

UNIVERSITY OF CALIFORNIA
UNIVERSITY COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATION
ACADEMIC SENATE
MINUTES OF MEETING
FRIDAY, MAY 25, 2012

Attending: Christopher Kelty, Chair (UCLA), Stuart Linn, Vice Chair (UCB), Laurie Monahan (UCSB) (telephone), Sholeh Quinn (UCM), John Laursen (UCR), Brian Kolner (UCD), Reynaldo Macias (UCLA), Roberto Manduchi (UCSC), Lee Ann Baxter-Lowe (UCSF), Mary Murrell (Graduate Student Representative), Laurence Armi (UCSD), Laine Farley (Executive Director, CDL), Ivy Anderson (Director, Collections, CDL), Mitchell Brown (LAUC President), Ginny Steel (UL Convenor), Molly Van Houweling (UCB), Catherine Mitchell (Director, Publishing, CDL), Brenda Abrams (Senior Policy Analyst)

I. Welcome and Announcements

Chair Kelty welcomed the committee members and briefly reviewed the agenda. The committee was reminded that UCOLASC wrote a letter to Council asking it to oppose the Research Works Act and supporting the Federal Research Public Access Act. Elsevier withdrew its support for the RWA and this legislation is now dead in the water. The status of FRPAA is unclear. The White House apparently has an interest in something like FRPAA. Chair Kelty announced that he will continue as chair next year.

II. Consent Calendar

Action: The minutes were approved with corrections.

III. APMs 010, 015, and 016

Proposed revisions to APMs 010, 015 and 016 have been sent out for systemwide review and Chair Kelty asked if any campus committee's have considered the changes. One question is whether institutional matters include issues of scholarly communication. There is a change in the language that extends academic freedom into shared governance which the current language does not do.

Discussion: Members questioned whether the proposed language is needed. Faculty at some campuses may not feel comfortable about criticizing the administration. As participants in shared governance, faculty have a responsibility to make the university better. The issue is less about academic freedom than it is about the role of faculty in the institution. There is a distinction between the freedom of academic scholarship and the freedom to discuss the institution. A member suggested changing the sentence to say "including" freedom to address any matter of institutional policy or action, when acting as a member of the faculty whether or not as a member of an agency of institutional governance. One member noted that it is important for faculty to have the ability to criticize things such as library closures.

Action: Chair Kelty will draft a memo outlining the committee's concerns.

IV. Consultation with the California Digital Library

- *Ivy Anderson, Director, Collection Development and Management, California Digital Library*

Director Anderson has an update on journal negotiations. The libraries spend about \$30 million on systemwide journal licenses. Six major licenses are up for renewal in 2013 which represents half of the systemwide journals. There are also contracts that renew on an annual basis. CDL has reduced

expenditures to meet the budget challenges, achieving this in some cases without any cuts. With so many major renewals coming up next year, the collections officers suggested taking a broader, more holistic view across the journal portfolio. The campuses want to have a more integrated view of the journals. The CDL looked at eight thousand journals that are licensed centrally. CDL looks at usage, quality, and cost effectiveness. A composite score weights the factors and all of the journals are examined and divided between high value and lesser value journals. It is an attempt to use objective data that is applied in a uniform way. Just looking at usage is not a sufficiently nuanced approach. Many society journals are published through larger publishers. Bibliographers reviewed the data which led CDL to think about additional metrics that could be used. Individual campuses may negotiate licenses with the major publishers. The multipliers are used when there is no subscription history.

Discussion: A member suggested that UCOLASC should review and provide feedback on the metrics used by CDL. There are qualitative factors that faculty can identify which CDL might use. Director Anderson indicated that the methodology can be shared while the findings will be shared strategically with publishers. It is important to remember that the methodology is very specific to UC. Every journal is assigned to a discipline and all of the journals in that discipline are ranked based on whether they are higher or lesser value. A member pointed out that instead of using the Library of Congress categories, the CDL should take into consideration how UC categorizes different disciplines. The analysis is used to develop the CDL's negotiation strategy with publishers. A third layer in the methodology could be faculty knowledge. The CDL is working with a number of different institutions to develop the methodology which is being used for the first time this year. Chair Kelty would like the committee to advise CDL about how high of a priority open access should be when entering negotiations.

V. Executive Session

No minutes were taken during Executive Session.

VI. Campus Reports and Member Items

Riverside: The library committee has been asked to approve new PhD programs, and the representative asked if other campus library committees are asked about new programs. The programs ask for additional library support and resources.

Santa Cruz: The campus conducted an anonymous survey of faculty and graduate students to learn what people think about open access. Of the 384 respondents, 77% had not published in an open access journal and 43% reported that they do not post their articles in any of the methods listed in the survey. Some faculty reported posting articles regardless of agreements they have made. The findings suggest that people care about the access to their articles. The representative will meet with the deans' council to discuss the draft open access policy.

Berkeley: The campus is also planning a survey that will have some open access questions. The campus has a Howard Hughes funded program that helps transfer students and disadvantaged students get up to par in biology majors and it has included several lectures focused on how to use a library. An online course on using a library could be developed. Other campuses have attempted this but it has not moved forward.

Los Angeles: The university librarian is retiring at the end of the calendar year, so a search committee has been established. This will impact the campus in a number of ways in terms of the direction in which the library will move. The committee might consider conducting a survey. Data sharing and

archiving as part of the campus infrastructure is being discussed, including how much would be tied to the libraries or the campus IT systems. A media archive will be hosted and maintained by one of the campus libraries. The committee is determining what its role will be vis a vis the other entities involved with this.

San Diego: The committee had two meetings to discuss the draft open access policy and solicited input from faculty.

Davis: The campus has a new university librarian who previously worked at MIT and Harvard. The committee has spent its time over the past several months discussing open access. A white board forum was created for faculty.

Merced: The library committee has just been established and a survey has been conducted to identify what the issues are. The library does not have many books. More uniform loan times for interlibrary loans should be extended. Another issue is that currently, if a book is borrowed at one campus it cannot be returned to a library at another campus. There would be financial issues related to transporting books to different campuses.

LAUC: The council had its annual assembly in the first part of May. Emerging work that is being done with next generation technical services was discussed. There was a discussion about how librarians can take advantage of new developments. The librarians will need to be trained on how new models. The librarians think about how shared models or collection strategies work across the campuses. Some of this is being done in response to budget issues.

Irvine: The committee has discussed open access for several hours. The campus has a new law school and the law school library is exclusively for law school students. At least two other campuses require special privileges to access the law school libraries.

San Francisco: The campus has been completely focused on open access and on Monday a policy was unanimously approved. Rich Schneider, former UCOLASC chair, met with a large number of committees and groups which is why the campus submitted so many letters with feedback on the draft policy.

VII. UC Open Access Policy

Chair Kelty will share a presentation with the members that can be used at their campuses. Letters were received from many of the campuses, the committee on academic freedom and the committee on faculty welfare. The chair has talked with various committees, the Senate leadership, Vice Provost Greenstein and copyright lawyers in the Office of General Counsel. During the last meeting, the committee discussed adding something to the Academic Personnel Manual. Chair Kelty indicated that if the policy is in the APM it will be very difficult to change the policy. If the policy is in the APM, faculty would be required to comply. Chair Kelty proposed crafting the policy and materials that support it which would be submitted to Council with a request that it be sent for systemwide review. Following the review Council would request that this would become presidential policy. Council could either vote on the policy or if the feedback is contentious, it could be sent to the Academic Assembly for approval.

Discussion: A member commented that the proposed open access policy is similar to the patent acknowledgment. Regardless of where the policy lives, CAPs can be advised to not judge open access

publications any differently. According to one member, making this a presidential policy would move the policy out of the hands of faculty. Education has to be a part of the success. Alternatives to the APM and presidential policy would be allowing campuses to implement a policy independently or placing it in, e.g. "The Call" at UCLA. Director Mitchell indicated that eScholarship can harvest the content so faculty do not have to directly deposit their work. MIT and Duke have both harvested articles. Seventy-five percent of what has been archived at MIT was harvested. Adoption of the policy as a presidential policy is different from implementation of the policy. The policy has to have a certain status in order to be legal. UCSF faculty voted to grant their rights. One campus library committee expressed concern about the amount and source of legal advice on the draft policy, and the representative stated that faculty do not trust the Office of General Counsel. One member suggested using the word grant instead of policy.

Chair Kelty shared a presentation with the committee that included data on library expenditures and UC contributions to journals. UC faculty authored 2.2% of all Elsevier articles and 12% of all published articles in Nature. The UC author estimated contribution to Elsevier's profit is almost ten million dollars. It should be the obligation of scholars to make their work broadly available. Making the work available to people outside of the university is an important goal. It was noted that even those publishers that support open access do not agree with non-commercial use. Publishers and faculty want non-commercial use for different reasons. Director Anderson pointed out that there are a number of different uses that are commercial, so the language around restrictions should be carefully considered. Commercial uses include putting a reader together to sell or creating print versions to sell to people that would otherwise not have access. People think the language will prevent unscrupulous uses of the works, while Chair Kelty thinks it would prevent legitimate commercial use. One recommendation was to make the language such that an author would pick the type of license.

With a commercial restriction, the policy would not eliminate the need for faculty to pay for their own materials for use in their course work. Publishers may be concerned that removing the non-commercial restriction is beyond the pale, in comparison to the open access policies at other institutions. The CDL has language in its authors' rights agreement that may be useful for the committee to consider. It was noted that the Humanities faculty have never paid publication fees. As part of implementation, it should be proposed that campus libraries, CDL, and deans should explore funding and mechanisms for faculty to publish in open access publications. Committees on Academic Personnel could be asked to encourage open access publications, as long as it is an appropriate venue. The slide could state that this is an implementation issue with the recommendation that some planning for funding be developed by CDL or UCOP. Whether this policy will cost people money should be addressed. It was suggested that it is important for faculty to be aware of all the activities that UC is engaged in to promote open access. It was recommended that the presentation separate the unsustainability of the current publishing model from the goal of publishing in open access. One member noted that it would be problematic to have versions of the article available that have not been peer reviewed.

The Committee on Academic Freedom expressed concerns about academic freedom issues so the policy will need to address this. If an individual faculty member has concerns about academic freedom, the opt out policy allows for that faculty member opt out of the policy. The policy makes no requirement on where faculty publish and it is written to retain academic freedom. One question is whether there should be an opt out of the requirement to deposit. Members questioned what would happen if a faculty member fails to opt out and it was noted that having a policy puts the weight of UC behind individual faculty members. The Committee on Faculty Welfare commented that the proposed policy is onerous on faculty. Faculty who do not want to publish in open access still may want to deposit the work for various reasons. Chair Kelty thinks there are downsides to allowing an opt out of

the deposit, which would give the publishers the right to demand that faculty not archive a copy. If enough campuses are moving toward electronic personnel review processes, the work could be in a depository for internal use only. An across the board deposit would make it easier for eScholarship to track.

Faculty members who have obligations to the sources of images in their work are nervous about having their work in a dark archive and were not convinced that having the work deposited reduces the work they will have to do to prepare their dossier. The policy could be expanded to say that if faculty have incompatible agreements, certain articles would be removed from both the open access and deposit requirement, although there may still be complaints that the deposit requirement is not waivable. eScholarship could start with harvesting from open access publications, but it would be very complicated to have to check articles for images. Faculty at one campus are concerned about what is being lost, and it is clear that faculty need to be educated about what rights are being given away or shared and that they can opt out of the open access requirement. The policy can be clarified that faculty are retaining rights that they have previously given away to the publishers and UC. A final version of the policy needs to be drafted and a framing letter that will accompany the policy when it is submitted to Council.

Chair Kelty indicated that committee members can adopt the slides from today's presentation for their campuses. A mock up of the deposit process should be created. Since UCSF has passed the policy UCOLASC can borrow from materials generated by that campus. Which version will be deposited in eScholarship is still unclear and Chair Kelty thinks this language should remain vague. The final published version is what is desired. eScholarship has ways to make it visible that the version of record can be found on a publisher's website. UCOLASC may want to consider incentives for faculty so they understand the value added by having work deposited in eScholarship. There are a number of arguments for adopting the open access policy that have nothing to do with issues related to commercial publishers. Committee members were invited to make suggestions regarding the language in the policy. Council meets June 27th so the goal would be to have UCOLASC sign off on the revised draft policy and framing documents by email before that date. The UCSD representative stated that the San Diego library committee will need to vote on the draft that will be revised based on today's meeting.

VIII. Implementation of the Open Access Policy

This item was included in the Open Access Policy discussion.

IX. New Business

There was no New Business.

Meeting adjourned at: 4 PM

Minutes prepared by: Brenda Abrams

Attest: Christopher Kelty