

USMSC Report

June 16, 2017 BOR Meeting

May 21st Meeting at Salisbury University

The USMSC met for the final general body meeting of the 2016-2017 term on May 21 at Salisbury University. At the meeting, the council passed the following resolutions, which are attached to this report:

1. STATEMENT SUPPORTING OPEN ACCESS DISSEMINATION OF SCHOLARSHIP-

This statement encourages USM students, faculty, and other authors of scholarly works to consider making a version of their works openly available, and retaining their copyrights if such actions align with their personal and professional publishing strategy.

2. A Joint Resolution Of the University System Student Council (USSC), Council of University System Staff (CUSS), and Council of University System Faculty (CUSF) To Provide Ombudsman Services To Students, Staff and Faculty-

This joint resolution resolves that all USM institutions will work to provide ombudsman services to students, faculty, and staff on their campuses. When possible, these services will be provided in a manner that is consistent with best practices. Each institution will also develop an implementation plan for these services.

3. Resolution on Mandatory and non-Mandatory Fee Oversight-

This USMSC resolution was drafted by council members concerned about transparency within the student fee implementation process. These concerns arose out of the implementation of a new student fee at the University of Maryland, College Park. This resolution does not address the merits of the fee itself, but rather the student fee process. The resolution resolves that the USM definition of “mandatory fees” should be reviewed, and addresses the importance of the student advisory role in the fee development and implementation process.

USMSC 2017-2018 Elections

Also at the May 21 meeting, the USMSC held its elections for the upcoming term's officers. The results are as follows:

President: William Shorter* (University of Baltimore)

Vice President for Undergraduate Affairs: Zachary Sotergren (Salisbury University)

Vice President for Graduate Affairs: Caden Fabbi (University of Maryland, College Park)

*William Shorter is one of two finalists to become the next USM student regent. Should he be selected for this role, Mr. Fabbi will serve as the USMSC president, and a new vice president will be elected in the fall.

Respectfully submitted,

James Kirk
USMSC President

STATEMENT SUPPORTING OPEN ACCESS DISSEMINATION OF SCHOLARSHIP

Ver. 2017-01-11

(Endorsed by USM Council of University System Faculty 2017-01-18)

Preface

The University System of Maryland (USM) is a major educational, research, economic, and social engine for the state, with a national reputation for excellence. The USM member institutions are major contributors to Maryland's competitiveness in the Innovation Economy. USM member institutions achieve and sustain national eminence through the creation, preservation, and dissemination of knowledge and by maximizing the beneficial impact of knowledge for the advancement of society.

The USM libraries and other USM groups listed below endorse the following statement in support of Open Access as a means for continuing and increasing the impact, recognition, and value of USM endeavors.

Statement

We encourage the faculty, researchers, and students within USM institutions to consider Open Access dissemination of their peer-reviewed research and other scholarly works. Open Access dissemination may include activities such as:

- publishing in high-quality peer-reviewed journals supportive of Open Access;
- retaining and exercising authors' rights to deposit versions of their peer-reviewed papers and other scholarly works into openly-accessible digital repositories.

We also encourage all USM institutions to review existing local policies and practices to ensure faculty, researchers, and students who choose to provide Open Access to their peer-reviewed research and other scholarly works are appropriately supported and accommodated. Guidance on implementing institutional support is readily available online and reflects hundreds of universities' experiences over the past two decades.¹

Open Access provides free online availability of peer-reviewed research articles, combined with the rights to use these articles fully.² Ideally, such works are made freely available online either immediately upon completion, or within specified limited periods. Today, more than 75% of Open Access works are freely available online within twelve months or less of initial release.³

One reason to consider Open Access is that it is a proven and effective strategy for increasing the visibility, use, and impact of peer-reviewed research and other scholarly works. Open Access scholarly works have a measurable and "indisputable" citation advantage compared to works available only through paid subscriptions and purchases.^{4,5,6} This advantage has been confirmed across a wide range of scholarly disciplines in the sciences and humanities. Broad access and reduced barriers to discovering and using peer-reviewed research publications and data increases the impact and benefit of research investments, accelerates innovation, promotes entrepreneurship, and enhances economic growth and job creation.⁷ Open Access has

been embraced by numerous national and international governments and coalitions, and learned and professional associations, as a viable and desirable strategy for reforming and improving the existing systems of scholarly publishing, for increased benefit to both science and society.⁸ A growing number of the primary governmental and private research funders are mandating that authors of funded research reports provide Open Access to research articles and data.⁹

Open Access also provides an attractive alternative to unnecessary copyright-transfer practices still common with many journals and publishers. Even though many peer-reviewed scholarly journals have moved to electronic formats over the past two decades, the prevailing scholarly communication systems in many disciplines still are based upon a traditional model from the era of print journals, in which authors of research articles are required to transfer some or all copyrights to journal publishers in exchange for publication of their works. This widespread transfer of copyrights and ownership allows publishers to impose a variety of technical, legal, and financial barriers to accessing authors' works. Such barriers inhibit the fullest potential dissemination of research and limit the benefits to readers, the authors themselves, and to society as a whole.

We encourage USM faculty, researchers and students to participate in reshaping traditional scholarly communication systems, to exploit the possibilities offered in the digital age. In the digital age, USM institutions' faculty, researchers, and students should be aware that they have many possible options for broadly disseminating their research, including the retention of key rights such as the right to make a version of their work openly-accessible.

In addition to numerous online resources to help authors understand Open Access and effective management of their copyrights¹⁰, the USM libraries are available to assist them in their efforts. The libraries provide necessary expertise, tools, infrastructure, and services that directly support the missions and values of USM institutions. Library staff can advise and support scholars and students in making their works more openly accessible over the long term, while still respecting and adhering to any shorter-term "embargo" or "release" periods that might be required by some subscription-based scholarly journals.

The USM, its member institutions, and the USM libraries are committed to protecting the rights and interests of creators of intellectual property under the conditions set forth in the *USM Policy on Intellectual Property*¹¹ and in maintaining the standards and procedures set forth in the *USM Policy on Appointment, Rank, and Tenure of Faculty*.¹² We recognize the value of different co-existing scholarly publishing models and are committed to allowing authors to continue choosing their preferred venues for publishing, but affirm the substantial scientific and societal benefits gained through Open Access to peer-reviewed research and other scholarly works.

References and Notes

1. One of the most thorough and popular guides is: Shieber, S. & Suber, P., eds. (2013 -). *Good practices for university open-access policies*. Retrieved from <http://bit.ly/goodoa>.
2. SPARC (ca. 2016) *Open access*. Retrieved from: <http://sparcopen.org/open-access/>
3. Laakso, M. & Björk, B. (2013). *Delayed open access: An overlooked high-impact category of openly available scientific literature*. *Journal of the American Society for Information Science and Technology*. 64 (7): 1323–1329. Retrieved from <http://onlinelibrary.wiley.com/doi/10.1002/asi.22856/abstract;jsessionid=1557AEE1A54833A03486803D491C07A.f02t01>
4. Lawrence, S. (2001). *Free online availability substantially increases a paper's impact*. *Nature*. 411 (6837): 521. Retrieved from <http://www.nature.com/nature/debates/e-access/Articles/lawrence.html>
5. Archambault, E., Côté, G., Struck, B., & Voorons, M. (2016) Research impact of paywalled versus open access papers. *Copyright, Fair Use, Scholarly Communication, etc.*, Paper No, 29. Retrieved from <http://digitalcommons.unl.edu/scholcom/29/>
6. SPARC Europe maintains the *Open Access Citation Advantage Service* website (see <http://sparceurope.org/oaca/>) that provides an updated list of peer-reviewed studies that have compared citation frequency of OA versus non-OA research articles. The significant majority of those studies dating from 2001-2015 have repeatedly confirmed a citation advantage for OA works.
7. Holdren, J. (2013). *Increasing access to the results of federally funded scientific research* [Memorandum]. Washington, DC: Executive Office of the President, Office of Science and Technology Policy. Retrieved from https://www.whitehouse.gov/sites/default/files/microsites/ostp/ostp_public_access_memo_2013.pdf
8. Selected examples of declarations and statements from international governmental and scholarly groups, learned societies, and professional associations:
 - a. *Budapest Open Access Initiative* (2002). <http://www.budapestopenaccessinitiative.org/>
 - b. *Montreal Declaration on Free Access to Law* (2002). http://www.worldlii.org/worldlii/declaration/montreal_en.html
 - c. *Bethesda Statement on Open Access Publishing* (2003). <http://legacy.earlham.edu/~peters/fos/bethesda.htm>

- d. *Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities* (2003). <https://openaccess.mpg.de/Berlin-Declaration>
 - e. World Summit on the Information Society, *Declaration of Principles* (2003-2005). <http://www.itu.int/net/wsis/docs/geneva/official/dop.html>
 - f. Organization for Economic Cooperation and Development, *Declaration on Access to Research Data from Public Funding* (2004). <http://acts.oecd.org/Instruments/ShowInstrumentView.aspx?InstrumentID=157>
 - g. International Federation of Library Associations and Institutions, *Statement on Open Access to Scholarly Literature and Research Documentation* (2004). <http://archive.ifa.org/V/cdoc/open-access04.html>
 - h. *Durham Statement on Open Access to Legal Scholarship* (2009). <https://cyber.law.harvard.edu/publications/durhamstatement>
 - i. UNESCO Paris Open Educational Resources Declaration (2012). http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/Events/English_Paris_OER_Declaration.pdf
 - j. UNESCO Open Access to Scientific Information (ca. 2012-2016) <http://www.unesco.org/new/en/communication-and-information/access-to-knowledge/open-access-to-scientific-information/>
 - k. A more extensive list of relevant declarations can be found online at http://oad.simmons.edu/oadwiki/Declarations_in_support_of_OA
9. Some of the prominent funders of research in the U.S. with OA dissemination requirements include the National Science Foundation (US), National Institutes of Health (US), NASA (US) Bill and Melinda Gates Foundation (US), and the Wellcome Trust (UK). For more information on a variety of U.S. and international governmental and non-governmental research funders' OA dissemination requirements, see the SHERPA/JULIET service at <http://www.sherpa.ac.uk/juliet/index.php>.
10. Selected examples of useful resources for understanding Open Access and copyrights retention include:
- a. Suber, P. (2012). *Open Access*. MIT Press. Retrieved from <https://mitpress.mit.edu/books/open-access>.
 - b. SPARC (ca. 2007-2016). *Author Rights and the SPARC Author Addendum*. <http://sparcopen.org/our-work/author-rights/>

- c. Authors Alliance (ca. 2014). *Open Access FAQ*.
<http://www.authorsalliance.org/2014/10/16/open-access-faq/>
- 11. University System of Maryland (2009). *Policy on intellectual property*. Retrieved from <http://www.usmd.edu/regents/bylaws/SectionIV/IV320.html>
- 12. University System of Maryland (2016). Policy on appointment, rank, and tenure of faculty. Retrieved from <http://www.usmd.edu/regents/bylaws/SectionII/II100.pdf>

**A Joint Resolution
Of the University System Student Council (USSC),
Council of University System Staff (CUSS), and
Council of University System Faculty (CUSF)
To Provide Ombudsman Services
To Students, Staff and Faculty.**

INTRODUCTION: The purpose of this resolution is to provide the needed ombudsman service to students, staff and faculty. It recognizes that in a time of scarcity it requires resources. For this reason, the proposal provides flexibility in its implementation.

CURRENT SITUATION: Under the tutelage of Richard Manski at UMB in 2013, CUSF passed a resolution indicating the need for a System supplied ombudsman. System responded and assigned this responsibility to John Wolfe. It had limited effectiveness.

UMB and UMCP hired full-time ombudsman. In 2017, the University Senate at Towson passed a resolution requesting an ombudsman. Frostburg created an ombudsman committee for the faculty where the committee has received ombudsman training.

MOTION NOTES: The following notes provide additional context and background to the joint resolution and its components.

Ombudsman Services (Item #1) – The first item in the motion states that USM institutions will provide ombudsman services to student, staff and faculty. How they provide the service is left to the individual institutions to determine. There may be innovative and creative ways with which to provide this service. The motion recognizes that this process is evolutionary and that there can be satisfactory solutions other than an outright hiring of an ombudsman. Frostburg has created a committee and provided them with ombudsman training. When the ombudsman at UMB was hired, it took several years for people to recognize and utilize the service. Today, the UMB ombudsman has a full-time case load. Initially, several institutions could share an ombudsman. As demand develops, the institutions could modify the relationship as appropriate to meet the need.

Standard of Care (Item #2) – The second part of the motion provides the standard of care of the ombudsman services provided. As stated, it is not mandatory, but suggestive that the services provided will be consistent with those prescribed by the International Ombudsman Association or similar associations.

Review and Monitoring (Item #3) – To help insure the implementation of the ombudsman services, it is important to develop a plan, implement it and monitor the service once implemented. It is important to assign these tasks to the appropriate administrators. It is important to allow the Presidents the flexibility to implement a plan that best services the needs of their students, staff and faculty. The plan is not developed in isolation. It is reviewed by the Chancellor or designate. Periodic monitoring and evaluation is included as part of the President’s annual evaluation. This review process helps to close the loop.

**A Joint Resolution
Of the University System Student Council (USSC),
Council of University System Staff (CUSS), and
Council of University System Faculty (CUSF)
To the Chancellor of USM
To Provide Ombudsman Services
To Students, Staff and Faculty.**

Be it resolved that:

- 1) Each USM institutions will make available to the students, staff and faculty ombudsman services.
- 2) Where possible these services will be consistent with the recommended policies and practices of the International Ombudsman Association or a similar association.
- 3) Each USM institution will develop an implementation plan. The plan will be reviewed by the Chancellor or his designated appointee. The Chancellor will review the ombudsman services provided as part of his yearly evaluation of the Presidents as specified under Section III of BOR policy: VII - 5.00.

Resolution on Mandatory and non-Mandatory Fee Oversight

PASSED BY THE USMSC- MAY 21, 2017

Background:

This fall the University of Maryland, College Park will be implementing a fee for all all “newly enrolled, full time students who are neither U.S. citizens nor permanent residents.” The fee, requested by the Office of International Affairs to support international student services, was neither vetted through the Committee for the Review of Student Fees (CRSF) process, as required by USM policy, nor communicated to student leaders or international students. While the fee itself may benefit both current and newly enrolled international students the College Park campus is concerned about the level of transparency and accountability, especially when such a large fee is instated outside the parameters of the formal fee review process.

Resolution:

Whereas the USM Policy on Student Tuition Fees, and Charges (policy 260.0 VIII-2.50) outlines the definition of mandatory fees;

1.5. Mandatory fees include fees and charges applicable to a specific category of student according to enrollment status during the standard academic year. [...]

Whereas the USM Policy on Student Tuition Fees, and Charges outlines that a mandatory fee is classified in accordance with section 1.5 as a fee that students are required to pay in addition to tuition and may be dependent on a student's enrollment status (i.e., full time or part time);

Whereas the USM Policy on Student Tuition Fees, and Charges outlines a fee advisory process that is consistent with the USMs dedication to shared governance;

1.5.i. Each campus will ensure that an advisory committee—or other appropriate committee(s) involved in the processes of setting student fees is established—and is comprised of appropriate numbers of students and stakeholders representing each area supported by a student fee.

Whereas this same policy additionally states that other non-mandatory fees are also required to seek student advisory committee feedback;

III.3. Student advisory committee(s) participation as described in 1.5.i. for mandatory fees will be required for non-mandatory fee establishment also.

Therefore, be it resolved that, the USM Student Council believes that the definition of mandatory fees lacks sufficient clarity to protect the voice of students in the spirit of shared governance. Defining mandatory fees in terms of full time or part time enrollment status alone does not adequately encompass required fees that may be made broadly applicable to other categories of students (i.e., international students). In this instance the council does not believe that the international student fee at UMCP is properly classified as a "non-mandatory fee", as the fee is both required and broadly applicable across campus to a targeted category of students. Even if such a fee were classified as a non-mandatory fee, the council expects that such a fee would go through the normal student fee advisory committee process, as required by USM policy.

The USM Student Council requests a response from the Board of Regents and Office of

Resolution on Mandatory and non-Mandatory Fee Oversight

the Chancellor regarding the process that UMCP used to conceptualize and implement this fee. The USMSC is concerned, in a general sense, with how the fee advisory process may be applied selectively in the case of the establishment of new fees. The council believes that section I.5 of the USM fee policy should be amended to address the following: 1) the lack of clarity in the definition of a mandatory fee; and 2) move the highly prescriptive language in the final sentence to a subsection, and more clearly identify that the list is not all inclusive.