

**UNIVERSITY OF CALIFORNIA ACADEMIC SENATE
UNIVERSITY COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATION (UCOLASC)**

MINUTES OF MEETING

Friday February 16, 2024

In Attendance: Maria DePrano (Chair), Mark Hanna (Vice Chair), Déborah Blocker (Berkeley), Dennis Ventry (Alternate, Davis), Mike Fortun (Irvine), Kathrin Plath (UCLA), Christopher Ojeda (Merced), Curt Burgess (Riverside), Lawrence Armi (San Diego), Jeffrey Gelfand (San Francisco), Jeff Erbig (Santa Cruz), Chris Shaffer (Chair, CoUL) , Danielle Kane (LAUC President), Günter Waibel (AVP and Executive Director, CDL), Danielle Watters Westbrook (Director, Systemwide Library Planning), Erich van Rijn (Director, UC Press), Miranda Bennett (Director of Shared Collections, CDL), Catherine Mitchell (Director of Publishing, Archives, and Digitization, CDL), Rich Schneider (San Francisco), Mathew Willmott (Assistant Director for Open Access Agreements, CDL), Mark Lawrence Clemente (Open Access Publisher Agreements Manager, CDL), Jessica Nusbaum (Director of Communications and Marketing, UC Davis Library), Rachael Samberg (Scholarly Communication Officer, Berkeley), Jeff MacKie-Mason (University Librarian, Berkeley), William Garrity (Interim Head Librarian, Davis), John Renaud (Associate University Librarian for Research Resources, Irvine), Ginny Steele (University Librarian, UCLA), Lorelei Tanji (University Librarian, Irvine), Haipeng Li (University Librarian, Merced), Steven Mandeville-Gamble (University Librarian, Riverside), Erik Mitchell (University Librarian, San Diego), Kristen Antelman (University Librarian, Santa Barbara), Elizabeth Cowell (University Librarian, Santa Cruz), Jim Steintrager (Chair, Academic Council), Stefani Leto (Analyst).

I. Consent Calendar, Chair's Announcements

Action: UCOLASC approved the February 16, 2024 agenda and the October 27, 2023 minutes.

II. UC Press/UCHRI Publishing Symposium Overview

UC Press Director Erich van Rijn gave a brief history of the Press and presented plans to support Open Access (OA) monograph publishing in addition to supporting OA humanities publishing generally. The Press provides OA publication and support for the inclusion of digital multimedia not otherwise possible in traditional humanities monographs through their Luminos program. The UC Humanities Research Institute (UCHRI) plans a workshop on AI in the humanities in May.

- A member asked about the funding model for Luminos – it is a cost sharing model. Authors bring a portion of the cost, a library membership program adds to that, and then the back list sales of the UC Press subsidizes the monographs, as well as print sales.
- Recent National Endowment for the Humanities (NEH) grant programs include money to defray costs of OA, with amounts increasing to \$6000 to allow for after the fact OA publication of monographs resulting from the research the grant supports.

- A question about the role, if any, for UC Press for textbooks or medical books was raised – the question of how the Press can best support STEM authors is exploring this as part of the current strategic plan.

III. CDL Update

Günter Waibel, AVP & Executive Director, CDL and Rich Schneider, former chair of UCOLASC, announced guidance issued by the White House Office of Science and Technology Planning in 2022 asking Federal funding agencies to create public access plans requiring authors to deposit their articles in agency designated repositories. A legal framework for authors to retain their rights to the works must be designed for them to do so. CDL believes it should be simple and straightforward, and the use of the “Federal Purpose License” serves that interest well. The CDL will create a webinar to announce this and inform authors. They requested that UCOLASC ask the Academic Council to endorse and co-organize the event, and for Rich Schneider to serve as faculty liaison for the effort.

- Historical experience suggests that working through funders is a key way to ensure author’s rights

Action: UCOLASC voted unanimously to request that the Academic Senate co-sponsor the event. The committee also voted unanimously to have Rich Schneider serve as faculty liaison for the event.

IV. Project Transform Update Part 1

Miranda Bennett, Director of Shared Collections, CDL and Mat Willmott, Scholarly Publishing Data Analyst, CDL, updated UCOLASC on the status of negotiations with publishers including Wiley, Springer Nature, and Elsevier. For some of its negotiations, including the recently completed Wiley agreement, the UC is working with the Statewide California Electronic Library Consortium (SCELC), providing a range of institution size and balance between read-focus and author-focused institutions working to reach agreements with publishers. The team continues to work towards a long term goal of no subscriptions needed for access to academic research articles, because all the publishers’ content is openly available, supported through open access fees.

In addition to the negotiations about subscriptions and other financial considerations, negotiations are also focusing on non-commercial topics, such as author rights retention, improvements to the author experience, author work, flow, and making sure that that work flow fully informs authors about the options that are available to them, particularly those endorsed by UC Policy, as well as diversity, equity, and inclusion goals.

V. Diamond OA Update

Catherine Mitchell, Director of Publishing, Archives, and Digitization at CDL, updated UCOLASC on the status of Diamond Open Access, a scholarly publication model that charges no fees to readers or authors. Such journals do not need to meet revenue targets or expand market shares; they are community driven, academic led, and academic owned publishing initiatives. International support for and efforts to advance Diamond OA are stronger than the support for this model currently in North America.

Article processing charges (APCs) levied by publishers are a key target for the Diamond OA community. They are seen as presenting significant barriers to publishing for those without grant funding or well-resourced institutional backing.

Current Diamond OA enterprises are often run on the enthusiasm and volunteer work of those engaged, which presents sustainability issues. Cooperatively funded, larger-scale versions can enable “flipping” journals from traditional subscription models to the Diamond OA model. Various more sustainable approaches were detailed for the committee. In the first, an organization coordinates contributions to convert journals to Diamond OA. A longstanding example of this is the sponsoring consortium for open access, publishing, and particle physics, or SCOAP3, which converted all the leading closed access journals in the area of high energy physics to open access some years ago. This group is an international collaboration organized by CERN; countries contribute funding based on the amount of research produced in their country. All authors can publish OA without cost. Another model, OACIP run by Lyris, is a community driven crowdsourcing approach, involving investments in publications by various stakeholders including academic and public libraries, academic departments, institutions, museums, and funding.

The California Digital Library, in partnership with campus libraries, has functioned as UC’s Diamond open access publisher for over 20 years through its eScholarship Publishing program for journals. Over 90 journals publish with eScholarship now, and demand for these services far outstrips resources. These publications often traverse standard disciplinary boundaries, explore novel publishing models, support underrepresented voices within the scholarly record and reach communities and or professionals in applied fields beyond academia. The program is focused largely on journals in the humanities and social sciences. eScholarship is the premier Diamond OA publisher in North America.

VI. COLASC OA Ambassador Work

Jessica Nusbaum, Director of Communications and Marketing, UC Davis Library, and Mark Clemente, Open Access Publisher Agreements Manager, CDL, shared the UC Libraries’ support for authors to help them save money on open access publishing through agreements that the UC system is striking with journal publishers. Most of these agreements are set up so that the libraries pay the first \$1,000 of the open access fee automatically; authors can check a box to request that the libraries pay the full open access fee if the author does not have research funds available for that purpose. However, up to a third of authors have been declining the open access option.

UCOLASC members were asked to set an agenda item for their division COLASCs to share this program, remind their division about the money and support available, and encourage wider dissemination. Campus library staff and/or CDL are available to deliver this presentation to division COLASCs upon request.

- It was noted that working with second authors from other countries could complicate this effort, since only UC-affiliated corresponding authors are covered. The presenters acknowledged the challenge of disparate support among institutions but noted that the high volume of UC research makes it financially unsustainable for the UC libraries to support all UC authors and their co-authors. Ideally, there will eventually be a global coalition of institutions with a shared commitment (and the means) to support their own researchers.

- Faculty would be more likely to publish open access if we had hard data on how it increases citations or visibility.
- Discipline-specific talking points would be useful, as humanities authors experience a different publishing ecosystem than STEM authors. One suggestion was to send discipline-aligned OA “ambassadors” to various groups on campus.
- Identifying a person to whom OA-related questions can be directed can increase faculty uptake.
- Merced’s COLASC has been going to department meetings. Often a faculty ambassador presents to their own department or discipline in partnership with a librarian; this approach has been effective because then the library representative can answer more detailed questions.
- Using language from the White House memo mandating this approach can help when funding agencies push back against the open access publishing line in a grant budget.
- UCOLASC requested a resource on how to budget for open access publishing upfront. This [fact sheet for researchers applying for grants](#) is available systemwide on the UC Office of Scholarly Communication website and on the Sponsored Projects Office and/or Library websites for most campuses, including:
 - [Berkeley](#) ([direct link](#))
 - [Davis](#) ([direct link](#))
 - [Merced](#) ([direct link](#))
 - [Riverside](#) ([direct link](#))
 - [San Diego](#) ([direct link](#))
 - [Santa Barbara](#) ([direct link](#))
 - [UCLA](#) ([direct link](#))
 - [UCSF](#) ([direct link](#))

VII. Joint UCOLASC/CoUL Meeting

Members of the Council of University Librarians (CoUL) joined UCOLASC. Two new open access projects, one pursuing open monographs, and the second an OA publishing fund, are being pursued by CoUL. The open monograph project will be a multiphase project similar to Project Transform, and the committee will be updated on progress. The publishing fund would be a systemwide approach, covering smaller publishers or journals less amenable to transformative agreements.

The ongoing project analyzing the Regional Library Facilities (RLFs) operations funding is now in Phase Two, focusing on analyzing new funding, governance, and oversight mechanisms. An update will be provided in the spring meeting, covering as our plan to strategically preserve the scholarly print record while providing ready access to the collections for faculty students and researchers and to preserve the scholarly record.

CoUL members received a summary of the fall UCOLASC meeting, noting the OA Ambassador effort as well as updates on funding and RLF operations.

AI and Library Contracts with Publishers

Rachael Samberg, UC Berkeley, presented concerns about AI and library contracts with publishers. Publishers are beginning to propose license agreements and amendments that

prohibit all use of AI with licensed materials, regardless of whether doing so would be a fair use.

As legal background on fair use, text and data mining (TDM), and AI: Court cases that have addressed fair use in the context of computational research (like text and data mining) have uniformly confirmed that reproduction of copyrighted works to create and mine a collection of copyright protected materials is indeed a fair use, as is sharing the TDM research outputs as long as the research methodologies or data distribution processes do not re-express the underlying copyrighted works to the public in a way that could supplant the market for the originals. Some TDM methodologies also involve the use of non-generative AI as part of the classification and regression process, which has also been treated non-controversially for years under the fair use copyright exception. What's changing now is that research methodologies are beginning to incorporate generative AI tools. Many legal scholars believe that training AI using copyrighted materials should be considered fair use regardless of whether a researcher is training generative or non-generative AI. The emergence of generative AI has led to publishers attempting to curb any use of AI, even known fair uses.

UC libraries wish to preserve fair uses and AI training rights, which are under threat due to contractual override. In the United States, even though fair use is a statutory right, and courts have confirmed that TDM research is a fair use, there is no protection against private party contractual override of these rights. Library negotiating teams are studying how to negotiate to preserve these rights. One approach the libraries could take would be to emulate the outcomes that will apply in the European Union under (a) the Copyright Digital Single Market Directive and (b) new AI-specific regulations (which have not yet been implemented). In the European Union, for scientific research conducted by cultural heritage institutions & research organizations: i. Researchers can undertake text and data mining using copyrighted works, ii. copyright owners may not opt out of allowing works to be used for AI training (either generative or non-generative AI) in these contexts, and (iii) publishers' license agreements cannot abrogate either of these rights. Further, appropriate security measures must be used when undertaking text and data mining and AI training.

UCOLASC agreed to draft a statement supporting the negotiation team in their effort to preserve fair uses of AI in research. Such a statement would further align with the UC's general policy of supporting its faculty, staff, and students in making fair uses by agreeing to defend them in such undertakings.

VIII. Project Transform Consultation

UCOLASC received updates regarding ongoing negotiations with publishers, including Taylor and Francis, with whom the UC is out of contract. The committee agreed to determine ways a statement of support for the negotiating team might be structured, and to draft such a statement.

IX. Consultation with Senate Leadership

Academic Council Chair Steintrager recounted the outcome of the two recent Regents meetings. The Equitable Student Employment Policy allowing the University to hire undocumented students was not approved. A draft of a proposed Regental policy on opinions being expressed on official University web channels has gone out for systemwide review, and the Regents plan to discuss it again in a future meeting. In addition, proposed Senate

Regulation 630E, mandating a ten percent in person course requirement for undergraduate degrees was voted down by the Regents.

UCOLASC informed Senate Leadership about a future request for support for the co-sponsorship of a webinar about the federal research depository requirements using the Federal Purpose License.

The second request is to endorse a letter supporting and empowering the negotiating team in work over the fair use of AI. Chair Steintrager expressed interest in seeing proposals from UCOLASC.

X. Campus Updates

Berkeley's library committee has submitted a memo to CAPRA asking for stop-gap funding of \$4.2M to address multi-year underfunding of the library. They have hired a new University Librarian. In addition, they plan to ask the division Senate for a general refunding of the library up to \$32M per year.

Davis is still working to disseminate OA information and the workflow. Someone is a dedicated OA communicator. Having a faculty member accompany the UL when speaking to faculty helps improve the experience. The library is interviewing candidates for UL. The first floor of the former physical sciences and engineering library has been renovated for the new campuswide data science and AI activities.

Irvine still has the joint library and Computing and Research committee, and the Computing and Research portion of the meeting takes up the bulk of their work. In general, the library seems to be functioning well. UCOLASC members encouraged the division to separate the committees.

Los Angeles the Secure Remote Library Facility sustained some water damage. The library is out of space, but the storage facility also faces space shortages, including climate controlled storage for fragile music tapes. The librarian has announced that the library cannot support faculty projects or special requests any longer. New librarian coming in. Faculty must now pay for Google storage, and the librarian proposed that the University pay for Google storage until a campus-based solution is found.

Merced's COLASC wrote a white paper outlining the services and activities of the library and their impact on research and the mission of the campus. Shortfalls in the library budget have led to cuts in Tier 3 collections. Planned full construction of the Sierra Nevada Central Valley Archive funded by a grant from the National Endowment for the Humanities is delayed because construction costs have risen beyond the grant funds.

Riverside's library closed due to leaks and received funding for repairs. The books and journals that were destroyed by the water were available digitally. Repairs are expected to be completed by August. The library is hiring four new librarians with expertise in digital literacy. The COLASC wants to know best practices for communicating with faculty.

San Diego has short term goals to change the committee's name to reflect the UCOLASC name and add in scholarly communications. In the medium term, the committee wants to focus on OA, perhaps producing a booklet, as well as focusing on data, now handled through idiosyncratic

data storage options. In the long term, the committee is focused on what exactly counts as a publication. In the digital era, broader, electronic-based publishing

San Francisco's library-based writing center has received additional funding plus focus on supporting faculty through the writing center and a pilot about AI focused on access to tools and technology through the library as well as support for teaching.

Santa Cruz has been working to incentivize the use of OA published educational resources for classes. COLASC is currently working to identify areas of commonality with other Senate Committees about OA.

Attest: Maria DePrano, Chair
Prepared by Stefani Leto, Analyst
Meeting ended at 3:36