

NEGOTIATING BASED ON PRINCIPLES:

The University of California
Approach

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Negotiating based on principles: the University of California approach

- ***Collaborate and leverage alliances.*** Our strategy is being realized through shared governance by various stakeholders, including the UC Council of University Librarians (CoUL), the faculty-led University Committee on Library and Scholarly Communication (UCOLASC), and the UC Provost's Systemwide Library and Scholarly Information Advisory Committee (SLASIAC).
- ***Advocate for transformation.*** Our strategy reflects the SLASIAC *Call to Action*, which was written in partnership with CoUL and UCOLASC, and champions upending the status quo through journal licensing negotiations.
- ***Aim high and stand on principles.*** Our strategy extends a long UC commitment to OA (e.g., Academic Senate and Presidential OA policies; UCOLASC *Declaration of Rights and Principles for Transforming Scholarly Communication*).
- ***Put plans into action!*** Our strategy implements components of the CoUL *Pathways to OA*, UCOLASC *Declaration*, and the *OA2020 Expression of Interest*.

Faculty-led efforts to accelerate the transition to open access

UNIVERSITY OF CALIFORNIA

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SANTA BARBARA • SANTA CRUZ

UNIVERSITY COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATION
Assembly of the Academic Senate, University of California

13 April 2018

DECLARATION OF RIGHTS AND PRINCIPLES TO TRANSFORM SCHOLARLY COMMUNICATION

To align our institutional policies and practices toward the goal of replacing subscription-based publishing with open access (OA), we propose that the University of California assert the following rights and principles when negotiating with publishers during journal license renewals:

1. **No copyright transfers.** Our authors shall be allowed to retain copyright in their work and grant a Creative Commons Attribution license of their choosing.
2. **No restrictions on preprints.** Our authors shall have the right to submit for publication work they have previously made available as preprints.
3. **No waivers of OA Policy.** Publishers shall not require our authors to provide waivers of our Institutional OA Policy as a condition for publishing our work.
4. **No delays to sharing.** Publishers shall make work by our authors immediately available for harvest or via automatic deposit into our Institutional OA repository or another public archive.
5. **No limitations on author reuse.** Our authors shall have the right to reuse figures, tables, data, and text from their published work without permission or payment.
6. **No impediments to rights reversion.** Publishers shall provide a simple process for our authors to regain copyright in their previously published work.
7. **No curtailment of copyright exceptions.** Licenses shall not restrict, and should instead expressly protect, the rights of authors, institutions, and the public to reuse excerpts of published work consistent with legal exceptions and limitations on copyright such as fair use.
8. **No barriers to data availability.** Our authors shall have the right to make all of their data, figures, and other supporting materials from their published work publicly available.
9. **No constraints on content mining.** Publishers shall make licensed materials open, accessible, and machine-readable for text and data mining by our researchers, at no additional cost and under terms that allow retention and reuse of results.
10. **No closed metadata.** Publishers shall make bibliographic records, usage metrics, and citation data for our authors freely available, easy to parse, and machine-readable.
11. **No free labor.** Publishers shall provide our Institution with data on peer review and editorial contributions by our authors in support of journals, and such contributions shall be taken into account when determining the cost of our subscriptions or OA fees for our authors.
12. **No long-term subscriptions.** Publishers shall provide our Institution with plans and timelines for transitioning their subscription journals to OA.
13. **No permanent paywalls.** Our Institution shall receive perpetual access for previously licensed content and back files shall be made freely available once a journal transitions to OA.
14. **No double payments.** Publishers shall provide our Institution with data on hybrid OA payments from our authors and such payments shall reduce the cost of our subscriptions.
15. **No hidden profits.** Publishers shall use transparent pricing for the services they provide our authors when levying article processing charges and other fees associated with publishing.
16. **No deals without OA offsets.** Our Institution shall only enter into publishing agreements that include offsets for OA publishing by our authors.
17. **No new paywalls for our work.** Work by our authors shall be made OA on the publisher's website as part of subscription terms for new journals.
18. **No non-disclosure agreements.** Publisher agreements with our Institution shall be transparent and shall not contain terms that prevent the sharing of their contents.

Putting these ideas into
action:

Modeling offsetting
agreements at the
University of California



Challenges

Political

- North American political and funding context is highly decentralized and oriented toward green OA

Financial

- While there may be 'enough money in the system,' shifting the financial burden from reading institutions to publishing institutions poses affordability challenges

Market-based

- If institutions continue to pay for publication instead of authors, market dynamics cannot take hold to drive down costs

California Digital Library



Pay It Forward

Investigating a Sustainable Model of Open Access Article Processing Charges for Large North American Research Institutions

Led by the University of California, Davis and the California Digital Library

funded by the Andrew W. Mellon Foundation

January 2015 – June 2016

University of California, Davis

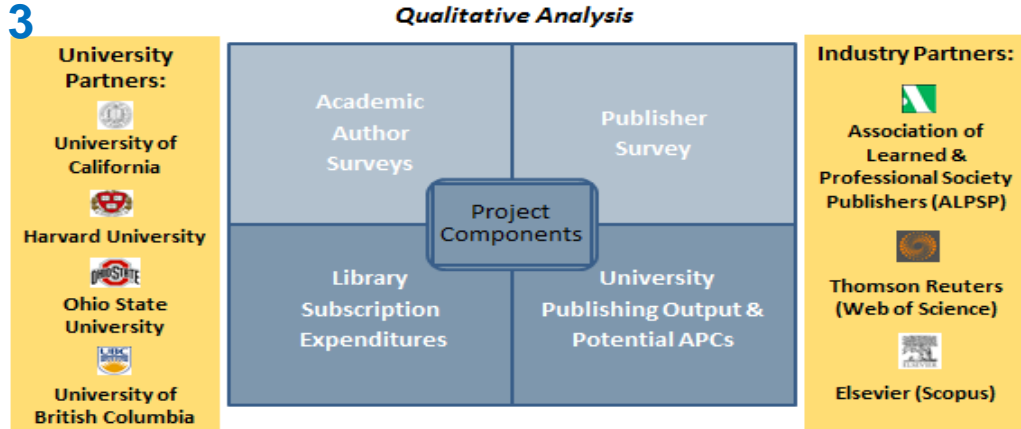


UC's Pay It Forward Study

Studied the impact of a largescale conversion to APC-based OA on large North American research institutions...

http://icis.ucdavis.edu/?page_id=713

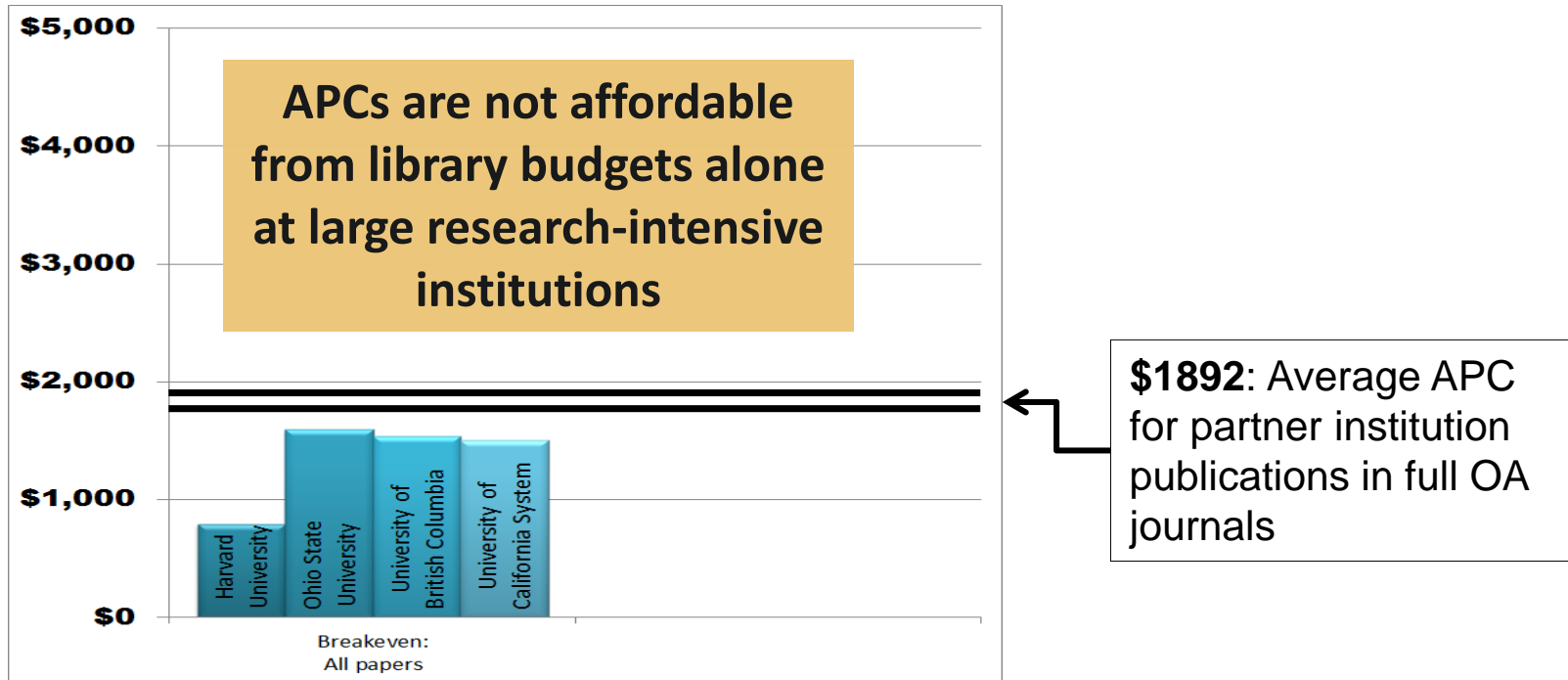
...these institutions would assume the bulk of the financial burden in an APC-driven OA model



Quantitative Analysis: Five-Year Period, 2009-2013

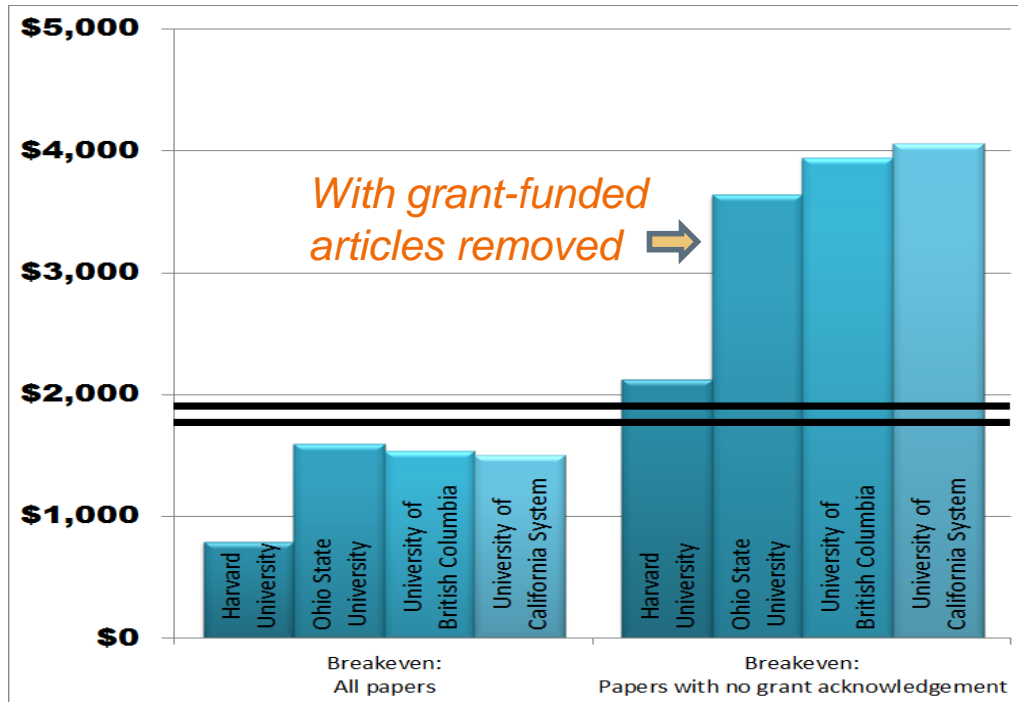
Findings: Affordability

Our study looked at the level of APC each institution could afford, based on its current subscription spend



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But APCs *are* affordable if grant funds are used to pay for sponsored research articles

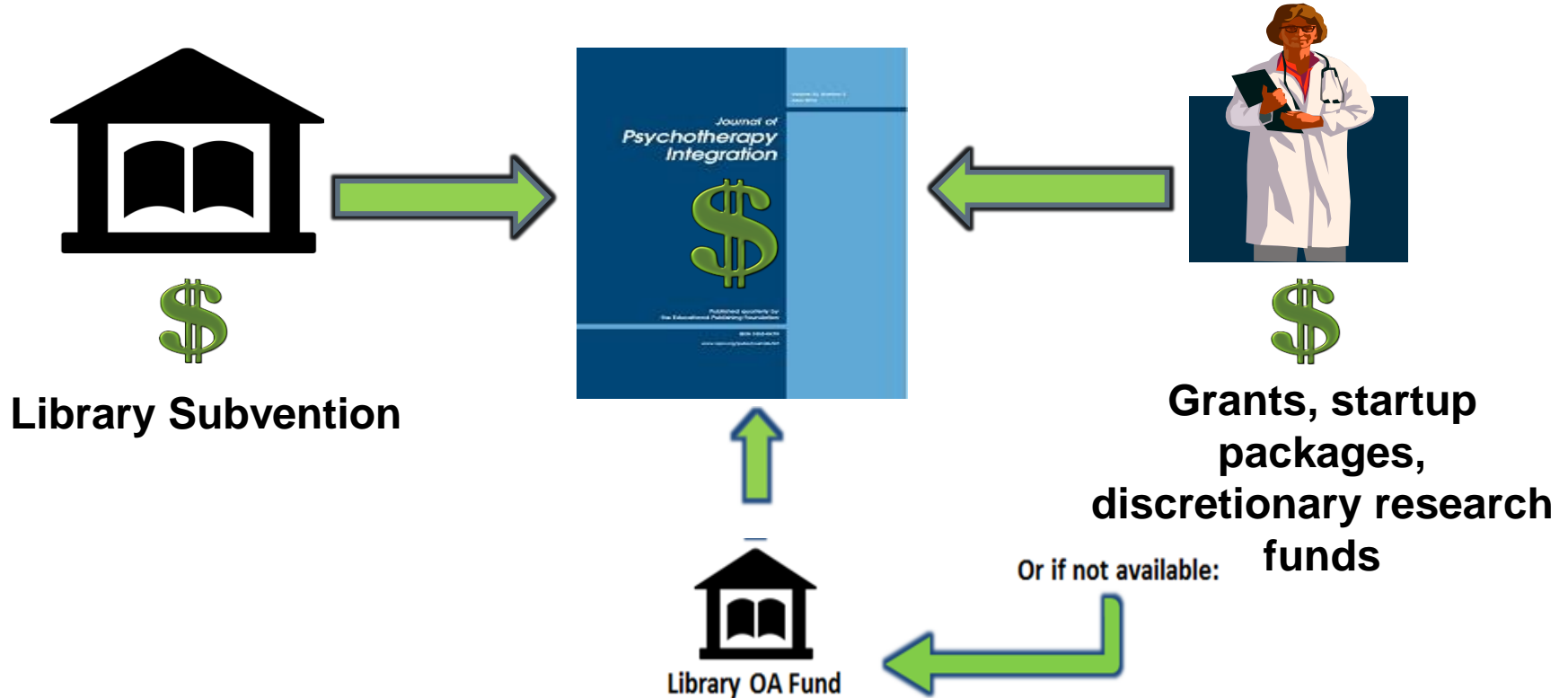
\$1892: Average APC for partner institution publications in full OA journals

What About Long-term Sustainability?

Premise: Involving authors is the most promising route to long-term cost control

- Authors will choose the “best” platform for their article, given the price of access, availability of publication funding, and quality and readership considerations
- Publishers will respond to *elastic* author demand by competing for submissions
- Under *ideal* conditions, competition in an OA environment will *lower* the cost of scholarly communication

Sustainability Strategy: Multi-Payer Model



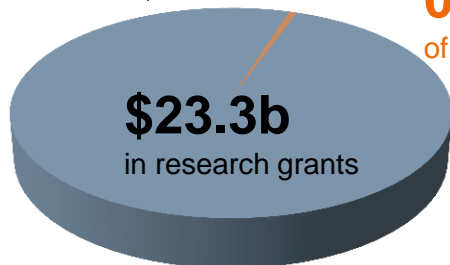
Funder support for APCs is a bearable cost

Estimated costs if US agencies funded APCs for all sponsored publications

NIH, 2016

0.9%

of research funding covers APCs



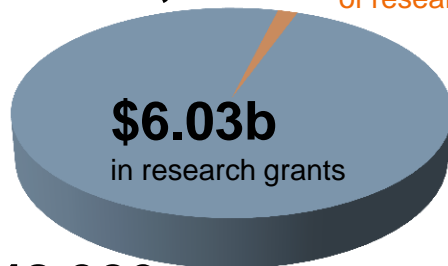
91,882
Papers published

\$204m
In estimated APCs*

NSF, 2016

1.8%

of research funding covers APCs



48,926
Papers published

\$102m
In estimated APCs*

All US Federal Funding, 2013

0.8%

of research funding covers APCs



465,731
Papers published

\$1.03b
In estimated APCs*

* Assumes an average APC of \$2215
Publishing data from Web of Science, estimated APCs from UC *Pay It Forward* Study

What will author participation look like?

UC Libraries partially underwrite each APC

- Subventions are paid directly to the publisher, at the start of the year (based on estimated publication volume for the year) or periodically

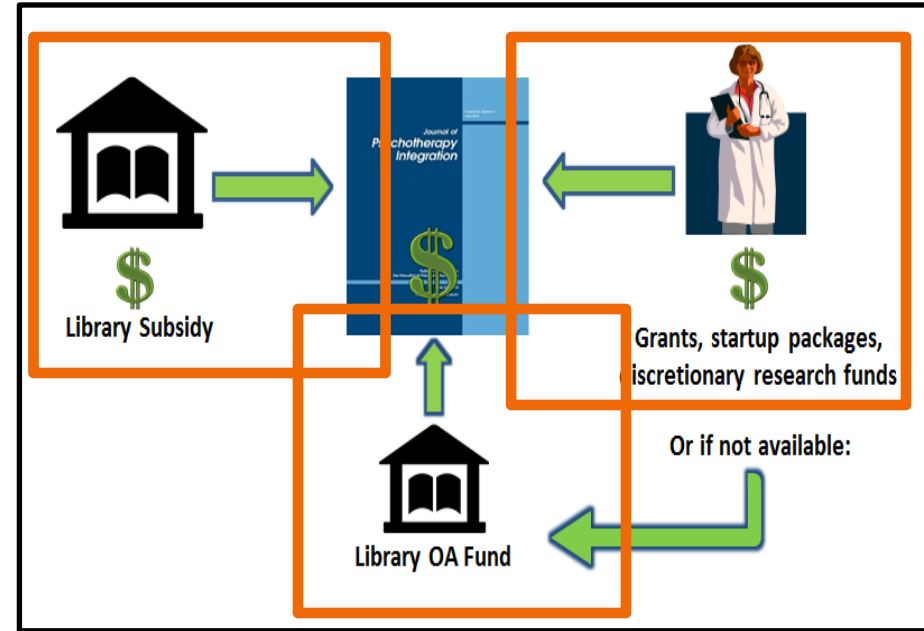
Corresponding authors pay a reduced APC at the time of acceptance – same workflow as today

- Authors with grant funding are asked to make use of those funds

Authors without grant funding are able to request support from Library funds

- The funding request is built into publisher workflows so the institution can be billed directly in bulk

Authors can opt out of participation and publish their articles as closed-access only if wanted



- *Total costs under an offsetting model are controlled to manage risk on both sides, with a goal of eventual full OA transition*
- *Model can readily be applied to full OA publishers*

Current Status

Many publisher conversations underway

- Our proposed design would require some publisher retooling (but isn't that different from existing workflows)
- Our libraries want to proceed cautiously too – lots of details to be worked out
- Concern: Publishers may view addition of grant funding as a source of higher revenues

Extensive faculty outreach to promote OA as a default and socialize the funding and participation model

Discussions with other libraries

- We need others to accompany us along this path – Join us!