

Scholarly Communication Resolutions

**Boston University
University Council Committee on Scholarly Activities and Libraries
Faculty Council Committee on Research Activities, Libraries, and Support Services**

Scholarship, Libraries, and Open Access Archiving Initiative

Background

In 2001, the Boston University faculty endorsed specific goals and strategies to promote University leadership, innovation, and excellence in teaching, research, and service, including the creation of frameworks to:

- Coordinate information and resources that promote faculty research
- Develop effective systems to support faculty research activities
- Facilitate faculty access to research funding opportunities at all career stages
- Create effective networks that promote interdisciplinary research
- Provide faculty and students with easy access to teaching-related information
- Provide students with access to faculty research training opportunities
- Integrate faculty, library, information technology and academic computing resources

Since that time, many activities have emerged throughout the Institution in support of these goals: faculty development in teaching and research, on-line teaching and research resources, expansion of library and IT facilities and resources, and new methods of highlighting faculty research, teaching and scholarly activities in School and College web frameworks and external communications (such as BU Today).

The University's Strategic Plan (2005-2008) emphasizes the importance of "Strengthening the quality of the faculty...As we continually increase the profile of our faculty in research and scholarship". It further endorses commitments to "hiring, promoting, and retaining faculty members who are excellent teachers, as well as leaders in research, scholarship, and professional accomplishment"; and "promoting research and scholarship within and across traditional disciplinary boundaries".

In 2007, the Faculty Council's Committee on Research Activities, Libraries and Support Services in conjunction with the University Council Committee on Scholarly Activities and Libraries began to discuss innovative ways to advance and promote faculty and student scholarship through digital, Open Access frameworks. In 2008, these Committees opened a web-based university-wide discussion of these topics which culminated in recommendations for the implementation of an initiative on Scholarship, Libraries and Open Access Archiving. The initiative recognizes that Boston University endorses the open and free exchange of scholarly information as a cornerstone of intellectual freedom and views Open Access Archiving as a key element in its pursuit of leadership, innovation, and excellence in teaching, research, and service.

Recommendation: Approved unanimously by the Boston University Faculty Council on September 16, 2008

The University Council recommends that Boston University take a leadership role in the development and implementation of policies and procedures that encourage the free and open exchange of scholarship by supporting faculty and other researchers in the following areas:

1. Establishment of an innovative, model infrastructure for a central Boston University Knowledge Base and Institutional Repository (See Figure 1.) to accomplish the following:
 - a. host and preserve digital research, scholarship and teaching activities, including BU theses and dissertations;
 - b. create optimal utility of a flexible format Open Access framework that utilizes a transparent, controlled vocabulary navigation system with key word retrieval;
 - c. link multiple internal and external data bases that facilitate and relate to faculty research, teaching and scholarly activities, including current faculty CVs;
 - d. facilitate ease of faculty, student and administrative use and best practices within the Open Access framework through training and departmental support;
 - e. promote faculty research, teaching and scholarship with innovative new electronic tools and resources facilitated by Open Access.

2. Promotion of Open Access in routine operations that include:
 - a. use of non-exclusive copyright agreements with publishers;
 - b. publication in peer-reviewed Open Access journals;
 - c. equal consideration of peer-reviewed Open Access journals during tenure and promotion;
 - d. support of libraries in negotiating licenses and contracts with publishers to lower costs and retention of titles;
 - e. encourage Boston University journals to participate in Open Access publishing.

¹Boston University Faculty Council. Survey on Faculty Excellence in Teaching, Research and Service. 2001.

R. E. Hudson
B. Millen
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May 3, 2007 Updated August 20, 2007, April 22, 2008, September 16, 2008

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ATTACHMENT #23

**University Budget Committee
Report to the Senate, February 9, 2004
The Crisis in Scholarly Communication and an Initial Response**

The scholarly literature is the foundation on which new advances in research and scholarship are built, and broad access to that literature is essential to the health of the world's academic community. Unfortunately, library budgets can no longer keep pace with the exploding volume and cost of acquiring comprehensive collections of scholarly journals and monographs. An October, 2001 study by the Association of Research Libraries (ARL)¹ shows that library expenditures on serials almost doubled (+192%) from 1986 to 2000 (Figure 1) Unfortunately, the unit cost of serials increased even more (+226%). The leading research libraries in the United States are now able to collect a smaller fraction of the scholarly literature than ever before. "While world production of scholarly communication is estimated to have doubled since the mid 1980s, the average research library's journal subscriptions have actually declined by 6%; monographic acquisitions have declined by 26%; other kinds of acquisitions have tumbled as well."² At the University of Connecticut we have seen the consequences of price inflation in several rounds of journal cancellations and reduced monograph purchases by the University Libraries in the last decade, even though the Library's acquisition budget has roughly kept pace with growth in the University's budget.

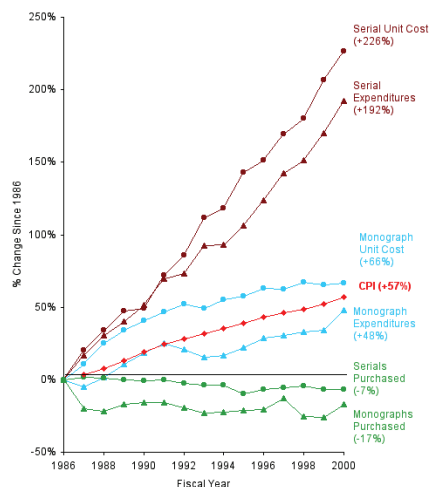


Figure 1. Monograph and Serial Costs in ARL Libraries, 1986-2000. (Source, ARL Bimonthly Report 218, October 2001).

¹ The Association of Research Libraries is an organization of 123 research libraries in North America. The University of Connecticut is a member of ARL.

² Scholarly communication FAQ at Create Change (<http://www.arl.org/create/faculty/faq/scomm.html#question1>; last viewed 28 January 2004).

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Much of the blame for this crisis lies at the feet of a few publishers who both charge very high prices for journal subscriptions and have increased the subscription price rapidly. For example, the University paid \$12,980 for a subscription to *Biochimica et Biophysica Acta* in 2002, a 13% increase from 2000; \$10,315 for a subscription to *Chemical Physics Letters* (13% increase); \$13,382 for the *Journal of Applied Polymer Science* (17%); *Materials Science & Engineering* \$12,073 (13%); *Nuclear Instruments and Methods in Physics Research* \$16,790 (13%); *Nuclear Physics* (13%) \$22,157; *Physics Review* \$14,965 (31%); *Surface Science* \$16,244 (13%); *Tetrahedron* \$13,278 (13%).³ During the same period the University Libraries acquisition budget increased less than 2%. Comprehensive studies of journal prices at Cornell⁴ and Wisconsin⁵ conclude that the high prices of many journals cannot be justified by the quality, timeliness, or usefulness of the papers appearing in them.

To ensure that the scholarly literature remains broadly accessible requires a coordinated effort by faculty, staff, students, librarians, and University administrators from every field of study at institutions around the world. Fortunately, many such efforts are afoot (see, for example, the list of ideas for what faculty can do at the University Libraries' Scholarly Communications website⁶ and the resources available at the Create Change site of ARL⁷). The University Budget Committee recommends that the Senate adopt the accompanying resolution as a first step in the University of Connecticut's response to the crisis.

Respectfully submitted,

Thomas Anderson

Ed Benson

Tracie Borden

Nancy Bull

Craig Calvert

Bruce DeTora

Kent Holsinger (chair)

Dale Dreyfuss

Neil Facchinetti

Larry Gramling

Kathleen Holgerson

Nancy Humphreys

Deborah Huntsman

John Jevitts

Patsy Johnson

Philip Mannheim

Suzanne Roosen

Winthrop Smith

David Woods

³ <http://www.lib.uconn.edu/about/publications/scijrnlsalpha.htm>; last viewed 28 January 2004

⁴ Journal Price Study, Core Agricultural and Biological Journals, 1998. Available at <http://jps.mannlib.cornell.edu/jps/jps.htm>.

⁵ Measuring the Cost-Effectiveness of Journals: Ten Years after Barschall, 1998. Available at <http://www.library.wisc.edu/projects/glsdo/cost.html>.

⁶ <http://www.lib.uconn.edu/about/publications/scholarlycommunication.html#Whatcan>

⁷ <http://www.arl.org/create/home.html>

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Resolution

Access to the scholarly literature is vital to all members of the academic community. Scholars and their professional associations share a common interest in the broadest possible dissemination of peer-reviewed contributions. Unfortunately, the business practices of some journals and journal publishers is inimical to these interests and threatens to limit the promise of increased access inherent in digital technologies. Development of library collections is more and more constrained by the rising costs of journals and databases. Faculty, staff, students, and university administrators must all take greater responsibility for the scholarly communication system.

Therefore, the University Senate calls on all faculty, staff, and students of the University of Connecticut to become familiar with the business practices of journals and journal publishers in their specialty. It especially encourages senior tenured faculty to reduce their support of journals or publishers whose practices are inconsistent with the health of scholarly communication by submitting fewer papers to such journals, by refereeing fewer papers submitted to such journals, or by resigning from editorial posts associated with such journals. It encourages them to increase their support of existing journals and publishers whose practices are consistent with the health of scholarly communication.

The Senate also calls on University administrators and departmental, school, college and University committees to reward efforts by faculty, staff, and students to start or support more sustainable models for scholarly communication. It calls on them to provide financial and material support to faculty, staff, and students whose work helps to ensure broad access to the scholarly literature. It also calls on professional associations and the University to invest in the infrastructure necessary to support new venues for peer-reviewed publication.

Finally, the Senate calls on the University Libraries to provide resources that help faculty, staff, and students understand the business practices of different journals and journal publishers and their impact on the health of scholarly communication.

THE UNIVERSITY OF IOWA

FACULTY SENATE

Tuesday, October 23, 2007

3:30-5:15 pm

Senate Chamber, Old Capitol

MINUTES

V. New Business

Authors' Rights Issues

(Deborah Schoenfelder, Chair, University Libraries Charter Committee)

Deb Schoenfelder, current chair of the University Libraries Charter Committee, had been asked to appear before the Faculty Council and Senate to speak on the *CIC Statement on Publishing Agreements* (attached). Professor Schoenfelder noted that the Libraries Committee has frequently discussed scholarly publishing, although not yet this particular document. The committee has discussed such issues as the problems and challenges of open access journals (including their level of prestige) and institutional repositories. University Librarian Nancy Baker has spoken to the committee about the high cost of journals and the tight budgets in today's academic libraries. Journals have been cut or bundled to reduce costs. The committee will continue to monitor publishing issues. Professor Schoenfelder stated that many of the CIC institutions had already endorsed this *Statement*. It was now time for the University of Iowa to determine if it endorsed the *Statement*.

Senators noted that some senior faculty have tried to implement a similar type of policy with their publishers. There was a question whether there had been any feedback from publishers about the proposed addendum. None was known of.

Professor Ringen moved and Professor Balderston seconded that the Senate endorse the *CIC Statement on Publishing Agreements*. The motion was unanimously approved.

FAQ for the Library IR Deposit Resolution

JQ Johnson, 18 April 2009

Questions

1. [What does the resolution say?](#)
2. [What's the point of this resolution?](#)
3. [Is there any precedent for this?](#)
4. [Doesn't this limit what I can do with my article?](#)
5. [Who does it apply to?](#)
6. [What works does it apply to?](#)
7. [If it's already published in Scholars' Bank, how can I publish it in a journal?](#)
8. [But isn't this incompatible with the contract I have to sign with my publisher?](#)
9. [Does the author have to notify the journal about this?](#)
10. [Why "author's final version" rather than the published version?](#)
11. [Does this interfere with authors profiting from their work?](#)
12. [Does this support Open Access?](#)
13. [Where can I find out more about IR deposit mandates?](#)

Send suggestions for additional questions or revised answers to [JQ Johnson](#).

Answers

What does the resolution say?

Resolved, that the UO Library Faculty adopts the following policy in support of deposit of scholarly works in Scholars' Bank:

The Library Faculty of the University of Oregon are committed to disseminating the fruits of their research and scholarship as widely as possible. In keeping with that commitment, the Faculty adopts the following policy:

Each Library faculty member gives to the University of Oregon nonexclusive permission to use and make available that author's scholarly articles for the purpose of open dissemination. Specifically, each Library faculty member grants a Creative Commons "Attribution-Noncommercial-No Derivative Works 3.0 United States" license to each of his or her scholarly articles. The license will apply to all scholarly articles written while the person is a member of the Library Faculty except for any articles accepted for publication before the adoption of this policy and any articles for which the Faculty member entered into an incompatible licensing or assignment agreement before the adoption of this policy. The Dean of the Libraries will waive application of the policy for a particular article upon written notification by the author, who informs the UO of the reason.

To facilitate distribution of the scholarly articles, as of the date of publication, each faculty member will make available an electronic copy of the author's final version of the article and full citation at no charge to a designated representative of the Libraries in appropriate formats (such as PDF) specified by the Libraries. After publication, the University of Oregon Libraries will make the scholarly article available to the public in the UO's institutional repository.

This resolution was passed unopposed at the May 7, 2009 meeting of the library faculty.

What's the point of this resolution?

The basic goal of this resolution is to make it easier for UO Library faculty to deposit their work in Scholars' Bank, our institutional repository. And that in turn is important because it makes our scholarship more widely available to the public in the short term, and more likely to be preserved in the long term.

The resolution implies that library authors would (a) grant to the library the minimum rights they need to deposit their work in Scholars Bank and allow the library to distribute it, and (b) would have the obligation to provide the library with a

copy of their work. In the few cases where either was problematic, there would be an easy escape clause allowing the author to be excused from the policy.

Is there any precedent for this?

Definitely. We'll be leaders, but not pioneers breaking totally new ground. The resolution closely mirrors similar ones passed by Harvard (3 schools), MIT, the Stanford Ed School, and the Oregon State U Library Faculty. For a list of all institutions that have repository mandates – more than 70 in all -- and their particular policies, see <http://www.eprints.org/openaccess/policysignup/>

Doesn't this limit what I can do with my article?

As a nonexclusive license, the permission granted to the UO would not restrict the rights of other licensees or your rights as the author. For example, the author could still sign away copyright ownership in her or his work to a commercial publisher, who could then make copies, sell the work, create derivative works, etc. The permission granted to the Libraries, since it occurred before the copyright transfer, would not be overridden by the later transfer, so the Libraries could continue to distributed the work through Scholars' Bank. The additional permission granted to the Libraries is very narrow, and is essentially just the permission needed for Scholars' Bank:

- it requires that if the library makes copies it preserve attribution and integrity
- it requires that the library not make copies of the work for any commercial purposes
- it allows the library to make copies and publicly display or perform them, but does not allow the library to make derivative works such as translations or collections.

The resolution doesn't prevent the author from granting additional usage rights. For example, suppose the library author had written a playscript. The author could decide to allow the university to create a video (a "derivative work") from it. Similarly, if the author's publisher is willing, the author could deposit a copy of the publisher's formatted version of the article in Scholars' Bank.

Who does it apply to?

All library faculty members who write scholarly articles while they are a member of the faculty.

What works does it apply to?

The resolution applies only to "scholarly articles," written or co-authored by UO Library faculty. That basically means articles submitted to peer-reviewed journals. It doesn't say anything about books, conference papers, or any other types of work. But there's nothing that would prevent library authors from also depositing other works such as conference papers in Scholars Bank if they wished. The reason we single out articles is that the real point of this is to have faculty give the UO a non-exclusive license BEFORE they sign away all rights to a publisher, but in such a way (as a mandate) that they minimize the risk that the publisher will object.

It applies to all works whether or not the UO would consider them "works made for hire." So don't try to weasel out by claiming you wrote it on the weekends or that the paper topic had nothing to do with libraries. ☺

If it's already published in Scholars' Bank, how can I publish it in a journal?

Most journals do insist that your work not be already published, but that's not an issue here.

First and most importantly, it won't appear in Scholars' Bank until after it is published in the journal, unless you specifically authorize the library to make it available earlier.

Second, depositing an article in a repository isn't really publication. Some journals may object and reject an article that has already appeared in a repository, while others will not. It's pretty common for authors to circulate preprints of an article for comment, or to submit to a journal an article that is substantially similar to a conference paper, but most journals don't object to that, and shouldn't object to having a preprint of the paper made available in an institutional repository, either.

But isn't this incompatible with the contract I have to sign with my publisher?

You're probably going to transfer the copyright of your article to the publisher, which means that the publisher will have full rights and you'll have none left unless the contract grants you some. But that doesn't really matter. Copyright law has provisions for how to deal with a situation where you've granted conflicting rights to two people, just as contract law does. With contracts the first usually takes precedence. With copyright law, 17 USC 205 (d) and (e) specifically, a prior nonexclusive grant like this one takes precedence in most cases. In a few cases the nonexclusive grant needs to be in writing, so we'll ask you to sign an acknowledgement of this policy as part of the library personnel process.

Note that the only thing this grant does is gives the UO and the public the right to distribute your preprint. Assuming a typical copyright agreement, the publisher will still have the exclusive right to distribute the publisher's formatted final version, to create derivative works, etc.

Does the author have to notify the journal about this?

Not usually. A few publication contracts might require it, but they are very rare. If the contract includes a warranty that you the "seller" sign and that says you haven't already given away any rights, you'd probably want to cross that out and/or include an addendum. But my belief is that normally you're completely within your rights to first offer some nonexclusive usage rights and then later sign away your copyright ownership. Note that if you have given even a single copy of your work to a colleague to read you have limited the copyright transfer slightly, since based on first sale that colleague has the right to transfer her copy to someone else -- but no publisher ever cares.

If you do decide you need to notify the journal, be sure to say that your employer requires this, since that increases your bargaining power.

Why "author's final version" rather than the published version?

This is a compromise. For sure authors want a single canonical version, so it would be great to deposit a copy of the PDF produced by the publisher. However, most publishers are strongly opposed to this, argue that they have added their own copyrightable expression in producing the published version and that they need to retain control over that version in order to make any money, and deny you permission to deposit the final version.

If your publisher's policies allow it, though, of course it's great to have the published version available in the institutional repository, either instead of or in addition to the author's final vesion.

Does this interfere with authors profiting from their work?

Not at all. The resolution applies only to peer-reviewed "scholarly articles." These are the sorts of work that most academics write so that they will be widely read, rather so that they can earn royalties on them. It does not apply to authors' non-giveaway texts (largely books), nor to artistic works such as musical compositions or paintings. If there is a particular work that qualifies but which an author expects to commercialize, he or she can request an exemption from the policy for that work. The goal of the resolution is ensuring that authors get the maximum benefit from works such as journal articles by making sure they are as widely read as possible.

Does this support Open Access?

Yes. Readers will have open access to the Scholars' Bank version of the work, though they may for some purposes still want to reference the commercial version made available by the publisher. It's complementary to publishing in an open access journal.

Why Creative Commons?

The resolution's use of a standard Creative Commons license reflects a change that we are presently working on in Scholars' Bank; Scholars' Bank currently requires that anyone submitting to it sign a license, but that license is (as of April 2009) one that was developed locally and isn't necessarily as tightly crafted as we'd like. We're considering switching Scholars' Bank to using Creative Commons licenses for all deposits. The Creative Commons organization has emerged as the most highly respected source of legally well-crafted license terms for people who want to make their work widely available. If you are interested in the details of the particular Creative Commons license, see <http://creativecommons.org/licenses/by-nc-nd/3.0/us/>

There are several alternative Creative Commons licenses. This one is the least inclusive, granting only the rights that are really essential for anything that could be considered "open access." Several people have argued that the license should grant additional rights to the public, for example the right to create derivative works (remixing) or the right to use your

works for commercial purposes without further permission. Some library authors may wish to grant such additional rights to the public, but others may want to retain them.

Where can I find out more about IR deposit mandates?

Lots of places on the web. Here are a few:

Open Archives Initiative, <http://www.openarchives.org/>

Swan, A. (2005). Open access self-archiving: An introduction. Retrieved 16 April 2009, from <http://eprints.ecs.soton.ac.uk/11006/>

ROARMAP (Registry of Open Access Repository Material Archiving Policies) [website]. Available at www.eprints.org/openaccess/policysignup/. (Last accessed 16 April 2009; includes a list of all known IR deposit mandates and details about their policies.)

SENATE COUNCIL

Resolution to Endorse the Committee on Institutional Cooperation (CIC)
Statement on Publishing Agreements

(Legislative)

Whereas, the scholarly communication system intended to support faculty and scholars is now leaving authors and readers frustrated by barriers to the free flow of information that is an essential characteristic of the research university; and

Whereas, current publishing methods usually require authors to assign publishers the copyrights to their works which may limit authors' ability to republish, distribute or use their work for teaching, research, posting on websites, or archiving in a repository; and

Whereas, in 2007, to address the need for changes in the practice of publishing scholarly material, the CIC Provosts endorsed a statement on scholarly publication and issued an *Addendum to Publication Agreements for CIC Authors*; and

Whereas, the faculty governance bodies at the following CIC universities have endorsed the statement and addendum: University of Illinois (Chicago and Urbana-Champaign); Indiana University; University of Iowa; University of Michigan; Michigan State University; University of Minnesota; Northwestern University; University of Wisconsin-Madison; and

Whereas, Penn State's Faculty Senate issued an informational report in the March 20, 2007 Senate Agenda titled, *Authors' Rights and Publishing Agreements*; and

Whereas, the Officers of the University Faculty Senate in consultation with Senate Council and the chairs of the 15 standing committees of the Senate support the statement and addendum;

Therefore Be It Resolved,

that the University Faculty Senate supports in principle the Committee on Institutional Cooperation (CIC) *Statement on Publishing Agreements* and the *Addendum to Publishing Agreements for CIC Authors*.

Note: Portions of this resolution are excerpted from the CIC Scholarly Communication Web site:
<http://www.cic.net/groups/CICMembers/archive/Report/AuthorsRights.shtml>

January 2008



**The Committee on Institutional Cooperation (CIC)
STATEMENT ON PUBLISHING AGREEMENTS**

The Committee on Institutional Cooperation (CIC)¹ is a consortium of 12 world-class American research universities, advancing their missions by sharing expertise, leveraging campus resources and collaborating on innovative programs. For 50 years, the CIC has created new opportunities for member universities to work together toward greater efficiency, effectiveness and impact. In 2006, the Provosts of the CIC member universities unanimously endorsed this statement and addendum to publication agreements. Since that time, faculty governance of 9 CIC campuses² have also endorsed the statement and addendum.

Publication is the lifeblood of a research university. It is incumbent upon faculty, campus administrators and librarians to ensure the free flow of scholarly information in fulfillment of our campus missions to advance the public good through research and education. Toward this end, our campuses are committed to supporting a sustainable publication process and a healthy publishing industry. The “information revolution” has greatly expanded the means for disseminating and utilizing scholarly discourse, but this opportunity for extending the reach and impact of our campuses is countered by social and economic conventions of some sectors of the publishing industry. Suitable publishing partners for academic enterprises should be encouraging the widest possible dissemination of the academy’s work, and the management of copyright should be directed to encouraging scholarly output rather than unnecessarily fettering its access and use. Without some important changes in publishing practices, authors and readers will continue to be frustrated by barriers to the free flow of information that is an essential characteristic of great research universities.

Faculty authors should consider a number of factors when choosing and interacting with publishers for their works. The goal of publication should be to encourage widespread dissemination and impact; the means for accomplishing this will necessarily depend on the nature of the work in question, the author’s circumstances, available suitable outlets, and expectations in the author’s field of inquiry. In general, authors are encouraged to consider publishing strategies that will optimize short- and long-term access to their work, taking into account such factors as affordability, efficient means for distribution, a secure third-party archiving strategy, and flexible management of rights.

Protecting intellectual property rights is a particularly important consideration, as many authors unwittingly sign away all control over their creative output. Toward this end, the CIC encourages contract language that ensures that academic authors retain certain rights that facilitate archiving, instructional use, and sharing with colleagues to advance discourse and discovery. Accompanying this document is a model CIC publishing addendum that affirms the rights of authors to share their work in a variety of circumstances, including posting versions of the work in institutional or disciplinary repositories. While the particular circumstances and terms governing publication will vary on a case-by-case basis, the underlying principle of encouraging access to the creative output of our campuses should inhere in all of our efforts.

¹ The 12 CIC member universities are: University of Chicago; University of Illinois; Indiana University; University of Iowa; University of Michigan; Michigan State University; University of Minnesota; Northwestern University; The Ohio State University; Penn State University; Purdue University; University of Wisconsin-Madison

² As of November 7, 2007, faculty governance from the following CIC universities have endorsed the statement and addendum: University of Illinois (both the Chicago and the Urbana-Champaign campuses); Indiana University; University of Iowa; University of Michigan; Michigan State University; University of Minnesota; Northwestern University; and the University of Wisconsin-Madison.

www.cic.net

ADDENDUM TO PUBLICATION AGREEMENTS FOR CIC³ AUTHORS

This ADDENDUM hereby modifies and supplements the attached Publication Agreement between:

Corresponding Author _____

Additional Authors (if any) _____

AND

Publisher _____

Related to Manuscript titled _____

To appear in Journal, Anthology, or Collection titled _____

PUBLISHER AND AUTHOR AGREE THAT WHERE THERE ARE CONFLICTING TERMS BETWEEN THE PUBLICATION AGREEMENT AND THIS ADDENDUM, THE PROVISIONS OF THIS ADDENDUM WILL BE PARAMOUNT. IN ADDITION TO THE RIGHTS GRANTED THE AUTHOR IN THE PUBLICATION AGREEMENT AND BY LAW, THE PARTIES AGREE THAT THE AUTHOR SHALL ALSO RETAIN THE FOLLOWING SPECIFIED RIGHTS:

1. The Author shall, without limitation, have the non-exclusive right to use, reproduce, distribute, and create derivative works including update, perform, and display publicly, the Article in electronic, digital or print form in connection with the Author's teaching, conference presentations, lectures, other scholarly works, and for all of Author's academic and professional activities.
2. After a period of six(6) months from the date of publication of the article, the Author shall also have all the non-exclusive rights necessary to make, or to authorize others to make, the final published version of the Article available in digital form over the Internet, including but not limited to a website under the control of the Author or the Author's employer or through digital repositories including, but not limited to, those maintained by CIC institutions, scholarly societies or funding agencies.
3. The Author further retains all non-exclusive rights necessary to grant to the Author's employing institution the non-exclusive right to use, reproduce, distribute, display, publicly perform, and make copies of the work in electronic, digital or in print form in connection with teaching, conference presentations, lectures, other scholarly works, and all academic and professional activities conducted at the Author's employing institution.

THIS ADDENDUM AND THE PUBLICATION AGREEMENT, TAKEN TOGETHER, CONSTITUTE THE FINAL AGREEMENT BETWEEN THE AUTHOR AND THE PUBLISHER WITH RESPECT TO THE PUBLICATION OF THE ARTICLE AND ALLOCATION OF RIGHTS UNDER COPYRIGHT IN THE ARTICLE. ANY MODIFICATION OF OR ADDITIONS TO THE TERMS OF THIS AMENDMENT OR TO THE PUBLICATION AGREEMENT MUST BE IN WRITING AND EXECUTED BY BOTH PUBLISHER AND AUTHOR IN ORDER TO BE EFFECTIVE.

AUTHOR

PUBLISHER

(Corresponding Author, on behalf of all authors)

Date

Date

³ The 12 member universities of the Committee on Institutional Cooperation (CIC) are: University of Chicago; University of Illinois; Indiana University; University of Iowa; University of Michigan; Michigan State University; University of Minnesota; Northwestern University; The Ohio State University; Penn State University; Purdue University; University of Wisconsin-Madison.

www.cic.net

Revised Resolution on Open Access and Scholarship
Prepared by the Senate Task Force on Scholarly Publications and Authors' Rights
2/5/2010

WHEREAS: According to the constitution and by-laws of the Faculty Senate of the University of Virginia: "The Faculty Senate represents all faculties of the University with respect to all academic functions such as the establishment and termination of degree programs, major modifications of requirements for existing degrees, and action affecting all faculties, or more than one faculty, of the University;" and

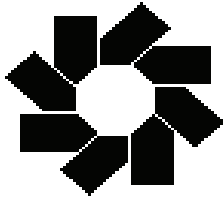
WHEREAS: In the interest of preserving its historical commitment to producing and disseminating knowledge in the public interest, the Faculty Senate of the University of Virginia is dedicated to making the research and scholarship of the faculty of the University of Virginia as widely available as possible.

NOW THEREFORE the Faculty Senate of the University of Virginia hereby adopts and endorses the following policy relating to copyrights in scholarly articles authored by the faculty and encourages the development of an open access program for the University as provided below:

Each Faculty member at the University of Virginia is encouraged to reserve a nonexclusive, irrevocable, non-commercial, global license to exercise any and all rights under copyright relating to each of her or his scholarly articles, in any medium, and to authorize others to do the same. To enable public access to and preservation of scholarly articles, each faculty member is encouraged to provide an electronic version of the article as to which the necessary rights have been retained, to the University Library for deposit in a repository at such time as the Library might make such services available to faculty.

The University Library's continued development of a digital repository for the University is strongly endorsed. The University Library is encouraged to enable deposit of faculty works for which sufficient rights have been retained in the repository and to continue to offer information services relating to author's rights and copyright to University faculty in support of open access.

The Senate shall continue the existence of the Task Force on Scholarly Publications and Authors' Rights to monitor developments in scholarly licensing practices and copyright law, to work with the Library and faculty to develop a useful and easily managed scholarly repository for faculty scholarship, and to report to the Senate each year on the progress of this Resolution. The Task Force shall continue until such time as, in the judgment of the Executive Council of the Faculty Senate, the continuation of the Task Force is no longer useful.



University of Washington
FACULTY SENATE
Box 351271

Class C Bulletin No. 481

**Resolution Concerning
Scholarly Publishing Alternatives
and Authors' Rights**

WHEREAS, the primary mission of the University of Washington is the advancement, dissemination and preservation of knowledge; and

WHEREAS, the products of faculty scholarship are generated for the public benefit, are supported in part by nonprofit or public agencies, and are created, peer reviewed, and edited by faculty with little or no direct remuneration; and

WHEREAS, scholarly journal publication, especially in the fields of science, technology, engineering, and medicine, is increasingly being dominated by and aggregated in the hands of a few large commercial publishing houses; and

WHEREAS, the costs to academic libraries of journals published by these commercial publishers have risen far more rapidly than inflation, thereby limiting free and open exchange of scholarly information; and

WHEREAS, the publication agreements offered by some publishers limit authors' rights to use their own work in their teaching and research and/or to archive their work in an openly accessible repository; and

WHEREAS, proprietary formats, new forms of digital protection, and new subscription models for selling "backfile" databases to libraries threaten to further restrict access to scholarly resources; and

WHEREAS, the continued increases in journal costs have impaired the Libraries' purchasing power and have forced the Libraries to conduct a serials review that will almost certainly result in widespread cancellation of journal subscriptions; and

WHEREAS, the current system for production and distribution of scholarly works is increasingly dysfunctional and fiscally unsustainable and restricts rather than increases access to and dissemination of knowledge; and

WHEREAS, the University of Washington Libraries has established an online, freely accessible and searchable repository, *ResearchWorks at the University of Washington (ResearchWorks)*, for the dissemination and preservation of scholarly works published by members of the University community; therefore,

BE IT RESOLVED, that

1. the University of Washington prepare for a future in which academic publications are increasingly available through open sources by encouraging faculty members to:
 - assess the pricing practices and authors' rights policies of journals with which they collaborate (as authors, reviewers, and editors) and advocate for improvements therein; and
 - adopt and use an Addendum to Publication Agreement such as that provided by the Scholarly Publishing and Academic Resources Coalition (SPARC) in order to retain their rights to use their work in the classroom and in future publications and to archive final accepted manuscripts; and
 - publish scholarly works in moderately priced journals, in journals published by professional societies and associations, or in peer-reviewed "open access" journals; and
 - archive their work in the UW's *ResearchWorks* or other repositories supported by research institutions, professional societies, or government agencies in order to provide the widest and most affordable access to their scholarship; and

2. UW Libraries is encouraged to
 - provide relevant, current information regarding journal publishers, pricing, and authors' rights to departments and individual faculty members; and
 - maintain and further develop *ResearchWorks* and related services; and
 - allocate personnel to facilitate the deposit of faculty publications in *ResearchWorks*, and to obtain publishers' permission to deposit previously published works when possible; and
3. the University of Washington administration is encouraged to:
 - provide resources to the Libraries and to academic units to foster these efforts; and
 - work with departments and colleges to assure that the review process for promotion, tenure and merit takes into consideration these new trends and realities in academic publication.

Approved by:
Faculty Senate
April 23, 2009

Approved by:
Senate Executive Committee
April 6, 2009

Submitted by:
Scholarly Communication Committee
Faculty Council on University Libraries
& Faculty Council on Research
April 6, 2009

Background and Rationale:

The following resolution was drafted by the Scholarly Communication Committee, an *ad hoc* committee established by the Senate Executive Committee in October 2008, the membership of which consists of representatives from the Faculty Council on University Libraries, the Faculty Council on Research, and the University Libraries.

The rationale for the formation of the committee grew out of discussions in the Faculty Council on University Libraries about the escalating costs to the Libraries of both online and print subscriptions of scholarly journals, due partly to the increasing dominance of a few large commercial publishers that have restricted dissemination of knowledge by the imposition of monopolistic pricing and "bundling" policies upon institutional subscribers. One response to this challenge has been the development of "open access" journals, the publishing costs of which are borne by authors, educational institutions, and/or funding agencies rather than subscribers. A related issue of publishers' control over scholarly communication is the limitation of authors' rights to use material from their publications in teaching and in subsequent works. The charge of the Scholarly Communication Committee was "to draft a resolution about open access and faculty authors' rights."

Increasing appreciation of differing publishing cultures across academic disciplines resulted in alteration of the Committee's initial approach. Journals with the most egregious pricing policies tend to be concentrated in the sciences, technology, and medicine – the same fields in which the importance of immediate availability of information together with potential publishing support from funding agencies make open access most practicable. Open access publishing is arguably less feasible in the arts and humanities in which generally lower journal costs place less of a financial burden on libraries and authors' publication expenses are unlikely to be offset by funding agencies. The committee therefore broadened its advocacy to promotion of faculty members' awareness of journal pricing and publishing alternatives and of the impacts of their choices of publishers (by writing, reviewing, and editing) on the cost, availability, and dissemination of their work to scholars and other interested individuals around the world.

The resolution also seeks to promote faculty members' awareness of mechanisms they can use to retain rights to their work, such as adding an addendum delineating those rights to publishers' publication agreements (example attached). Included among these may be the right to deposit publications in a freely accessible institutional or discipline-based repository, such as the Libraries' "ResearchWorks at The University of Washington" <https://digital.lib.washington.edu/researchworks>. In support of this activity, the resolution calls upon the Libraries and the University of Washington administration to further develop, publicize, and facilitate faculty authors' use of ResearchWorks.

The resolution has been unanimously approved by the Scholarly Communication Committee and its two parent councils, the Faculty Council on University Libraries and the Faculty Council on Research, and unanimously endorsed by the Libraries Cabinet.

Open Access Resolution

Adopted by the Faculty Senate Council: December 21, 2010

Scheduled to be presented and voted on at the Faculty Senate meeting: May 9, 2011

The Faculty of Washington University in St. Louis is committed to making its scholarship and creative works freely and easily available to the world community. Faculty members are encouraged to seek venues for their works that share this ideal. In particular, when consistent with their professional development, members of the Faculty should endeavor to:

- Amend copyright agreements to retain the right to use his or her own work and to deposit such work in a University digital repository or another depository, which is freely accessible to the general public;
- Submit a final manuscript of accepted, peer-reviewed publications to one of the University's digital repositories whenever consistent with the copyright agreement; and
- Seek publishers for his or her works committed to free and unfettered access (often referred to as *open access* publishers) whenever consistent with his or her professional goals.

This resolution applies only to scholarly articles authored or co-authored by a member of the Faculty since the adoption of this policy.

Currently, there is no systematic University-wide coordinated program to assist Faculty with managing the rights to their scholarly articles, nor is there any mechanism for facilitating the accessibility and dissemination of these works from within the University. The Faculty encourages the Offices of the Provost and the University's Libraries to establish digital repositories and to provide author support services to aid the Faculty in providing greater access to their work. At this time and as a practical matter, this resolution covers only scholarly articles and does not extend to other forms of scholarly and creative work such as books, art, music, blogs, presentations, or curriculum materials. The Offices of the Provost and the University's Libraries should encourage any faculty member who would be willing to join in this resolution, regardless of type of scholarly and creative work generated.