

SLASAC Conference Call

Feb. 6, 2012, 2 - 4pm

Participants: Alison Mudditt, Charles Louis, Cynthia Johnson, David Ernst, Dan Greenstein, Gary Strong, Gene Lucas, Ginny Steel, Laine Farley, Laurie Monahan, Marc Aldenderfer, Peter Siegel, Rich Schneider, Robin Garrell, Wendy Streitz

Absent: Debra Obley, Mara Hancock, Mary MacDonald, Robert Anderson, Rosio Alvarez

Meeting Notes

1. Open Access

UC Open Access Policy

Laurie Monahan, the UCSB representative to UCOLASC, reported that UCOLASC has been working since the beginning of the academic year on developing an open access policy for UC. In 2006, a proposed Open Access Policy was rejected by the Academic Senate, mainly due to concerns about implementation. There were questions about opting-in vs. opting-out and an impression that the policy was coming from the administration and not the faculty. This time, UCOLASC (a faculty committee) is taking charge, circulating an annotated model policy to academic senate groups to get more faculty involvement, and trying to separate the policy from implementation issues.

Rich Schneider, the immediate past chair of UCOLASC, provided more information on UCOLASC's strategy for the current policy attempt. Because some campuses might be more ready than others to adopt an open access policy, each campus can decide individually whether to create an open access mandate via its own academic senate. In order to do so uniformly throughout the campuses, UCOLASC is serving as the coordinating body and developing language that all campuses can feel comfortable with and adopt when ready. Right now, Rich is going from committee to committee at UCSF to talk about the policy draft, gather input about concerns, and get buy-in from faculty. Los Angeles, San Diego, and Berkeley are also moving in the direction of adopting a faculty-led policy. The other campuses can watch what happens and make their own decisions. The plan is to take it to the UCSF Academic Senate for a vote in June.

Questions for Laurie and Rich centered mainly on concerns about working with publishers and dealing with various copyright and licensing requirements. The draft policy grants to the University a nonexclusive license to the author's scholarly articles, provided they are not sold for a profit. The dual intent of the policy is to allow the University to make the scholarly work available to the public and to preserve a copy of the work in a University-based repository.

According to Robin Garrell, some major scientific societies are insistent about maintaining their copyright agreement as written, leaving little room for negotiation. In such cases, faculty might have to "opt-out" of the policy. In some cases, authors may be able to transfer copyright of their articles to other entities while maintaining the exception of the nonexclusive license for UC. Rich said that a more recent draft of the policy includes language from the 1992 UC Policy on Copyright Ownership, which states that UC faculty hold the copyright to their academic works.

Questions were also raised about which *version* of the scholarly article would be required for open access. In almost all cases, the version stipulated is the author's final submitted draft, not the published article.

In the 2006 policy attempt, it seemed that faculty had an aversion to granting a license to their works to "The Regents," even though that is the legal structure of the University. An alternative might be to assign license to the "California Digital Library on behalf of the Regents of the University of California," much as the eScholarship license agreement uses. (See: http://www.escholarship.org/eScholarship_Agreement.pdf)

In terms of implementation of the deposit requirement, Rich said it could be satisfied by submitting articles to PubMed Central (if appropriate) or eScholarship. Laine Farley concurred and noted that implementation planning was beginning at the CDL. She suggested that there are other repositories that might also work, but that articles should also all be harvested back into eScholarship (to maintain the scholarly record of the University of California as comprehensively as possible).

Regarding faculty compliance with the policy, it is not yet clear how that will be governed, but one idea put forward is making proof of compliance a requirement for promotion and tenure. Rich noted that NIH withholds grant money for researchers who do not submit proof of compliance with their open access policy. It's not a perfect solution, but open access policy supporters would prefer that implementation details not get in the way of the overall statement.

In the end, SLASIAC **endorsed** supporting the proposed policy and agreed to work with the administration as needed. UCOLASC will work with the CoUL on a draft implementation plan.

RFIs & Legislation update

Laine Farley described the background document provided to SLASIAC as an overview and recap of what the libraries have done in the past to address legislation that may have an impact on the UC libraries, and how the process works.

The Research Works Act (HR. 3699), introduced in December, has mobilized a lot of people to respond, but is most likely not going anywhere according to most sources. Even large publishers are not supporting it. [Update 2/28/12: The RWA co-sponsors have announced that they "will not be taking legislative action on HR 3699, the Research Works Act."]

A 2012 version of the Federal Research Public Access Act (FRPAA) will be introduced in next few weeks by Senators John Cornyn (R-TX) and Ron Wyden (D-OR), with a complementary bill in the House of Representatives. Like the bill of the same name introduced in 2009, this bill would expand and extend federal "open access" policies to government agencies beyond the NIH's existing PubMed Central. Specifically, federal agencies with research expenditures over \$100 million would have to enact a public access policy. [Update 2/28/12: More information can be found on the ARL's website: <http://www.arl.org/pp/access/accessfunded/frpaa-2012.shtml>.]

NPG Update

Rich Schneider said that UC faculty have been working with Nature Publishing Group for over a year to try to figure out an alternate agreement to the steep increase in licensing costs proposed

by NPG. The result is that licensing costs have not gone up during this time, but NPG sees its business model situation as too fluid and is not willing to commit to anything in particular at this time.

There is now an official statement on the Reshaping Scholarly Communication website (<http://osc.universityofcalifornia.edu/>).

2. HathiTrust Update

Year in Review

Laine described the HathiTrust (<http://www.hathitrust.org/>) as a key part of the UC libraries' strategy for converting legacy collections to digital format. The organization had its first Constitutional Convention in the fall, which introduced some new directions that are highlighted in the background materials. Of particular interest is the emphasis on "lawful uses of in-copyright material," which includes giving rights-holders the ability to open access to their own works using a Creative Commons license. More information and links can be found here: http://www.hathitrust.org/updates_review2011.

Research Center

In addition, Laine introduced the HathiTrust Research Center (<http://www.hathitrust.org/htrc>), which will use HathiTrust's digital copies for computational research, starting with works in the public domain. The Research Center was launched by the University of Illinois and Indiana University, which have already started working on tools for text mining and non-consumptive research. The advisory board has 4 UC representatives. The report distributed in the background materials describes the various initiatives HTRC is working on.

Authors Guild Lawsuit Update

Karen Petrulakis from UC's Office of General Counsel called in to report on the status of the orphan works lawsuit brought by the Authors Guild and other associations. Karen is working with Mary MacDonald on monitoring the lawsuit from UC's perspective. Outside counsel has been retained jointly with the other universities in the suit, with Michigan taking on a larger percentage (as host of the HathiTrust). The lawsuit is quite broad, and seeks to impound all digital copies until Congress has enacted an Orphan Works proposal. A motion to dismiss will be heard on March 2.

3. CDL Budget

Report from SLASAC Subcommittee

Gene Lucas provided some background information on the budget exercise from UCOP, which resulted in the CDL budget documents that were included in the meeting materials packet. The implementation of a new funding methodology for UC last year resulted in an additional cut of \$50 million to campus budgets. This led to a request by COVC for UCOP to participate in budget cutting as well. Consequently, UCOP departments have been asked to go through a planning exercise, recommended by the COVC based on a process that has been used by the campuses. Each program/department has to model both cuts and increases of up to 25%, including what impact that would have on that unit. There will be a couple of rounds of consultations, first with a Presidential Advisory Group and then with a new campus budget review executive committee.

UCOP departments will then be asked to work with OP budget coordinators to develop final budgets for 2012-13 and 2013-14 to be brought to the May meeting of the Board of Regents for approval.

The CDL budget proposal was reviewed by the newly-convened SLASAC Budget Subcommittee on January 5, 2012. The subcommittee is composed of Gene Lucas (chair), Dan Greenstein, Laine Farley, Gary Strong, Ginny Steel, and Meredith Michaels (Vice Chancellor of Planning and Budget at UCI, and the one non-SLASAC member). Notes from that discussion can be found on the subcommittee's website:

http://libraries.universityofcalifornia.edu/planning/slasiac/budget_subcommittee/

The CDL identified five potential ways to cut the budget that would add up in various configurations to 25%, but Budget Subcommittee eliminated the two most objectionable. The remaining three options, which add up to \$3.5 million (approximately 25%), will be provided to Provost Pitts. They can be summarized as:

1. Move some staff to one time funding
2. Offload programs that CDL does not *need* to host, if other community members can take on the service
3. Cut some licensed collections, including "one-time" budget funds

Although the budget exercise included 25% increase scenarios, it is unclear whether there is any likelihood of a budget increase. The administration and committees will need to look at the whole picture. Dan Greenstein said it was his understanding that cuts would not be made across the board, but would be concentrated in units where it is believed cuts can be taken. Also factoring into any decision is the "Request for Increased Funding" to the State. UC has requested a restoration of funds.

A question was raised about how CDL would be able to manage an open access mandate if its budget is cut. Gary Strong noted cuts for campuses could also impede progress in that area, as not all costs of OA occur at the CDL. Campuses incur costs too, including working with faculty on submitting articles and outreach. In the decrease scenarios, the eScholarship service and curation and preservation services would be retained.

Gene Lucas expressed the overall feeling that this budget situation is difficult, and it is possible that UC could get another cut in the middle of the year.

Impact of budget cuts on library collections

Laine Farley gave a PowerPoint presentation (available on the Meeting Notes website: <http://libraries.universityofcalifornia.edu/planning/slasiac/slasiacmeetings.html>) describing the impact of budget cuts on the systemwide collection. The conclusion of the presentation was that, even with efficiencies, the libraries are still losing ground. The current situation forecasts a bleak outlook for the future, not only within UC but for research libraries nationwide.