UNIVERSITY OF CALIFORNIA Academic Senate

UNIVERSITY COMMITTEE ON LIBRARIES AND SCHOLARLY COMMUNICATIONS

Minutes of Meeting
21 February 2025

In attendance: Mark Hanna (Chair), Kathrin Plath (Vice Chair), Mark Haiman (Berkeley), Michael Dylan Foster (alternate, Davis), (Irvine), Zili Liu (Los Angeles), Sholeh Quinn (alternate, Merced), Curt Burgess (Riverside), Thomas Liu (San Diego), Julia Challinor (San Francisco), Thomas Weimbs (Santa Barbara), Jeffrey Erbig (Santa Cruz), Jenson Wong (ex-officio, UCACC, UCSF) Günter Waibel (Associate Vice Provost and Executive Director, CDL), Danielle Watters Westbrook (Director of Systemwide Library Planning, CDL), Catherine Mitchell (Director, Publishing, Archives and Digitization, CDL), Erich van Rijn (UC Press), Jennifer Nelson (President, LAUC), Lorelei Tanji (CoUL Chair), Erik Mitchell (UC San Diego), Alan Grosenheider (UC Santa Barbara), Miranda Bennet (Director of Shared Collections, CDL), Mathew Willmott (Assistant Director for OA Agreements, CDL), Rich Schneider (UC San Francisco), Ahmet Palazgolu (Vice Chair, Academic Council), Sandra Oseguera, (Graduate Student Representative, Berkeley), Tiffany Hines (Undergraduate Student Representative, Davis), Mark Haiman (Berkeley) Bill Garrity (CoUL, Davis), Athena Jackson (CoUL,UCLA), Steven Mandeville-Gamble (Riverside), Lydia Uziel (UC Santa Barbara), Elizabeth Cowell (CoUL, Santa Cruz), Chris Shaffer(San Francisco) , Stefani Leto (Analyst)

I. Consent Calendar

Action: UCOLASC approved the minutes and agenda

II. Chair's Announcements

Chair Hanna reminded members that they serve as the conduit for committee information to their divisions and that UCOLASC has advisory responsibility for the SMEs making decisions on publishing and library issues. UCOLASC can elevate faculty perspectives for these people. The Academic Senate's power comes from its representation of thousands of UC faculty members and their enormous publishing output. He noted previous incidents where the Senate, via UCOLASC, has had far-reaching impacts on publishing.

III. CDL Update

AVP Waibel presented on UCOP's budget process and the outlook for CDL's budget, including an outright budget cut as well as further budget pressures from potentially unfunded items: mandatory cost increases in contracts as well as from permanent staff salaries returning to the core budget after having been grant funded.

AVP Waibel is serving on the search committee for the new Vice Provost for Faculty Affairs and Academic Programs, and the goal is for the new VP to be in office by July. This position is the direct reporting line for the CDL.

AVP Waibel and other UC representatives attended the Berlin Open Access Conference focused on publisher negotiations to advance open access publishing. The UC produces a large percentage of academic publishing in the US, and its influence in negotiations with publishers reflects this. The consensus among attendees the 150 representatives from 40 countries was that all pathways to open access make valuable contributions to opening up research, that publishers need to lower prices especially for less-resourced countries, that transparency in data reporting to track progress on the transformation to open access is critical, and that text and data mining and AI are foundational to academic research methodologies. These sentiments will likely be reflected in an outcome statement from the conference.

IV. UC Publishing Services Joint Initiative

UCPUBS is a joint effort between UC Press and CDL to establish a coordinated suite of publishing services leveraging the strengths of both organizations to serve the publishing needs of the University of California community. eScholarship has served the UC for 20 years, and UC Press has focused on publishing works by faculty. UC Publishing Services is a joint venture to combine the OA journal publishing and book publishing expertise and create synergies between them.

UCPUBS will offer pre-press services as well as leveraging distribution and fulfillment infrastructure. The publishing side works with eScholarship's repository services. This is not a self-publishing service; institutional backing for projects is expected. UC Press and eScholarship can offer mutual referrals for authors publishing different kinds of materials, who might not have been able to work with only one side.

Committee members were invited to reach out to UCPUBS with proposed projects.

V. Senate Leadership Update

Vice Chair Palazgolu provided updates on the January Regents meeting as well as other systemwide concerns:

- The Senate and Academic Affairs made a presentation to the Regents about faculty disciplinary procedures, with which at least two Regents are quite unhappy, claiming that the process is too lengthy and biased. An existing joint Senate-Administration work group on APM 015 and 016 has pivoted to address the Regents' concerns. The workgroup plans to suggest three actions: addressing some disciplinary actions at the systemwide level, shortening the length of the investigative phase of misconduct cases, and creating a case monitoring system to gather data on delays and their sources to provide continuous improvement. Recommendations are due in May for potential Regental action in July. This postpones any revisions to the APM.

- The upcoming cuts to the UC core budget in the governor's proposal are still subject to revision and action from the legislature. The legislature recognizes the fiscal impact of the federal directives on the UC. The situation continues to be fluid.
- The chaos imposed by the White House has already had impacts on the UC and will continue to do so. FGR is working to monitor and influence the situation, and is working with other institutions, especially in Republican-led states. While federal actions are likely to continue to change, planning for the worst-case scenario is underway.
- A Special Assembly meeting in February considered the President's Information Security Plan, the variance between faculty and staff salary adjustment dates, and the increase in healthcare premiums. Communication needs to improve from IT to the faculty regarding security requirements. The October 1 start date for rate adjustments does not appear to financially disadvantage the faculty. based on a range of studies. However, a member raised a motion to compel faculty in administrative positions to have their adjustments made October 1. HR discussed the health care premium process and cost increases and will continue to address it with Faculty Welfare. Off-agenda, concerns about the workgroup effort to study conversion to a common calendar was discussed by assembly. Faculty assume it is a fait accompli, but the workgroup has not yet issued a report, which will be a deep dive into the idea including budget impacts and will not make recommendations.
- The UC Davis confidence vote did not include President Drake, and UCRJ ruled that the president is a voting member of the Davis Assembly. The ballot will be repeated.
- The MOP loan program received additional funding to address last year's shortfall.
- Two Memorials from UCSF, to extend Senate membership to Health Science adjuncts, and faculty with more than 50 percent time positions are awaiting the votes from divisions. If there should be two other divisions that vote in favor of the memorials and the cumulative faculty of those three divisions account for more than 35 percent of the membership of the Academic Senate vote to approve, this will go to a wider vote.
- Searches for the president and two chancellors are ongoing.
- A successor task force to examine implementation following a Presidential task force on instructional modalities is developing a charge and timeline. The successor task force will focus on assessment of both online and in-person courses to create a more uniform way of assessing student success and student assessment.

VI. Open Access and AI

AVP Waibel recapped previous conversations UCOLASC has, and noted that computational methodologies, such as text and data mining, as well as all the various flavors of AI, are essential tools for a growing number of scholars to accomplish their research.

These methodologies are most likely fair use under US copyright law, particularly in an academic setting. Because publishers have attempted to use contracts to restrict researcher use of computational methodologies through new clauses in library contracts. The UC President and Provost have issued a statement affirming that the administration agrees with a letter from Academic Council asking UC's negotiation team to defend research rights. Armed with these statements, the negotiating teams have reached agreement with UC's largest publishers, Elsevier and Springer, and now have contract terms that functionally enshrine that UC authors have the equivalent rights to fair use rights under these contracts. Negotiations with other publishers on this matter continue.

While legal, the sale of bodies of scholarly content, primarily monographs, to companies for AI training without author permission has been perceived as a violation of a perceived norm between publishers and authors. The ability for publishers to strike those contracts is another undesirable by-product of the current scholarly communication system driven by subscriptions and the sale of content.

Publishers can restrict scholars' access to the corpus of research for computational research through contracts with libraries that include restrictive AI clauses, through onerous permission granting (and withholding) practices, and through paywalling scholarly content. Scholars cannot use, for computational or other research purposes, content that they cannot access. Fully open access publishing models remove these restrictions.

In addition, making the scholarly corpus widely and openly available means that tools to aid in the computational analysis of the scholarly record can then no longer be differentiated based on their use of exclusive content. Rather than well-heeled tech companies marketing specific AI tools to scholars, the academy can build its own infrastructure for computational analysis. The academy should not have to pay downstream yet again for the content produced by its authors.

UC and UCOLASC have asked that we decisively leave behind the paywalled approach to scholarly publishing. Scholars, not publishers, should determine which research methodologies advance their work. Our contractual terms may be our first and most immediate line of defense. However, in the long-term, we can only change the overall dynamic of publishers effectively gatekeeping computational research methodologies by continuing down our path of open access.

It was noted that if the UC loses access to content, such as the removal of information from the Centers for Disease Control website, it would lose the ability to research. The Academic Senate's open access policy gives UC scholars the right and obligation to deposit work in eScholarship, which ensures that the University has a copy of UC research as well to steward for the long term.

VII. Public Access Plans & Publishers

AVP Waibel recapped the 2022 White House memorandum stating that all federally funded research must be publicly available in a designated federal depository by December 2025 for compliance. The UC would have to comply with this directive to secure $4.7B in federally funded research grants. Agencies published different plans for their public access process.

The NIH has provided a legal framework to authors which is like UC's open access policies. The agency reserves a preexisting license to use the work for federal purposes. In addition, grant funds can be used to cover costs such as article processing charges. The UC will continue to help authors without that funding source. For the NIH, depositing an article in PubMed Central is a cost-free way to follow the policy.

Some publishers have taken an approach that appears to conflict with the Federal requirements by requiring an embargo on the repository deposit of an article, despite acknowledging that authors retain the right to immediately deposit. The same publishers will allow authors to immediately deposit if they pay an article development charge (ADC). This leaves authors choosing to violate federal policy and the requirements of their funders, or deposit in opposition to the publisher's policy, or pay an additional charge.

UC's open access agreements protect authors because if we have open access agreements, publisher charges will not be passed on to researchers. The UC libraries and CDL will collaborate with authors to help them navigate the contradictory messages they may be receiving. The situation remains fluid, but the UC's negotiating team is aware of efforts by publishers that are counter to the federal requirements.

- AVP Waibel clarified that a publisher asking for an ADC to permit authors to deposit articles is asking them to pay for a right they already have. However, some publishers are requiring this payment to submit an article.

VIII. Elsevier Negotiation Update: UC Proposal for a Next Generation Open Access Publishing Agreement

Rich Schneider, former chair of UCOLASC, recapped the history of negotiations with Elsevier leading to the current open access agreement where the library pays for articles regardless of their subscription or open access status. When authors publish with Elsevier they can either choose to publish a subscription article that gets locked behind a paywall and requires a copyright transfer to Elsevier, or authors can publish an open access article where authors can make their work freely available to the world and retain rights to their work using the Creative Commons (CC) Licenses. The faculty, through the Academic Senate, have been leading UC to transform the way that our authors publish their work as outlined in the 2018 Declaration of Rights and Principles for Transforming Scholarly Communication, which was devised by UCOLASC (when Professor Schneider was Chair) and unanimously endorsed by eight Senate committees as well as Academic Council, SLASIAC, the Council of University Librarians (CoUL), and the California Digital Library. One of the priorities for UCOLASC was to push publishers to make 100% of our publications open access.

With this goal in mind, UC is now ready to propose to Elsevier a new open access publishing agreement where the default for UC authors will be open access publishing and a CC license.

In the past, some UC authors opted out of open access publishing because they believed that doing so would save the University money. But the business model proposed in the new agreement would not cost the library additional money for 100% open access publishing. Communicating that the library supports open access independent of author choices may increase open access uptake. For a limited number of authors who have concerns about publishing open access and CC licenses due to their disciplines or for reasons related to academic freedom, there will still be a mechanism to "opt-out" of the open access.

Professor Schneider asked UCOLASC to endorse a statement empowering the Project Transform Negotiating Team, of which he and Chair Hanna are members, to take this new approach to Elsevier, but also as a model for use with other publishers in future negotiations.

Action: UCOLASC voted unanimously to adopt the statement, and it will go out under Chair Hanna's signature.

- Discussion covered whether grant monies from authors would continue to be used to help support this publishing approach. In general, across different agreements, the Library has modeled around 20 percent of authors contributing grant money towards open access publishing, which is consistent with data over the past four years, and libraries will cover the full amount for 80 percent of authors who need support.

Joint meeting

IX. UCOLASC and CoUL Chair Items/Updates

Title II of the ADA is coming into force by April 2026, and the demands for accessibility are redounding through the system. CoUL members hold eScholarship as an important part of the UC's efforts. RLIFs serve the entire system. UCOLASC is a key resource for CoUL.

X. eScholarship Advisory Council Pilot

Catherine Mitchell and Alan Grosenheider presented an update on Diamond Open access and the eScholarship Advisory Council Pilot Program. Diamond. Open access represents a paradigm shift in scholarly publishing by prioritizing equitable transmission of knowledge, removing financial barriers by both authors and readers, and fostering an inclusive community-centered approach to scholarly communication by recognizing and rewarding all contributors to the publishing process. Diamond OA supports scholar-led and community-owned initiatives emphasizing the creation and dissemination of knowledge as a public good. This transformative framework aligns directly with the University of California's mission as a public institution, to provide open access to research while advancing inclusive

excellence and sustainability in the publishing ecosystem. Sustainability in open access is about cost control, but also includes robustness of the system, one that can survive changes in the environment, for instance, the vagaries of grant funding globally. This model remains underdeveloped in the United States, however, Diamond open access can complement UC's existing open access strategies centered on commercial vendors and transformative agreements.

At the UC, eSchoalrship is one of the leading Diamond open access publishers in the US. Despite its development, it has lacked a governing structure to guide strategic decisions about where to deploy available resources. These decisions would encompass the role of the library publisher at UC, given both the scholarships limited resources, and the growing interest in this model of publishing and the rapidly shifting environment within academia, what specific kinds of scholarly communication needs or opportunities and which academic fields should the program focus on supporting within the UC academic community. Decision making at eScholarship is a distributed authority model, where journals have editorial independence, local authority makes repository units' content, inclusion and exclusion decisions, and authors decide what to deposit.

The CDL is establishing a Pilot escholarship Advisory Council, which will offer expert guidance in addressing such strategic issues related to the California Digital Library's scholarship program, assisting the program in fulfilling its role as UC's library publisher of ensuring open, equitable, and sustainable access to both scholarly research and scholarly publishing opportunities.

- Discussion included perceived friction between career pressure on faculty to publish in flagship journals and the effort to demonstrate the academic rigor of eScholarship journals. Because the reputation of a journal is often based on its editorial board, and entire journals have left their publishers to move to eScholarship. Journals are vetted before being accepted by eScholarship.
- Promotion and tenure decisions are made by the faculty; they control what journals count as prestigious. Wider acceptance of open scholarship would advance them as valid for these purposes.

XI. Project Transform Updates

Because the largest publishers have entered into open access agreements with the UC, with 21 existing agreements, 58 percent of all UC scholarship is open access eligible, with that amount moving toward 70 percent with upcoming agreements. The pace of change appears to have slowed, but it is a result of the larger scale agreements already in place.

The American Society for Microbiology is an example of a publisher which has a subscribe to open model. The UC commits to paying the same amount as for the subscription model while the content transforms to open access. There are no additional costs to authors under this agreement. The other example is Copernicus, a nonprofit, full open access publisher that publishes on behalf of societies. The team has negotiated a 50 percent discount to publish in their journals, lowering barriers to publication and realizing savings to the UC.

The presenters then provided an update to ongoing negotiations with Elsevier and other publishers. Because publishers' approaches differ, there are tools available on the OSC website so that authors can examine the particulars of each agreement, including a Journal Open Access Lookup Tool (JOLT).

Negotiations with Elsevier have been productive and we continue to make progress. Recent negotiation outcomes exist in a nuanced space regarding publisher agreements, based on the type of publisher, the disciplinary focus, the level of existing investment via subscriptions or OA publishing support, and publishing volume. Successes include negotiations with Springer Nature, Oxford University Press, and Taylor and Francis.

A key issue requiring attention is our terms with publishers regarding AI/TDM use. The proposed language from the American Chemical Society (ACS) which we believe to conflict with the terms in our master license agreement. PTNT continues to study and work on this issue with ACS and other publishers." UCACC may also be asked by the team for support on this topic.

XII. Open Monographs Update

The CDL has been developing pilot projects to support UC-authored open access monographs they will follow the pilot projects with a broader landscape analysis to come up with recommendations for how the UC could and should be supporting open access monograph publishing in a more holistic way, looking beyond solely UC authors. In the new model that combines new and previously published monographs:

- Libraries would commit an up-front fee intended to cover authors.
- The press would promote open access publication options to all UC monograph authors.
- For each UC monograph author who opts for OA, the per-book amount would be paid from an annual fee.
- This is to be a three-year pilot.

This ensures both a consistent revenue stream and consistent costs for libraries. There is already a funding stream in place with the UC Press, and potential partners include other university presses, and the Academic Alliance's Big Open Books.

A future project may focus on opening backlist content as funding allows. Memoranda of understanding are in progress to establish these pilot projects.

Track B of the project builds on the original open access pathways document the current and emerging landscape of open access, monograph publishing, including identifying viable models and opportunities for UC to invest in. The project will analyze UC authors' publishing behavior regarding open access monographs and examine the UC libraries' spending on open access monographs. Publishing models include the book processing charge-based models, university-funded publishing, as well as Diamond open access models. This landscape assessment will lead to recommendations for UC's support of open access monograph publishing. A roadmap aligned with UC system institutional goals that supports open access monograph publishing will be the final step. A summary report will be available after June.

XIII. New Business

The budget cut imposed on CDL is universal across the OP budget, so it may not be changeable. UCOLASC does not yet need to weigh in. Faculty involvement in libraries may appear opaque to administrators. Local COLASCs can support their local libraries and make clear their connection to publications.

The committee adjourned at 3:57.

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