



University Senate TRANSMITTAL FORM

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| Senate Document #: | 12-13-36 |
| PCC ID #: | N/A |
| Title: | Open Access Issues |
| Presenter: | Patricia Steele, Chair, Joint Provost/Senate Open Access Task Force |
| Date of SEC Review: | February 1, 2013 |
| Date of Senate Review: | February 14, 2013 |
| 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>In April 2011, the University Senate and President Loh approved the University Library Council's (ULC) recommendations regarding, "Open Access Movement: A Proposal for Broad University Engagement in Study, Dialog, and Policy" (Senate Document Number 10-11-32). The ULC undertook a thorough review of Open Access issues to determine whether a campus policy should be formulated. The ULC concluded that the issue is complicated and evolving, but that the University must formally address how best to proceed regarding Open Access. The Council unanimously agreed that a joint task force should be established in order to guide the development of Open Access awareness, education, and policies.</p> |
| Relevant Policy # & URL: | N/A |
| Recommendation: | <p>At its meeting on December 12, 2012, the Open Access Task Force voted unanimously in favor of recommending that the University sign the <i>Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities</i> as written. While such a signature does not create legal or financial issues for the University, it does convey an intention to move appropriately to a broader Open Access world. Authors still will execute control over their works. We would simply work to provide more options to share that work without harm to individual researchers or organizations.</p> |

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| <p>Task Force Work:</p> | <p>In its meetings, the task force discussed the overall challenges presented to the University of Maryland by Open Access issues. The report by the University Library Council provided excellent perspective on the basic arguments. The task force agreed to focus on three major areas related to Open Access: economic/business models, the potential impact on the Appointments, Promotion, & Tenure (APT) process, and the general state of Open Access among our peers. Subgroups were formed to examine each of these areas over summer 2012. The groups used the listserv to share news, articles, and reports throughout the process and reported back to the entire task force in fall 2012.</p> <p>In September 2012, the task force invited Heather Joseph, the Executive Director of SPARC (Scholarly Publishing and Resources Coalition)—an initiative sponsored by the Association of Research Libraries—to discuss the current status of Open Access. Ms. Joseph was able to provide solid information on the increasing strength of the Open Access movement, including the international organizing of graduate students to support an open environment for sharing scholarship, and the development of new metrics to assess the impact of Open Access journals and individual articles therein. The SPARC website (http://www.arl.org/sparc/) proved an invaluable source of current and historical record.</p> <p>The task force initiated and endorsed two educational efforts: 1) a letter from the Dean of Libraries informing faculty of their rights and the possibility of appending a clause to publishing contracts that would permit deposit in the Open Access repository - Digital Repository at the University of Maryland (DRUM), and 2) an educational/informational session with the University Senate on October 10, 2012 conducted by the Dean of Libraries. Both efforts revealed that the education of faculty on the basic issues would be a necessary part of our subsequent recommendations. In addition, the task force consulted with the University's Legal Office, which provided an analysis of the possible adoption of the Berlin Declaration by the University of Maryland.</p> |
| <p>Alternatives:</p> | <p>The University could decide not to get involved in Open Access related issues.</p> |
| <p>Risks:</p> | <p>The University could risk being left behind with respect to Open Access issues.</p> |

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| Financial Implications: | Some financial resources will be required for implementation including funds for establishing a pilot program for open access fees, an Open Access publishing program, and educational aspects of the proposal. |
| Further Approvals Required: | Senate Approval, Presidential Approval |

Joint Provost/Senate Open Access Task Force

Senate Document 12-13-36

Open Access Issues

January 2013

BACKGROUND

In April 2011, the University Senate and President Loh approved the University Library Council's (ULC) recommendations regarding, "Open Access Movement: A Proposal for Broad University Engagement in Study, Dialog, and Policy" (Senate Document Number 10-11-32) (Appendix 1). The ULC undertook a thorough review of Open Access issues to determine whether a campus policy should be formulated. The ULC concluded that the issue is complicated and evolving, but that the University must formally address how best to proceed regarding Open Access. The Council unanimously agreed that a joint task force should be established in order to guide the development of Open Access awareness, education, and policies.

Ann Wylie, Senior Vice President and Provost and Eric Kasischke, Chair of the University Senate formed the Joint Provost/Senate Open Access Task Force in April 2012. The task force was charged (Appendix 2) with reviewing the issues related to Open Access and determining how the University should proceed in this arena. Specifically, the task force was asked to do the following:

1. Review and evaluate the *Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities* (Appendix 3)
2. Consider whether the major tenets in the Berlin Declaration align with the University's mission or whether and how they should be modified to meet our specific and diverse needs, and
3. Recommend whether policy changes are appropriate.

The task force was asked to submit its report and recommendations by December 2012.

CURRENT PRACTICE

The University of Maryland College Park campus is in the initial stages of creating an environment supportive of Open Access. Evidence of this shift is available in many places on campus:

1. The University Library Council and the Libraries have begun to partner on nascent Open Access Week activities.
2. Departments on campus have started discussions of new publishing models.
3. Faculty members and students who are members of scholarly societies and/or involved in efforts to publish their work and/or as classroom

- teachers have reported their experiences with Open Access invitations and their need to consider emerging models for sustainability.
4. New business models with publishers are beginning to emerge that have led increasing numbers of students to prefer online forms of textbook or other assigned reading-materials.
 5. The University of Maryland's Libraries are piloting an Open Access publishing initiative.
 6. Librarians are becoming aware of the nuances of Open Access issues, so that they can take an active educational role on campus.

Clearly the campus is poised to move further into the Open Access movement through a variety of initiatives, both educational and practical. The recommendations in this report identify the manifold opportunities likely to further open scholarship at the university.

TASK FORCE WORK

In its meetings, the task force discussed the overall challenges presented to the University of Maryland by Open Access issues. The report by the University Library Council provided excellent perspective on the basic arguments. The task force agreed to focus on three major areas related to Open Access: economic/business models, the potential impact on the Appointments, Promotion, & Tenure (APT) process, and the general state of Open Access among our peers. Subgroups were formed to examine each of these areas over summer 2012. The groups used the listserv to share news, articles, and reports throughout the process and reported back to the entire task force in fall 2012.

In September 2012, the task force invited Heather Joseph, the Executive Director of SPARC (Scholarly Publishing and Resources Coalition)—an initiative sponsored by the Association of Research Libraries—to discuss the current status of Open Access. Ms. Joseph was able to provide solid information on the increasing strength of the Open Access movement, including the international organizing of graduate students to support an open environment for sharing scholarship, and the development of new metrics to assess the impact of Open Access journals and individual articles therein. The SPARC website (<http://www.arl.org/sparc/>) proved an invaluable source of current and historical record.

The task force initiated and endorsed two educational efforts: 1) a letter from the Dean of Libraries informing faculty of their rights and the possibility of appending a clause to publishing contracts that would permit deposit in the Open Access repository - Digital Repository at the University of Maryland (DRUM), and 2) an educational/informational session with the University Senate on October 10, 2012 conducted by the Dean of Libraries. Both efforts revealed that the education of faculty on the basic issues would be a necessary part of our subsequent recommendations. In addition, the task force consulted with the

University's Legal Office, which provided an analysis of the possible adoption of the Berlin Declaration by the University of Maryland.

In the process of the task force's outreach, work, and deliberations, it became clear that there was greater interest in discussing, exploring, and understanding Open Access issues than there had been when it was raised for public debate in the past. It was also evident that embedded in that interest was a need for further education and for the establishment of improved communication. Because the issues surrounding Open Access are so complex and potentially divisive, and because the key issues differ in various disciplines, we decided that the most productive approach we could take to Open Access, in addition to making a recommendation to sign the *Berlin Declaration*, was to suggest a variety of implementation strategies. These actions would be based on the premise that Open Access is gaining momentum and even mandated at the federal/foundation grant level, and that over the years, it increasingly will be part of our culture and our subsequent actions.

The task force decided not to become embroiled in the economic and business aspects of an Open Access model on any particular journal or scholarly society, or the pros and cons of the scholarly rigor of Open Access publications, or specifically how to change the APT response to an open environment. Rather, the task force decided to recognize the ideals of Open Access and the practical broad benefit of a world in which scholarship is open to sharing, discovery, and collaboration for scholars in advanced as well as developing countries. This approach is not to dismiss the real challenges that surround the realization of a more open model within the academy.

New business models with publishers are beginning to emerge. The very recent explosion of MOOCs (Massive Online Open Course) is already identifying new markets for publishers that will encourage different models for distribution. Over 50% of publishers have ways to accommodate the deposit of works into local repositories. There will be no single solution or path to an open world but, as a task force, we validate a more open future and wish to help scholars share in appropriate ways that advance openness without harming necessary structures.

PEER COMPARISONS

A majority of signers of the Berlin Declaration are international universities along with organizational members such as the Association of Research Libraries and the Canadian Library Association. Included in the Berlin Declaration signatories are Harvard, Duke, Oregon, UCLA and Purdue universities. With our signature, we will be joining a growing group of committed universities.

Some universities have developed formal Open Access policies. In the U.S, a consortium called the Coalition of Open Access Policy Institutions (COAPI) was formed in 2011 and has a current membership of 46 colleges, universities, and

research centers, although none of our own institutional peers have joined as of December 2012. However, other comparable universities that have already signed include Purdue University, the University of Florida, Harvard University, Princeton University, and Duke University. COAPI's web site (<http://www.arl.org/sparc/about/COAPI/index.shtml>) provides guidance on creating a formal Open Access policy, based on those drafted by member institutions. More importantly, it provides "good practice" recommendations regardless of whether a formal policy is in place. As its first major action, COAPI drafted a white paper in response to the White House Office of Science and Technology Policy's January 2012 Request for Information regarding Public Access to Peer-Reviewed Scholarly Publications Resulting From Federally Funded Research¹, in which they advocate that the federal government adopt a comprehensive public access policy for all federal funding agencies, similar to that implemented in 2008 at the National Institutes of Health².

While the Open Access Task Force is not advocating that the campus adopt a formal policy at this time, COAPI works closely with SPARC and the Association of Research Libraries, and will likely be a valuable resource for implementing the recommendations of this document.

RECOMMENDATIONS

At its meeting on December 12, 2012, the Open Access Task Force voted unanimously in favor of recommending that the University sign the *Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities* as written. While such a signature does not create legal or financial issues for the University, it does convey an intention to move appropriately to a broader Open Access world. Authors still will execute control over their works. We would simply work to provide more options to share that work without harm to individual researchers or organizations.

SUGGESTIONS FOR IMPLEMENTATION

The practices expressed in the following suggestions seek to move us further along the path of open sharing of the fruits of the academy. For clarity, the task force's suggestions are divided into actions that could be taken by the University, actions that could be taken by the Libraries, and educational actions that might be jointly undertaken by a variety of stakeholders.

¹ <http://www.whitehouse.gov/sites/default/files/microsites/ostp/scholarlypubs-%28%23308%29%20coapt.pdf>

² <http://www.arl.org/sparc/bm~doc/coapi-update-2012-june-20.pdf>

University Actions

1. Work with the office of the Associate Provost for Faculty Affairs to inform faculty of the need for an expanded view of promotion and tenure requirements in a digital age. Many departments already have made changes that incorporate accomplishments beyond the confines of the established published article or book. Sharing of best practices will be important to this effort, as will be the sharing of new metrics to determine impact in new publishing models.
2. Consider the impact of Open Access measures on technology transfer and commercialization efforts.
3. Establish a pilot program to fund Open Access fees for faculty, particularly in the humanities and social sciences, where grant support to pay such fees often is not available. This program could be simply organized with information available through the Division of Research, but with the process handled by the Libraries.

Libraries Actions

4. Inform faculty of ways of negotiating with publishers to retain the rights to deposit the scholarly works of University of Maryland faculty in DRUM.
5. Establish an Open Access publishing program that can support open publishing of scholarly works. The goal of such a model would be to include peer review and the quality factors that mark the present print publishing model.
6. Work with other libraries and organizations, including the campus administration, to support the creation and publishing of open textbooks.

Educational Actions

7. Initiate an education and information program for the University. Either create a separate Open Access website or reorganize the present copyright website (<http://www.president.umd.edu/legal/policies/copyright.html>) to specify Open Access information and best practices.
8. Incorporate Open Access education and advising as part of the faculty librarian liaisons' portfolios. This will include options for actions, instructions for data management, and copyright advice. Since liaisons are discipline specific, this will help to address the diverse situation among scholars.
9. Expand the education outreach within the context of the Open Access Week activities. Develop plans for an annual speaker of sufficient stature to stimulate discussion about developments and encourage interest.
10. Educate faculty aggressively about how they can retain some rights for their scholarly work. This has implications for long-term preservation of materials now increasingly published electronically.

SUMMARY

The members of the Open Access Task Force trust that our approach and recommendations reflect the culture of the University of Maryland. We believe that the report recognizes appropriately the increasing prominence of the Open Access movement, while acceding to its complexities. We recommend actions that we hope will encourage exploration of Open Access issues throughout the academy and will encourage faculty to retain some of their rights in the publication process. We believe that it is imperative that we at the University of Maryland step forward to shape this developing movement to reflect our environment and to benefit our scholars and those across the world. It must be given priority at the highest levels of the University. Together and over time, we can identify strategies that will Open Access to the valuable work of our scholars in ways that do no harm to their disciplines or their own rewards and advancement within the academy.

APPENDICES

- Appendix 1 – Report of the ULC – Open Access Movement: A Proposal for Broad University Engagement in Study, Dialog, and Policy (Senate Document Number 10-11-32)
- Appendix 2 – Charge from the Provost and Senate Chair, April 3, 2012
- Appendix 3 – Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities & Current Signatories



UNIVERSITY OF
MARYLAND

UNIVERSITY SENATE

1100 Marie Mount Hall
College Park, Maryland 20742-7541
301.405.5805 TEL 301.405.5749 FAX
<http://www.senate.umd.edu>

SENATE LEGISLATION APPROVAL

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| Date: | April 8, 2011 |
| To: | Wallace D. Loh |
| From: | Linda Mabbs Chair, University Senate <i>Linda Mabbs</i> |
| Subject: | Open Access Movement: A Proposal for Broad University Engagement |
| Senate Document #: | 10-11-32 |

I am pleased to forward for your consideration the attached legislation entitled, "Open Access Movement: A Proposal for Broad University Engagement." Martha Nell Smith, Chair of the University Library Council, presented the proposal. The University Senate approved the proposal at its April 7, 2011 meeting.

We request that you inform the Senate Office of your decision as well as any subsequent action related to your conclusion.

Enclosure: Open Access Movement: A Proposal for Broad University Engagement
Senate Document # 10-11-32

LM/rm

Cc: Ann Wylie, Senior Vice President for Academic Affairs & Provost
Reka Montfort, Executive Secretary and Director, University Senate
Juan Uriagereka, Associate Provost for Faculty Affairs
Terry Roach, Executive Assistant to the President
Janet Turnbull, President's Legal Office
Elizabeth Beise, Associate Provost for Academic Planning & Programs

Approved: *Wallace D. Loh* Date: *4/14/11*
Wallace D. Loh
President



**University Senate
TRANSMITTAL FORM**

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| 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> |

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| | <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 |

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| | <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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SOURCES CONSULTED

This report is based on extensive Library Council research and discussions. Sources used in addition to those cited above include the following:

- Borgman, C. L. (2007). *Scholarship in the Digital Age; Information, Infrastructure, and the Internet*. Cambridge, MA: The MIT Press.
- Howard, J. (2009). A new push to unlock university-based research. *Chronicle of Higher Education* 55(26), A10. <http://chronicle.com/weekly/v55/i26/26a01001.htm>.
- 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>.



University Senate CHARGE

| | |
|---------------------------|--|
| Date: | April 3, 2012 |
| To: | Patricia Steele Chair, Joint Provost/Senate Open Access Task Force |
| From: | Ann Wylie Senior Vice President & Provost <i>Ann B. Wylie</i> Eric Kasischke Chair, University Senate <i>Eric Kasischke</i> |
| Subject: | Open Access Issues |
| Senate Document #: | 10-11-32 |
| Deadline: | December 14, 2012 |

Provost Wylie and the Senate Executive Committee (SEC) request that the Open Access Task Force determine how the University can best address “open access” issues at the University of Maryland.

During the 2009-2010 and 2010-2011 academic years, the University Library Council (ULC) conducted an extensive review of open access issues to determine whether a campus policy should be formulated. The ULC concluded that the issue is complicated and evolving but the University must formally address how best to address and advise all campus constituencies on open access. We ask that you review the issues related to open access and determine how the University should proceed in this arena. Specifically, we would like you to do the following:

1. Review and evaluate the *Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities*, which can be found at:
<http://oa.mpg.de/lang/en-uk/berlin-prozess/berliner-erklarung/>.
2. Review how our peer institutions are handling issues related to open access.
3. Consider whether the major tenets in the Berlin Declaration align with the University’s mission or whether and how they should be modified to meet our specific and diverse needs.

4. Given that the University wants to make scholarly output readily available and that there is variation amongst campus-wide and college/discipline-specific policies, recommend whether policy changes are appropriate.
5. Consult with the Office of Legal Affairs to review any policy recommendations.

We ask that you submit your report and recommendations to the Senate Office no later than December 14, 2012. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities

Preface

The Internet has fundamentally changed the practical and economic realities of distributing scientific knowledge and cultural heritage. For the first time ever, the Internet now offers the chance to constitute a global and interactive representation of human knowledge, including cultural heritage and the guarantee of worldwide access.

We, the undersigned, feel obliged to address the challenges of the Internet as an emerging functional medium for distributing knowledge. Obviously, these developments will be able to significantly modify the nature of scientific publishing as well as the existing system of quality assurance.

In accordance with the spirit of the Declaration of the Budapest Open Access Initiative, the ECHO Charter and the Bethesda Statement on Open Access Publishing, we have drafted the Berlin Declaration to promote the Internet as a functional instrument for a global scientific knowledge base and human reflection and to specify measures which research policy makers, research institutions, funding agencies, libraries, archives and museums need to consider.

Goals

Our mission of disseminating knowledge is only half complete if the information is not made widely and readily available to society. New possibilities of knowledge dissemination not only through the classical form but also and increasingly through the open access paradigm via the Internet have to be supported. We define open access as a comprehensive source of human knowledge and cultural heritage that has been approved by the scientific community.

In order to realize the vision of a global and accessible representation of knowledge, the future Web has to be sustainable, interactive, and transparent. Content and software tools must be openly accessible and compatible.

Definition of an Open Access Contribution

Establishing open access as a worthwhile procedure ideally requires the active commitment of each and every individual producer of scientific knowledge and holder of cultural heritage. Open access contributions include original scientific research results, raw data and metadata, source materials, digital representations of pictorial and graphical materials and scholarly multimedia material.

Open access contributions must satisfy two conditions:

1. The author(s) and right holder(s) of such contributions grant(s) to all users a free, irrevocable, worldwide, right of access to, and a license to copy, use, distribute, transmit and display the work publicly and to make and distribute derivative works, in any digital medium for any responsible purpose, subject to proper attribution of authorship (community standards, will continue to provide the mechanism for enforcement of proper attribution and responsible use of the published work, as they do now), as well as the right to make small numbers of printed copies for their personal use.
2. A complete version of the work and all supplemental materials, including a copy of the permission as stated above, in an appropriate standard electronic format is deposited (and thus published) in at least one online repository using suitable technical standards (such as the Open Archive definitions) that is supported and maintained by an academic institution, scholarly society, government agency, or other well established organization that seeks to enable open access, unrestricted distribution, inter operability, and long-term archiving.

Supporting the Transition to the Electronic Open Access Paradigm

Our organizations are interested in the further promotion of the new open access paradigm to gain the most benefit for science and society. Therefore, we intend to make progress by

- encouraging our researchers/grant recipients to publish their work according to the principles of the open access paradigm.
- encouraging the holders of cultural heritage to support open access by providing their resources on the Internet.
- developing means and ways to evaluate open access contributions and online journals in order to maintain the standards of quality assurance and good scientific practice.
- advocating that open access publication be recognized in promotion and tenure evaluation.
- advocating the intrinsic merit of contributions to an open access infrastructure by software tool development, content provision, metadata creation, or the publication of individual articles.

We realize that the process of moving to open access changes the dissemination of knowledge with respect to legal and financial aspects. Our organizations aim to find solutions that support further development of the existing legal and financial frameworks in order to facilitate optimal use and access.

Signatories:

On behalf of the German research organisations (in alphabetical order):

| | |
|--|-----------------|
| Hans-Jörg Bullinger President of the Fraunhofer Society | 22 October 2003 |
| Karl Max Einhäupl Chairman des Wissenschaftsrates | 22 October 2003 |
| Peter Gaehtgens President of the Hochschulrektorenkonferenz | 22 October 2003 |
| Peter Gruss President of the Max Planck Society | 22 October 2003 |
| Hans-Olaf Henkel President Leibniz Association | 22 October 2003 |
| Walter Kröll President Helmholtz Association | 22 October 2003 |
| Ernst-Ludwig Winnacker President German Research Foundation | 22 October 2003 |

Further national & international Signatories:

| | |
|--|-----------------|
| Bernard Larroutourou Director General, Centre National de la Recherche Scientifique (CNRS) | 22 October 2003 |
| Jürgen Mittelstraß President, Academia Europaea | 22 October 2003 |
| Paolo Galluzzi Director, Istituto e Museo di Storia della Scienza, Florence | 22 October 2003 |
| Christian Bréchet Director General, Institut National de la Santé et de la Recherche Médicale (INSERM) | 22 October 2003 |
| Yehuda Elkana President and Rector, Central European University, Budapest | 22 October 2003 |
| Jean-Claude Guédon Open Society Institute | 22 October 2003 |
| Martin Roth | 22 October 2003 |

Director General, Staatliche Kunstsammlungen, Dresden

Friedrich Geisselmann
Head of the Deutscher Bibliotheksverband

22 October 2003

José Miguel Ruano Leon
Minister of Education, Cultura y Deportes Gobierno de Canarias

22 October 2003

Dieter Simon
President, Berlin-Brandenburg Academy of Sciences and Humanities

22 October 2003

Jens Braarvig
Director, Norwegian Institute of Palaeography and Historical Philology

22 October 2003

Peter Schirnbacher
CEO of the Deutsche Initiative für Netzwerkinformation

22 October 2003

Status 22 October 2003 (conference end)

The actual status of signatories can be viewed at
<http://www.oa.mpg.de/openaccess-berlin/signatories.html>