UNIVERSITY OF CALIFORNIA **ACADEMIC SENATE**
UNIVERSITY COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATION
TELECONFERENCE MINUTES
FRIDAY, APRIL 18, 2014, 10:00 A.M. – 1:00 P.M.

Attending: Roberto Manduchi, Chair, (UCSC), Francis Steen, Vice Chair, (UCLA), Edward Dimendberg (Irvine), Eric Bakovic (UCSD), Joseph Morse (UCR), Candace Waid (UCSB), Luca de Alfaro (UCSC), Nick Robinson (LAUC President, UCB), Lorelei Tanji (UL Convenor), Thomas Shannon (UCB), Maxine Craig (UCD), Laine Farley (Executive Director, CDL), Trisha Cruse (Director, Digital Preservation, CC Curation Center, CDL) Lisa Schiff (Technical Lead, Publishing, CDL), Neil Christensen (Director, Digital Business Development University of California Press), Brenda Abrams (Principal Policy Analyst)

I.   Chair's Announcements

The chair welcomed the members and consultants to the teleconference. Chair Manduchi thanked Vice Chair Steen for chairing the February meeting with the University Librarians. The chair reviewed the agenda for today. Chair Manduchi recently attended a SLASIAC meeting where the Director of the UC Press discussed an open access initiative.

II.   Consent Calendar

Action: The minutes were approved.

III.   Presidential Open Access Policy

Chair Manduchi reviewed the Senate's open access policy. The intent of the policy is to help protect faculty's publications rights by granting non-exclusive rights to the University. UC returns the rights to the faculty by posting the materials in an open access repository. Unlike other universities and UCSF, under this policy faculty also give their commercial rights to UC but faculty can still use the materials in a commercial way. If faculty request a waiver they are not expected to post materials in the repository, except for UCSF faculty who are required to make the deposit regardless of whether they have requested a waiver or not. The Senate wanted the policy to be made into a presidential policy. Chair Manduchi suggests one reason to have a presidential policy is that a commitment from UC is required in order to ensure that resources are available to the CDL to host the materials and create a mechanism for uploading the materials. The second reason is that it is not only Senate members who publish, so these other types of authors should be able to defend their rights.

When the discussions began, the group thought the work would be easy but the issues are complex. The Senate wants to be able to review the Senate policy and change or cancel it if there are problems. It is clear however that if the policy becomes a presidential policy the Senate still would like to be able to review or eliminate the policy. This is why the presidential policy will not apply to the Senate and the Senate policy will only apply to members of the Senate. One important part of the Senate policy is that faculty can have waivers. The problem is that some of these non-Senate authors do not own the copyright if their work (the copyright is owned by UC). The proposal is to divide the presidential policy into two parts, one for authors who own their copyright and one for authors who do not. Authors who own the copyright can request a waiver to the policy. Authors who do not own the copyright cannot request a waiver and should post the published work in open access repository (possibly after an embargo period if required by the publisher). The number of people in this category is not great. Chair Manduchi also noted that there is no mechanism for enforcement of this policy.

Discussion: If a faculty member who does not own the copyright cannot ask for a waiver to not post the work in open access, a question is whether a faculty member who co-authors a paper with a student who doesn't own copyright to his or her work can request a waiver. One member indicated that a principal investigator owns all of the rights to the materials and that the students have no rights. Another member who wrote code

with a student was told that the part of the code written by the student is owned by UC. It is not clear if this holds true for papers or whether the faculty member can publish the code in a paper.

The issue of software codes may be an issue that UCOLASC should discuss and Chair Manduchi suggests this is a topic that a subcommittee on copyright policy might consider. A member asked if the presidential policy simply extends the Senate policy or if it changes the Senate policy, and Chair Manduchi confirmed that the Senate policy remains untouched and the presidential policy does not apply to Senate members. The question of whether students own their rights was discussed. If a PI receives a grant, the PI owns his or her data and if a student's work is supported by a grant, the PI also owns the copyright. It was not clear at the time of the discussion whether writing an article is in the scope of employment of a GSI. It was suggested that UCOLASC might ask the Office of General Counsel about students' rights although it was noted that the legal opinions may vary. Director Farley indicated that the Office of General Counsel reportedly reviews specific cases and suggests that concrete examples of the concerns about student work should be provided. Chair Manduchi will try to draft a document that explains the types of rights students have depending on their role. A member emphasized that there could be a chilling affect on the open access policy and on the willingness of faculty to co-author with their students, therefore it is very important that there be clear answers.

IV.   President's Policy on Copyright and Fair Use

The committee is asked to comment on the President's Policy on Copyright and Fair Use by May 21ˢᵗ. A policy from 1986 provided many details while the new one is very basic. Providing specific details about what does and does not represent fair use was probably the wrong direction.

Discussion: One reason for fair use was to allow comments in book reviews or to satirize things. Vice Chair Steen indicated that the letter of the law does not provide adequate guidelines to define fair use and judges tend to side with educators on issues of fair use. Director Farley reported it is true that educational uses mostly fall under fair use. The people who crafted the policy thought it would be good to separate the guidelines on the website from the policy so the guidelines can be more easily updated as things change.

UCOLASC members are encouraged to look at the copyright website. The group that worked on the policy was very mindful of how things are changing. Academic institutions must exercise fair use otherwise they will lose it. It is still imperative to have an explicit statement about fair use even if it does not state what faculty are to do. A member does not think UC will make a blanket statement that they will stand behind anyone accused of fair use violations because the legal procedures can be expensive. Violations of fair use should be addressed. One member proposed that there could be levels of copyright and who could own an image. The question of who owns the rights to creativity is a very complicated issue in the arts and humanities. OGC has a good track record and have been proactive in specific cases about fair use.

Action: The chair and analyst will draft a memo.

V.   UC Press Open Access Journal Initiative
  - *Neil Christensen, Director, Digital Business Development University of California Press*

Director Christensen joined the Press in November and is helping to guide the Press to implement new digitally oriented services, products and publications. Today Director Christensen would like to get feedback on an open access journal concept the Press would like to test. The Press asked what conversations do larger commercial legacy publishers not like to have. One discussion is about costs and the lack of transparency related to costs. The actual profit that journals make is not clear and the Press hopes to make this more transparent. Another focus is on peer review for which publishers rely heavily on faculty. The people actually doing the work are usually not paid. The Press considered the question of who is generating value to publishing and where is this happening. In journal spaces, there is an increased recognition that publishers facilitate the work but the bulk of the work is done by the academy. The Press developed an outline for a potential open access journal model. The concept is this journal will be completely transparent about its costs. There will be a base fee for the basic publication service and this fee may be one to two hundred dollars. The

Press has the idea of taking some of the costs and transferring it back to the editorial team doing the work in the form of a peer review fee. A peer review fee would be transferred or paid forward to the peer review team. The payment for review would have to be a token amount because actually paying the going rate for this work and reviewers;' time would make publication charges prohibitively high. For many people on the editorial team, it may be difficult to accept payment for their work for various reasons. These individuals could transfer their fees to an author waiver fee fund that would be used exclusively to subsidize the cost for authors in underfunded regions or disciplines. Or the revenue could go into an institutional fund that UC could use to pay for publication charges or content acquisition costs. These are the basic mechanisms the Press is exploring in order to move some of the value back into the shareholders pockets at the academy.

Another aspect of the concept is a peer review report. The Press thinks there is the potential for more transparency in peer review. Currently when something is recommended for publication, future readers do not know who recommended what or what motivated their recommendation. The Press is considering a model where authors are allowed to decide whether the reviewer reports will be published if their paper is accepted and published, and reviewers will be able to decide if their names will be associated with that report. The work and value that goes into peer review disappears and no one reads the review reports after something has been accepted. The Press is wondering if there is a model that could create more accountability and recognition of the work that goes into peer review. It could generate funds for faculty in the humanities who have less funding to publish in open access. What the Press would like to test and prove is that the Press generates lot of value that can go back to the academy. There is so much profit being generated that the academy should be able to benefit. The Press would not aim to profit with this initiative and any surplus would automatically be deposited into the academy trust fund. If there was a profit, the Press would look at lowering the cost.

Discussion: A member commented that in the past five years the Press has canceled different journals or books in the humanities and social sciences. With this new journal the Press is exploring ways to redistribute the value. The Press is suggesting that donations from authors in biomedicine might be redistributed to help support authors in the humanities and other disciplines. A member questioned why the Press would move away from the practice of having popular books in one discipline subsidize the books in less popular disciplines and why this new journal model would be more viable. Director Christensen suggests that the new journal model is an attempt to build something that is more academy-driven and transparent. The Press is hoping that this will be a contribution to the academy. A member suggests it would be good for the Press to think beyond the value of peer review and to think about the focal point of its journal.

One member thinks the open access initiative is a good idea. Chair Manduchi also thinks that publishing the reviews will help with accountability. Journals receive numerous of frivolous submissions of articles that are not published. The Press has been asked to consider having a small submission fee and if the work is accepted, an additional fee is then paid. This would be a slight deterrent to those who submit to different journals randomly in an effort to get published. A member likes the idea of cross-subsidizing across the disciplines, however the Press should consider different journals instead of a mega-journal with an unclear subject identity. The Press could go after the editorial boards of commercial journals. The project is meant to drive the discussion. A member suggested identifying what the UCs are about so that people outside of UC will want to contribute. There is a concern that more reviewers will like to get paid and the more this happens, the higher the costs of publications will go. The Press may want to consider paying reviewers in some fields and not in others. Chair Manduchi hopes that the Press is able to find the right model.

VI.   **Updates from the California Digital Library**
- *Laine Farley, Executive Director, CDL*
- *Trisha Cruse, Director, Digital Preservation, CC Curation Center, CDL*
- *Lisa Schiff, Technical Lead, Publishing, CDL*

Director Farley reported that the Office of Scholarly Communication, the locus for information about open access and scholarly communication issues, has devised a workplan. A new structure is needed to bring together various CDL and campus library resources to support the different initiatives. One item on the workplan is related to administration. A member of the Strategic Action Group will be added to the team. A

recent discussion at SLASIAC focused on how to formalize the relationship and there was agreement that someone from UCOLASC or the Senate should be a designated consultant for SLASIAC. CDL has also created a high-level decision tree with help from UCSF and UCOLASC members are asked to provide feedback. The site can host blog commentary on the OSC website and Director Farley invited members to contact the OSC if they would like to share their opinions.

Technical Lead Schiff reported that the CDL's open access team is happy to be working with UCOLASC members. The proposed assessment will be a two phase process at six and twelve months. The first phase focuses on implementation and building out of components of the system. Work on all of these components is going well and the first report will be made in May. The first phase will intentionally not look at data until all of the components are in place to allow faculty to fully participate.

The second phase would respond to the full year of review and will provide a picture of what has happened over several months. It would look at how well the system is being used including how much the tools are helping faculty, faculty satisfaction, and ease of use. The manual deposit system currently used for eScholarship requires some faculty time and it is something faculty forget to do. Technical Lead Schiff described the systems that find data and pull them into a profiling system, which also then notifies an author that a publication has been found. Simplectic is the vendor and the tool is called Elements. CDL and representatives from UCI, UCSF, and UCLA will meet with Simplectic next year. This robust tool will be integrated with the waiver and embargo tools. Faculty will still be prompted to upload the appropriate version of the paper but the metadata will already be there. The CDL will look at the use of the harvesting tools across different disciplines. Part of the harvesting tool will allow the CDL to get department data but there will be publications that fall into more than one discipline. Director Farley noted that the funding to extend the harvesting tool to the campuses not in the pilot has not yet been approved. The CDL budget was cut by about 2%.

Director Cruse reported that a new version of the data management planning tool will be released on April 29th and it will be configured with information from each campus. The tool allows users to create a data management plan to respond to funding requirements and it will include local information. In the first quarter there was a large surge in new users of the data management planning tool and there are many UC users. The goal is to have users in every state, and Montana and Idaho are being targeted since there are currently not many users in those states. There are also some international users of the tool, which was developed primarily by the CDL in partnership with the University of Virginia, the University of Illinois and the Smithsonian Institute. The CDL hosts the tool.

The Merritt Repository is where many library assets go for safe keeping. Work is being done to allow for electronic theses and dissertations to be deposited in the repository. This is a complicated process that varies by campus and CDL is trying to understand the workflows. There are nine campuses using Merritt to preserve their content and there are about 14K EDTs in Merritt. Once deposited into Merritt, if the campus choses so, the material can be made available in the eScholarship repository. DataShare allows researches to submit their content to CDL's repository via drag and drop, provide descriptive information about the data set and get an identifier. The CDL is working closely with UCB and UCLA to set up the first instances of Data Share. Last week Director Cruse met with the UCSC library committee and the first issue discussed was the cost model the CDL is trying to put in place to charge people using Data Share for data storage. The question that comes up about this is who should pay, the faculty member, the library or the institution. A common perception held by researchers might be that they should not have to pay for curation services when they have not paid to have their books or journals in the library. Some campuses have data policies while others do not, and the policies that do exist vary by campus. CDL will try to conduct a survey of policies at UC about data, data sharing and other related issues and will share its findings with the committee.

Discussion: Chair Manduchi shared that Senate Chair Jacob has been contacted about appointing a UCOLSAC member to OSC. This will be very important for communication to the Senate and will enable to the Senate to monitor activities of interest to faculty. Part of the assessment will be to determine how well the harvesting tool is working with faculty and if it makes sense to extend the license and roll the harvesting

system out to everyone else. An important component is determining how frequently CDL should email faculty and how to ensure that faculty will not ignore the email. A member stated that faculty receive requests to upload their work from multiple services so an email from the CDL is likely to be ignored. Technical Director Schiff commented that the CDL is exploring ways to use the system to ease the work required by faculty in other areas. There has been a rumor that Simplectic is owned by Elsevier and Technical Director Schiff clarified that this is not the case. Chair Manduchi is concerned that the number of people who will upload their papers after being prompted by the harvesting tool may not be significant.

The intent is for each campus to have their own branding on the data sharing tool. A member suggested that UCOLASC may want to write a letter of support about the data sharing tool. It was noted that the administrative process faculty must follow to pay for data storage is a problem. More agencies are requiring data management policies and that data be made available. The UC Office of Research and Graduate Studies has advised CDL that since the data storage service extends beyond the life of a grant this cost cannot be written into a grant proposal. It was suggested that the CDL think about limited time price models which might enable faculty to write some of the costs into their grants but it is important that faculty consider how long term storage needs will be met and funded. An example is that gold open access journal repositories make the guarantee that the journal will be available forever. Chair Manduchi expressed gratitude to the CDL for proactively working on the data storage issue. Director Cruse invited members to contact her if they would like a presentation at their campuses.

VII.   Campus Reports and Member Items

University Librarian: The Council of University Librarians are concerns about space and shared print and electronic resources. A shared print strategy team and a shared print operations team will be creating a road map of the issues to address. One matter will be to look systematically at duplication to ensure that there are copies but that space for collections is freed up. There are many initiatives with eBooks with individual campuses and the ULs are looking at how to do this systemwide as well. Other projects are dealing with open access including Knowledge Unlatched. The goal of this project is to make a book open access by having multiple libraries contribute to a fund to lower the cost of the book.

Davis: The campus has a survey about open source textbooks, which the library committee is encouraging people to complete but did not actually initiate. The results of the survey may be shared with UCOLASC next year.

Merced: The campus had a Senate Administrative task force that recommended starting a local library committee. The divisional Senate is now considering this proposal and the committee should come online next year. The representative will be on the search committee for a new librarian.

Santa Barbara: The library building is being constructed very quickly. There is an effort to ensure that faculty are aware of the open access policy.

Los Angeles: New reading space for student is needed. The library committee meets next week.

San Diego: The campus is in the final stages of letting faculty know about open access. All of the departments will have been met with individually before November.

VIII.   New Business

Meeting adjourned at: 1:05
Minutes prepared by: Brenda Abrams
Attest: Roberto Manduchi