SPEC Kit 310

Author Addenda

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EXECUTIVE SUMMARY

Introduction

Recent developments in scholarly communication have raised the issue of author rights on academic campuses with increasing frequency. The NIH Public Access Policy, the expanding interest in and use of institutional repositories, the innovation of new models of publishing, and the growing number of universities mandating open access policies are changing the current environment of scholarly dissemination. Consequently, it is increasingly important to manage copyright in ways that serve author interests and those of the scholarly community. A report titled "The University's Role in the Dissemination of Research and Scholarship — A Call to Action," released in February 2009 by the Association of American Universities, the Association of Research Libraries, and others, implores university administrators to adopt the principle that the "dissemination of knowledge is as important to the university mission as its production."[1] One strategy addressed in the report recommends universities to "encourage faculty authors to modify contracts with publishers so that their contracts permit immediate open access or delayed public access to peer reviewed work in a manner that does not threaten the viability of the journals or monographs." This approach will require authors to use an addendum or to modify publication agreements on their own, and it illustrates the increasing awareness and relevance of the topic of author rights in academia.

This survey on author addenda was distributed to the 123 ARL member libraries in February 2009. Respondents were asked to provide information on the use of author addenda at their institutions, which rights authors were encouraged to retain, and the methods by which libraries are conducting promotion and outreach efforts on the topic of author rights and addenda. Seventy libraries (57%) responded to the survey. Of those respondents, 35 (50%) indicated that authors at their institutions are using an author addendum, and 33 libraries (47%) indicated that they "did not know." Only two libraries indicated that authors at their institutions were not using author addenda.

Addenda Promotion & Endorsement

The majority of respondents (77%) do not formally collect information on the use of author addenda on their campuses. Mostly, evidence is gathered in an informal way, either when an author contacts the library with a question related to copyright or an author addendum, or through anecdotal stories of success or failure in using an addendum. One library collects information by asking authors to follow instructions on their institution's addendum to fax or e-mail a copy to the library, but several libraries made comments such as, "We collect information when we hear from authors about use which is not very often and has only been when the addendum has been rejected. We hear much more often questions about general copyright transfer" and, "We sometimes learn anecdotally about experiences with addenda, but we do not systematically seek to gather this information."

The survey investigated the prevalence of the endorsement or promotion of author addenda by respondents' institutions. For the purposes of this survey, "endorse" means a formal act by an institution (either by administrators, or by the faculty governing body) in support of author rights and the use of an author's addendum. "Promote" means active outreach to authors to educate them about author rights and to encourage the use of an author's addendum.

Endorsement

Fifty-two percent (36) of the responding libraries reported that an author addendum had been endorsed by administrators or a governing body at their institution or by their consortia, while 62% (43) responded that there had been no endorsements. The numbers reveal that there are more endorsements at the consortial level than at the institutional level. Eight libraries (12%) reported that an institutional endorsement was under consideration at the time of the survey. One library indicated that an addendum had been endorsed by their Faculty Senate, but that "It was not without controversy, and I would consider the endorsement to be rather weak. At least one subcommittee thought that the addenda unnecessarily inserted the university into the author-publisher relationship and could damage such relationships. Others pointed out (on the floor of the Senate) that such addenda are meaningless unless the university can put resources behind the faculty in negotiations."

Promotion

A larger number of libraries (46 or 68%) reported that their institution or consortium had worked to *promote* the use of an author addendum; 40 respondents (87%) indicated promotion by their institution and 25 (54%) promotion by their consortium. Promotional activities mostly included providing links to an author addendum and copyright information on library Web sites, and some libraries have done faculty presentations on author rights (particularly pertaining to the NIH Public Access Policy). However, general consensus shows there is not much active promotion on institutional or consortial levels.

Twenty-one respondents (30%) reported that their institutions have not promoted the use of an author addendum in any capacity. They are not included in the following results.

Addenda Use and Rights Retained

Addenda Use

Forty-seven libraries responded to a question about which addendum their institution promoted or endorsed. Forty-one have promoted an addendum, most frequently the SPARC addendum (20 respondents or 43%) and/or an institution-specific addendum (17 or 36%). However, results show that all but 10 institutions promote more than one kind of addendum. Others include, in order of frequency, consortia-specific addenda, the Science Commons addendum, and funding agency-specific addenda. The 13 libraries that have promoted a funding agency-specific addendum all verified that this represented the suggested language from the National Institutes of Health (NIH).[2]

Sixteen institutions have provosts who have endorsed an addendum; 12 (75%) of those endorsed a consortium-specific addendum, likely representing the members of Committee on Institutional Cooperation (CIC) consortium whose provosts had all endorsed their addendum as of June 2008.[3]

The addendum most often endorsed by a faculty governing body (10 of 14 responses) was also a consortia-specific addendum, which may also reflect the CIC institutions. Only seven respondents report that a department has endorsed an addendum, typically an institution-specific one. Five report an endorsement by their university legal counsel office.

Only nine responding institutions have publicly announced the endorsement of an addendum with a press release, though several report less formal ways of spreading the news, such as e-mails to faculty. Only four have contacted publishers about their endorsement. When solicited for comments about contacting publishers, one library responded that they sent a letter to the top publishers of the university's authors notifying them of the addendum. Another university system prefers to do large institutional negotiations with publishers—rather than promoting

addenda to individual authors—and has been successful in negotiating a pilot project with Springer to have all of their institutions' articles published under a Creative Commons compatible license.[4]

Rights Retained

A tally of the rights authors are encouraged to retain by the responding libraries' various author addenda show that most addenda ask for a basic set of rights. Most of these rights extend beyond the author to include uses by the author's institution as well. Between 57% and 91% of the respondents said their promoted addendum included each of the rights outlined below:

- Deposit work in an institutional repository
- Deposit work in a disciplinary repository
- Post on a personal Web site
- Post on a departmental Web site
- Distribute work in courseware
- Distribute to students
- Distribute to colleagues
- Create derivative works
- Right to reuse their work

The survey results indicate that retaining rights for the published version of the manuscript is only slightly favored (often by less than a percentage point) over retaining rights for the author manuscript (either pre- or post-print).

Retaining all rights except that of first publication appears in only about half of the addenda, though several respondents reported that they encourage authors to retain as many rights as they can, knowing that a negotiation process with the publisher will ensue. One respondent noted, "I like to encourage researchers to retain as many rights as possible particularly for the author manuscript. The preference, of course, is to retain rights for the published version but given the current push back by publishers, getting the manuscript rights would be a significant accomplishment." A respondent for an institution that uses the SPARC addendum commented, "Authors are counseled to try and obtain the broadest possible range of rights they can negotiate back from their publishers. Because very little success has been reported with publisher acceptance of the SPARC addendum (except as a point of discussion or departure), we do not recommend a single approach but rather suggest faculty look at the SPARC materials and other sites and templates and try to get the rights that are the most important to them individually." The survey results illustrate that authors must take initiative to understand the rights they are asking for and be prepared to invest time and effort in the negotiation process with a publisher.

Publishers are not particularly keen to negotiating a plethora of different addenda and it is unclear how much they have modified their existing agreements to accommodate some basic archiving rights.[5] Anecdotally, it appears that more publishers are offering agreements that allow basic rights to the author, even if they do not allow the author to obtain exclusive copyright to their work. SHERPA, a consortium of UK institutions that investigates "open-access institutional repositories in universities to facilitate the rapid and efficient worldwide dissemination of research," offers some evidence that the number of publishers offering self-archiving rights has increased. In a response to an e-mail query, the administrator of SHERPA's RoMEO, a database of publisher's copyright and archiving policies, said that the percentage of publishers who allow authors to archive pre-print and post-print versions (coded as "green" publishers) has fluctuated since 2004 but ultimately the percentage remained the same (at around 31%), though the overall quantity of green publishers added to the database has risen from 29 to 161 (and the total number of publishers in the database has risen from 85 to 539). The number of publishers who do not allow any self-archiving (coded as "white" publishers) has decreased in percentage (from 44% to 37% since 2004), and overall, 61% of publishers in RoMEO allow some form of self-archiving, which is a promising number.[6]

Library Promotion of Author Addenda

The majority of responding libraries (34 or 71%) have staff at more than one library in their system working

on promoting an addendum and providing services to authors. Another 10 (21%) have staff at one library working on these endeavors, while four of the respondents (8%) were still in the planning stage of providing promotion and support services. Several respondents noted that, in addition to library staff, author services and addenda promotion receive support from another department or unit on campus, such as their university copyright office, their institutional repository, and an "Office of Research Administration."

When asked which types of libraries promote an addendum and provide author services, the largest percentage of institutions (82%) indicated that most of the promotional activities take place in the main campus library, with libraries supporting the health professions coming in second (61%), and other science libraries coming in third (43%). Twelve of the 44 respondents (27%) answered "Other." One respondent remarked that it is a "collaborative effort by all university libraries, including the main campus library and the health sciences library." Another wrote, "The campus libraries have a Scholarly Communications and Publishing committee that helps support this work," and another said it "depends on subject librarians and interests of authors in their disciplines but all subject librarians have author support as a part of their activities."

Participating Staff and Staff Training

Leadership and Promotion Responsibilities

The majority of respondents reported that the leadership role rests with the library director or an assistant or associate director of the library (both categories received 26 or 62% of the responses). About half (22 libraries) indicated that leadership rests with a scholarly communications officer. Other frequently reported leaders include staff who have legal or copyright expertise (15), digital library or repository staff (12), and heads of collections (11).

Library leadership on promoting author addenda is widely shared across staff categories, though. Only seven respondents reported that a single individual had this responsibility: three directors, one AUL, two scholarly communication officers, and a collection development librarian.

At the 23 other libraries where the library director plays a leadership role the responsibility is shared with AULs (19 responses), a scholarly communications officer (14), staff with legal expertise (10), the head of collections (8), digital library staff (5), and collection development and reference librarians (3 and 2 respectively).

Promotional activities rest primarily with four different types of library staff: reference librarians (67%), collection development librarians (59%), a scholarly communications officer (59%), and digital library or repository staff (48%). The results show that the promotional work is shared and falls to almost all staff in the system, ranging from an electronic resources librarian, library support staff, individuals with legal expertise, to even library directors.

Coordinating with units outside the library on addendum promotion occurs at 18 institutions. Eight respondents indicated that they work collaboratively with a campus legal office or a copyright/licensing office, six (including some of the same institutions) indicated that they collaborate with a high level administration office, such as the provost's office or the university's office of research, four mentioned that there is a scholarly communications committee or task force, and two libraries noted cooperative efforts with their campus technology office. While these numbers are small, they are noteworthy as an indication of where collaborative opportunities may rest outside the library system.

Staff Training

A large majority of survey respondents provide educational materials (86%) or training events (78%) to library staff, though many indicate that some of these are intended for faculty, and library staff benefit from them. Comments from respondents show that training may not be specifically about an author addendum, but that the topic arises in scholarly communication activities, such as training related to the NIH Public Access Policy or publicity about international Open Access Day.

All but a few of the responding institutions (38 or 93%) have a public Web site that serves to educate staff and authors on the issue of author rights and author addenda. Other popular means of training staff are face-to-face workshops (73%), handouts on key issues (59%), and PowerPoint slides (49%). The library staff charged with spearheading training efforts is primarily a scholarly communications officer (if the library has one), a library committee devoted to scholarly communications activities, or library administrators (55%, 48%, and 45% respectively).

Educating authors on the use of an addendum takes place mostly when presenting on compliance with public access policies (84%). However, other situations include discussing depositing authors' work in a digital repository (74%), author sharing of their work (70%) and use of their work in teaching (65%). When queried about which department or group on campus takes a leadership role in promoting the use of addenda, predictably 100% of the respondents indicated the library. However, of interest is which other groups or units also serve a role. Thirty-five percent of respondents confirmed that the faculty senate and/or the provost's office is involved in a leadership role, and 33% answered that a different group on campus fulfills that role, ranging from the "VP of Research," to "Academic Technology," to the "Faculty board advising the library." Notable is that this work takes place across a wide variety of campus units outside the library system.

Author Education

Activities

Two of the most used and most effective activities to educate authors about using an author addendum are presentations to faculty and one-on-one visits with faculty. Eighty-six percent have used faculty presentations to convey information about addenda; 66% indicated this was the most effective form of outreach and 63% indicated that on-on-one conversations with faculty was the most effective. Handouts and brochures are used often by libraries (65%), as are Web sites (60%), although the effectiveness of these efforts ranked much lower than their frequency of use (at 17% and 26% respectively). Across the board, results show that libraries made varied efforts to educate authors, but that most were viewed as not very effective. Sixty percent of respondents have made presentations to graduate students, but only 26% noted that they felt this was an effective activity. This result may imply that the efficacy of efforts to educate graduate students is not easily measurable since graduate students are not publishing much and are more likely to be contributors to a paper than the primary author. Perhaps in the future, the value of libraries' efforts at outreach to graduate students will become more apparent.

The respondents were invited to describe up to three activities that were most effective in accomplishing their outreach efforts to educate authors about addenda. Comments revealed, again, that one-on-one meetings with authors, where librarians have the opportunity to discuss author rights, were the most common activity. Presentations to faculty groups, and often over a lunch "series," a brown bag, or at a departmental meeting, were also deemed effective. One respondent wrote, "Presentations at formal and informal department events like faculty meetings and coffee hours have been very effective in getting the word out about author rights." Another commented that they did "presentations to faculty departments and groups where faculty get the 'deer in the headlights' look when you describe what happens when they give away their author rights. They start using addenda after that and also want to participate in the institutional repository. There have also been many individual meetings as follow-up from these department meetings." One library felt that faculty presentations are effective, but that it was "difficult to get such opportunities," which may suggest that presentations are useful if you can get faculty to commit the time to listen. Other libraries have sent letters and e-mails to faculty, and one library described presentations to grant writers.

The main topic in outreach activities about addenda was copyright law (98%), with institutional repositories and the freedom to use their work in the classroom coming in as the second most frequently addressed topics (71% each). Freedom to share work

with colleagues and to reuse their work were also important topics; one respondent commented, "The vast majority of faculty have been doing these activities all along without realizing that in most cases they are violating the agreements they have signed and seem quite stunned by this information." Other respondents indicated that they bring up author rights and addenda while discussing open access, or how to select a publisher with a friendly publishing agreement or with paid open access options.

Frequently Asked Questions

The survey asked respondents to report who provides advice on answering authors' copyright-related questions. Library staff with legal expertise or in-depth copyright knowledge field questions from authors most often (85%), and 49% of respondents direct authors to solicit advice from their institution's legal counsel. The questions below offer a sample of frequently asked questions the survey respondents have received from authors.

> The publisher has rejected the addendum. What do I do now?
>
> I submitted the author addendum but the publisher sent it back to me all marked up with other language. What do I do now?
>
> How can I use the addendum when I have to submit my paper through a Web site?
>
> Which addendum should I use?
>
> What do I do when there are multiple authors?
>
> What does this publication agreement really say?
>
> What is the difference between my publisher's copyright form and what the addendum would give me?
>
> Is using the addendum or negotiating copyright terms going to put my publication in jeopardy?
>
> Do most publishers accept the addendum?
>
> Which version of the manuscript is covered by the addendum?
>
> I submitted the author addendum with my article but they will only allow me to post my final draft on the institutional repository. I am very concerned about multiple versions of my work being available. How do we address this? Which copy will people cite? What do I do when I want to make revisions to the article?
>
> Can an individual author really make a difference?
>
> What will these changes mean for the survival of journals that are important in our discipline?
>
> Are publishers really willing to negotiate?

An informal look at a sampling of ARL libraries' scholarly communication Web sites did not turn up many answers to these questions, suggesting a need for these to be answered by the library community (and easily discoverable on the Web).

Conclusion

The survey reveals that among ARL member libraries, author addenda education, promotion, and outreach services are distributed among many staff members. Additionally, those who do the work and the extent to which outreach is performed varies widely. In a time of pervasive budget problems in higher education, it is not surprising to find that libraries are doing what they can with the resources that exist. Undoubtedly, many libraries found success by coupling outreach on an author addendum with other services, such as PubMed Central article deposits, institutional repository development and deposit, copyright discussions, and general outreach about the NIH Public Access Policy. Comments from two respondents illustrate these efforts:

"Since the NIH Public Access mandate, we frequently connect our promotion of author addenda to a broader education campaign about PMC deposit. The library offers a service that assists with PMC deposit, and much of our one-on-one addendum consulting occurs as a result of that service."

"While these voluntary addenda provide a useful tool in discussions with faculty, we don't believe that active promotion of the addenda will result in substantial adoption on our campuses. Thus we have taken an approach of discussing author rights and copyright in the context of other services we offer, e.g., publishing, instructional support, [and] reserves."

Clearly there is difficulty in measuring the efficacy of author addenda, and this in turn makes it difficult to sell the concept to authors. However, author addenda can serve as a "tool" to educate authors about their rights, even if they never end up using an addendum. One respondent explained, "in general, addendum[s] have not been useful except as an education tool for faculty and graduate students."And another noted, "it's very difficult to claim to faculty that it is an effective tool."

Despite the difficulty in measuring success with addenda, librarians are being asked by their administrations, with increasing frequency, to "demonstrate active participation in scholarly communication activities," which includes discussing author rights and author addenda. Many libraries are in the process of developing or posting positions which require legal expertise to help them manage the increasing demand for author rights management, and to help promote the rights of their institution's authors. One librarian explained, "As head of collection development I tried for several years to convince the Provost's Office and the Dean of Libraries that the faculty need legal counsel who will advise them about the amount of risk to take, rather than protecting the university from risk. Some of the faculty agree, but no position has been forthcoming."

The topic of author rights may arise in any situation or discussion with faculty authors which underscores why understanding and explaining author rights is becoming a necessary part of many librarians' work. One person noted, "We have seen an important change in our experiences with the issues. . . [a] conversation about OA quickly shifted to a conversation about author agreements and addenda, with attention on the many various reasons for entering into better agreements. We always conclude with one simple point of emphasis: Whatever you sign, keep a copy."

The survey suggests that academic libraries face a steep learning curve in this arena. Increasingly, libraries are providing services, or are being asked to provide services, to help authors navigate a new environment where intellectual property, author rights, and copyright have become a substantial component of discussions related to scholarly communication, and to the endeavors of the university at-large.

Notes

1. Association of American Universities, Association of Research Libraries, The Coalition for Networked Information, National Association of State Universities and Land Grant Colleges, "The University's Role in the Dissemination of Research and Scholarship," February 2009
http://www.arl.org/bm~doc/disseminating-research-feb09.pdf

2. Committee on Institutional Cooperation, *Statement on Publishing Agreements*, 2008
http://www.cic.net/Libraries/Library/authorsrights.sflb

3. NIH example language: "Journal acknowledges that Author retains the right to provide a copy of the final peer-reviewed manuscript to the NIH upon acceptance for Journal publication, for public archiving in PubMed Central as soon as possible but no later than 12 months after publication by Journal."
http://publicaccess.nih.gov/FAQ.htm#c3