

**Academic Senate Chair Robert May
Remarks to the University of California Board of Regents
January 16, 2019**

Thank you Chair Keiffer and members of the Board.

“The University of California is committed to upholding and preserving principles of academic freedom.” So begins The University of California’s statement of academic freedom – APM-010. The reason for committing to this principle is plain: Without the protections of academic freedom, the faculty cannot fully and freely engage the mission of the university, so as “to advance knowledge and to transmit it effectively to its students and to the public”, again quoting APM-010. Among the freedoms called out as protected in service of this cause are freedom of inquiry and research, as well as freedom of expression and publication. It is a duty of the Academic Senate to uphold these freedoms as agents of the University, (as specified by Regents By-Law 40.1). In this context, there are two issues of concern to the Academic Senate, both of which have received degrees of coverage in the media, which I would like to address today.

In 2013, the Academic Senate adopted a policy of open access for scholarship and research; central to this policy was a commitment to no-cost public availability of these materials. This commitment was understood to be inherent to the University as a public institution, as embedded in its conception of academic freedom. Subsequently, open access was adopted more broadly as Presidential policy in 2015. These policies have put UC out in front of what has become a global movement, where faculty in all parts of the world are working to fundamentally change how the products of our academic work are disseminated.

Open access policies are at the core of UC’s positions in the current negotiations with Elsevier Publishing. Why open access? Currently, access to the scholarship that is the work product of faculty is dominated by a small number of large publishing concerns. Elsevier is the largest, publishing approximately 18% of journal articles produced by UC faculty; its portfolio includes many of the leading journals in a wide-range of academic specializations. On currently standard models, to access these journals a pay-wall must be breached, and much of contemporary library budgets are devoted to site-license subscriptions at rates set by the publishers. While this sort of arrangement may be convenient for those at institutions with licenses, it is a far cry from an “effective transmission” of knowledge to the public: Knowledge should not be accessible only to those with the means to pay. Open access represents the contrasting principle: knowledge should be accessible regardless of ability to pay.

On an open access model, payment is made for publication, not for reading. Library budgets are devoted to one-time fixed publication costs, and concomitantly, in a fully open access environment, pay-to-read fees are eliminated. Our current negotiations with Elsevier will not in themselves produce this result, but embedding open access principles into any new contract will be a substantial step forward, with the additional benefit of considerably reduced stress on the resources of the UC libraries.

The Chair and Vice-Chair of the Academic Senate's University Committee on Library and Scholarly Communication (UCOLASC) have been active participants in the negotiations with Elsevier, and have been regularly updating the Academic Council and other committees of the Senate. With UC's contract with Elsevier set to expire at the end of the month, if a new agreement not reached, UC's faculty and other researchers could be significantly impacted in potentially losing site-license access to Elsevier publications. The University's librarians have been working diligently to establish and publicize contingency plans for needed access if this come to pass, and have undertaken extensive outreach efforts at all UC campuses. For these efforts the Academic Senate is deeply appreciative. But regardless of the inconvenience, the Academic Senate across its campus divisions remains committed to our Open Access policy, and accordingly broadly supports the University's negotiating position with Elsevier.

In the world of bio-medical research, we live in exciting times. Our rapidly increasing understanding in cellular biology, genomics and related fields has led to breakthroughs in therapies for cancer, HIV, Zika and other deadly diseases; UC faculty at our general and health campuses are among the world leaders in this research. For much of this work, it has been well-established that the use of fetal tissue is essential. To this point, UC researchers have been able to access fetal tissue, even if access has been severely restricted and regulated. Recently, however, researchers at UCSF who have used humanized mice to study HIV have had their ongoing NIH funding threatened, and face the very real possibility of having to abandon their vital research.

Such threats clearly violate the principles of academic freedom meant to protect inquiry and research. Of course, such protections are only afforded if the research is undertaken in accordance with the responsibilities and obligations for research integrity, as set forth in the Faculty Code of Conduct (APM-015) and elsewhere in policy and statute. But as President Napolitano has pointed out with respect to research using fetal tissue: "This research is conducted in full compliance with federal and state law, as well as ethical standards, and is in keeping with the university's education, research and public service missions." It thus behooves us, as a University, to support our colleagues at UCSF against this unwarranted intrusion into their ability to freely conduct their properly funded research.

Matters such as these remind us that the protection of academic inquiry – of research and scholarship and its open, public, dissemination – is vital to the university carrying out its mission. This audience hardly needs reminding of this verity, nor of the verity that we must be diligent in our support of academic freedom, and guard vigilantly against its violation.

To close I would like to report, following up on my remarks at the September Regents meeting, that the Academic Council has convened a Task Force on Standardized Testing, in response to President Napolitano's request that the Academic Senate review the role of the SAT/ACT in UC undergraduate admissions. The membership of the task force represents a diverse slice of UC faculty expertise, and in charging the task force I have asked the members to focus on how well our current standardized testing predicts student success in the context of our holistic, comprehensive review process for admissions. I have also asked the task force to evaluate

whether standardized testing assessments are fairly promoting diversity and opportunity for students applying to UC. The task force is to approach these issues analytically, without prejudice or presupposition as to whether the University and its students are best served by our current testing practices, a modification of our current practices, another testing approach altogether, or perhaps even no testing at all. The task force will be exploring the extensive research on this topic, evaluating it in the context of UC data and experience. It will also consult with vested parties both internally and externally to UC. We look forward to what will be a thoughtful and actionable report from the task force, recognizing that its recommendations will have significant repercussions for higher education policy nationally.

Thank you Chair Kieffer, this concludes my remarks.