

some faculty are not comfortable with or utilizing information technology, which would limit their ability to use it for teaching. UCOLASC members should identify areas where UC can help shape the landscape for electronic publishing. In light of the rising student fees, it would be very beneficial for UC to find ways to find alternatives to costly textbooks. Faculty need to be compensated for creating open access textbooks. CDL can help figure out the information management aspects. Faculty across campuses in a specific discipline could collaborate to create “wiki” documents.

Action: UCOLASC will develop a list of issues for UCAP to consider with respect to academic personnel reviews and publications in open access journals.

III. Update on Google Book Search Settlement Agreement

- *Vice Provost Dan Greenstein, Academic Planning, Programs, and Coordination*
- *Shane Butler, UCOLASC Vice Chair*
- *Pamela Samuelson, Richard M. Sherman Distinguished Professor of Law; Director, Berkeley Center for Law & Technology Berkeley Law, Boalt Hall*

The Vice Chair provided the committee with background about UCOLASC’s activities related to the Google Book Search Settlement Agreement. A central question is about when UCOLASC should become involved with issues such as the settlement agreement. The turnover of committee members results in a need to educate the new members quickly.

Discussion: Vice Provost described how UC’s involvement with Google Book Search began in 2006. Two million volumes have been digitized, averaging four thousand books per day. Involvement in the settlement discussions began with Google inviting UC and three other libraries to advise them about the section of the agreement addressing the public good. UC was not a party to the settlement and did not negotiate with the parties to the settlement. When the settlement was filed with the court, OP prepared materials that were circulated to the libraries and the question of how to involve the Senate was discussed.

In terms of moving forward, there are a number of strategies laid out in 2004 that address challenges facing the libraries such as collection management. Librarians gain an understanding of the concerns of faculty through their routine interaction with them. It is important to identify and discuss what libraries do. UCOLASC would like to receive regular briefings OP about issues like the Google settlement agreement. OP will also identify larger policy issues that can be discussed with the committee without violating any non-disclosure agreements. The Vice Provost pointed out that it is important to discuss the changing nature of scholarship and what UC should do to shape the new environment where digitized materials are pervasive. Issues related to advertising, privacy, de-duplication and withdrawal of materials should be considered now. Faculty input about the costs of any potential trade offs is needed and the interests of scholarship should be the primary focus. One new approach is for faculty to take back control of their scholarship. The current cost of maintaining books in the libraries will not be a sustainable expense in the future when more material is available digitally. The Vice Provost agreed to have discussions with Google about the future of libraries.

Professor Samuelson provided an update on the status of the settlement agreement. A hearing was postponed after the Department of Justice objected to components of the agreement. The DOJ raised approximately fifteen issues related to key provisions in the settlement agreement. A brief status conference was held on October 7th and the parties reported progress had been made

on the agreement. The plan is to present the court with a new agreement on November 9th and there may be a settlement hearing by the end of the year.

IV. Consultation with the Academic Senate Office

- *Harry Powell, Chair, Academic Senate*
- *Martha Winnacker, Executive Director, Academic Senate*

Chair Powell highlighted the major issues for the Senate this year. A significant problem is the UC budget crisis and the plan to address it for the coming year includes the student fee increases. Chair Powell reported on the most recent Assembly meeting. The UC Commission on the Future will have members from the Senate on the five working groups and the Commission's report will be reviewed by the Senate. The Commission will examine issues central to the Senate's mission. UCOLASC should monitor the Commission's discussion about online education and members can submit comments to Chair Powell or any members of the working groups. The Commission will have listening tours at each campus.

Chair Powell underscored the importance of the confidentiality of the UCOLASC's discussions. In order for discussions to be robust and productive, it is sometimes necessary for discussions to be conducted confidentially and several Senate committees routinely operate this way. Information should be protected until decisions are finalized and can be released to a more general audience. UCOLASC has been involved with discussions where confidentiality is imposed by the legal system. It is beneficial to the Senate to have confidential discussions about works in progress so these issues can be shaped by Senate input. Executive Director Winnacker remarked that there is a need for systemwide committees to be notified about issues carrying over from the previous year. The committee was advised that if issues come up between meetings teleconferences can be arranged or the committee can communicate by email.

V. Journal Subscriptions & Usage, Contract Negotiations & Open Access

- *Ivy Anderson, Director, Collections, California Digital Library*
- *Laine Farley, Director, California Digital Library*

Director Anderson indicated that most of the journal contracts do not have confidentiality agreements. There was a public records request for details about contracts which may discourage publishers from providing good deals. UC's costs are higher than a smaller university due to the larger portfolio of journal subscriptions and the duplication across the ten campuses. The committee received data about the journal contracts and Director Anderson indicated that the total cost of journals can be shared with individuals outside the committee. The major journal expenditures are \$20 million a year, approximately two thirds of the library budget. Costs of the 77 routine contracts renewed this year were reduced or kept the same in the negotiations. The UC Scholarly Communications Sustainability Initiative was described. Goals of this multi-year initiative are to reduce major licensed contract expenditures and increase the number of high quality open access journal publishing options. Significant cuts in the cost of journal subscriptions will need to be made and, given the profit margin of the publishers, there should be room to negotiate lower costs. One campus is providing faculty with fees to cover open access publishing and a project with UC Press will allow for open access publishing.

The contract with Nature was discussed. The cost of this journal increased significantly over the course of several years until CDL was able to get a contract with a good cost. The contract with Nature will be renegotiated and CDL has been notified that the subscription cost will quadruple

because the current contract is not sustainable for the publisher. The subscription of another journal will also be increasing significantly and Director Anderson may recommend canceling it.

Discussion: It was noted that faculty who are members of one society receive a free subscription to the society's journal and UC also pays for a subscription to the same journal. Strategies to address this issue should be discussed by CDL and UCOLASC. One idea is to move smaller societies away from commercial publishers. A problem related to the cost of journals is the absence of a standard pricing model and there is a question about why there is not a fee based on usage. CDL has analyzed the benefits of only paying for a subscription when the usage of a journal reaches a certain level and found that the current strategy being used is better. Data on usage is driven up usage because more content is downloaded than is actually used. The idea that the library could give faculty a budget for downloading access was mentioned as a way to discourage faculty from downloading an article more than once. Director Anderson would like to partner with different segments of UC to analyze what the cost of open access publishing would be. A member suggested tracking where UC faculty publish and what they read to get a benchmark with respect to what the contract amount should be. With most publishers, UC is about one to two percent of their budget. Due to the budget crisis, there is a risk that some campuses will end their participation in shared licensing agreements, resulting in significantly greater costs.

VI. Update on Melvyl Catalog

- *Laine Farley, Director, California Digital Library*

Director Farley reported that the project to update Melvyl began in 2005. Reasons to change to Melvyl include the ability to broaden the coverage to a worldwide database and the ability to bring together multiple formats. OCLC negotiated with Google to have a link on each book's page to find the book in a library. OCLC also opened its catalog so it will be in Google Book Search results. UC participated in the WorldCat Local pilot beginning in 2007. In the coming months, everything the ULs have learned to date will be analyzed. Work has involved ensuring that the UC and OCLC catalogs are in synch. The results of a survey administered to UC students, faculty, and staff about the features in Melvyl were reported. Feedback from a usability study with faculty and student participants was incorporated into the catalog. Remaining issues include adding records owned by UC, the expansion of journals, and updating eScholarship and Online Archive of California materials. Deeper integration with campus catalogs is another area of ongoing work. Additional testing will be conducted in November.

VII. Campus Reports and Member Items

Santa Cruz: The budget cuts are the most pressing issue. The libraries took the most significant cut and will have another cut in the future. The local committee is working with the libraries to make sure that faculty input on cuts to journals is provided. The libraries are closed Sundays, Friday nights, and only open from 10 a.m. to 10 p.m.

Los Angeles: The budget is also the issue for the UCLA libraries and 25% of the acquisitions budget was cut. There was a proposal to close the Arts library.

San Francisco: The budget has forced the libraries to close a few days a week. There has been feedback about the problems the closures have created for the students. There is a focus on preservation of collections of rare books and some collections have been transferred to Berkeley.

San Diego: The libraries have reduced hours and took a 20% cut. eScholarship will be launched soon.

Irvine: The use of online journals and Melvyl by students is significant. The library has been closing early due to the budget. Licenses for some software are purchased by the libraries so students do not have access to it in the library study labs.

Santa Barbara: The budget issues are impacting the libraries on this campus as well.

VIII. New Business

UC's cooperative agreement with Google

UC has a separate cooperative agreement with Google for the digitization of books and CDL is currently negotiating an amendment. Vice Provost Greenstein described eleven aspects of the agreement that are being negotiated. The terms of the settlement agreement are reflected in the contract with UC. The digital copies of in-copyright books given back to UC are governed by copyright laws. The Book Search will lower the current costs of interlibrary loan. The digitization project is an important element of UC's collection management strategy. UCOLASC should have further discussions about the issue of advertising.

Discussion: If Google stopped providing the digitization of books, the libraries could find another vendor to provide the service. The comment was made that Google does not have significant experience in an academic environment, therefore UC has to inform Google about what will be useful to academics. UCOLASC discussed the influence of orphan books legislation on the Book Search project. Although a statement was recently made that there will no be advertising on the Book Search, the nature of any advertising should be controlled.

eScholarship

The committee reviewed the letter from SLASIAC.

Discussion: There are concerns about placing undergraduate scholarship in the repository. UCOLASC should communicate with the University Committee on Educational Policy to get information for further consideration of the question of undergraduate scholarship. Undergraduate work could be supported in a format that is parallel to the eScholarship repository. The committee will provide comments about this via the listserv.

Meeting adjourned at: 4 p.m.

Minutes prepared by: Brenda Abrams

Attest: Rich Schneider