

UNIVERSITY LIBRARY COMMITTEE

Minutes

December 6, 2006

PRESENT: Mark Blaine, Grant Castner, Priscilla Elder, Chris Jones, Alexander Mathas, Eric Mentzel, Lee Roth, Tze-Lan Sang, Dev Sinha

GUESTS: Mark Watson, Assistant University Librarian for Collections and Access; Faye Chadwell, Head, Collection Development & Access, Rich Linton, VP for Research

Mark Blaine, chair, called the meeting to order at 9:50. He welcomed Vice President Rich Linton; introductions followed.

The agenda item for this meeting was to discuss what the university can do to contribute to accessibility of faculty members' research. VP Linton said his objective in participating in this meeting is to understand the committee's focus and what their major concerns are. What should be the highest priorities for institutional engagement around these concerns? His office needs to be able to support the activities connected to these issues. By being part of today's discussion, it will enable him to understand what this committee hopes to accomplish. He supports pro-active efforts, and also understands the complexity of concerns with copyright issues and author rights. How do we educate faculty? Exploding journal prices have created a crisis for all universities. The recent emergence of e-publications and new digital initiatives for making scholarly work more broadly available are important steps. The library's Scholar's Bank is a good example of how the campus community can make their research more widely available to the scholarly community.

What should the UO do to educate faculty about publishing options and how might we connect to national issues? It is not easy to address policy issues, costs, and access. Deb responded that the ULC has provided broad programs for the campus on scholarly publishing but has not done anything at the policy level. A more direct and practical approach might be to focus on author rights. Before the ULC can proceed, we need to define what that means. Does it mean educating campus, or promoting an addendum that faculty could use? The culture on this campus would make it difficult to mandate that everyone adhere to certain policies on publishing. Do we want to join forces with other peer institutions?

The question was asked as to what could be done at the university level. How could we set a campus policy when the disciplines are so varied, e.g. art history vs. physics. How are our peer institutions addressing these same issues? Most disciplines' promotion and tenure guidelines require publishing books and articles, so any policies promulgated at the campus level should not interfere with this expectation. Another approach might be to have campus-wide discussions on reasonable expectations for promotion/tenure.

In regards to authors signing away their rights, they often are then prohibited from publishing their material on their web site. It is the faculty members' work and the university has supported that research, so he/she should consider not signing away all their rights in perpetuity to the publisher. A step the ULC could take is to educate faculty on author rights, making addendums available to faculty to use at their discretion. A handout on SPARC's "Copyright Resources for Authors" was distributed, along with SPARC's "author's addendum to publication agreement." See <http://www.arl.org/sparc/resources/copy.html> and <http://www.arl.org/sparc/author/>.

Publishers do not typically take legal action against a faculty member who might post their articles on their website. Publishers are more concerned with access being available to a much broader audience. The AAP (Association of American Publishers) has been more aggressive monitoring activity the last two years, with a focus on course materials.

A question was asked whether the University could retain rights because it pays the faculty members salaries for doing research and also provides the necessary resources to conduct the research; e.g. work for hire. While this approach is possible, the university has waived many of its rights associated with “work for hire.” While this approach is possible, the University has waived many of its rights associated with “work for hire.” It is not really in the University’s or the faculty’s interests to adhere to a strict interpretation of “work for hire.” It is felt that it would be helpful if the University would be willing to support its faculty members in deciding whom to publish with.

Another area the ULC might look into is how to deal with problems that faculty have in putting together course packets. The faculty member might say that the publisher has the rights to his/her book, but that faculty members should be able to copy chapters from the book for course packets. The faculty member could decide whom to extend those rights to, beyond his/her own campus; e.g. create a consortium where the content of material can be shared without having to go through a publisher to get the information. It might be more effective to have other universities following the same practice, sharing content for instructional purposes.

Deb responded that it would not be easy to create a consortium. We have our own internal market who could use the chapters for instructional purposes. The publisher would still be able to sell the author’s content to other universities.

Everyone agrees that we need to educate faculty on author rights, provide advice and guidelines on addendums. There are also legal issues to consider. Can the University force faculty to not sign away their rights, for example. Rich responded that our campus has a very liberal environment and would probably not insist faculty submit their work only to publishers who allow them to retain rights. But he indicated he would be willing to assist authors in asserting their rights.

Deb stated that Randy Geller has indicated he would be willing to look at various addenda and draft a version for the UO.

Mark W. suggested putting together a survey for faculty on their experiences with publishers. We should understand the problem before trying to come up with solutions. Dev added that some math faculty tend to post to open access archives before getting peer review and that they also may post their final copy to archives before signing away rights.

The committee decided that its next step should be to ask their colleagues, on an informal basis, about their experiences with publisher agreements. Have they tried to retain some rights, or have they been content to sign them over? The library will put together several basic questions for the ULC, including questions on Scholars Bank use and issues with course packaging. It was suggested that library staff also contact some of the CAS departments that do not have representation on the committee.

Mark read an excerpt from a recommendation by University of California Senate about taking a controlling interest in the area of faculty copyright. See "Proposal for UC Faculty Scholarly Work Copyright Rights Policy" at <http://www.universityofcalifornia.edu/senate/committees/scsc/copyrightproposal0506.pdf>

The page below also provides a number of links to related and relevant white papers:

<http://www.universityofcalifornia.edu/senate/committees/scsc/reports.html>

ACTION ITEMS:

- Library will put together several questions for ULC members to ask their colleagues in January re. author rights. Would the faculty member anticipate problems with their publisher if he/she were to first post to the work to Scholars Bank? Does anyone have experience with publishers' reactions? Experience with course packaging problems?
- Library will be responsible for contacting some CAS departments not represented on the committee, and possibly another Science department.
- Have addendum available to give colleagues.

Rich added that the research office will assist the ULC with their efforts.

Submitted by
Sheila Gray