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May 17, 2005

Mr. Robert Klein, Chair
Independent Citizens Oversight Committee
California Institute for Regenerative Medicine
Post Office Box 99740
Emeryville, California 94662

Dear Mr. Klein:

Enclosed for consideration by the Independent Citizens Oversight Committee (ICOC) is a draft *Policy on Public Access and Archiving of Research Results*. The draft does not represent official University of California policy, but is a proposal put forth and unanimously endorsed by the University of California's Academic Council. The Academic Council, the administrative body of the systemwide Academic Senate representing the University's faculty, asked that I forward its draft policy to you for the ICOC's consideration. I am pleased to do so in the hope it will assist the ICOC in its efforts to consider policy options for the California Institute for Regenerative Medicine that may promote public benefit.

The Academic Council's draft proposes that scientific manuscripts resulting from CIRM-funded research be made available in an online publicly accessible research repository within six months of the time the manuscripts are accepted for publication. The stated goals are to facilitate access to published results, to create a stable and permanent California-based archive, and to secure a searchable collection of peer-reviewed research publications that the Institute and the ICOC can use to manage its research portfolio and to assess scientific productivity and progress. Certainly, these are important goals worthy of the Institute's consideration.

As noted in the enclosed draft, other funding entities have considered or adopted public access proposals that are similar in intent, but that differ in particulars, e.g., regarding whether deposit in an archive should be mandatory or encouraged, and regarding the timing of such deposit and public access. Should the ICOC decide to consider adopting a public access and archiving policy, it likely would want to explore in more detail some of these relevant issues. I am pleased to tell you that Academic Council Chair George Blumenthal has offered to have the Academic

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Senate and its Scholarly Communication Task Force assist the ICOC with any implementation considerations, and/or to participate in a presentation on the enclosed proposed policy, if the ICOC would find such assistance helpful.

I know that the Institute has many challenges ahead, and that it is actively exploring how best to promote public benefit through its policies, consistent with the intent of Proposition 71. I hope the enclosed proposal from the University's Academic Council is helpful to you in this process.

Please let me know if you have questions, or if I may be of assistance in arranging a meeting with representatives of the University's Academic Senate.

Sincerely,

Robert C. Dynes

Enclosure

cc: Academic Council Chair Blumenthal
Provost Greenwood
Professor Lawrence Pitts, Chair, Academic Council Subcommittee on
Scholarly Communication



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April 4, 2005

ROBERT C. DYNES, PRESIDENT

**M.R.C. GREENWOOD, PROVOST
and SENIOR VICE PRESIDENT**

**Re: The California Stem Cell Research and Cures Bond Act of 2004:
Proposed Policy on Public Access and Archiving of Research Results**

Dear Bob and M.R.C.:

At its February meeting, the Academic Council unanimously endorsed the attached proposed policy, which we hope will be adopted by the California Institute for Regenerative Medicine. If adopted, this policy would require that scientific information arising from research funded by the California Stem Cell Research and Cures Bond Act of 2004 be made freely available on the web to other scientists and interested citizens within six months. In the same action, the Academic Council recommended that the proposal be submitted to the Independent Citizens' Oversight Committee (ICOC) in time for consideration at its mid-April meeting. If the ICOC chooses to move ahead with this concept, the UC Academic Senate and its Scholarly Communication Task Force will be happy to provide help in formulating the implementation procedures.

On behalf of the Academic Council, I ask you to please convey the Proposed Policy on Public Access and Archiving of Research Results to the ICOC. Should the ICOC wish to have a presentation on this policy, we would be happy to provide or participate in such a presentation.

Best regards,

A handwritten signature in cursive script that reads "George".

George Blumenthal, Chair
Academic Council

Encl.: Proposed Policy on Public Access and Archiving of Research Results

Copy: Lawrence Pitts, Chair, Academic Council Subcommittee
on Scholarly Communication
Academic Council

GB/bm

The California Stem Cell Research and Cures Bond Act of 2004
POLICY ON PUBLIC ACCESS AND ARCHIVING OF RESEARCH RESULTS

PROPOSED BY THE ACADEMIC COUNCIL SPECIAL COMMITTEE ON SCHOLARLY COMMUNICATION
ADOPTED BY THE ACADEMIC COUNCIL ON

March 22, 2005

The California Stem Cell Research and Cures Act declares an urgent need for stem cell “research and facilities” to treat and cure diseases and injuries and whose results will “benefit the California economy” and “advance the biotech industry in California.” The act also requires “strict fiscal and public accountability.”

Goals: Public access and research archiving

In support of these declarations, the following draft policy on public access and archiving of research results is submitted to the California Institute for Regenerative Medicine (CIRM) and its Independent Citizen’s Oversight Committee (ICOC) for their consideration. If adopted, this policy will meet several important goals:

- **Accelerate research progress and provide California’s public access** without cost to a collection of published results of taxpayer and Act-funded research.
- **Create a stable and permanent California-based archive** of peer-reviewed research publications and source data to ensure the permanent preservation of these vital research findings.
- **Secure a searchable collection of peer-reviewed research publications** that the Institute and the ICOC can use to manage its research portfolio and measure scientific productivity and progress.

The policy establishes an online open-access research repository configured so that:

- Scientific information arising from Act-funded research is available without fee and in a timely fashion to other scientists, health care providers, medical and other students, teachers, and the California citizens who fund the research;
- The critical roles of journals and publishers in peer review, editing, and scientific quality control processes are preserved;
- Deposit in the repository supplements but does not replace traditional publication, providing access to those who cannot afford journal subscription costs, after an author-defined delay of no more than 6 months;
- Where appropriate and at the researcher’s discretion, source data also can be deposited and results are linked to such data;
- Formal technology transfer through patents, etc. remains intact, just as it does through the current system of publishing peer-reviewed research findings.

Similar public access policies are under development or recently adopted by the NIH¹, the UK research councils², and the Wellcome Trust³, among others. While similar in intent, they differ in the particulars, especially with regard to: 1) the mandate: requiring vs. encouraging public access; 2) the delay: immediate public access or a delay of 6 or 12 months to accommodate concerns about preserving the market for journals; and 3) the timing: deposit and public access coordinated with the finalization of the peer review process or with initial publication.

¹ “Policy on Enhancing Public Access to Archived Publications Resulting from NIH-funded Research” (<http://grants.nih.gov/grants/guide/notice-files/NOT-OD-05-022.html>).

² “House of Commons, Science and Technology, Tenth Report.” (<http://www.publications.parliament.uk/pa/cm200304/cmselect/cmsctech/399/39903.htm>)

³ “Research Publishing and Open Access.” (<http://www.wellcome.ac.uk/node3302.htm>)

The Proposed Policy⁴

Beginning [DATE], CIRM-funded investigators are required to submit to a trusted publicly-accessible repository⁵ an electronic version of the author's final manuscript resulting from research supported, in whole or in part, with direct costs from CIRM. The author's final manuscript is defined as the final version that has been accepted for journal publication, and includes all modifications from the publishing peer review process. Authors also are encouraged to submit source data upon which the published results are based, as well as book chapters, editorials, reviews, or conference proceedings related to the work.

Under this Policy, electronic submission is made directly to a trusted, publicly accessible online repository, either at the investigator's or another institution. (One example is the University of California's *eScholarship Repository*⁶, which is hosted by the University of California's California Digital Library⁷ and is a publicly-accessible, stable, permanent, and searchable electronic archive of research data and results.) At the time of submission to the repository, the author will state when his or her final manuscript should be made publicly accessible⁸. Posting for public accessibility is required within 6 months of acceptance for publication and is strongly encouraged to occur immediately upon acceptance of a final manuscript. Deposited material will clearly note the publication in which it first appears.

If it is in possession of the appropriate copyrights, the publisher may choose to furnish the repository with the publisher's final version, which, when made publicly accessible, will supersede the author's final version. The publisher may provide or allow public access to the publisher's final version sooner than six months from acceptance of the manuscript's final version.

This Policy can provide the means for CIRM-supported investigators to fulfill any requirement to provide publications as part of research progress reports.

By creating a repository service for public access to peer-reviewed CIRM-funded research, the CIRM, its funded researchers and participating institutions are assisting scientists, educators, and health care providers to more readily exchange research results and the public to have greater access to regenerative medicine-related research publications. Such a repository could become a central resource for stem cell research publications and data resulting from CIRM and other research worldwide, benefiting Californians and the interested public everywhere.

⁴ This policy borrows and benefits from the creation during 2004-2005 of the NIH's "Policy on Enhancing Public Access to Archived Publications Resulting from NIH-funded Research" (<http://grants.nih.gov/grants/guide/notice-files/NOT-OD-05-022.html>). While differing in particulars it is similar in stated intent.

⁵ A trusted publicly-accessible California repository is one that provides reliable, long-term access to managed digital resources and is internet-accessible, operated by a California-based institution with explicit preservation and governance policies, uses data formats and technology management that conform to industry standards, and is interoperable with other repositories.

⁶ <http://repositories.cdlib.org/escholarship/>

⁷ <http://www.cdlib.org/>

⁸ For these purposes it is presumed that the author has retained the necessary copyrights in his or her publication agreement with the publisher, or has verified that the publisher's copyright policy permits this action.