

# MUFA Newsletter

December 2013/January 2014 — Volume 40.3 — Janice Hladki, Editor

## President's Report

*delivered at the General Meeting on December 5<sup>th</sup>, 2013*



In preparing to write this report I looked back over those prepared in past years by Martin Dooley, Virginia Aksan, Peter Sutherland and John Berlinsky. I was struck by the observation that many of the topics of the day have remained with us. These include the new budget model, university governance, Forward with Integrity, issues within the DeGroote School of Business and various aspects of faculty compensation.

On a bright note, I am pleased that McMaster's collegial model of governance seems to be in excellent shape. Meetings of the Joint Committee have been more than cordial and moderately productive. Although this is not a negotiations year, we have several issues on the table including LTD and searches for pension indexing schemes that could better meet the needs of faculty. We hope to make some progress on these issues during the coming semester.

One area where we have not yet made as much progress as I had hoped is in area of teaching professor appointments. As I'm sure most faculty know, the maximum number of these appointments is fixed for each Faculty by agreement at the Joint Committee. Many Faculties are now at or near their maximum and as such are unable to hire new teaching stream faculty or convert faculty on contractually limited appointments. The MUFA executive recognized this situation and asked the administration in September to present a proposal for a framework to allocate additional teaching stream appointments across the University. An ad hoc committee struck last year by the Senate Committee on Appointments has written a report addressing some issues surrounding teaching stream appointments, but this report has not yet been released and may not provide much guidance on how McMaster University should evolve on this issue. As the months go by I become more concerned that the fulsome discussion needed will be precluded by the approaching June 30 deadline for some CLA appointments.

The province has been moving ahead with various changes to the university sector. These include the Strategic Mandate Agreements, which each university is required to finalize. This is part of a differentiation process, which may result in different institutions having a clearer idea of what they want to do and which the ministry may or not hold them to. The SMA process has often been quite rushed, with the result that a full consultation of faculty and university institutions such as Senate has not occurred. I note there has been some effort at consultation, but, unfortunately, this has mostly occurred on a time frame where meaningful changes to submissions or any grassroots development of ideas cannot occur. Given that Senate itself seems to have considerable time on its hands, I hope that going forward it will become more involved in the development of institutional priorities.

*continued on next page*

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#### McMaster University Faculty Association

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**MUFA on the WEB**  
<http://www.mcmaster.ca/mufa>

There are numerous changes occurring within the university in regards to its financial affairs. We are moving to an activity-based budget model to replace our time-tested (for good or ill) system of side-deals, with its details lost in the depths of time. Of course, such a change brings a great deal of uncertainty across the university with plenty of unintended consequences sure to emerge. On a positive note, the new model should empower faculties to plan with more certainty and effectiveness for the future.

The deployment of MOSAIC is upon us. I personally have logged into the system and carried out one small function—allowing the administrative team in my department to enter data into my accounts. Emboldened by this success, I tried to find out how much money my various research accounts hold and was unable to formulate the query, let alone get any information. I am reminded of the “Affordable Health Act” south of the border, but hope this crucial development can be quickly brought online. Clearly, there has been an enormous effort put on this important task, and we will all be better off when the work is done.

The DeGroote School of Business Tribunal has finally completed its work and issued both confidential and public reports summarizing its views of allegations within the school. The Tribunal called for a variety of sanctions (all of which were adopted by the President) against a number of faculty members within the DeGroote School, ranging from sensitivity training and relinquishment of positions of authority to lengthy suspensions from the University without pay. In my view, these were tremendous sanctions, with individual faculty members suffering personal losses of hundreds of thousands of dollars and in some cases, the likely loss of their professional careers. In addition, the Tribunal issued orders to the University, finding that senior administrators bore some responsibility for not addressing issues in the school earlier and more effectively. The Tribunal ordered the University and MUFA to consider and negotiate possible changes to the tenure and promotion procedures within the DeGroote School.

Since the completion of the tribunal process, the University has begun a review of the Human Rights and Equity Services Office as well as the entire Anti-Discrimination and Harassment Policy. Given that the total direct cost to the University of the tribunal (which hasn't been publicly revealed) is certain to be upwards of a million dollars, the lost work time for the tribunal members and witnesses and the lost salary of the

suspended faculty (also likely several million dollars) and the disruption of DSB (graduate supervision, course offerings etc.) I think it important that we examine the policy and its implementation with the full benefit of hindsight to see if things could have been handled differently.

McMaster University has a tradition of collegial governance which is (or should be) the envy of every university in the country. This model is only effective when our members avail themselves of the rights and privileges they hold. I encourage all faculty to put themselves forward (with integrity) for university bodies including Senate, the Board of Governors, UPC, Faculty T&P committees and of course, MUFA.

Within the operation of MUFA, we are extremely fortunate to have our new Executive Director Mara Giannotti with us. She has stepped into the role that Phyllis DeRosa-Koetting exemplified for so many years with great dedication and skill. I know that you all join me in thanking Mara for “taking a leap of faith” to move from the Office of the Provost to the basement of Hamilton Hall. Kelly McCaughey, our administrative assistant will be retiring at the end of this academic year: we've been extremely fortunate that she has stayed to assist Mara in the transition in our office.

Graeme Luke  
President

## Welcome New Members

<b>Khalid AL-Nedawi</b>	Medicine
<b>Mor Baram</b>	Materials Science
<b>Chelsea Gabel</b>	Health, Aging & Society
<b>Dustin Garrick</b>	Political Science & Walter Booth School of Engineering Practice
<b>Nikol Piskuric</b>	Psychology, Neuroscience & Behaviour

# Copyright at McMaster

Copyright is a way to protect and define ownership of 'literary and artistic works'. The Berne Convention for the Protection of Literary and Artistic Works (Article 2) states: "The expression 'literary and artistic works' shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression...". Copyright is a form of Intellectual Property (IP) that provides protection of 'literary and artistic works' that is analogous to patent protection for inventions. While each university does this differently, currently McMaster has what is known as a university-owned IP policy, the *Joint Intellectual Property Policy*, which states that "... the University shall be the nominal owner of all newly created or discovered Intellectual Property...". That may surprise you, but there are important exceptions within the policy that probably align the policy with your expectations.

McMaster has well developed processes in place for disclosure and potential commercialization of IP through the McMaster Industrial Liaison Office (MILO). These processes document the contributors to and the time of creation of the IP, which are critical to provide clarity of ownership for prospective receptors of the IP (e.g. companies). The default arrangement under the IP Policy is that the inventors of the IP receive 50% of the proceeds of the work, while the remaining 50% is retained by the University in acknowledgement of its contribution to the work (facilities...) and support of the commercialization process. The inventor(s) can request (and generally receive) the rights back along with a larger share of the proceeds (the default is 75%), but then they become responsible for securing the IP, shepherding the commercialization process, with any accompanying legal responsibilities. For a research project sponsored by a company, an IP agreement is typically developed that further clarifies the disposition of the IP developed through the course of the project.

However, the IP Policy makes an important exception with respect to copyright. Section 4.3 states:

Intellectual Property shall not include:

- (a) copyright in traditional academic materials such as, without limitation, lecture notes, laboratory manuals, articles, books, artifacts, works of visual art, maps, charts, plans, photographs, engravings, sculptures and music, no matter in which format any of the foregoing materials may have been recorded or embodied...

Now you can breathe a sigh of relief, because this exception does provide ownership of copyright on most things you probably already thought you owned. However, copyright arises in the role of a faculty member in other ways than the above, so I will discuss 3 categories of copyright:

## 1. Traditional academic material

The most common interaction faculty members have with copyright is when they transfer their rights to a publisher when submitting an article for publication. This is the prerogative of the faculty member, but while the publishers do not advertise this, the transfer terms are negotiable, so read the fine print and request a change if you would like one. Once you transfer copyright, say on a nice figure you prepared for publication, it is no longer yours to use or transfer again.

Other forms of traditional academic materials are owned by faculty, but it still may be beneficial to document them through a copyright disclosure. Suppose you and a colleague write a textbook that is destined to become a bestseller. Preparing a document at an early stage that provides clarity of the respective contributions of the authors will prevent misunderstandings later on.

## 2. Results of research

Copyright of the results of research, like an invention, are University-owned by default. This is more of an opportunity than a restriction. An example of this might be a questionnaire that you develop for pre-screening patients for a medical condition. If you would like to commercialize that questionnaire, or otherwise protect your rights to it, then it is a good idea to disclose it to MILO and it may be beneficial (though often not necessary) to register for copyright. If you are not so inclined, then you can publish that questionnaire, but beware that if you transfer copyright to a publisher, they now retain rights to the questionnaire!

## 3. Instructional Materials

As stated above, your lecture notes are excepted under the IP Policy. However, there is another policy that pertains to copyright of instructional

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materials. The *Policy for the Distribution of Income from the Sale of Instructional Materials*, last updated in 1981, reaffirms the principle that “The author(s) of teaching materials should hold the copyright on them for the same reasons that they hold copyright on their other creative work ...”.

However, two exceptions to the exception (of the IP Policy) are delineated in the above Policy that pertain to faculty; a) When the University specifically directs or requests a faculty member... to undertake work that is the subject of copyright and b) When the work is produced by a faculty member with direct assistance of a member of the University non-faculty staff...

In other words, if the University already holds copyright on a work or if the University contributes non-faculty human resources, then faculty copyright rights are more limited.

Changes to the IP Policy are being considered, notably to move to an inventor-owned model, which is perceived by industry as being easier to work with and may stimulate more entrepreneurial activity at McMaster.

The Policy for the Distribution of Income from the Sale of Instructional Materials is being re-examined by the Administration in light of on-line course delivery and University investments in new instructional methods. I certainly hope it gets a better name.

You can find the two policies discussed above at;

<http://www.mcmaster.ca/policy/faculty/Research/JointIntellectualProperty.pdf>

<http://www.mcmaster.ca/policy/faculty/Financial/DistributionofIncomefromSaleofInstMaterials.pdf>

A great resource on copyright at McMaster is Sarah O'Byrne, our very own Copyright Officer at MILO.

You can also email [copyright@mcmaster.ca](mailto:copyright@mcmaster.ca) with any questions related to copyright.

MILO has some useful information on copyright posted at the following links:

[http://milo.mcmaster.ca/faqs/copyright\\_basics](http://milo.mcmaster.ca/faqs/copyright_basics)  
[http://milo.mcmaster.ca/faqs/copyright\\_mac](http://milo.mcmaster.ca/faqs/copyright_mac)  
[http://milo.mcmaster.ca/faqs/copyright\\_milo](http://milo.mcmaster.ca/faqs/copyright_milo)

Rafi Kleiman  
Vice-President

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## OCUFA Service Award

The OCUFA Service Award was established two years ago to honour individuals who have done, or continue to do, exceptional work on behalf of the Ontario Confederation of University Faculty Associations and its Members.

Up to six awards may be given each year and are presented during OCUFA's Annual General Meeting, which will be held this year on May 10, 2014

**The deadline for nominations this year is  
April 4<sup>th</sup>, 2014.**

For more information about the award and the nomination form, please visit:

<http://ocufa.on.ca/ocufa-awards/ocufa-service-award/>

# Academic publishing and the challenge of open access

The past two years have seen a remarkable revolution in academic publishing. This revolution was sparked on January 21, 2012 when University of Cambridge Fields Medalist Tim Gowers declared on his blog that he would "refuse to have anything to do with Elsevier journals from now on." This declaration led directly to the "Cost of Knowledge" boycott that has attracted over 14,000 signatures (including 21 from McMaster). It led indirectly to Elsevier withdrawing its support for the Research Works Act in the USA (which would have banned Open Access mandates, like that of the NIH) and to the UK government deciding that government funded research should be published in a freely accessible form. The EU has also adopted an Open Access requirement for EU funded research, and the Canadian tri-councils are currently formulating a Canadian Open Access policy.

This is not the first time academics have rebelled against the harm done to our community by commercial publishers of journals. An even larger petition thirteen years ago led to the formation of the highly successful open access PLOS (public library of science) journals. However, previous rebellions failed to change the fundamental structure of academic publishing: the business model of most journals still requires restricting access to published research to those readers whose institutions have paid subscription charges.

Why are things changing now?

Until about 20 years ago academic publishers and researchers enjoyed a mutually beneficial relationship. Researchers needed publishers to communicate their research results to a wide audience since this communication relied on printing and distributing physical journals. Every stage was expensive and required expert skills: typesetting (especially mathematical) was a time consuming job that could be done only by experts, printing and binding were expensive and incurred a cost for each copy printed, and shipping vast amounts of paper around the world was the only way to disseminate the final papers. Academic libraries handled the costs of archiving, and researchers themselves handled editing (apart from some minor copy editing), peer review and provided the content. Researchers donated editing, refereeing and the manuscript itself as a service to the community. Authors often transferred copyright to the publishers to make it easier to produce collected works, or to simplify requests to reprint parts of papers. As a token of appreciation most good journals would provide a few dozen high

quality reprints for the authors to distribute as they wished.

As in most areas, computers and the internet have democratized academic communication. Academics no longer need publishers to make their work widely available, and the internet and electronic typesetting programs (like the freely available TeX system used by almost all mathematical publishers) mean that authors themselves now do much of the "penalty" technical typesetting. Institutional repositories (like Digital Commons at McMaster or the arXiv) allow researchers to archive their own work and make it instantly available to anyone in the world free of charge. The peer review system has been simplified by using email and peer review management systems (like the open source PKP Journal management systems).

However, at the same time as the cost of managing, producing and distributing journals has plummeted, the costs of subscriptions to university libraries and page charges to authors have skyrocketed to the point that the chief librarian at Harvard declared recently the costs are now unsustainable.

Profit margins at the four biggest academic publishers are commonly above 40%, making academic publishing the most profitable industry around. Academic publishing is the only industry where automation and outsourcing work (to the customers!) has led to much higher prices and very little innovation. Most academic journals are basically electronic versions of the old paper journals (with a few hyperlinks added). As Tim Gowers and many other academics have realized, the current system is one where commercial publishers are parasitic on the academic community. Publishers use the brand names of the journals they control to convince researchers to donate their research and time, and they then put this research behind a paywall and sell it back to the same community of researchers who donated their time and content in the first place. Elsevier, in particular, claims that it "owns" the research published in its journals and that researchers "work" for Elsevier.

All this has been known for some time, but since researchers typically don't pay the exorbitant subscription charges themselves and they feel they must publish in certain high ranked journals, the system has continued long after the costs began to outweigh the benefits. In addition, until recently publishers didn't try to enforce the "surrender all rights" copyright



agreements they try to force authors to sign. What has changed is that funding agencies, starting with NIH in the USA, began to realize that the results of publicly funded research should be available to the public. They have also woken up to the fact that paying around \$3000 per article directly to the shareholders of commercial publishers is not a very good use of public money! Most researchers are, quite naturally, more concerned about their research (and careers) than accessibility or cost. But if the funding agencies require that their research results be publicly available (either in Open Access journals or in repositories like PubMedCentral), they will comply. Publishers will have to adapt their business models.

The primary result of this revolution is that all published research results will be freely accessible, which is an unambiguously good thing for both researchers and the general public. The question now concerns the new business model for academic publishing.

Two models for providing open access currently co-exist. "Gold" Open Access means that the paper is freely accessible in the journal itself as soon as it is published. In hybrid journals Open Access and non-Open Access papers appear side by side and the publisher continues to charge (unreduced) subscription fees. In fully Open Access journals all papers are freely accessible and authors retain their copyright. "Green" open access means that the paper, after final review, is placed in a freely accessible online repository (usually after an embargo of six months to two years). Strangely, Elsevier forbids deposition of final versions of papers that appear in its journals if such deposition is mandated by the funding agency or university.

Confusingly, there is no connection between the type of journal and its business model. About 75% of non-Open Access journals charge authors fees of some sort (in addition to subscription fees to libraries), while about 65% of Open Access journals charge no fees at all (costs are covered by learned societies, scholarly communities, universities or funding agencies). It is important to remember that the choice of business model is separate from the question of whether or not a journal is Open Access.

Open Access is a hugely positive change that presents both challenges and opportunities. The challenge to the academic community is to ensure that the new system is sustainable and that quality is maintained and improved. The breakdown of the old system also provides an opportunity to develop new more effective modes of academic communication that take full advantage of the new media. It also means that we can rid ourselves of the

more pernicious practices of some commercial publishers: the promotion of journal "impact factors", coercive citation (where authors are required to cite papers from the journal to raise its impact factor), and the proliferation of new low-quality journals (both paywalled and Open Access) whose only goal is to make money for the publishers.

Academic publishing should become a service, not a product. We should choose which services are essential (e.g. archiving, editing and peer review), and who should provide them. A freer market in open access journals is already driving down costs (peerJ charges just \$99 for one peer-reviewed publication per year).

Here at McMaster, we should recognize the importance of free dissemination of research results by signing the "Berlin Declaration on Open Access". We should also reform our hiring, tenure and promotion processes to ensure that we evaluate the impact and research quality of papers themselves, rather than relying on flawed proxy measures like journal impact factors. And we must be sure not to penalize younger colleagues for not publishing in pay-walled journals like Nature and Science. Counting publications (weighted by impact factors) is a lazy and ineffective way of measuring the impact and quality of research and we should not accept it.

Finally, many of us recognize that the peer review system itself is breaking under the avalanche of papers now being produced. Peer review no longer necessarily weeds out bad research, and it often fails to recognize good innovative or interdisciplinary research. Perversely, the worst papers often consume the most peer reviewing resources as they move down the hierarchy of journals, getting rejected repeatedly before inevitably finding a home. We should be exploring new ways to raise the effectiveness of research communication and ensure that our time is used most efficiently.

Please encourage your colleagues to publish in ways that help, rather than harm, the research community and the general public who fund our research.

*Nicholas Kevlahan*

# Call for Nominations

## The MUFA Faculty/Librarian Awards for Outstanding Service

### PURPOSE

The purpose of these awards is to provide an annual recognition for faculty and professional librarians who have made an outstanding contribution to the University through the provision of exceptional service to faculty, librarians, staff, students or alumni.

### THE AWARDS

Each year there will be a maximum of three awards in the amount of \$1,500.

### ELIGIBILITY

The awards are open to all members of the McMaster University Faculty Association (MUFA).

### PROCEDURES

1. The MUFA Executive has appointed a chair and committee drawn from amongst the categories of faculty, professional librarians, staff, students, and alumni. The Secretariat to the committee is the MUFA Executive Director.
2. The period of the award is a calendar year.
3. Nominations
  - a. Nominations must be e-mailed (mufa@mcmaster.ca) or mailed to MUFA (Hamilton Hall 103A) no later than **February 24<sup>th</sup>, 2014**
  - b. The nominator must attach a supporting narrative of not more than 750 words.
  - c. Each nomination must be supported by a minimum of 2, and not more than 4 reference letters. These reference letters must be e-mailed or mailed, either through the nominator or independently. Reference letters should not exceed 500 words.
  - d. Position and contact information for the nominator and all references must be clearly indicated.
4. The Committee will review the nominations. Among the factors considered by the Committee will be:
  - enhancement of the reputation of McMaster University
  - provision of excellent service
  - demonstrated innovation
  - breadth and depth of impact
  - strength of support in nominations
5. The faculty/librarians selected to receive the awards will be invited to attend a special reception following the Annual General Meeting in the spring and will be presented with their awards at that time. Pictures of the individual recipients and a brief summary of the rationale for their award will be published in the *MUFA Newsletter* and on the MUFA Web page.
6. Each faculty/librarian who is nominated for an award will receive a letter of commendation from the MUFA President.

## 2014/2015 Executive

If you are interested in serving on the Faculty Association Executive or know of someone who would make an excellent candidate, please complete the form below and mail to the Nominating Committee, Faculty Association, Hamilton Hall 103A. If you prefer, give us a call (ext. 24682/20297) or drop us an e-mail note (mufa@mcmaster.ca).

**DEADLINE — FEBRUARY 14, 2014**

CANDIDATE \_\_\_\_\_

FACULTY \_\_\_\_\_

RANK \_\_\_\_\_

PORTFOLIO PREFERENCE \_\_\_\_\_  
(E.G., academic affairs, grievances, human rights, library, membership, OCUFA, pension, public relations, remuneration, tenure)

DEPARTMENT \_\_\_\_\_ CAMPUS ADDRESS \_\_\_\_\_

EXTENSION \_\_\_\_\_ E-MAIL \_\_\_\_\_



A voluntary organization such as MUFA can succeed in serving the interests of its membership only to the extent that the members participate in formulating and executing policy. At any given time, approximately two dozen individuals carry the burden for all of the members and after a few years most of them are exhausted by the tasks which they have voluntarily borne. Their valuable experience and wisdom is then lost to us. The best way to lessen this attrition of talent is for more of the membership to give some time and effort to the Association. If you are not interested in putting your name forward for the Executive Committee, please use the form below to let us know if you would like to participate in MUFA's efforts by serving on one of the following committees.

✂

Yes, I am interested in working more closely with the Faculty Association. My interests are:

- |                  |                          |                  |                          |                    |                          |
|------------------|--------------------------|------------------|--------------------------|--------------------|--------------------------|
| MUFA Council     | <input type="checkbox"/> | Membership       | <input type="checkbox"/> | Grievances         | <input type="checkbox"/> |
| Academic Affairs | <input type="checkbox"/> | Pension          | <input type="checkbox"/> | Tenure             | <input type="checkbox"/> |
| Human Rights     | <input type="checkbox"/> | Public Relations | <input type="checkbox"/> | Ad Hoc Committees  | <input type="checkbox"/> |
| Library          | <input type="checkbox"/> | Remunerations    | <input type="checkbox"/> | Special Assignment | <input type="checkbox"/> |

Are there other areas where the Faculty Association might be useful to its members? \_\_\_\_\_

NAME \_\_\_\_\_ EXTENSION \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ E-MAIL \_\_\_\_\_

**Return form to McMaster University Faculty Association, HH 103**





## Know your Policies!

McMaster University governance is outlined by the McMaster University Act, an Act of the Ontario Parliament, last updated in 1976. McMaster University has a mature governance structure, with significant faculty participation. As an employer McMaster also has a duty to comply with workplace laws and regulations. While many of these are managed in the background, others are implemented through internal administrative policies. The University has an obligation to inform and educate its employees about the relevant workplace regulations and we as employees have a corresponding duty to stay informed about them. Many of these policies help to define the unique working environment and culture at McMaster

Periodically, MUFA will provide the link to an existing University policy in our Newsletter so that our members can review it. One of the basic University policies that specifically relates to faculty is the [Code of Conduct for Faculty](#). The MUFA Executive reminds all faculty members of their responsibility to conduct themselves in a professional and ethical manner towards colleagues, students, staff, and other members of the University community as indicated in the Code of Conduct for Faculty. Furthermore, it supports Department-wide, Faculty-wide and University-wide educational initiatives to inform the McMaster community of all applicable University policies and government-mandated workplace rules and regulations.

The MUFA Executive and staff are available to provide assistance should questions arise about this Policy and other University policies and their implementation.

<http://www.mcmaster.ca/mufa/handbook/CodeConductFaculty.pdf>



## Housing for Rent:

Newly renovated and completely furnished 3 bedroom bungalow with car garage available for rent in prime Ancaster location on a large mature lot with easy

access to HWY 403, schools and all amenities. This home features 2 full bathrooms, a large spacious living room with gas fireplace, large rec room and modern kitchen with new appliances. The laundry room includes new energy efficient washer and dryer. This home will be available for rent effective February 1, 2014. **For more information please contact Oreste at 905-745-3248.**

### Passages

**Stephen Threlkeld**

Biology

January 10, 2014

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**Celebration of His Life to be held at the University Club (Great Hall) on Friday, January 17<sup>th</sup> 3:30 p.m.**