



Davis Division Academic Senate

Request for Consultation Responses

Proposed Open Access Policy UC-Wide Review

January 4, 2013

University Committee on Library and Scholarly Communication (UCOLASC) is proposing an Open Access Policy. The proposed policy would expand open access to research publications by University of California faculty by changing the default relationship between faculty authors and scholarly publishers to one in which authors grant the University a non-exclusive license to the work. The proposed policy would also require that authors deposit a digital copy of the final version of their published works with the California Digital Library. Authors would be allowed to opt out of the license grant at their own discretion. However, publishers that demand exclusive rights would need to ask authors to choose to opt-out. The proposed policy, UCOLASC's transmittal letter, and a paper responding to specific faculty concerns are attached. Additional material will also be made available on the web over the coming months.

Council of School & College Faculty Chairs (BIOLOGICAL SCIENCES)

December 19, 2012 12:45 PM

The Executive Committee of the College of Biological Sciences has reviewed the report on Open Access publication policy from the U. C. Committee on Library and Scholarly Communication and has consulted more broadly with the faculty of the College on the associated issues. We are sympathetic to the desire to promote open access publication by U. C. faculty. We also recognize the unsustainable current trend in increasing cost of library acquisition of essential scholarly materials. We are also sympathetic the need to allow for exceptions to the policy given that some faculty feel strongly about their need for freedom to publish in journals with more restrictive release policies. For these reasons we generally support the policy as presented. However, we have reservations due to a lack of full understanding of the meaning of some of the wording of the proposal, and also pertaining to implementation.

Concerning the wording, we find it unclear exactly what is meant by the sentence “Application of the license will be waived for a particular article or access delayed for a specified period of time upon express direction by a Faculty member to the University of California.” This appears to imply that the granting of a license is not waived, but rather the “application of the license” is waived. We do not know what “application of the license” being waived means. It would seem to be a better policy to waive the issuance of a license to the University if that is what is intended. This must be clarified to allow us to support the policy.

Our further concerns were with the implementation of the policy. Specifically we are concerned about increased faculty workload, and about the cost of the system to the University.

Regarding workload, we can only support the policy if the actions that will be taken are both simple and transparent. The submission of the work to the CDL must be as simple as possible. Uploading a single .pdf file, and preferably also having the option of uploading several files through a simple web-based interface (e. g. a file of the text of a paper and individual files of the figures) that would then automatically construct a single file from the set or store the files together in some easily accessible format would be suitable mechanisms for submission. The need to fill out multiple fields of metadata, or to prepare materials in specific non-standard formats determined by CDL would not be acceptable. The procedure for waiver must be similarly simple – receipt of an e-mail, or a very simple web-based form, with an immediate acceptance “no fault” policy would be appropriate. Our support of the policy is thus contingent on the implementation of a sufficiently simple mechanism for deposition and waiver request.

We are concerned that the cost of acquiring, storing and providing access to the material could be quite high. If this is the case then it could inhibit ongoing access to other essential materials. Our support of the policy is contingent on its being implemented in a cost-effective manner that doesn't disadvantage other important services of the library system.

Council of School & College Faculty Chairs (LS: HACCS)

December 3, 2012 7:46 PM

Response continued on next page.

College of Letters and Science
Faculty Executive Committee
Consultation Report on Open Access Policy

December 3, 2012

In principle, the L&S FEC endorses the Open Access Policy. However, a few concerns were raised. The first involves a question about whether or not the final license would be restricted to non-commercial use. If a faculty member wrote an article, published it and provided a copy for the CA Digital Library, could a commercial user (a publisher) then avoid paying fees to reprint the article in another form? In other words, the FEC would not like to see this policy used to enable publishers to make money off of the resale of faculty work by providing free access to research and not specifying its non-commercial use.

In such cases, would UC or the CA Digital library be empowered to grant permission to reprint? Would the author retain any control over dissemination?

Finally, in cases of published works that contain images and other items reprinted by permission, would UC and/or CA Digital Library help to negotiate the copyright issues that are now handled by publishers? Would this be an instance where faculty would want to opt out? If so, does this mean that all articles in art history (for example) would be excluded from the repository?

Elections, Rules & Jurisdiction

November 14, 2012 10:59 AM

No response at this time.

Faculty Welfare

January 3, 2013 3:15 PM

The members of the Faculty Welfare Committee agree that the escalating costs of academic journal subscriptions for research libraries has reached crisis proportions and requires an effective response. Yet we have substantial doubts about whether the proposed Open Access Policy is an appropriate solution to this problem in its current form.

The costs of publishing academic journals must be borne by someone. The current system allows certain private publishers to exact highly inflated subscription prices from research libraries for important academic journals. The power that these publishers wield rests on the expectation that research libraries must pay the price they demand and make these journals available to the scholars in their institutions. The proposed policy seeks to break the monopolistic power of these publishers by having UC faculty offer “open” access to the published work in a repository run by each campus of the UC system.

The Faculty Welfare Committee believes that while this policy might work in reducing the costs of publication in some fields (e.g., medicine) it could have large and negative consequences in others. In many fields such as engineering and the physical sciences non-profit professional organizations cover the costs of publication through subscriptions paid by individual scholars and libraries. Although individuals pay lower rates than libraries these professional organizations are not responsible for the current crisis because they do not charge university libraries exorbitant subscription rates.

Enacting the open access policy would undermine the current system of covering the costs of publication in the fields that have not contributed to the dramatically high costs of academic publishing. If individuals could acquire published work without paying a subscription then these professional organizations would have to make up that lost revenue. One approach that they have begun to use when faced with this choice is to ask the authors to pay for a significant portion of the cost of publishing their research. The current system of professional advancement could be thrown into disarray. Subfields that have ready access to large grants could adapt by paying the costs of publication for their principal investigators and authors. In fields where research funds are scarce or discretion on research grants is limited faculty members may have fewer options. The effort to break the economic power of profit-seeking publishers in some fields thus could wreak havoc in others.

The Committee identified additional issues. The costs of complying with this policy and submitting published work to the repository was seen by some Committee members as carrying significant costs that faculty members previously did not bear. In addition, the nonexclusive copyright UC, Davis would hold under the open access policy would weaken the copyright control that UC faculty currently have.

Graduate Council

October 5, 2012 9:58 AM

No response at this time.

Information Technology

December 19, 2012 2:28 PM

No response at this time.

Library

January 4, 2013 4:30 PM

Response to the Request for Consultation
on the

Proposed Open Access Policy

from the Academic Senate Library Committee

The Library Committee spent considerable time in 2012 attempting to educate the UCD faculty about the proposed Open Access policy. In the Spring we shared a draft version with Senate members and opened a discussion forum to permit a public airing of views. Many of the ideas expressed in the ensuing weeks were fed back to UCOLASC in June to inform a second draft of the proposed policy. A final version of the proposed policy was released to all 10 campuses in early August. In October this version was shared with Academic Senate members and a Town Hall Meeting was conducted in November to further clarify the reasoning and goals of the proposed policy. Immediately following the Town Hall Meeting a second whiteboard discussion forum was created and continues to be open at the time of this writing.

The general tone of the faculty at UCD seems to be one of “cautious support” for the proposed policy. Notwithstanding some vehement arguments based on misunderstanding of the policy, the relevant points of concern are based primarily on 1) interpretation of vague wording in the proposal and how it relates to issues of intellectual property and rights of the faculty members, 2) apparent unlimited rights of the university 3) ease of implementation, 4) the impact on precious library resources and 5) the impact on professional societies that manage and publish scholarly journals. With regard to these points, we make the following observations;

1) Although the proposed document is a final version, if considerable consternation is raised across all campuses regarding vague wording, it may see further revision. To this end, the wording in the proposed policy has been studied by colleagues in the Law School who have recommended the following (subtle) changes:

Paragraph 2, replace the last sentence “Application of the license will be waived for a particular article or access delayed for a specified period of time upon express direction by a faculty member to the University of California” with “Any faculty member may opt out of granting a license described in this paragraph by communicating to the University their wish to do so.”

Paragraph 3, add the following qualifier to the second sentence “The University of California will make the article available in an open access repository unless the Faculty member opts out of granting a license to the University for that article.”

Add a new paragraph following paragraph 3, “A Faculty member may choose to delay granting a license to an article under this policy to the University for a period of the Faculty members choosing. If a Faculty member chooses to delay the grant of the license, the Faculty member should communicate the period of delay to the University. The University will not make the article available in an open access repository until the period of delay has passed.”

Last paragraph, add the following to the end, “Faculty members are not subject to discipline or sanction for declining to comply with this policy.”

2) The university's right to exercise "any and all" rights under a faculty member's copyrights seems to include the right to allow articles to be reprinted in anthologies and the like without the faculty member's knowledge. Some faculty members have said that they want to know where their work is being published and want to exercise control over whether and where it is reprinted. Reprinting a faculty member's article in an anthology associates the faculty member with the other pieces in the anthology and may suggest that the faculty member endorses the quality of or views expressed in the other pieces. There is a concern that reprinters could trade on the name of prominent faculty members. All these concerns are heightened by the fact that the policy allows reprinting parties to profit from selling the faculty member's work.

3) Regarding ease of implementation, several colleagues are worried that complying with the policy will cause undue additional burden. The Chair of our committee (Kolner) witnessed, courtesy of CDL staff, a demonstration of the process of downloading the appropriate forms and subsequently uploading a pdf version of the completed manuscript. The whole process took less than 10 minutes. Considering the amount of time it takes to write and edit a good paper, prepare figures and then upload the manuscript, deal with the editor and reviewers and probably rewrite, upload again, etc., this seems like a superfluous concern.

4) A legitimate concern from the perspective of this Committee is what, if any, additional resources will be required from our already perilously scant campus library system to enact the proposed policy. The question was put to MacKenzie Smith, University librarian, and we obtained the following response:

"The truth is that we don't know yet, since the implementation plan will follow the policy's approval. CDL already has most of the necessary infrastructure, including eScholarship, so the question is how much library staff support will be needed to help the faculty comply with the policy. We do know that the policy will have no impact on the Library's collection budget since "green" Open Access policies like this provide for public access without changing the traditional publishing model or the need for journal subscriptions by libraries. Since Open Access is aligned with the Library's mission and goals for our community, we're committed to making the policy work without negatively affecting the Library's collections or services."

5) On the issue of the impact on professional societies that provide the infrastructure for creating scholarly journals, the implications are not clear. With 142 colleges and universities already running open access programs ostensibly identical to the proposed UC policy, there does not appear to be any severe impact on, or reactions from, these societies (although a complete survey has not been undertaken). The question of whether our intent in the Open Access initiative includes the preservation of professional societies also must be raised with an emphatic "no." The expressed purpose of the policy is to make freely available the results of the research conducted and published by UC faculty. The health and well-being of these societies, although of great importance to scholars, must remain a secondary consideration and it is expected that they will cope with the changes in the publishing landscape just as the commercial publishers must. Indeed, we still rely upon those societies for organizing the peer review and final publication of the articles, the importance of which in no way is diminished by the open access model. Professional society memberships still have value beyond access to journals (and creates revenue) and libraries will still subscribe to those journals, also creating revenue.

In a well-considered article on this very issue, Joseph Serene (Treasurer/Publisher) and Gene Sprouse (Editor in Chief) of the American Physical Society (publishers of Physical Review A-E, Physical Review Letters and Reviews of Modern Physics, among others) write

“Peer-reviewed journals are, if anything, even more essential in our Internet-enabled environment. In an era in which a vast amount of un-refereed scientific literature is freely available on the web, refereed journals take on special importance and their publishers perform critical services. The peer review system identifies subsets of the open literature that relevant scientific communities have singled out as sound, significant, and worthy of dissemination and preservation, and improves the papers selected for publication. The other possibilities for ensuring broad public access, and the ones that we favor at present, fall under the (large) umbrella of Green Open Access. One can think of this as encompassing all forms of public access other than complete Open Access to the publishers Version of Record on a journal platform. For example, APS allows authors to post our final PDF of their paper on their own websites or their institutions websites (i.e., in institutional repositories), and we allow the authors versions of the paper, including revisions resulting from the peer review process, to be posted on any free site at any time, without embargoes. We were the first publisher to adopt such a policy, in 1997, in support of arXiv.org (thenxxx.lanl.gov) in its early years. We also offer our entire journal collection and archive to any US public library or high school library for walk-in access, at no charge (an idea borrowed by the UK), and we offer a low-cost article rental option for all of our articles through DeepDyve (a commercial venture). We note in passing that the use (to date) of these opportunities has been very low, at least suggesting that the actual public demand for research papers in physics is not large.

We believe that extending these approaches could provide acceptable public access at a relatively low cost to funding agencies and relatively low risk to publishers. For example, funding agencies could require that a final version of any paper that they support must be either (1) posted on an authors website or an institutional website; (2) posted on an Open Access repository such as arXiv; or (3) published Open Access in a Gold or hybrid journal. This is essentially the recent UK/Finch policy, with less bias toward the Gold option.

In conclusion, although no one knows the precise trajectory of Open Access, the APS journals are long-time participants and are positioned to respond and to lead as needed.”

Ref: <http://www.aps.org/publications/apsnews/archives/index.cfm>, “November 2012 (Volume 21, Number10) Entire Issue,” page 8.

We infer, therefore, from the APS that it is possible for a professional society to embrace the concept of institutional open access and see that it does not necessarily spell its demise.

In conclusion, the Library Committee supports adoption of the proposed Open Access policy, but we feel that it would be improved by incorporating the changes suggested by the Law School in section (1) above.

Planning & Budget

November 16, 2012 4:28 PM

No response at this time.

Research

January 8, 2013 10:47 AM

The Committee on Research discussed the Proposed Open Access Policy. While a majority of the COR members support the overall goal of the proposal to ensure access to our research, the committee still has significant concerns:

- COR strongly supports the proposed opt-out plan over an opt-in plan. But COR wonders how the policy will actually save UC or UCD any money on journal subscriptions. The UC must continue to subscribe to the relevant journals.
- All publications resulting from NIH-funded research already are open access, as Congress has put in place a requirement to provide final versions of manuscripts supported from NIH funds via PubMedCentral within one year of publication into the public domain. For that type of research, a second required upload into the CDL seems superfluous and bureaucratic.
- As usual, the devil is in the details. Right now as proposed, the money required to create the necessary software and necessary support to have every scholarly contribution by a UC Davis faculty member uploaded into the CDL is supposed to come out of the existing (shrinking) library budget and/or researchers themselves. It seems that there are more questions than answers and we would like additional information.
- There are numerous open-access journals in place so that every faculty member can make the decision to publish in that format if they so choose. This is not cheap either, but it does make the paper immediately accessible to all. Thus, the policy would not create something truly new; it could potentially siphon off money from library funds, create more paperwork and hassle, with few new benefits.
- In the new policy materials, it was stated that many of the best universities in the country have approved similar policies. But most of those universities are private with large endowments. How do they pay for universal open access? If they pay for this for their faculty, then the comparison is invalid for UC since our university will never be able to do that for our faculty. Additional information regarding the specifics of implementation at the other universities mentioned in the proposed policy is essential to evaluate the impact of this policy and to provide valid comparisons.
- There used to be similar policies at LLNL, and deposit and approval were required to make sure that no classified information was being published, and no potential UC patents were compromised. The fear of getting in serious trouble was enough to motivate compliance. COR is not sure how conscientious the faculty will be about following this policy, without a similar motivation, and what sort of coercion would be effective without being burdensome. The sentence below from the document does not make this explicit: "The Faculty calls upon the Academic Senate and the University of California to develop and monitor mechanisms that would render implementation and compliance with the policy as convenient for the Faculty as possible."
- **Editorial Revision:** In the rightmost green box on page number 19 in the main document (page 24 of the pdf file, the word "**acan**" (see below) should be "**can**". UC (via CDL) often negotiates OA rights independently, and **acan** sometimes make a work OA after an embargo period.