UNIVERSITY OF CALIFORNIA   ACADEMIC SENATE
UNIVERSITY COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATION
MINUTES OF MEETING
WEDNESDAY, OCTOBER 10, 2012

Attending: Christopher Kelty, Chair (UCLA), Roberto Manduchi, Vice Chair, (UCSC), Liane Brouillette (UCI), Lisa Lampert-Weissig (UCSD), Russ Cucina (UCSF), Francis Steen (UCLA), Brian Kolner (UCD), Ted Bergstrom (UCSB), Keri Botello (LAUC President, UCLA), Ginny Steel (UL Convenor), Thomas Shannon (UCB), Sherri Johnson (UCR), Sholeh Quinn (UCM), Kristopher Nelson (Graduate Student, UCSD), Alison Mudditt (Director, UC Press), Catherine Mitchell (Director, Publishing, CDL), Ivy Anderson (Director, Collections, CDL), Bill Jacob (Vice Chair, Academic Senate), Martha Winnacker (Executive Director, Academic Senate), Todd Giedt (Associate Director, Academic Senate)

I.   Chair's Announcements

Chair Kelty indicated that the journal evaluation project and the update on negotiations will be discussed together. Last year, UCOLASC crafted a policy on open access that is currently out for review. Other major issues include the University's relationship(s) with publishers and UCOLASC will have ongoing discussions with Alison Mudditt, the UC Press Director. The Google Books project may re-emerge this year again. The kinds of issues that this committee raise fed directly into the rejection of the original settlement. A couple of lingering issues include the status of the UC books that have been digitized by Google (including orphan works). Some new items include the relationship between libraries and research budgets (including communications with UCPB). Another item is the Open Source Textbook bill that was recently signed into law by Governor Brown.

II.   UC Press
      • *Alison Mudditt, Director, UC Press*

Much of what has been going on at the Press over the past year is catching up to industry standards (e.g., production cycles, etc.). Over the past six months, the UC Press has integrated its books and journals divisions. In the past, those two divisions were quite independent from each other (journal and books' strengths were totally unrelated for instance). This merger is fundamental to how she views the Press and its future. In the digital world, borders are falling down. It is now a question of how to grow the content area where the Press has its strengths. Focusing on UC's strengths across its campuses is sort of irrelevant because there are so many strengths across the ten campuses.

Director Mudditt is also focusing on what it means to be a successful university publisher in the 21st Century. The most important issue is for the Press to cover its own costs. As costs continue to grow, the UC Press must think about how to grow its programs. It is currently involved in intense strategic planning. The UC Press has been rethinking the "trade" book publishing (books for a more general audience). Scholarly monographs do not cover their own costs generally. However, trade books can be even more risky and trade books are not core to the mission of a University Press like the UC Press. Trade publishing going forward will be much more tightly integrated with its academic programs. The UC Press is working more closely with the Senate's Editorial Committee, especially over the last 12 months. One of the discussions with the Editorial Committee is about open access for instance and a big issue is what the Press should be doing about open access. On the whole, university presses have sat on the sidelines with respect to this issue. There is a real opportunity for the UC Press to step in and play a role (especially outside the sciences disciplines). The UC Press is already talking with a number of potential partners, and would like faculty feedback on this.

Discussion: One member asked about the level of sales needed for trade books. Director Mudditt said that for some books (e.g., a cookbook), one would need to sell 30,000 books to break even. However, for smaller trade books, selling 5-6,000 books would allow the UC Press to break even and even make a small profit. The "Mark Twain" book was certainly unique. It sold over 500,000 copies. It will be great to have the next two volumes in that series. Members asked about the UC Press's "brand." Director Mudditt responded that the UC Press is known for being one of the five largest University presses, but it has not had a clear "brand." That said, there is a

way to leverage this into a more unique "brand," which the strategic planning is focusing on. Global Studies is one emerging area where UC Press can grow into, given UC's strengths in this area (programs at UCSB and UCR). "Engaged scholarship" is another area, and relates to the public service mission of the University. One member mentioned the open source textbook bill – how does the Press navigate in multi-media productions? Director Mudditt said that digital resources are available on the Press's website to support such multimedia books. She added that with respect to monographs, the version of record (for multi-media monographs) can be problematic due to the file size (e.g., the Kindle format). Copyright can be another issue (e.g., getting digital rights). Director Mudditt responded that the Press has not done a great deal of textbooks. It is not clear what the role of the UC Press is in this area. Digital humanities is another area that is unclear and a challenge for the Press to support, but is one area that the Press is looking into. This is the moment to think about a larger initiative. There is certainly a danger of the large publishers dominating open access and replicating their profits in these new financial models. Chair Kelty asked about the digital books market. Director Mudditt responded that scholarly books have trended behind trade books, which are at about 50-60%. Only 8% of the UC Press's sales are e-books but libraries are also embracing the e-book formats. For most publishers, e-books are more profitable than traditional print books by eliminating the paper, print, and distribution costs. There are opportunities in monograph publishing in e-books. That said, all of the UC Press's books are available as e-books (for Kindle or via the Kindle app). The UC Press is participating in a couple of on-line initiatives (e.g., Oxford Scholarship Online) to publish some collections. J-STOR is also launching an electronic books program. These models give choices to libraries (including title by title) in their purchasing decisions/options.

Director Mudditt reported that the Press covers 90% of costs from book sales. Other support comes from the UC Press's foundation, which raises $1.5M per year. From the University itself, there are some shares in the Diamond fund, along with an annual subsidy of $1.4M, which is subject to reduction (12% last year). This subvention is designed to support the work of UC faculty, and this fund is controlled by the Senate's Editorial Committee.

III.   Update on Negotiations with NPG/Journal Evaluation Project
- *Ivy Anderson, Director, Collections, CDL*

Nature asked for a four-fold increase in their journal subscription prices, and when UC's decision to not accept this received media attention. This, in turn, brought Nature to the table to rethink the model. A pilot program was initiated in which submission fees (to authors) would support an open-access business model. Initially, NPG was interested, but it slowly petered out over time. NPG has not informed UC what they are going to do and do not seem interested in pursuing this pilot project anymore. UC never received the NPG increase, and are now paying quarterly for NPG's publications. NPG is owned by MacMillan. There is no functional market for journals; each buyer engages in private negotiations with no transparency. Twelve percent of Nature's articles came from UC authors, so the threat of an embargo was real. UC has not licensed any new journals from NPG either.

CDL and the campuses spent $38M in 2011 for licensed content in 2011 (2/3 for online journals). The lion share of this spend is to large commercial publishers (e.g., Elsevier, Wiley, Springer, Taylor & Francis, and SAGE). Libraries' budgets are being consumed by these licensing agreements. However, UC has been able to insert cost controls with annual increases from 0-3% in the last few years and there is very flexibility in these bundled licensing purchases. The bottom line is that consortial licensing of bundled packages produces significant savings for the libraries, but with less flexibility. While UC has been quite successful in its negotiations, its budget capacity has not kept pace (there is a 14% gap between negotiated costs and UC library budgets). All universities negotiate in this way (e.g., price caps, etc.), but it can be said that larger universities probably also have larger price caps.

The Journal Evaluation Project goes back to 2007 when UC decided that it wanted to pursue a pricing strategy that is base on value. They used the Bergstrom-McAfee relative cost index. The composite price index CPI of a journal is the geometric mean (square root of the product) of its price per article and its price per citation. The relative cost index of a journal is the ratio of its CPI to the median CPI of non-profit journals in the same discipline. Within the UC methodology, UC journals with poor RCI are progressively discounted and additional discounts are applied

for UC authorship and consortial efficiency. This is part of the dialogue in the negotiations. UC also wanted to use other metrics however. One is the CDL weighted value algorithm. This assigns a value to individual journals according to three vectors of value – utility, quality, and cost-effectiveness. The key elements include the numerical score with simple value designations (high, medium, low, and 'lowest'), relative value distribution, and recognition of disciplinary differences. The current methodology tends to favor older publications rather than newer publications. The campus librarians look at a variety of metrics to take into account for this. Impact factor is the "number of citations per article." It was mentioned that the total number of citations per journal might be a better metric than the median impact factor. In order to distinguish between publishers, UC uses its metrics to put together publisher rankings by journal value score, which helps campus libraries make purchasing decisions and/or engage in aggressive negotiations. In terms of value, smaller publishers show up at the lower-value end.

Discussion: Bundle pricing emerged with licensing in the 1990s. It was mentioned that most states have laws prohibiting confidentiality, but these laws apply only to public institutions, not private universities. UC does not sign confidentiality clauses because of UC's public status. Members noted that if the money is not there (within library budgets), something has to give. Director Anderson responded that largely libraries are foregoing significant book purchasing and making more purchases in e-books. Many of these bundles are based on what was ordered in the past, with a few unsubscribed journals that were included by the publisher. Over time, it is possible to swap journals in and out as long as it is cost neutral. However, breaking up the bundle is much more difficult. In negotiations, cutting the cost is the chief goal. Ideally, UC does not want to cancel any journals, as it is not easy to determine esoteric journals that might be of value to some UC faculty.

IV.   Campus Reports and Member Items

*   Berkeley: This campus committee has met twice. Regarding the Open Access policy, the Berkeley Chair has voiced concerns over copyright and vetting. Art historians are concerned that the safeguards are not sufficient and could result in law suits, etc. Individuals are fearful that they could become personally liable for copyright violations. Opting out as a process is also unclear. Berkeley is going through a rethinking process for the library and a blue ribbon panel has been appointed.
    San Diego: This campus committee has met once. Over the open-access policy, there is dissension over implementation issues. Posting articles seems complicated at this point. There are also questions about the repercussions of either not opting out and/or not posting.
    UCSF: Their committee has not met yet this year; last year they passed the open access policy.
    Los Angeles: This committee is engaged with the open access issue (organizing an "open access week"). The committee is largely in favor, but there is some tension between faculty and the central administration over the interests of the faculty. One suggestion (to move it forward) is thinking of the strongest argument against open access and spelling out specific costs.
    Davis: UCD now has a permanent University Librarian. This committee has not met yet. The main work for the fall will be the open access issue. The representative would like to have a town hall on open access on the Davis campus.
    Merced: The open access policy has made its way to a number of different Senate committees at Merced. The library committee has not met yet.
    University Librarians: Each campus is looking at its budget and asking where it should go with the system and where it should go locally. There are also some issues related to the UCOE initiatives (e.g., demand on electronic services, accessing materials, licensing, etc.). With respect to UCOE, there is not any funding for the libraries in the current UCOE business model.

V.   Proposed Open Access Policy – Campus Progress

Discussion: Chair Kelty briefed members that last fall Princeton passed its own open access policy, which spurred significant faculty interest in such a policy. Two goals were to separate implementation and policy. The last version of this policy in 2007 got bogged down in the opt out clause of the policy. Since then, many universities passed open access policies based on UC's initial experience. Publishers benefit from the uniformity of similar policies in academia. Some issues that continually re-emerge are the costs of the policy, issues of

academic freedom (addressed largely in the opt-out clause), issues of deposit (most existing policies don't differentiate between opting out and deposit) – this policy makes deposit obligatory.

Deposit is obligatory because it eases the path to open access. It also serves as a personal archive which is helpful in dossier creation, etc. It is also a separate preserved archive of the faculty's work as well. However, as this is not in the APM, there is no "punishment" or negative consequence of not depositing in terms of tenure and promotion. The workload involved is another issue. The easier the system (for the faculty), the more expensive it will be (from the institutional perspective). Another issue of concern is the effect that open access will have on scholarly societies, which depend on revenue to exist. The long-run answer is that it will impact scholarly societies negatively, but they can demand that its authors opt-out. This policy does not force faculty to pay to publish at all; it only requires them to deposit in the repository.

One member mentioned that there are concerns about the digital security of the materials contained within the repository (especially the "dark" archive). Chair Kelty added that the issue of the licensing of images in the archive. The first alternative is simply to opt-out (there is no evidence that licensing is required to deposit such images in a dark archive). However, permissions would be needed to deposit the work in the open archive. There is also the question of fair use; the more we can assert fair use rights, the better. UCOLASC advocate the more aggressive application of fair use rights (especially for art historians and the like). This is a discussion to have with legal counsel and OGC.

VI.   Escholarship Repository
- *Catherine Mitchell, Director, Publishing, CDL*

Considerations include compliance with terms of the UC OA policy, compliance with publisher requirements, accuracy of data, etc. Harvard and MIT have already implemented open access policies (but not universal policies) and their forms are very minimal. This is complicated for UC for a number of reasons. First, there are multiple data sources. Second there are various publisher requirements in response to the policy. Third, the importance of accurate metadata to signify identity of publication and its relationship to the version of record. Finally, there is the necessity of resources to help guide faculty through the waiver/embargo/deposit process. It is even more complicated at UC because it would be a consortial service. There are limited campus library resources (e.g., staff). Hence, there is a desire for an automated, centralized workflow, which must be easy.

UCSF passed the OA policy. By June, the CDL had an implementation mechanism in place that included letters sent to publishers explaining the policy and has provided an interim implementation service since June 22, 2012. Thus far, there have been 67 waivers, 4 embargoes, and 13 addenda. The CDL has also compiled a list of those publishers that are requiring waivers and/or embargoes.

Harvesting allows CDL to get a lot of information without the work of individual faculty. Thus, the CDL is exploring systems that connect indexes, enabling them to capture metadata. This would be integrated with eScholarship. Faculty would see an alert, which they would presumably approve. The CDL is currently working on a waiver/embargo and deposit process/user interface. It was noted that the eScholarship platform is also one that is used for open access publishing (in addition to the OA policy).

Costs include the technical development and maintenance, harvesting solution, campus library support, copyright/intellectual property issues and education and support, and customer/technical support services. First year technical costs would be about $300K, but there are hidden costs associated with scholarly information officers on the campuses. Resources include the CDL, campus co-investment, campus co-development, campus library support, and UCOP support. The next step is faculty/community engagement in the design process, which includes UCOLASC feedback, a Digital Library Federation working session, faculty focus groups, and faculty user testing. Director Mitchell assured the committee that the CDL can guarantee the digital security of works in the so-called dark archive. They also have a robust "take-down" policy, and will take works down immediately if asked to do so.

Discussion: One member asked about an embargo, and whether the author permanently signs away his or her copyright. All author agreements ask for an exclusive license, but often give back certain rights to the author (e.g., posting the article on a website after a certain amount of time). An embargo necessitates an addendum to the agreement with the publisher. Members made comments on the waiver/deposit process, noting that simplicity is valued; the more complicated the process, the less faculty are likely to comply with the deposit requirement. Members acknowledged that the passing of an OA policy will prompt publishers to move and they may all require a waiver. Or, UC may default to a six-month embargo. The worst case scenario would be one in which each publisher has a different requirement.

At the point of deposit, the faculty either grants a non-exclusive license to the University, or the faculty member notes the different agreement(s)/rights/conditions he or she has with the publisher. One of the main implementation questions is what kind of support UCOP will offer to both CDL and the campuses, which is unclear at this point. Developing a publisher database will be a challenging technical and logistical task, but once completed, it will be of value to not only UC, but also to other institutions. Members were concerned about the expense to maintain this system. Director Mitchell remarked that she is most worried about maintaining the accuracy of the database. There is also a faculty role, as there are some journals that UC faculty publish in that campus libraries do not subscribe to or receive.

VII. Library Budgets and Research Productivity

UCOLASC may want to explore the issue of how much campus library budgets support research materials. The nature of the relationship between library budgets and research budgets could be explored. If we move to a model where the author pays (instead of the subscriber), how much will this impact research budgets. Consultation with both UCPB and UCORP is recommended. The CDL has been doing some cost modeling on supporting open access as opposed to the traditional subscription model. Converting to open access in a single field is quite difficult and complicated because one must protect the individual publishers, as well as the many players involved. Chair Kelty added that there are some target disciplines that may be easier to address than fields such as physics. The scale of this problem is international and especially involves China, Asia, and Latin America.

VIII. Updates on the Google Book Settlement, Authors Guild Lawsuit and Google Settlement

There are two lawsuits and one settlement. The settlement is over. It seems as if publishers can opt out if they want, and publishers will get the digital copy of anything that Google has digitized if the publishers keep it in the Google archive. The Authors' Guild lawsuit continues however. Not a lot is known about the HathiTrust lawsuit, which concerns orphan works. Some members thought that it would be a good idea to invite representatives from Google to hear an update on this issue.

IX. New Open Source Textbook Bills

SB 1052 and 1053 were passed by the Senate and signed by the Governor. The Intersegmental Committee of Academic Senates (ICAS) was put in charge of administrating this Council. A report is due within 90 days from January 1. There is also no reason that existing open-source materials could just be archived, and the monies could be just used to maintain this archive. Some members suggested that UC should take a leading role in this area (especially the CDL).

Meeting adjourned at: 4 PM
Minutes prepared by: Todd Giedt
Attest: Christopher Kelty