



**University Senate
TRANSMITTAL FORM**

Senate Document #:	10-11-32
PCC ID #:	N/A
Title:	University Library Council Report on the University Open Access Movement: A Proposal for Broad University Engagement
Presenter:	Martha Nell Smith, Chair University Library Council
Date of SEC Review:	March 15, 2011
Date of Senate Review:	April 7, 2011
Voting (highlight one):	<ol style="list-style-type: none"> 1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	<p>The way we respond to the much-discussed crisis in scholarly publishing will profoundly affect the University's future, and our capabilities for achieving and sustaining excellence as a comprehensive research university. The issues involved are of vital importance to all campus constituencies—faculty, students, staff, and administrators. As many senators will remember, one proposed solution to some of the problems in scholarly publishing is known as “open access,” which was debated in spring 2009. That debate revealed confusion, misinformation, and lack of information about “open access.” As a result, the University Library Council undertook a year-long review of open-access issues to determine whether a campus policy should be formulated.</p>
Relevant Policy # & URL:	N/A
Recommendation:	<p>After extensive review and extended discussion, members of the Council have unanimously concluded that while the issues are very complicated, dynamic, and evolving, inaction by University in formally addressing “open-access” issues is not an option. The Council unanimously and emphatically agrees on the following recommendations to the Provost, University Senate, and Dean of</p>

	<p>the Libraries:</p> <ul style="list-style-type: none"> • In order to oversee and coordinate the development of both open-access awareness and policies, we recommend the formation of a scholarly communications/publishing task force appointed jointly by the Provost, the Senate, and the Dean of Libraries, with representatives of all stakeholder groups and of various viewpoints. • Consideration needs to be given to the development of policies that might be both campus-wide and policies that might apply to specific colleges or disciplines. In other words, policies developed should be flexible and adaptable to our constituencies' various, sometimes conflicting needs. • Extensive education of the campus community on the issues and basic principles of open access are needed before any policy is formulated, considered, and possibly adopted. Any premature effort to address policy runs the risk of being unrealistic and, consequently, of failing (as did the previous proposal). • This education should include efforts to make scholars aware of their rights as authors, which will be an important step in achieving a more favorable degree of control over the dissemination of their work.
<p>Committee Work:</p>	<p>Five questions guided the Council's deliberations and generated our set of recommendations:</p> <ol style="list-style-type: none"> 1. What is the nature of the crisis in scholarly publishing and how is the university community affected by it, directly or indirectly? 2. What are the characteristics of open-access publishing alternatives and self-archiving in digital repositories? 3. How appropriate are open access alternatives for faculty and students seeking to publish in leading journals, and how does this vary by discipline? 4. What are other institutions doing in regards to open access? 5. What should the university or individual departments do to

	<p>begin formulating policies on open-access publishing?</p> <p>The Council’s year-long review of open-access issues included reading widely and familiarizing ourselves with the range and the depth of varying views; inviting open-access experts to present and discuss their opinions with the Council; as stakeholders ourselves, debating the issues over the course of many meetings and formulating our four recommendations.</p>
Alternatives:	The Senate could choose to do nothing at all, and the University could have no guiding principles regarding a most important issue regarding scholarly communication and knowledge production.
Risks:	The only risk appears to be in not having any policy whatsoever.
Financial Implications:	Judicious adaptations of open access policies in scholarly publishing will help drive down the increasingly prohibitive costs of scholarly exchange.
Further Approvals Required:	Senate Approval & Presidential Approval.

TO: The University of Maryland Senate, Provost Ann Wylie, Dean Patricia Steele
FROM: Martha Nell Smith, Chair, on behalf of the University Library Council
RE: The Crisis in Scholarly Publishing and the Open Access Movement:
A Proposal for Broad University Engagement in Study, Dialogue, and Policy¹
DATE: 7 March 2011

The cause of the crisis in scholarly publishing is plain. Diminishing financial resources are running up against sharply rising costs and increasing demand for scholarly materials. The consequent financial concerns are trumping needs in research and teaching, and thus hamper educational attainment. At the University of Maryland, which has risen in recent decades to the ranks of top public research institutions, the way we respond to this crisis will profoundly affect our future trajectory. The issues involved are of vital importance to all campus constituencies—faculty, students, staff, and administrators. Each and all are stakeholders.

One proposed solution to some of the problems in scholarly publishing is known as “open access.” While the term is applied in various ways, the most basic definition is: “Open access” means “available freely to the public via the internet. . .”² “Open access” also pertains to self-archiving in digital repositories. However, the growing movement to distribute scholarly work via open access is not without concerns and controversy, as is clear on our own campus. At the May 2009 meeting of the University Senate, the Faculty Affairs Committee introduced a resolution proposing, among other things, the increasing use of open-access options where these would not be detrimental to the careers of faculty and students. The resolution was hotly debated and then voted down.

As a result, in 2009-2010 the University Library Council undertook a year-long review of open-access issues. This memorandum summarizes our findings to date. Important to keep in mind is that the issues surrounding open access are not confined to journals, the focus of this report. Monographs and textbooks are also affected, and issues that are more monograph- and textbook-specific should be considered. Our hope is that these broader issues will be as more careful consideration of open access issues becomes more extensive among all campus constituencies. While the subject is complicated and the next steps are not entirely clear, we have concluded that one thing is certain: **Inaction is not an option.**

Five questions guided the Council’s deliberations and generated our set of recommendations:

1. What is the nature of the crisis in scholarly publishing and how is the university community affected by it, directly or indirectly?
2. What are the characteristics of open-access publishing alternatives and self-archiving in digital repositories?
3. How appropriate are open access alternatives for faculty and students seeking to publish in leading journals, and how does this vary by discipline?
4. What are other institutions doing in regards to open access?
5. What should the university or individual departments do to begin formulating policies on open-access publishing?

Detailed summaries of what we learned from pursuing these questions are below. Our recommendations (p. 7), in brief, call for a process that would engage the entire campus community in study and substantive dialogue leading to the formulation of a flexible university policy on open access.

Question 1: What is the nature of the crisis in scholarly publishing and how is the university community affected by it, directly or indirectly?

The council has identified these key parameters of the crisis:

A growing disconnect between resources and needs. More and more journals are being published to meet scholarly needs for publication in ever more fragmented sub-disciplines and specialty research areas. Concomitantly, libraries with static or shrinking budgets are unable to add new subscriptions.

Rising prices. Journal prices have skyrocketed in the past 25 years. The amount varies by discipline but far outpaces inflation. Pricing is often controlled by a handful of international commercial publishers. They have come to dominate the market through acquisitions and mergers of smaller companies and takeovers of the publication programs of some scholarly societies. These corporations publish many of the highly ranked “core” journals, especially in the natural and social sciences.

A vicious cycle. With subscription rates so high, faculty have fewer personal subscriptions. They and their students rely on the library’s subscriptions or licenses, both to paper journals and to electronic databases and e-journals. But increasing journal costs have meant decreasing access for faculty and students since the purchasing power of libraries has not kept pace with the increase in both the prices and numbers of journals. Meanwhile, as pressure increases to devote greater portions of library budgets to journals, fewer monographs, which are of critical importance for humanities scholarship, can be purchased.

A paradoxical effect of the push to publish. For faculty and students, advancement is dependent on frequent publication. The work product is typically given for free to publishers. But the library then has to buy back the intellectual products of the university’s faculty and students at inflated prices, sometimes “bundled” in pricing packages with unwanted materials.

A wide array of stakeholders. Researchers and students in every discipline are affected when they cannot get the access they need for comprehensive and timely literature reviews. Researchers’ lack of direct access to content puts additional demands on library staff, who must also make decisions about the allocation of inadequate resources. The burgeoning of journals, both in traditional and open access formats, confronts administrators seeking to measure and evaluate the scholarly output of faculty and students. Grant recipients face requirements from funding agencies that research findings be placed in publicly accessible repositories. And the publishing industry itself is struggling with new business models and competition from alternative modes for disseminating scholarly information.

Question 2: What are the characteristics of open access publishing alternatives?**(A) Open Access Journals**

As the open-access movement has grown in recent years, the number of open access journals has risen dramatically. The *Directory of Open Access Journals* (DOAJ) – online at <http://www.doaj.org/> – lists more than 5,000 “scientific and scholarly” titles that exercise “quality control” through peer review, an editorial board, or an editor. The *Directory* lists the following additional criteria for inclusion:

Coverage:

- *Subject: all scientific and scholarly subjects are covered*
- *Types of resource: scientific and scholarly periodicals that publish research or review papers in full text.*
- *Acceptable sources: academic, government, commercial, non-profit private sources are all acceptable.*
- *Level: the target group for included journals should be primarily researchers.*
- *Content: a substantive part of the journal should consist of research papers. All content should be available in full text.*
- *All languages*

Access:

- *All content freely available.*
- *Registration: Free user registration online is acceptable.*
- *Open Access without delay (e.g. no embargo period).³*

The primary difference between subscription journals and journals included in the *Directory of Open Access Journals* is the business model, not coverage or quality. Open-access journals are not produced cost-free. But instead of subscriptions, they tend to be supported by advertising, grants, tax revenues, or publication fees. The latter may be paid by authors or on behalf of authors – sometimes from library budgets. And a combination of support methods may be used for any given journal.

Author-pay models are relatively rare. They occur in disciplines such as the natural sciences where grants have been used to underwrite publication costs. In fact, there is long precedent for grants that include the payment of publication fees in the life and earth sciences, both for open access and subscription journals. Publication fees as a funding means only work when there are sufficient sources of funds to allow authors to pay them. In an effort to assist faculty with publication fees, several institutions banded together to form the Compact for Open Access Publishing Equity, or COPE, online at <http://www.oacom pact.org/>.⁴

(B). Self-Archiving and Digital Repositories

A second type of open-access distribution is self-archiving of an author’s final version in a digital repository. The University of Maryland has such a repository, known as the Digital Repository at the University of Maryland, or DRUM. Launched in 2004 and managed by the

University Libraries, DRUM has several goals: wider dissemination of research; increased potential for citation; permanent URLs for individual documents; and a place for researchers to upload associated content, such as datasets, video, and audio files.

Many journals permit some self-archiving of pre-prints or post-prints, and the number of these publishers is growing. A list of these is maintained by a digital repository partnership in the United Kingdom, which now includes hundreds of journals that allow some form of self-archiving.⁵ Different publishers—commercial, learned societies, university presses, university-supported, or government agencies—have varying policies regarding permissions they may grant as part of copyright transfer agreements. These policies address whether authors may archive their own papers on personal Web sites or in institutional repositories, and whether they may post links to their articles and reuse article content. Independent of the nature of agreements between publishers and authors, there is an increasing practice of being explicit about what authors can and cannot do with their papers after submission.

As individual authors or through their professional associations, many scholars are putting pressure on those publishers that do not allow self-archiving to change such policies. Over time, there has been less insistence on mandatory copyright transfer from author to publisher. A recent study found that whereas 83 percent of scholarly publishers required mandatory copyright transfer in 2003, that rate was down to 53 percent by 2008.⁶ As publishers are pressured by authors, or are learning that offering authors more relaxed archiving options does not negatively impact subscriptions – and may even increase their journals’ impact factor, which is an important consideration in the sciences and social sciences – more are allowing options for authors to make their work openly available online.

A growing number of funding sources – including U.S. government agencies such as the Institute of Education Sciences and the National Institutes of Health (NIH) and others such as Autism Speaks, the MacArthur Foundation, and the Howard Hughes Medical Institute – are requiring that grant recipients deposit their research papers in an open-access repository within a set period of time after being published in a refereed journal.⁷ The goal is to ensure that funded research is widely disseminated and accessible. One such example is the NIH Public Access Policy requiring research funded by NIH to be deposited in the PubMed Central database. Legislation pending in Congress would broaden this requirement to all federal granting agencies.⁸

Question 3: How appropriate are open access alternatives for faculty and students seeking to publish in leading journals, and how does this vary by discipline?

According to some studies, open-access distribution leads to higher visibility and increased readership and open-access articles are typically cited more often than their traditional counterparts.⁹ On the other hand, open-access publishing may generate unintended negative consequences. For example, competition between open-access journals and traditional journals might result in the demise of some of the latter, thus reducing the number of publication outlets for authors. Faculty members who have editorial or production roles in these journals worry about the publications’ economic stability in the face of open-access competition. A related concern is whether the low revenue of open-access publishing will spawn the publication of

inferior and unreliable journals. In fact, there is already a broad range of quality in both subscription and open-access journals.¹⁰

Another concern with the open-access model comes from the natural and engineering sciences, where many journals are published by professional societies. The costs for these journals are recovered through page charges, along with fees negotiated with libraries. Researchers in these societies – examples include the Ecological Society of America, the Institute of Electrical and Electronic Engineers, and the American Geophysical Union – remain supportive of their journals and would not likely support open-access journals designed to serve the same audience.

Yet another concern related to the issue of sustainable models for open-access publishing is that while an author-pay model may work for some in the natural and social sciences, it does not work in the humanities. Further, as the demand for an article declines slowly over time in the humanities compared to the sciences where demand tends to fall off sharply, some publishers in the humanities may be less willing to allow self-archiving even after an embargo period. Also, all journals should be reliably archived, so all business models need to account for preservation.

Question 4: What are other institutions doing in regards to open access?

A growing number of academic institutions have adopted open-access policies or are considering doing so. These policies are a form of self-imposed mandate intended to increase access to faculty scholarship. A list of current worldwide policies is available online at the Registry of Open Access Repository Material Archiving Policies, or ROARMAP.¹¹ The list of academic institutions in the U.S., along with the date the policy was adopted, includes the following:

- Case Western Reserve University (April 2005)
- Cornell University (May 2005)
- Harvard Faculty of Arts & Sciences (February 2008)
- Harvard Law School (May 2008)
- Stanford School of Education (June 2008)
- Harvard School of Government (March 2009)
- MIT (March 2009)
- IUPUI Library Faculty (April 2009)
- Oregon State University Library Faculty (May 2009)
- Harvard Graduate School of Education (June 2009)
- Trinity University (September 2009)
- Oberlin College (November 2009)
- BYU Library Faculty (November 2009)
- BYU Instructional Psychology & Technology Department (November 2009)
- University of North Colorado Library Faculty (December 2009)
- Harvard Business School (February 2010)
- Rollins College Faculty of Arts & Sciences (February 2010)
- University of Kansas (February 2010)
- Wake Forest University Library Faculty (February 2010)
- University of Puerto Rico School of Law (March 2010)

- Duke University (March 2010)

This list suggests that the movement toward the development of explicit policies at the institutional level is gaining momentum. This does not suggest, however, that implementation of these policies has always been easy or fully successful. At some of these institutions, serious pockets of concern remain and there is not full consensus but in fact resistance to adoption of open-access policies. While they do represent bold experiments in changing the publishing environment, open-access mandates, whether coming from funding organizations or self-imposed by universities, do not fully address all the economic hurdles, rising production costs, need for new forms of distribution of scholarly work in process, and need for new ways to evaluate, preserve, and share scholarship.

Open-access policies adopted by universities have remained consistent with copyright law. Authors own the copyright to their work until and unless they transfer it to the publisher. They may choose to negotiate individually with publishers to retain their copyright, or, as Harvard and MIT have done, they can take advantage of a university-wide policy that has been negotiated with a few publishers on behalf of faculty. This type of policy allows for faculty who wish to refrain from retaining rights to do so, but this is not the default position. Rather, it is an option that authors need select explicitly or by directing that a waiver of the license be granted. Stuart M. Shieber, director of Harvard’s Office for Scholarly Communication, has drafted a model policy to help universities that are contemplating such options.

Several large organizations and associations are supporting open access. In 2009, several of these – the Association of American Universities, the Association of Research Libraries, the Coalition for Networked Information, and the National Association of State Universities and Land-Grant Colleges – issued a “call to action” urging universities to push for wider dissemination of research and scholarship.¹²

Universities are responding in a variety of ways. The University of Maryland Libraries, for example, have an objective in their 2010 Strategic Plan (p. 4) to “initiate a program of open-access journal publishing, maintenance, and preservation,” to “establish a library role in intellectual property rights management in the open-access environment,” and to “expand the use and relevance of the institutional repository program [DRUM] to preserve and make available campus electronic scholarly products.” MIT, the University of Michigan, Washington University in St. Louis, and Wayne State University address author rights in the form of *author addenda* that faculty can use to retain the rights they need to reuse their articles when negotiating with publishers.

Obviously, policy and practice regarding open access are still evolving—sometimes even lurching in different directions. Much depends on the discipline and type of publisher, but there are substantive differences within particular disciplines and even between different journals offered by the same publisher. Also, though there is a trend toward the relaxing of copyright agreements to allow self-archiving, there is also greater use of embargoes to hold back those rights for a period.

Question 5: What should the university or individual departments do to begin formulating policies on open access publishing?

The crisis in scholarly journals and in library funding is real, and it encompasses a series of interrelated problems. Open access has surfaced as one proposed solution to some of the problems. Within the Library Council there has been a spirited discussion over the past year about both the crisis and about open access as a solution. This discussion is a microcosm of the varied opinions and constituencies on campus. Where the Council is in unanimous and emphatic agreement, however, is in making the following recommendations to the Provost, University Senate, and Dean of the Libraries:

- In order to oversee and coordinate the development of both open-access awareness and policies, we recommend the formation of a scholarly communications/publishing task force appointed jointly by the Provost, the Senate, and the Dean of Libraries, with representatives of all stakeholder groups and of various viewpoints.
- Consideration needs to be given to the development of policies that might be both campus-wide and policies that might apply to specific colleges or disciplines. In other words, policies developed should be flexible and adaptable to our constituencies' various, sometimes conflicting needs.
- Extensive education of the campus community on the issues and basic principles of open access are needed before any policy is formulated, considered, and possibly adopted. Any premature effort to address policy runs the risk of being unrealistic and, consequently, of failing (as did the previous proposal).
- This education should include efforts to make scholars aware of their rights as authors, which will be an important step in achieving a more favorable degree of control over the dissemination of their work.

Finally, the Council recommends that these initiatives be undertaken without delay. Time lost in developing a response to the crisis in scholarly publishing and to the open access alternative will be measured in decreasing access to essential resources and increasing frustration of researchers. On the other hand, the crisis itself is also an opportunity if the university takes the initiative now to become a leader in developing creative and effective solutions to a problem vexing all of academe.

¹ This memorandum is a result of the ULC's work for more than a year, was drafted by Trudi Hahn, in collaboration with Debra Shapiro and Ira Chinoy, and was finalized by Martha Nell Smith.

² Budapest Open Access Initiative (2002); <http://www.soros.org/openaccess/read.shtml>.

³ "About," *DOAJ: Directory of Open Access Journals*; <http://www.doaj.org/doaj?func=loadTempl&templ=about>.

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- ⁴ Shieber, Stuart M. (2009), “Equity for Open-Access Journal Publishing,” PLoS Biol 7(8): e1000165. doi:10.1371/journal.pbio.1000165; <http://bit.ly/4ocFRP>.
- ⁵ “Publisher copyright policies & self-archiving,” SHERPA RoMEO; <http://www.sherpa.ac.uk/romeo/statistics.php>, accessed Nov. 1, 2010.
- ⁶ Sian Harris, “Publishers relax author rights agreements,” *Research Information*, Europa Science Ltd., June/July http://www.researchinformation.info/features/feature.php?feature_id=225
- ⁷ A complete list of agencies requiring such open-access dissemination is on the SHERPA Juliet website, <http://www.sherpa.ac.uk/juliet/>.
- ⁸ The Federal Research Public Access Act, S. 1373, is pending in the Senate and a companion measure was recently introduced in the House. For updates on these bills, see: http://www.taxpayeraccess.org/issues/frpaa/frpaa_action/10-0915.shtml
- ⁹ “The effect of open access and downloads ('hits') on citation impact: a bibliography of studies,” OpCit Project: The Open Citation Project; <http://opcit.eprints.org/oacitation-biblio.html>.
- ¹⁰ Stuart Shieber [Harvard University], “Is open-access journal publishing a vanity publishing industry?” *The Occasional Pamphlet* [blog], October 16th, 2009; <http://blogs.law.harvard.edu/pamphlet/2009/10/16/is-open-access-publishing-a-vanity-publishing-industry/>
- ¹¹ ROARMAP (Registry of Open Access Repository Material Archiving Policies); <http://www.eprints.org/openaccess/policysignup/>
- ¹² “The University’s Role in the Dissemination of Research – A Call to Action,” Association of American Universities, the Association of Research Libraries, the Coalition for Networked Information, and the National Association of State Universities and Land-Grant Colleges, February 2009; <http://www.arl.org/bm~doc/disseminating-research-feb09.pdf>.
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This report is based on extensive Library Council research and discussions. Sources used in addition to those cited above include the following:

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- SPARC Web site. <http://www.arl.org/sparc/index.shtml>. [SPARC® (Scholarly Publishing and Academic Resources Coalition) is an international alliance of academic and research libraries working to correct imbalances in the scholarly publishing system. Developed by the Association of Research Libraries, SPARC’s pragmatic focus is to stimulate the emergence of new scholarly communication models that expand the dissemination of scholarly research and reduce financial pressures on libraries].
- Stuber, Peter. Open Access News [blog]. <http://www.earlham.edu/~peters/fos/fosblog.html>.