



## University Senate Annual Committee Report Academic Year 2020-2021

### Section I

**Name of Committee:** Research and Creative Activities Committee (RCAC)

**Submitted by:** David J. Sailor

**Date Submitted:** April 23, 2021

**Membership Roster:**

David Sailor (chair), Pauline Davies, Huaiyu Chen, Shirly Montero Quesada, H.L.T. Quan, Joni Adamson, Steve Helms Tillery, Shawn Jordan, Rebecca Lee, Hugh Barnaby (KE member), Bradley Greger (KE member), Neal Woodbury (ex-officio), Simin Levinson (ex-officio)

**Overview Narrative:**

During the academic year 2020-2021 the RCAC focused its efforts on two existing RFCs inherited from the prior academic year. These RFCs (RFC-147-open access; and RFC-149-illegally obtained data) were addressed using a subcommittee for each. No new RFCs were opened during this academic year. Due to coronavirus precautions, all meetings were held virtually using Zoom, and were well attended by the committee members. The RCAC met seven times (Sep 24, 2020; Oct 29, 2020; Dec 3, 2020; Jan 14, 2021; Feb 4, 2021; Mar 4, 2021; and Apr 1, 2021).

Our work resulted in resolution and closure of RFC-147. Specifically, we developed a proposal that describes a management plan for an open access fund at ASU, and shared this proposal with the Provost's Office, Knowledge Enterprise, and the ASU Foundation. We made substantial progress on RFC-149. For this RFC, we developed a preliminary one-page guidance document and associated flowchart intended to guide faculty in considering the use of hacked or potentially illegally obtained data in their research.

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## Section II

**Request for Consultations and/or topics reviewed by the committee and outcomes** (topics reviewed by the committee decided not to act/review should be listed here with, no action taken):

RFC 147 – Financial support of open-access publishing at ASU. This RFC was created in 2017 and has been the subject of ongoing research and discussions by our committee for several years. At the core of this RFC is the recognition of the importance of Open Access publishing to the academic community and users of research findings globally. In 2017 the ASU Senate made clear the university’s commitment to the principles of Open Access by passing motion #2017-46 promoting open access at ASU, facilitated by an open-access repository in the Library. However, several challenges remain, particularly related to wide dissemination of peer-reviewed research both for the benefit (increased exposure) of ASU researchers and for the broad and free access to research findings by the general public. With the rapid expansion of Open Access publishing there is an urgent need for the university to address the financial burden of such publishing models that disproportionately impact unfunded research and research outside of the physical sciences. After extensive conversations with the university librarians (Anali Perry, the Scholarly Communication librarian and Jim O’Donnell, University Librarian) the RCAC met with representatives of the Knowledge Enterprise and the ASU Foundation to discuss our proposal that ASU develop and maintain an open access fund, initially to be supported by KE and the Provost’s office, with subsequent support from an established philanthropic fund at the ASU Foundation. This proposal is attached to this report as an appendix and has been communicated to the Provost’s Office (Provost Searle and Provost Pro-Tem Gonzales), the ASU Foundation (Sr. VP and CDO, Hopely), the Knowledge Enterprise (KE Executive VP Morton), and the ASU Library (University Librarian O’Donnell). This RFC has officially been closed.

## Section III

**Request for Consultations and/or topics that were not started or remain unfinished and need to be carried over to the next academic year.**

RFC-149 – The ethics of using hacked or illegally procured data in research activities at ASU. This RFC originated with the Provost’s office in 2018. It was prompted by a case at ASU of a junior faculty member attempting to use hacked corporate data in their research. The decision was made within ASU to not allow publications using these data. Given the likelihood that similar situations will surely arise again, it was recommended that the RCAC explore possible policies or guidance for dealing with such cases in the future. The 2019-20 RCAC suggested considering establishment of a review committee and/or policy on the topic. This year, our committee had extensive Zoom meeting conversations on this topic with representatives from Knowledge Enterprise and with college Academic Integrity Officers (AIOs). We also had email discussions with the Office of General

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Council and with the Provost's Office (Vice Provost for Academic Personnel Clarke and Vice Provost for Undergraduate Education, Corey).

The recommendation from KE was that we refrain from any formal policy, rather developing a simple guidance document for faculty faced with the prospect of using data with a questionable and potentially illegal provenance. A draft of our resulting guidance document (attached as an appendix to this report) was developed by an RCAC subcommittee with significant input from KE and three AIOs, and with some modest email exchanges with the Office of the General Counsel. As our proposed consultation pathway initially included AIOs in a non-traditional role (they traditionally report to the Vice Provost for Undergraduate Education, dealing with Academic Integrity issues of students), we consulted with Vice Provost Corey. His determination was that this was not an appropriate role for the AIOs. Our committee therefore passes the current version of the guidance document on to next year's RCA committee with the request that they explore who should play the consultation role currently labeled "TBD".

## Section IV

### **Recommendations to the Senate or Final Comments**

Given the ongoing leadership transition in the Provost's office and the importance of Open Access to the ASU community, we recommend that early in Fall 2021 the 2021-22 RCAC chair reach out to KE, the ASU Foundation, and the Provost's Office to check on the status of our recommendations and offer further assistance if desired.

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**APPENDIX 1: Proposal for Open Access Fund (response to RFC-147)**

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## **PROPOSED ESTABLISHMENT OF AN OPEN ACCESS FUND AT ASU**

Submitted by the ASU Senate Research and Creative Activities (RAC) Committee, in response to RFC-147

David Sailor, Chair [dsailor@asu.edu](mailto:dsailor@asu.edu)  
2021

April 22,

### **SUMMARY:**

This proposal requests that the Provost's Office and Knowledge Enterprise jointly establish an Open Access Fund at ASU at a level of \$30,000 per year to support open access publishing by ASU researchers for 3 years, and that the ASU Foundation simultaneously develop a philanthropic fund to continue the Open Access Fund at an annual level of \$50,000 beyond this initial period of support. Background and proposed management structure for the fund follow.

### **BACKGROUND:**

The Open Access (OA) publishing model makes results of scholarly work readily available at no cost to readers, resulting in two key benefits: (1) it increases the visibility and reuse of academic research results; and (2) it facilitates equitable access to research for end users, without regard for their ability to pay for subscription-based publications.

In 2017 the RCA committee received a Request for Consultation to explore options for financial support of open access publishing at ASU (RFC-147). After several years of research and consultation with faculty and the library, the RCA concluded that there is demand and need for such a fund and recommended the establishment of a fund on the order of \$50k per year with careful oversight to determine eligible publication venues and to vet applications to the fund. There are successful models to build upon from many other universities, and if structured and managed appropriately, such a fund would benefit ASU researchers as well as the general public.

This proposal seeks to operationalize this recommendation. Specifically, we request that the ASU Foundation develop an Open Access investment fund and actively promote it in annual giving campaigns. While this fund is being established, we request that the Provost's office and Knowledge Enterprise partner to establish a transition fund of \$30k/year for three years to enable development, assessment, and improvement of the fund mechanisms proposed below.

### **NEED:**

As noted by the ASU Library statement on OA, "*Open access eliminates barriers, such as price and copyright restrictions; impediments that hinder access to scholarship and the knowledge it confers. Open access guarantees research is available online at no cost and permits the transformation of ideas to improve society.*"<sup>1</sup> Hence, OA is consistent with the ASU Charter. However, as cautioned in a recent article on this topic<sup>2</sup>, open access favors established researchers and those supported by grants who can pay the fees. Researchers who want to publish in open access journals may lack the

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<sup>1</sup> <https://libguies.asu.edu/openaccess>

<sup>2</sup> *Science*, 2021: Vol. 371, Issue 6524, pp. 16-20

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funding to do so. Thus, OA solves equity issues for end-users, but introduces equity challenges for researchers.

Open access journal publishing of research papers is becoming increasingly common and the Directory of Open Access Journals<sup>3</sup> contains over 15,700 peer or editorially reviewed journals, an increase of over 1000 in 6 months. From 2017 onwards, the majority of new science articles have been published as open access. The proportion of articles published as OA varies by discipline, with biological sciences leading the way. A large number of funding entities are now requiring OA publishing. While self-archiving in OA library repositories can meet this requirement, such publications often lack peer-review and the broader dissemination and access associated with publications made available through the peer-reviewed OA literature.

Some universities have come to an agreement with particular publishers to allow reduced publishing fees for their faculty. For example, thirteen colleges and universities in the US, including the University of California system, Rice and George Mason have deals with PLoS to provide no fee or reduced fee for their faculty to publish in the PLoS stable of journals. At least 98 universities in the US have an agreement with Springer so that affiliated faculty pay reduced costs for publishing in Springer Biomedical and fully open access journals. However, deals with specific publishers inevitably provide an incomplete solution for authors whose field-preferred publication venues are not covered.

As open source publishing becomes increasingly important, all grant seekers should request open access publishing costs from their funders. However, many unfunded (or under-funded) researchers generate results of great societal importance without the resources necessary to make these results widely available. A university-wide fund to support open access publishing, alongside departmental/school support, may be the best way to enable non-grant-funded researchers to publish with open access.

While there remains an implicit bias against open access publishing in the humanities, which still emphasizes the single-authored book, often from a leading or a university press, it is anticipated that, like the sciences, open access publishing will become increasingly urgent in human decision-making about climate, justice, and other highly complex issues. The argument for open access in the sciences will necessarily have an impactful influence on the humanities and social sciences, dispelling myths and charting solutions to potential pitfalls of open access—most notably concerns over predatory publishers. Recently, even in the humanities, co-authored articles in open-access journals are gaining traction. This suggests that the future of the humanities and social sciences, along with the sciences, will include wider acceptance of open access publishing venues in decisions about P & T. But perhaps even more urgently, this suggests a growing recognition that the state of humanity also depends on making the knowledge produced in the humanities and in the social sciences widely and freely accessible.

#### **APPROACH AND PROCESS:**

Our proposed approach to the OA fund at ASU builds on best practices at other institutions. All of ASU's 15 ABOR-Approved University Peers support their open access policies by encouraging the authors to publish in open access journals or by self-archiving in a local repository. At least three of

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<sup>3</sup> <https://doaj.org/>

those institutions—Florida State University, University of Maryland, and Penn State University—allocate a fund to offset the costs of publications by partially or fully covering article processing charges. Additionally, a 2016 review<sup>4</sup> by SPARC, a global coalition committed to OA publishing, found and summarized key attributes of OA funds at nearly 60 US Universities. These include Boston College, Carnegie Mellon, Colorado State, Columbia, Cornell, Harvard, MIT, and others. Most are funded at \$30-50k per year through Provost’s offices, Offices of Research, and library budgets. In the five years since the SPARC report, some universities have terminated their OA funds, typically due to either (1) lack of resources or (2) concerns over predatory publishers and hybrid publishers that reap financial support both through increasingly costly subscriptions and OA fees. Nevertheless, such funds are increasingly important and needed to support equitable access to research findings.

We have identified what we consider to be best practices for an OA fund that adheres to the goals of Open Access while addressing these two challenges to establishing and maintaining a university-based OA fund. The details of our proposal follow:

**Value of fund:** We propose a 3-year transition of the fund at \$30k/year, during which time we will track fund management challenges and performance metrics (publication types, venues, fields, authors characteristics, and impact as measured by citations in first year after publication). Following this phase, the steady-state operation of the fund will target \$50k/year.

**From where:** The 3-year transition phase will be jointly funded by the Provost’s office and Knowledge Enterprise, as an investment in faculty success and equitable access to research produced by ASU researchers. Upon acceptance of this proposal, the ASU Foundation will establish a philanthropic fund and actively promote it in annual giving campaigns with a target of reaching an endowment for the OA fund on the order of \$1M to enable an annual fund budget of \$40-50k starting in the 4<sup>th</sup> year.

**Who is eligible:** Corresponding authors (limited to ASU faculty, staff, postdocs and students) will be eligible, but may only receive OA fund support for one publication each fiscal year. The research being published cannot be from a current externally-funded grant from which the author could potentially have requested funds to support publishing. Also, authors are only eligible if they have insufficient available discretionary resources (i.e., start-up funds or IIA funds).

**How and when to apply:** An application link will be established at the KE website under “Researcher Support”. This link will include a simple fillable form, that upon submission will automatically be forwarded to the RAC chair for approval by an RAC subcommittee for OA. This process will be evaluated for possible modification after the transition phase. Authors are encouraged to apply prior to submission, but may apply at any point prior to publication.

**What is eligible:** OA fund support can be used to offset publication charges for peer-reviewed articles in open access or hybrid open-access journals. To be eligible, the journal must either be listed in the Directory of Open Access Journals (<https://doaj.org/>) or be listed by Scimago (<https://scimagojr.com>) as a 1<sup>st</sup> or 2<sup>nd</sup> Quartile journal in their field. Publications must be made available without any embargo period.

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<sup>4</sup> SPARC: <https://sparcopen.org/wp-content/uploads/2016/04/OA-Funds-in-Action-4.7.16.pdf>

- Usage -- Funds (up to \$1,500 per request) may be used for open access publishing and processing fees, including open access page charges. If the request is for OA publication in a hybrid journal publisher with whom ASU has a subscription, the author must match any OA fund requests equally from other sources. Funds may not be used for reprints, color illustration fees, non-OA page charges, permissions fees, web hosting for self-archiving, or other expenses not directly related to open access fees.
- Review/approval process – The RAC will establish a subcommittee for OA who will be responsible for review, approval, and tracking of OA fund applications during the transition phase. This subcommittee will also make recommendations in year 3 of the transition regarding changes to processes and management responsibility for the fund beyond the transition phase.

**How paid:** Corresponding authors or their units will be reimbursed for publication charges not to exceed \$1,500 (after approval and documentation of payment). The RAC subcommittee for Open Access will forward approved reimbursement requests to a designated budget contact in the office administering the fund (Provost, KE, or Foundation).

**Measures of Impact:** During the transition phase, the RAC will track number and type of authors receiving such funds, the publication venues, and citation metrics one year after publication.

**BENEFITS:**

The ASU OA fund benefits ASU authors and ASU as a whole by increasing the visibility of research. It puts the power of choice with the author as they are not pressured to publish with a specific publisher in order to receive a discounted or fully covered fee (e.g. via our Library's memberships). The fund also addresses inequities across disciplines, particularly in disciplines with less grant funding. Currently researchers in biomedical and life sciences are advantaged by library membership deals. And finally, the ASU Open Access Fund will increase equitable access to important research findings for individuals and institutions globally who may not otherwise have resources to access publications behind a paywall.

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**APPENDIX 2: Draft proposed Guideline for Ethics of Using Potentially Illegally Obtained Data  
(response to RFC-149)**

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## Guidance for Using Data of Questionable Origin in Academic Research

Data with an illegal or unethical origin are becoming increasingly available. Data extracted from phishing experiments, terms of service violation, computer fraud, data breaches, the dark web, and other sources are frequently in the news. Such data may have value for academic purposes. This document provides a framework for ASU researchers on seeking guidance on legal and ethical considerations when obtaining data with a questionable origin for use in research. This document is based on the deliberations of the Research and Creative Activities Committee in consultation with the Office of General Counsel, the Office of Research Integrity and Assurance, College Academic Integrity Officers, and the Faculty Senate.

First, researchers should consider principles of academic integrity (<https://provost.asu.edu/academic-integrity>) and the ASU charter for initial guidance in the use of data with a legally or ethically questionable provenance. In particular, researchers should be cautious not to engage in academic deceit in the management of such data. Any communications regarding the data should be up front about the source of the data and any permission received (or not) to use it.

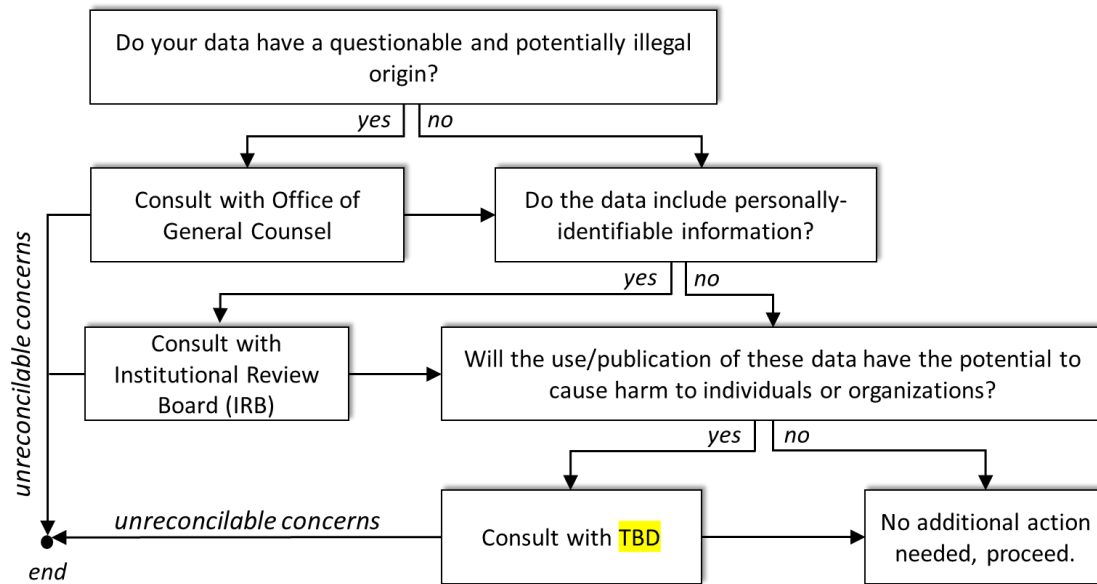
Second, researchers should be fully cognizant of any harms that may come from the usage or revelation of such data. This could include harm to individuals, groups, companies, governmental agencies, or foreign governments. In all cases, it is incumbent upon the investigator to consider whether the good accomplished by the use of the data outweighs any harm that may come from the use of the data.

Third, when regulatory approvals beyond the unit are required (Institutional Review Committees), then the faculty member should clearly identify the provenance of the data.

Finally, there is a special case if the investigator personally participates in the acquisition of data using illegal or deceptive means. This possibility leaves both the investigator and the institution exposed to legal risk. The Office of General Counsel and Risk Management Services (<https://ogc.asu.edu>) are available to provide guidance about, and address, any legal risk or liability issues associated with the use of illegally obtained data.

The flowchart below suggests a recommended pathway for determining next steps in handling data with a potentially illegal or unethical origin.

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