



UNIVERSITY COMMITTEE ON LIBRARIES AND SCHOLARLY COMMUNICATION (UCOLASC)

Minutes of Meeting

25 October, 2024

In attendance: Mark Hanna (Chair), Kathrin Plath (Vice Chair), Mark Haiman (Berkeley), Naoki Sato (Davis), Zili Liu (Los Angeles), Jessica Blos (Merced), Curt Burgess (Riverside), Thomas Liu (San Diego), Julia Challinor (San Francisco), Karen Myers (alternate, Santa Barbara), Jeffrey Erbig (Santa Cruz), Jenson Wong (Chair, UCACC), Günter Waibel (Associate Vice Provost & Executive Director, California Digital Library), Sarah Houghton (Director, Discovery and Delivery Program, CDL), Katie Fortney (Copyright Policy & Education Officer, CDL), Steven Cheung (Chair, Academic Council), Ahmet Palazoglu (Vice Chair, Academic Council), Jennifer Nelson (President, LAUC), Danielle Watters-Westbrook (Director, of Systemwide Library Planning, CDL), Catherine Mitchell (Director, Publishing, Archives and Digitization, CDL), Lorelei Tanji (CoUL Chair), Agnes Balla (Director, Research Policy Analysis and Coordination), Rachael Samberg (Director, Scholarly Communication and Information Policy, UC Berkeley), Erik Mitchell (UC San Diego), Miranda Bennet (Director of Shared Collections, CDL), Mat Willmott (Assistant Director for OA Agreements, Shared Collections)

I. Chair's Welcome and Introductions/Consent Calendar

Approve the 25 October Agenda

Members introduced themselves. Chair Hanna noted priorities for UCOLASC, noting that the faculty of the UC produce a significant amount of scholarly publishing worldwide. Negotiations with publishers, complying with Federal mandates for data management, close cooperation with the California Digital Library, and a twofold charge – provide stakeholders with faculty perspective on presented topics and raise confusions faculty may have, and representing the committee's perspective to other committees. Consultants to the committee are often worldwide experts in their fields.

Action: The committee approved the agenda

II. CDL Update

The close relationship that UC Libraries have with the wider faculty through this committee to the Senate helps the CDL and the UC Libraries work well together and extend that cooperation out through external collaborations. A systemwide negotiating team concluded successful negotiations with the vendor, ExLibris, maker of the product that serves both as front-end user interface to UC Libraries' content as well as the back end to processes managed by librarians. Another

successful negotiation with Research Solutions led to upgrading from Reprints Desk to Article Galaxy Scholar which will help libraries get access to journal articles without going through interlibrary loans.

Title II of the Americans with Disabilities Act requires that all web content and mobile applications be fully accessible. The timeline to comply is quite short, April 2026. CDL will support this effort while maintaining ongoing work.

An academic anti-trust class-action lawsuit against the six largest academic publishers has been filed by a UC professor, but it is not a UC lawsuit. The lawsuit alleges an anti-competitive atmosphere by asking unpaid researchers to perform unpaid peer-review, requiring that researchers submit to only one publication, and asking researchers to not share their research until published. Class-action lawsuits proceed slowly, and UCOLASC will monitor and consult with UC Legal as appropriate.

III. Pathways to OA

AVP Waibel noted that UCOLASC and the Senate have supported Open Access (OA) beginning with the 2013 Academic Senate Open Access Policy, a 2019 Senate endorsement of the UCOLASC Declaration of Rights and Principles to Transform Scholarly Communication, a 2019 Academic Council Statement on the University's Negotiations with Elsevier Publishing, a 2023 endorsement by the Academic Council of UCOLASC's Statement on Retention of Author Rights in License to Publish Agreements, and most recently, a 2024 Academic Council statement on fair use, text and data mining and AI usage. All have been impactful and are greatly appreciated.

The UC's pursuit of OA has been nimble and pragmatic, with a "pathways" framing indicating multiple avenues to pursue greater access to scholarly work. Three pathways were presented to the committee:

- Repository-based OA in which an author deposits an article in a depository open to all, or Green OA. All UC authors have a mandate and a legal right to deposit their articles in CDL's eScholarship through UC's open access policies. This is parallel to the federal policy, which also has a green OA deposit requirement.
- Library-based OA with articles published OA in CDL's eScholarship, or Diamond OA.
- Publisher-based OA, in which the version of record is available freely and publicly on the publisher's site, which usually requires a charge to do so. This is Gold OA.

UC's Office of Scholarly Communication (OSC) has created a new visual tool for UC authors to navigate pathways to publication on their campuses. UCOLASC members were asked to brief local committees on this new tool. The tool is available through the OSC blog page.

- Members asked about CDL's progress in disambiguating common names. – CDL frequently advises faculty on this known issue, and recommends utilizing the unique identifiers ORCID to remediate.
- Members commented that coordination between eScholarship and other repositories such as arXiv would prevent any friction from authors having to deposit twice. The eScholarship team already coordinates with PubMed Central, one of the largest federal repositories for UC content.

IV. Leadership Update

Academic Council Chair Cheung updated UCOLASC on a wide variety of happenings and impactful events:

September Regents Retreat: UC Health now accounts for over half of the UC budget, at \$27m and there is great interest in bringing UC-quality healthcare across the State. The head of UC Health and the Chair of the Regents are working toward this.

Regents Meeting: Chair Cheung delivered a report on UC Quality to the Board. Principles include one degree, one faculty, one set of admissions criteria which allows students to move from one modality to another, and a commitment to support students with technological needs, and a commitment to support students with access to student supports. Successor task forces must grapple with implementation and any suggestions would go out for systemwide review.

Academic Council: Board of Regents Chair Reily visited Academic Council. She is interested in increasing undergraduate access to the UC and increasing UC visibility through highlighting various members of the community at Regents meetings. The faculty advised Regent Reily that faculty growth has declined, and students do not feel connected to faculty. In addition, she was informed that graduate student support from the state has declined. The intersection between undergraduate and graduate education was noted.

The Mortgage Origination Program (MOP) has not been canceled but suspended because funds have been depleted. Typical uptake was about 30 percent, recently it has been up to 80 percent. Changes in the loan market has made selling the loans more difficult. Council met with administrators in charge of the program. Allocation methodology is based on historical demand, and Chancellors have been asked to increase their funding of campus-based loans. Some optimism that additional funding will be available in January.

Searches for a new President and various Chancellors are in progress.

Division of the Office of Academic Programs: The planned reorganization of the Academic Personnel and Programs Office will place the Associate Vice Provost over labor relations and the Academic Personnel Manual (APM), with the Vice Provost over Academic Programs. While the Senate has confidence in the current AVP, and the position reports directly to the Provost, it is concerned that this will be a staff position rather than staffed by a faculty member.

A planned calendar conversion to semesters for all nine undergraduate campuses has been changed based on Council feedback. Vice Chair Palazgolu will head the committee. Issues include days of instruction, pros and cons of the status quo, and evaluation of the investments required to transition to a semester calendar, and keeping research needs of faculty and student benefits in mind. Each campus would create its own committee should this go forward, and it will not be rapidly concluded.

Another workgroup is one considering changes to APM 015 and 016, faculty code of conduct and faculty opposition to revisions suggested to 016. The current mandatory pause in advancement proceedings before adjudication seems to suggest a presumption of guilt.

A work group on Artificial Intelligence will be chaired by immediate past Academic Council Chair Jim Steintrager and will address many ways AI impacts the University.

Other issues: The Academic Council Special Committee on Transfer Issues (ACSCOTI) in response to legislative requirements to increase access for students completing an Associate Degree for Transfer has created additional pathways.

Librarians have reached a contract with the UC that will last through 2028. The survey of the faculty has had good response so far, and findings will be disseminated. Chair Cheung intends to marry data from this survey with the Total Remuneration Study planned.

- Expansion of online course system will impact UCOLASC. Expansion of this infrastructure would be required and funded. The task force is for fully-online degree programs, and the strong recommendation is to begin with pilots so that outcomes can be studied and refinements introduced. UCOLASC's previous letter was included in the modalities report.
- Concerns about AI and author rights.

V. Diamond OA

Diamond OA is a model in which neither authors nor readers are charged for access. Diamond OA publications are community-driven, academic-led and academic-owned publishing initiatives, removed from the commercial marketplace. It's one of UC's pathways to OA, and is part of the eScholarship arm of the CDL. This pathway is a publishing program for the UC academic community with the library functioning as the publisher itself.

Most journals in Latin America (95 percent) and Eastern Europe (78 percent) are listed as Diamond Access. In Eastern Europe, 81 percent of OA journals are Diamond OA. The US and Western Europe primarily focus on APC-model journals. Humanities and social science journals make up about 60 percent of journals registered in the Directory of Open Access Journals (DoAJ).

UNESCO has recommended open access to scientific information and in 2023 was involved in the Global Summit for Diamond Access held in Toluca, Mexico. Representatives from CDL and the UC attended and worked with colleagues from the North American Consortia to advance Diamond OA. After the Summit, and to that end the consortia recently released a statement of joint commitment to strengthening Diamond OA in the US. With the Big Ten Academic Alliance libraries and Lyrisis. This year the global Open Access summit is being held in Cape Town, South Africa.

The UC has been working to provide Diamond OA for 20 years, with the establishment of an institution-based journal publishing model. Now nearly 100 UC-affiliated Diamond Access journals exist, across a range of academic disciplines. Some have been "flipped;" journals leaving the fold of a commercial publisher. Success means that demand has outstripped the UC's capacity, and it has slowed acquisition of journals over the past few years. The program can focus on equity and UC values as it does not have to reach a profit level as commercial journals do. As a result, the UC can allow access to and dissemination to disciplines underserved by the wider publishing community.

Organizations can offer a variety of funding models to help these journals which are often primarily the result of unremunerated faculty labor. Community funding, consortium funding, and subscriber funding are three available models.

VI. CoUL Update

CoUL meets annually to create a strategic plan and priorities list to focus and target efforts. They will be posted and the link shared. Since the meeting, the plan has been posted:

https://libraries.universityofcalifornia.edu/wp-content/uploads/2024/10/FY24-25_AnnualPlansAndPriorities_V4_Final.pdf

The Regional Library Facilities (RLFs) are high density storage facilities that hold important materials and can retrieve them quickly. Original management was OP, but their administration was transferred to Berkeley and UCLA, and both are less able to bear the costs. CoUL brought the situation to the Provost, resulting in two task force groups. The first phase established the operational budget for both facilities. The second reviewed the business models and made recommendations. These were approved by the Provost and the President approved funding. Currently, the focus is on developing a single systemwide budget and recruiting a systemwide library facilities director.

CoUL met with Rolin Moe, executive director of UC Online, and discussed how to better coordinate access for resources for online students. Some resources are licensed only by campus, not systemwide. UC Online and CoUL are trying to create a seamless and equitable experience for all students.

There is a project to advance open monograph opportunities at UC. 2-Track approach:

- Track A: Earmark funds for open monograph investments in FY 24/25;
- Track B: A project team will be charged soon to do a landscape analysis and recommend strategies for expanding and pursuing new open monograph publishing opportunities for UC in FY 2025/26 and moving forward

Project LEND webinar upcoming on November 1st will share the results of the research study to investigate the potential for expanding legal use of digitized books held by academic and research libraries. The research team will also share results from the focus groups and interviews on how faculty, graduate students, undergraduates, and others would ideally like to use digital books to advance their research.

VII. Division Concerns for UCOLASC Consideration

Berkeley is still looking at ongoing funding diminishment. It's easier to cut common goods rather than departments with capital to push back. Can we talk about collective library push for funding.

Davis is continuing discussions on best use of library spaces. Less need for physical resources so it makes room for other library-related activities. Davis uses some for data science activity. In addition, safety for staff and patrons because of the open library is an ongoing concern. Best ways to balance.

Los Angeles has received unrestricted funds and is focusing on buying back monographs and transforming them to eScholarship. Launched two days ago. Trying to decide metrics for evaluation.

Merced library budget is of great concern and will likely have trouble as some bridge funds are sunseting. Meeting with CAPRA to update the rest of the Senate committees. Also library's role as space for expressive activities on campus and dealing with that.

Riverside's leaking library roof has damaged many journals and books as well as rendering one floor in need of extensive remediation. Costs of remediation exceed tearing down the old one and rebuilding.

Would like constructive ideas about dealing with administration as no one appears to have responsibility.

San Diego is discussing overall strategies regarding library responsibility for data storage and interacting with other entities.

San Francisco investigating scientific communication support, especially for peer reviewed journal writing and grants. Proposal for a business model existing. Safety – library is installing gates to create portions of the library that will require badging through while leaving some spaces open to the wider community. Expressive activities take place in front of the library. A task force to study metadata and standardization for research would streamline some research activities. A task force has been proposed.

Santa Cruz. Discussion of OER Open Educational Resources, and where funding support is located. Does faculty have funding for that?

VIII. AI Licensing Overview

Rachael Samberg gave UCOLASC the background on negotiating for AI usage and training rights in content license agreements signed with publishers. The UC invests more than \$60M each year in licensing system-wide electronic content used by UC scholars, plus additional spending by campuses. This spending ensures access to a wide range of electronic, scholarly resources, including electronic books, scientific journals, databases, multimedia resources, data sets, and more.

Modern research, using the materials the UC has procured includes computational research relying on AI. Some text and data mining projects can be undertaken without reliance on the use or training of AI tools, but UC researchers have been utilizing both non-generative AI and generative AI tools as part of computational research for years.

The law inherently allows this because even though computational research requires reproduction and display of typically copyright-protected works (acts that otherwise are the exclusive rights of copyright owners), courts have found that undertaking these acts for computational research is considered fair use. It's important to protect fair uses like computational research because if scholars couldn't rely on fair use, they would need to get a license for every single item they use (thousands or hundreds of thousands), or rely only on scholars "safe" works like public domain materials.

Although computational research is fair use, the United States allows contractual override of rights under copyright law. So publishers try to take away text and data mining and other fair use rights—including the right to use and train AI for computational research—through the license agreements they ask libraries to sign.

When negotiating to preserve AI usage and training rights, the UC addresses the full spectrum of AI research needs and tools: homegrown non-generative; homegrown generative; 3rd party, non-generative, and; 3rd party generative AI tools. Elsevier was held up as an example of a positive negotiation outcome. The Elsevier agreement allows use and training for all kinds of tools; however, 3rd party generative AI tools may be trained only with additional precautions. The negotiating team also ensures that any creative commons licenses applied to articles are not overridden by more restrictive AI usage/training terms in the e-resource agreement. It has been particularly effective to

negotiate with publishers by demonstrating that agreements with European research institutions need to preserve AI usage and training rights for scientific research, pursuant to the EU's Copyright Digital Single Market Directive and AI Act. The UC is leading the nation in this kind of negotiating and the statement supporting AI use in research from UCOLASC last year, along with strong support from President Drake, further empower the negotiating team.

IX. Transformative Agreements/PTWG Update

The Project Transform Working Group representatives gave an overview and introductions of the work - Project Transform is charged by the Council of University Librarians with advancing UC's open access strategy. The team analyzes trends in scholarly communication and acts to incorporate them into UC's strategy. These transformations include to include issues such as funder requirements for data and publication sharing and institution requirements for accessible publications.

The presentation highlighted the UCOLASC Rights and Principles statement of 2019, along with other key activities that provides direction for Project Transform negotiations.

PTWG's work also supports sustainability in publishing. The foundational study completed in 2019, showed that UC was paying approximately \$50M to publishers, roughly \$40M for reading and about \$10M for article processing charges to achieve about 15 percent OA. Unless that model changed, the UC would have to double funding. The money already committed was sufficient to maintain an OA model – a model that does not increase publisher's costs. The team realized that leveraging the funds that libraries spend in subscription, as well as the funds that authors contribute through research funding to publish under open access licenses, they could build out a single transformative agreement that caps or reduces UCs overall spend and increases the amount of publishing available to UC authors.

Currently the university has 16 transformative agreements with a wide range of publishers. Now 53 percent of UC output is OA, and most large publishers have transformed. Planned agreements would bring the covered percentage close to 70. Authors are choosing to publish OA (when they have a choice) 57 percent of the time. In full OA journals, authors contribute grant funds 58 percent of the time, and 31 percent do so in hybrid journals.

The team actively tries to understand why authors opt-out and is working to address concerns that lead them to do so. Misunderstanding cost structures, publications with much higher costs than library reimbursement, grant funds needed for other purposes, all might play roles.

The team tries to consciously address financial and non-financial issues in negotiations. Efforts to align agreements with UC values, around ideas like author rights, diversity, equity and inclusion, and support for federal funder mandates are all important non-financial negotiation topics.

CDL and Project Transform are also launching an open access coverage tool known as the Journal Lookup Tool (JOLT). This tool will help authors see their eligibility, beyond system-wide coverage is a goal. Librarians can use JOLT – a tool to enter journal titles and find if they're covered by an OA agreement.

X. Federal Policy Update

Agnes Balla, Director, Research Policy Analysis and Coordination, UCOP, gave UCOLASC an overview of the federal government's open access policies and requirements. These policies are to ensure that publications and underlying data funded by the federal government are freely and immediately available to the public. In August 2022, the Office of Science and Technology Policy (OSTP) published new policy guidance, "[Ensuring Free, Immediate, and Equitable Access to Federally Funded Research](#)" as an update to the 2013 "[Expanding Public Access to the Results of Federally Funded Research](#)" memorandum. The new guidance provides a number of updates, including eliminating the 12-month embargo period to accessing scholarly publication funded by the federal government. The 2022 OSTP memo also requires that such publications be deposited into agency-designated repositories.

- The National Institute of Health (NIH) requires that manuscripts they fund, either in part or whole, must be made immediately available in PubMed Central. Publications costs can be accounted for in budget proposals, and the NIH has guidance for what is allowable and not allowable in project budgets.
- The National Science Foundation (NSF) requires that peer reviewed scholarly publications funded by the NSF be deposited into the NSF Public Access Repository. Like the NIH, they provide guidance on what reasonable data curation and publication costs can be included in project budgets.
- The Department of Energy's (DOE) policy applies to scholarly publications resulting from DOE funds, whether that's funded in part or in whole and it includes scholarly publications produced by DOE, federal employees, contractors, and financial assistance recipients. Peer reviewed manuscripts, including conference proceedings, have to be deposited into the DOE Public Access Gateway for Energy and Science.
- The Department of Defense (DOD) has not updated its plans since 2015, and is not therefore in compliance with the 2022 Open Access memo. Their current requirements are that fundamental research producing peer-reviewed manuscripts be uploaded into the Defense Technical Information Center.
- The National Aeronautics and Space Administration (NASA) requires that final publications authored by those receiving NASA funds be submitted to the NASA Pub Space. NASA allows for reasonable costs to be included in project budget proposals.
- The US Department of Agriculture (USDA) applies its plan to all unclassified scientific research supported in part or whole with their funding. Scholarly publications are to be uploaded into PubAg.

Federal requirements have a large impact on the UC ; 53 percent of funding for UC research is federal, and UC produces approximately ten percent of all research articles in the UC. These requirements will be felt across the UC.

The committee adjourned at 3:58.

Minutes prepared by Stefani Leto, Committee Analyst
Attest: Mark Hanna, UCOLASC Chair