

UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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*Chair of the Assembly and the Academic Council
Faculty Representative to the Board of Regents
University of California
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Oakland, California 94607-5200*

February 29, 2012

DAN DOOLEY, SENIOR VICE PRESIDENT, EXTERNAL RELATIONS
GARY FALLE, ASSOCIATE VICE PRESIDENT, FEDERAL GOVERNMENTAL RELATIONS

Re: The Research Works Act (HR 3699) and the Federal Research Public Access Act (S 2096)

Dear Dan and Gary:

On behalf the Academic Senate's University Committee on Libraries and Scholarly Resources (UCOLASC), I am enclosing their letter opposing the Research Works Act (HR 3699) and supporting the Federal Research Public Access Act (S 2096).

In addition to the cogent analysis of these two bills offered by UCOLASC, the Academic Council wished to emphasize that widespread dissemination of research produced by UC faculty and graduate students is of great benefit to the University and to the researchers. Please note that the University Committee on Research Policy (UCORP) will discuss this issue at its meeting in early March, and may provide further comment.

While the sponsors of HR 3699 have withdrawn the bill, we wish to put on the record the Senate's support for legislation that promotes open access. We urge the University to support legislation that improves access to taxpayer-funded research and oppose legislation that attempts to restrict access.

Sincerely,

A handwritten signature in cursive script that reads "Robert M. Anderson".

Robert M. Anderson, Chair
Academic Council

Cc: Lawrence Pitts, Provost and EVP
Steven Beckwith, VP, Office of Research and Graduate Studies
Academic Council
Brenda Abrams, Senior Policy Analyst, UCOLASC
Martha Winnacker, Senate Executive Director

Encl.



UNIVERSITY COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATION
Christopher Kelty, Chair
ckelty@UCLA.EDU

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February 21, 2012

BOB ANDERSON, CHAIR
ACADEMIC COUNCIL

Re: The Research Works Act and The Federal Research Public Access Act

Dear Bob,

The University Committee on Library and Scholarly Communication expresses unanimous and strong opposition to a proposed bill, H.R. 3699, Research Works Act. We ask that Academic Council endorse this letter, and take action to make this message heard in Sacramento, in Washington and in the public.

H.R. 3699 would reverse the successful Public Access Policy of the National Institutes of Health and it would block the development of similar policies in other federal agencies. It is a step backwards in ensuring public access to the results of federally funded research. We find it to be potentially harmful to the mission of University of California as a public institution devoted to the dissemination of research.

In the wake of recent widespread opposition to the “Stop Online Piracy Act” (SOPA) and the “Protect IP Act” PIPA, HR 3699 deserves similar scrutiny. It is at odds with the goals of funding agencies and higher-education institutions worldwide that are seeking to maximize broad public access and expand sharing of research results. The bill would decrease the government’s return on its significant investment in research and impede usage of scholarly information by millions of scientists, professionals, and individuals in the public and the private sectors.

University employees and their collaborators are substantially responsible for the design and pursuit of research, including the writing, peer review and editing of publications, frequently with federal or state grant support of some kind. While scholarly publishers play an essential role in the final stages of this process, including the dissemination of that research, they are not the creators of the work. HR 3699 would have an adverse effect on federal agencies, universities, and the scholars themselves in the effort to broadly disseminate research results; it is antithetical to the mission of the university.

Many scholarly publishers, including scholarly societies who depend on publishing revenue, agree and have expressed opposition to HR. 3699. Most significantly, the Nature Publishing Group, The Modern Language Association, and the American Association for the Advancement of Science have expressed opposition to the proposed legislation. UCOLASC, together with the California Digital Library and the University Librarians of the ten campuses, works closely with many scholarly publishers to explore new ways to make scholarly publishing more sustainable without limiting access to research results.

In addition to opposing the Research Works Act, UCOLASC unanimously and strongly reiterates its support for “The Federal Research Public Access Act,” which was first introduced in 2006, and again in 2009, and has been recently reintroduced as HR. 4004 and S. 2096. Council has previously endorsed our support for legislation such as this (specifically in a letter of May 14th 2009 from this committee).

The Federal Research Public Access Act would extend the kind of policy governing NIH-funded research to research funded by 11 other government agencies.

As an institution, the University of California takes very seriously its responsibility to serve the people of California, the U.S., and the world through its mission of education, research, and service. Integral to that mission is the broadest dissemination of scholarly information and funded research, which is essential to furthering scientific discoveries, creating innovative solutions to pressing problems, and improving the lives and well-being of individuals and of society.

We ask that the Academic Council endorse this letter opposing HR 3699 and supporting S. 2096 and HR 4004, and seek President Yudof’s endorsement as well. Furthermore we hope you will urge the University Offices of Federal and State Governmental Relations to continue to actively work to oppose legislation designed to restrict access to taxpayer-funded research and teaching, and to support legislation that improves that access. And finally, we stand ready to firmly support any communications to the public concerning our opposition to the bill and would like to see the issue given appropriate public discussion and debate, via appropriate channels from the University office of Communications.

Sincerely,

A handwritten signature in black ink, appearing to read 'CKelty', written in a cursive style.

Christopher Kelty, Chair
UCOLASC