely. [Many other grant-funding organizations, including private foundations and government agencies,](#) have a vested interest in making research outputs openly available and are independently supporting these types of efforts as well.

This new policy will promote social and economic justice, will increase discoverability and use of UMD's research, and will help make scholarly communication more sustainable, because UMD will have other means with which to share scholarly work with other researchers and the general public. We can use this policy and movement to create more pressure on what has become primarily a monopolistic, for-profit scholarly publishing market.

Q: What does the new "Equitable Access" policy provide?

The "Equitable Access" policy has two basic provisions. First, faculty members commit to deposit a certain version of their future scholarly articles into DRUM (https://drum.lib.umd.edu/), the University of Maryland's institutional repository. Second, faculty members grant certain nonexclusive rights over their future scholarly articles to the University of Maryland, authorizing it to make their deposited articles open access. This grant of nonexclusive rights is not equivalent to a grant of ownership. It includes waiver and

embargo options to enhance author freedom and control over their work. We call this grant of nonexclusive rights the UMD *Equitable Access License*.

The policy does *not* require authors to submit new scholarly articles to any particular type of journals, such as open-access journals. Instead, the policy deliberately allows authors to submit new work to the journals of their choice.

Q: Why does the Equitable Access Policy include an automatic or default license? Why not just suggest authors individually retain a license for open-access distribution?

First, experience has shown that mere encouragement has little effect. For instance, before Congress made it a requirement, participation in the NIH Public Access Policy was optional. During that period, there was only a 4% level of compliance. During the same period, studies showed that the low level of compliance was not due to opposition so much as preoccupation, busyness, and forgetfulness. Second, experience in many areas has shown that opt-out systems achieve much higher degrees of participation than opt-in systems, even while remaining noncoercive.

Third, by making campus-wide policies, individual faculty benefit from their membership in the policy-making group. The university can work with publishers on behalf of the faculty to simplify procedures and broaden access. Without a policy covering many authors, we could not take full advantage of the benefit of unified action.

This policy only covers benefits-eligible faculty members. However, other faculty members and non-faculty scholars and researchers may create a similar license for their own work through the UMD's voluntary *Individual Equitable Access License*.

Q: What are the advantages for faculty authors?

UMD's *Equitable Access License* under the policy:

- Gives authors the ability to make their work openly accessible without the difficulty or uncertainty of negotiating with publishers;
- Enables the university to help authors make their works open access;
- Preserves authors' freedom to publish in the journals of their choice;
- Preserves authors' freedom to decide for or against open access for each publication;
- Enhances authors' rights to reuse their work for research and teaching;
- Gives authors more rights over their own work than standard, or even progressive, publishing contracts.
- Increases readership and citation of research;
- Makes it easier for instructors to assign your work to their students;
- Keeps publicly funded research in public hands; and
- Helps to control costs for libraries and readers.

The chief benefit of the *Equitable Access License* is the way it fosters open access itself. Research has repeatedly shown that articles that are free online are cited more often than articles that are not free online, and this trend is increasing over time. This phenomenon is often called the open-access citation or impact advantage.

Q: What will the University of Maryland do with the articles covered by its license?

Here are some examples:
- **Availability in DRUM**. The UMD Libraries manages an open-access repository called DRUM (https://drum.lib.umd.edu/) to distribute the scholarly articles deposited by UMD researchers.
- **Reuse by the author**. When UMD receives the grant of nonexclusive rights from faculty, it grants the same rights back to the faculty. The result is that faculty receive more rights from the policy, to use and reuse their own work, than they would likely receive under their publishing contracts.
- **Non-commercial distribution**. Through the transferability provision, UMD may further allow others to distribute content in DRUM, provided that the articles are not sold for profit. For instance, faculty at other institutions could be given permission to make copies for free distribution directly to their students.
- **Instructional purposes**. The UMD equitable-access license grants UMD the right to license articles for free use in a course pack, so long as the course pack is not sold for profit. Alternatively, those seeking to include articles in a course pack could continue to get permissions from the publisher, typically by paying royalties to the publisher. To take another example, UMD could also authorize others to make articles available online (for example, on a course website or another repository), provided that these were not sold for a profit.
- **Harvesting, indexing, and other services**. Consistent with the goals of open access and ensuring wide visibility and availability of scholarly articles, the license allows UMD to enable both commercial and nonprofit entities to use the articles to provide search or other services, so long as the articles are not being sold for a profit. For instance, the license allows UMD to enable the articles to be harvested and indexed by search services, such as Google Scholar, and to be used to provide other value-added services that don't involve selling the articles themselves for a profit.

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Section II. Policy and License Basics

Q: What kinds of writings does the Equitable Access Policy cover?

The Equitable Access Policy only covers peer-reviewed scholarly articles. We focus on scholarly articles because, in the language of the Budapest Open Access Initiative, these are the primary works that scholars publish "for the sake of inquiry and knowledge" and "give to the world without expectation of payment." Scholarly articles are typically presented in peer-reviewed scholarly journals and conference proceedings.

While DRUM, the UMD's repository, welcomes scholarly works other than articles, this policy only covers articles. Among the works outside the category of scholarly articles are books, popular articles, commissioned articles, fiction and poetry, encyclopedia entries, ephemeral writings, lecture notes, and lecture videos.

The voluntary *Individual Equitable Access License* is also limited to scholarly articles.

Q: Does the license to UMD apply to articles written before the policy was adopted?

No. The policy will not apply to any articles that were completed before the policy was enacted, nor to any articles for which you entered into an incompatible publishing agreement before the policy was adopted. If you are a non-faculty author, you are not subject to this policy. However, if you sign the voluntary *Individual Equitable Access License*, then it too will not apply to articles written before you signed the license.

Q: Does the policy apply to articles written after a faculty member leaves the University of Maryland, College Park?

No. Once you are no longer affiliated with the University of Maryland, College Park, any articles you write will not be subject to this policy and will not be licensed to UMD. Likewise, the voluntary *Individual Equitable Access License* only applies as long as the author is affiliated with UMD.

Q: Does the license apply to co-authored papers?

Yes. If you are a co-author of an article, you should inform your co-authors about the nonexclusive license that you have granted UMD under this policy (or the voluntary *Individual Equitable Access License*), and if your co-authors cannot be convinced this is beneficial, then you can obtain a waiver for the article.

Each joint author of an article holds copyright in the article and, individually, has the authority to grant UMD a nonexclusive license. However, one waiver from one author is sufficient to waive the license to UMD.

Please contact the Libraries' Open Scholarship Team (lib-open-scholarship@umd.edu) with any questions you may have about seeking a waiver for a co-authored paper.

Q: What if a journal publisher refuses to publish my article because of this prior license to UMD?

You have a number of options. You may:

- Obtain a waiver of the license and let the publisher know that you have done so; or
- Obtain an embargo to delay deposit of the work in DRUM and let the publisher know you have done so; or
- Work to persuade the publisher that it should accept UMD's nonexclusive license in order to be able to publish your article; or finally,
- Try to seek a different publisher. The Libraries' Open Scholarship Team would be happy to help in the process of working with publishers or picking an option that works best for you.

Many institutions using this type of policy have not heard of a single case in which a journal has refused to publish an article merely because of the prior license to UMD. This is because the waiver and embargo options offer complete protection to publishers who wish to take advantage of them.

Q: How does the Equitable Access Policy affect the existing UMD Intellectual Property Policy, if at all?

This new policy builds upon the UMD Intellectual Property policy, because it relies on faculty authors continuing to retain the copyright for their own works. One minor change will have to be incorporated into the IP policy, to add the *Equitable Access License* into the section on "Traditional Scholarly Works." Again, though, this policy enacts a non-exclusive license, not a transfer of rights, which means that faculty members still retain the copyright for their works.

Q: To comply with this policy, must I pay the publisher an Article Processing Charge (APC)?

No. This policy is based on sharing your Author Accepted Manuscript (AAM or post-print) in an open repository such as UMD's DRUM. Most journals do not require payment of a fee to share your accepted manuscript. Paying an APC is generally associated with making the published version of the article open access.

You can use the Sherpa Romeo database to check a particular journal's default rules on sharing articles via repositories. If the default rules do not permit you to share your paper, you can modify your contract before signing it by using an author's addendum or you can get a waiver.

If you have questions about the open access policy or the author's addendum, please contact the Libraries' Open Scholarship Team.

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Section III. Scholarly Articles and Author Accepted Manuscripts (AAMs)

Q: What format of my scholarly article should I deposit in the repository?

The policy asks faculty members to submit an electronic version, usually a PDF, of their final, peer-reviewed Author Accepted Manuscript (AAM) for inclusion in DRUM. This is the version that we can make accessible and preserve without any concerns about copyright and licensing. When we enact this policy at UMD, faculty members will have persistent links to their preserved, open-access articles, and their work will become more accessible because their articles will be crawled by and findable through major search engines.

Q: What version of my scholarly article should I deposit in the repository?

The policy asks authors to deposit the Author Accepted Manuscript (AAM), which includes any changes made after peer-review and has been accepted for publication by the journal. It does not include unilateral edits made by the journal after peer review, or changes that relate to the journal's look and feel. Documents that have been typeset or copyedited by the publisher (such as proofs or the final published version) are not AAMs, but if you wrote your article in a publisher-supplied template then that is acceptable. In a few cases we will deposit the published version, also called the Version of Record (VOR). For example, we will deposit this version when UMD or the author has paid an Article Processing Charge for that article, or when the publisher gives permission to deposit that version. If you're not certain about whether we could deposit the VOR in a given case, please contact the Libraries' Open Scholarship Team.

Q: What if the published version (Version of Record) contains substantive differences from the peer-reviewed AAM?

When a paper is revised by the publisher after the peer review stage, the author does not have the rights to those publisher-made changes. But the VOR is almost always the same in regard to the meaningful content as the AAM, because that content has been peer-reviewed. In most cases, the AAM suffices for scholarly purposes, because it's the peer-reviewed version of the text. Even for those who would prefer

access to the VOR, if they are barred from access due to permission and price barriers, access to the AAM is far better than nothing. Presumably, the peer-review process is supposed to catch all substantive issues and edits, in any case. One 2018 study by Kelin et al, "Comparing published scientific journal articles to their pre-print versions" (International Journal on Digital Libraries, 2018), found that "the text contents of the scientific papers generally changed very little from their pre-print to final published versions."

Q: Will having the AAM available in DRUM satisfy funding agencies' open-access requirements even if the journal article itself is not in an open-access journal?

Yes, for many major funding agencies this type of access in a repository explicitly meets their open-access requirements, but the answer to this question ultimately depends upon whether the funding agency itself specifies otherwise or specifies a particular repository, such as PubMed Central for the NIH Public Access Policy.

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Section IV. Submission of work into DRUM and Other Repositories

Q: I have concerns about the time burden of sending or submitting my AAMs for deposit. Is there any way that this deposit can be automated?

This is an unavoidable concern because the AAMs will have to be sent to the UMD Libraries by the faculty members themselves. It is now common for publishers to use online platforms for submitting manuscripts for the peer review process and final editing, and at times, these platforms do not make it easy for the authors to obtain their own AAMs. In these cases, faculty members may request the AAMs from publishers. However, if this is perceived as too much of a burden, it may be helpful to note that the policy does not provide for any penalties for non-deposit; it relies on faculty members making a commitment to deposit their articles.

Q: To what extent can Digital Measures be used to cull uploaded articles or faculty publications?

In the future, we hope to be able to harvest the papers that authors may upload to Digital Measures and deposit them in DRUM programmatically, eliminating the need for faculty to upload their articles more than once. But short of that for now, we will work on other techniques, such as CV-scraping services, library-assisted uploading of AAMs, etc., to minimize faculty burden related to this policy going forward.

Q: When depositing AAMs into DRUM, it'd be most useful if faculty could also later post a link to the article's published Version of Record (VOR). Is this possible, and if so, will it always have to be the faculty member who must include this link going forward?

Links to the VOR can easily be included in the DRUM record. This is a common practice and often a requirement of the journal. Once an article has been deposited in DRUM, faculty members are not able to modify a record, but the Libraries will commit resources to add or change these links and provide CV-scraping services, if the policy is approved.

Q: Can DRUM support embargoes for deposited materials?

Yes, it is possible to embargo or restrict access to documents in DRUM for a finite period of time but faculty members must contact the Libraries to set the end date. Restrictions are automatically removed at the end of the embargo period.

Q: Some faculty members are already contributing their work to other repositories. How would the new policy affect faculty members' use of other preprint/postprint repositories, such as ArXiv, SocArXiv, etc.?

We think the first priority is to make sure the research is accessible in an open, equitable manner, and so we applaud the use of other trusted repositories in this way. We may, however, work in collaboration to try to automatically harvest these items in the future; we want to be sure that the items are preserved and discoverable through our systems as well.

Q: How will UMD ensure that the AAMs are in accessible formats?

The UMD Libraries will take steps to ensure that AAMs are accessible. We will perform post-deposit quality checks and will also provide advice and training to faculty members who wish to learn about accessibility related to their articles.

Q: Should I include my article in DRUM even if the work is not covered by the *Equitable Access License*?

Much of your work — for example, anything authored before the date this policy is approved, or before you signed the voluntary *Individual Equitable Access License* -- is not covered by this policy. In these cases, your right to reuse your own work is limited to the terms of the agreements you signed with your publishers. In most cases, those publishing agreements give you more extensive reuse rights for the Author Accepted Manuscript than for the published version or Version of Record.

Therefore, even when you are not allowed to distribute the published version, you may be able to make your AAM available for download in DRUM without violating the agreement with your publisher. Consult with the Libraries' Open Scholarship Team and let us explore this with you.

Q: Can I just share the link to my PubMed or other repository record rather than submit my AAM to DRUM?

Yes, sharing of PubMed links and other reliable links can be added to a DRUM record.

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Section V. Waivers, Embargoes, and Opting into the Policy

Q: Some journals (Cell Press journals, for example) state that they won't take papers that have been posted on bioRxiv. What happens in these cases?

The waiver option is always available in these types of cases and does not rely on any evaluative process or approval process. Faculty members would be asked to complete a simple online form and the waiver would be automatically granted. Fortunately, over time, many publishers have moved to allow posting of peer-reviewed AAMs into repositories before publication. PACT's proposed policy does not require preprints. It asks for deposit of the Author Accepted Manuscript (AAM), the final, peer-reviewed version before the publishers adds typesetting, layout, and pagination. This issue has not been a problem at Harvard, MIT, Penn State, and other institutions employing a similar model.

Q: What if I'm a non-faculty author (e.g., graduate student, fellows, staff members, etc.) and I would like my scholarly articles to be covered by an equitable- or open-access license?

Current graduate students, fellows, non-faculty researchers, and faculty members not covered by this policy may create a similar license for themselves through the voluntary *Individual Equitable Access License*.

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Section V. Impact of the Policy on Metrics, Publishing, etc.

Q: In terms of getting one's work broadly disseminated, a high-profile journal provides evidence of vetting and reaches a targeted audience. It seems that just having articles in a mass storage site decreases their visibility and accessibility, isn't that true?

The policy actually increases visibility and accessibility. High-profile journals hide research publications behind paywalls that hinder access by researchers, students, institutions, and the general public who cannot afford to subscribe or license their content. Repositories like DRUM are enhanced with metadata, crawled by Google and other major search engines, and designed to increase the visibility, reputation, and prestige of the institution. Depositing an article in DRUM, per the policy, is in addition to, not instead of, publication in a journal.

Q: It seems as if the public dissemination goal here relies pretty heavily on Google Scholar indexing various different university repositories like DRUM. That is better than *not* having things searchable and findable, but is there more thought about making this kind of model work with other kinds of indexing systems and/or supporting more "traditional" OA models? For example, what happens if Google decides that scholarly indexing isn't what they want to do?

Discovery of this scholarly content is available through Google and Google Scholar, but this content is also discoverable in virtually all other commercial search engines like Yahoo and Bing as well as more niche search engines like DuckDuckGo and Qwant. DRUM content is also discoverable through academic open-access indexing services such as CORE (core.ac.uk) and BASE (base-search.net). DRUM content is added to WorldCat.org through metadata harvesting protocols and this creates the possibility for further development and indexing opportunities in the future.

Q: Some of the high impact NEURO journals have open access fees upwards of $3,000 for one article, for example. What mechanisms exist to limit the cost to researchers who want to support the equitable or open access movement?

A faculty member in this situation might want to choose a hybrid alternative, meaning to publish their article in the traditional, toll access way and then deposit their AAM into DRUM without paying the extra fee. The Libraries also offer an Open Access Publishing Fund that covers 50% of the article processing charges for UMD authors publishing in most open access journals.

Q: Can you comment on the differences between DRUM and something like PubMed? I've been depositing all of my papers (grant funded or not) on PubMed for open access (so I can upload the papers onto my lab website). Is the suggestion here to also deposit papers to DRUM? Or should DRUM be thought of as an alternative to existing repositories?

If a faculty member is using this type of practice now, the policy is supportive and facilitates this. We plan to one day harvest UMD's articles that are available in BioMed Central and PubMed, but in the meantime, we don't see a need to prioritize uploading the freely-available articles again into DRUM.

Q: Because this is likely to be a cat-and-mouse game with publishers, won't journal publishers move toward not accepting the AAM for publication from authors who will not grant exclusive rights to that journal to be the sole publisher?

Major publishers, including ACM, Elsevier, IEEE, SAGE, SpringerNature, and Wiley, have worked for several years with institutions like Harvard and MIT who employ a similar model, as well as European institutions following Plan S. To this point, it's clear that publishers realize taking a stance like this would be a nonstarter for most publicly funded institutions.

Q: Publishers such as ACM are switching to open access models where library subscription fees will be based on the volume of published papers by each institution. In the case of ACM, this will mean a large increase in the subscription fee for the UMD libraries. Does this policy have any impact on the situation?

ACM (Association for Computing Machinery) is proposing a new "ACM OPEN" pricing model that many institutions have already said is unsustainable. UMD's price under this model would increase by a factor of 5 or more in order to make ACM's content open. We are in discussion with ACM. This policy offers a path for UMD authors to make their content open without relying on exorbitant Article Processing Charges (APCs).

Q: What other things do you recommend doing to avoid inadvertently waiving our author rights?

As the author of a work, you are the copyright holder *unless* and *until* you transfer the copyright to someone else in a signed agreement. Options available to authors when presented with a publisher's agreement include 1) transfer all your rights to the publisher, 2) transfer the copyright to the publisher but retain certain rights, or 3) retain all your rights and license the rights to the publisher.

No matter which option you choose, it is important to read the agreement carefully. Authors can make changes to any agreement in order to retain certain rights. The Creative Commons Scholars Copyright

[Addendum Engine](#) allows authors to retain the necessary rights to reuse their research. Remember that transferring copyright does not have to be all or nothing and publisher agreements are negotiable.

Q. I have a paper in the process of being published in an open access journal. After I pay the publishing fee required by the journal, what are the next steps I should do, according to this policy?

Most of the steps in the traditional process would occur as usual, but when you are at a stage in the process after peer-review but not after significant editorial or publisher-related changes are made, then you would save or request the version that we are calling "AAM." If it's open access, then you as the author could put the actual PDF into the repository. If it's a post-print AAM, you could then safely deposit this into DRUM, per our policy.

Q. If an author deposits an AAM into a repository that grants DOIs, such as in DRUM, won't this cause unintended consequences, such as with discoverability, citations, impact factors, etc., when people fail to cite the DOI of the published Version of Record? How are people going to cite publications if the publisher version is not available in DRUM?

We encourage faculty members to include the publisher-based DOIs associated with Versions of Record when they submit their AAMs. The publisher-based DOIs may be added to the DRUM record and can be inserted into the AAM itself. Most researchers would prefer to cite the VOR, rather than cite other versions, so we think this concern about impact factors can and will be avoided if these steps are taken. In regard to discoverability, Google Scholar, for example, finds articles across PubMed, ResearchGate, and Harvard's post-print server, and groups duplicate versions together, finding the same article with different DOIs.

Q: Could an unintended consequence of this policy be the inability of recruiting benefits-eligible contract faculty members because they would object to this policy as part of their contractual relationships with UMD?

This policy is a rights-retention policy for faculty authors, not something that takes away rights and gives them to the university. This policy gives authors more rights over their own work than they get from conventional or even progressive publishing contracts, and if they still don't agree, they can obtain waivers with no questions asked. For these reasons, we don't anticipate that this policy will be a concern for most contractual faculty.

Q: Will there be any long-term impact on journals if a lot of major universities move to this type of policy? Would publishers look negatively at incoming articles associated with these types of agreements?

If many major universities move to this type of policy, the long-term impact will be to lower the cost of academic publishing across the board to more reasonable levels. The largest publishers of scientific and scholarly research realize profits greater than Apple, MicroSoft, Google, JPMorgan Chase, and other international technology companies and financial institutions. Reducing the cost of journals would make funds available for monographs, media, digitized primary sources, and other content for the University of Maryland's programs and research. An institution's

policy regarding authors' rights should have no impact on the decisions of publishers who claim to produce peer-reviewed literature.

Q: Won't this policy have adverse effects on scholarly societies? Many of them rely on publishing revenues.

Some scholarly societies have turned over production and distribution of their publications to large commercial publishers. In turn, these publishers have profited considerably from their takeover of scholarly society publishing. Publishers pass on subscription fees, APCs, and other costs to the researchers and institutions that make up societies' memberships. The current funding model for many of these publications, therefore, does little more than shuffle costs and fees among researchers, their societies, and their institutions. This is neither efficient nor sustainable. Academic institutions, publishers, and societies must work together to create new funding models that are fair and sustainable for all stakeholders.

See Naim K, Brundy C, Samberg RG. "Collaborative transition to open access publishing by scholarly societies." Mol Biol Cell. 2021 Feb 15;32(4):311-313. doi: 10.1091/mbc.E20-03-0178. PMID: 33587648; PMCID: PMC8098815; and "Transitioning Society Publications to Open Access" (2019, August 13). Bridging learned society publishing and open access: An international collaboration and webinar series. Available at:https://tspoa.org/2019/07/30/254/).

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Note: Portions of this FAQ have been adapted with permission from the Harvard University FAQ on Open Access Policies.