

LIBRARY COMMITTEE
MINUTES OF MEETING
FEBRUARY 6, 2008

[In these minutes: myLibrary, NIH Public Access Policy, Licensing of Electronic Content & Campus Coordination, Civil Service Seat on Senate Library Committee]

[These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate; none of the comments, conclusions or actions reported in these minutes represent the views of, nor are they binding on, the Senate, the Administration or the Board of Regents.]

PRESENT: James Orf, chair, Jonathan Binks, Suzanne Thorpe for Joan Howland, Wendy Lougee, Bill Sozansky, John H. Anderson, Juliette Cherbuliez, Isaac Fox, Jay Hatch, Anatoly Liberman, Otto Strack, David Zopfi-Jordan, John Columbo, Shruti Patil, Jessica Reinitz, Farzad Sadjadi

REGRETS: LeAnn Dean, Owen Williams, Jennifer Gunn, Danielle Tisinger

ABSENT: Stephen Gross, Nora Paul

GUESTS: Jim Stemper

I). Professor Orf called the meeting to order.

II). Members unanimously approved the December 5, 2007 minutes.

III). University Librarian's report:

a). Ms. Lougee distributed a handout highlighting the features of myLibrary, an interactive service via the library webpage that allows users to customize the information they receive, thus allowing them to create their own view of what constitutes their sense of library. myLibrary can be accessed on the University Libraries main website or directly at <https://www.lib.umn.edu/mylibrary/> More information about myLibrary can be found at http://blog.lib.umn.edu/lib-web/news/2008/01/new_web_site_feature_mylibrary_1.html

A member asked whether this tool was developed in-house or whether it was purchased from an outside vendor. Yes, noted Ms. Lougee, this tool was developed in-house.

b). Ms. Lougee reported that the previously voluntary NIH Public Access Policy is now mandatory. This law states, "The Director of the NIH shall require that all investigators funded by the NIH submit or have submitted for them, to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than

12 months after the official date of the publication: Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law."

Next, Ms. Lougee shared with the committee a high-level overview of the parameters of this law. She added that later this afternoon she will be meeting with people from the Office of the Vice President for Research to discuss how this policy will actually rollout at the University. Highlights from her overview included:

- This policy applies if a peer-reviewed article is based on work:
 - Directly funded by NIH or cooperative agreement (October 2007 – September 2008 or beyond).
 - Directly funded by a contract signed on or after April 7, 2008.
 - Directly funded by NIH Intramural Program.
 - If NIH pays the public investigator's salary.
- Institutions and public investigators are responsible for ensuring that any publishing or copyright agreements concerning submitted articles fully comply with the Public Access Policy. Failure to comply could have an impact on future funding from NIH. NIH will monitor grant progress reports to determine whether any work has been published as a result of the funded research. With respect to the issue that authors retain sufficient rights when they sign their copyright agreements with publishers, institutions should ensure that authors are aware of and comply with the policy.
- There are 3 elements of policy that relate to compliance:
 - When signing a publication agreement with the publisher, be sure to retain sufficient rights to be able to comply with the federal law.
 - Submit the article to NIH. Either the author, someone in his/her organization, or the publisher may send the peer-reviewed manuscript files to NIH. In these cases, the author will be asked by NIH to verify and approve the converted form of the manuscript. Alternatively, a handful of publishers will put the final version of the article that will appear in their journal into PubMed Central.
 - In all instances where the article is cited, the PubMed Central reference number must be noted.
- The University's Copyright Policy (<http://www1.umn.edu/regents/policies/academic/Copyright.html>) gives faculty the rights to their work reflecting the common law practice of the "teacher's exception." Authors should work with their publishers to ensure all conditions of the NIH Public Access Policy can be met. NIH and other organizations will provide copyright templates that authors can attach to their copyright agreements with their publishers, enabling them to retain sufficient rights to comply with the policy.

A member asked whether it is likely that other federal funding agencies, e.g. Department of Homeland Security, will implement access policies similar to NIH? Ms. Lougee reported that last year legislation was proposed that would require major federal funding agencies (with certain thresholds of award amounts) to have policies similar to the NIH

policy. This bill, however, was not successful. It is difficult to say whether this bill will be reintroduced.

There are instances when a PI may not be the first author or may not even be involved in an article. In these situations, would it then be the primary author's responsibility or the PI's responsibility to ensure policy compliance asked a member. According to Ms. Lougee, NIH has developed a FAQ that speaks to many different scenarios. She added that it is her understanding that even if an author is only tangentially associated with an article, the policy requires the article be submitted. All parties involved in an article should coordinate their submission efforts.

Ms. Lougee reminded members that the Libraries, as part of their compact request, received a modest amount of money to begin to look at copyright support. The Library intends to define copyright support more generously than initially thought to include authors' rights issues, and how to help authors manage their copyright.

IV). Ms. Lougee introduced the next agenda item, licensing of electronic content and campus coordination of this content. By Regents' policy, each of the coordinate campuses is responsible for their own libraries, which would include designing their collections and services to meet the needs of their users.

Ms. Lougee reported that throughout strategic positioning discussions questions regarding why the coordinate campuses did not have access to all the same content as the Twin Cities campus arose.

Ms. Lougee introduced Jim Stemper, the Libraries' resource licensing coordinator, who was invited to today's meeting to provide the committee with an understanding of how the Libraries go about licensing electronic content. Mr. Stemper noted that the Twin Cities campus works closely with the coordinate campuses when it comes to purchasing electronic resources. Examples of these resources include electronic journal packages, electronic book collections, index and abstract databases and video and audio streaming. Ms. Lougee added that the Library has been buying a significant amount of primary source material and historical monographs as publishers are digitizing the originals.

Mr. Stemper stated that a license is a contractual agreement defining the University's relationship with a publisher. This agreement defines content, audience, terms, and conditions of use as well as financial terms and obligations. Rights of use are an extremely important aspect of the Libraries' contractual agreements because they determine whether content can be cross-linked.

Each coordinate campus is responsible for its own library, reflecting that each serves the particular resource needs of the campus. The 2007 acquisition budgets for each of the libraries are noted below:

Twin Cities	\$12,549,333
Duluth	\$ 1,461,354
Morris	\$ 384,000

Crookston \$ 110,682

Broken down by campus, as of spring 2007, the numbers of electronic resource licensed for each campus were:

Twin Cities - 348

Duluth – 180

Morris – 105

Crookston – 63

Mr. Stemper noted that each license may include many resources as part of a license "package." By in large, electronic resources are licensed to just one campus (263); however, 35 licensed resources are available on all 4 University campuses, 55 licensed resources are available on 3 campuses, and 62 licensed resources are available on 2 campuses. It was noted that the 3 major scientific publishers (all titles of Elsevier, Springer and Wiley) are licensed for all the campuses and MINITEX also licenses thousands of journals and reference content for all libraries in the state; these licensing packages represent a significant amount of content for all University campuses. Included in the 35 licensed resources and packages available on all the campuses are:

- Electronic Library of Minnesota (ELM), which is supported by the State of Minnesota via MINITEX.
- Other index & abstract and reference databases.
- Over 12,500 e-journals.
- Over 150,000 e-books.
- Over 1,300,000 engineering documents.

As of spring 2007, the Twin Cities campus paid for almost 91% of the 35 licensed resources shared by all campuses, with UMD paying a little over 7%, and UMM & UMC together pay approximately 2%.

A member asked if MINITEX were not funded adequately, would the University consider licensing content that MINITEX could no longer license. Ms. Lougee noted that if the Library had to license ELM content on its own, it would cost the Library over \$615,000. Naturally, the Library could not absorb this entire cost, but it would need to pick and choose titles based on demand, and, in turn, look to determine where cuts could be made. The Library is very fortunate that the state supports ELM.

Mr. Stemper stated that typically when the Twin Cities campus is looking to purchase a license it asks the coordinate campuses if they are interested, and, if so, would negotiate on their behalf. The Twin Cities campus, however, will generally not pay more for its share of a license than it would if it were purchasing the license alone.

Most of the time publishers offer only one (sometimes two) pricing model to academic subscribers. Cost share models for a multi-campus environment can be based on:

- Proportion of users based on the number of students.
- Proportion of users based on the size of a campus community.
- Proportion of market, or, in other words, how many people are expected to connect to the publisher's database at any one time.

- Costs based on original print subscription commitments at each campus (historical level of spending).

Does the Rochester campus have its own library budget asked a member? Currently, because Rochester students' courses are based either in Duluth or on the Twin Cities campus, these students have UMD or UMTC library privileges. However, with the move to establish Rochester-based classes in 2009, the campus will need to secure a library budget. Ms. Lougee noted the Rochester campus, up until recently, shared a library facility with Rochester Community and Technical College (RCTC); but, now that they have moved downtown, the Rochester campus no longer has access to a physical collection.

Who defines what constitutes a full-time student (FTE) – is it the publisher or the institution? After all, credit hours differ from institution to institution in terms of what they consider a full-time student. Mr. Stemper stated that it has been his experience that publishers trust that institutions will accurately report their FTE.

In terms of the cost share model that charges based on how many people are expected to connect to a publisher's database at any one time, if all the connections are taken, will users receive a message that the system is currently unavailable asked a member? Is it possible to determine how many users are turned away? Yes, stated Mr. Stemper, publishers can provide these data.

A member asked whether it is possible for the Library to negotiate multiple year contractual agreements. Mr. Stemper stated that several of the Library's contracts with the largest publishers are multi-year agreements.

Examples of barriers to shared licensing agreements include:

- Publishers/vendors that will only work with individual campuses, e.g. JSTOR.
- Certain publishers/vendors that refuse to work with groups of libraries.
- Site license prices for a small campus can be arbitrarily high, e.g. ATLA, Times Literary Supplement.
- Simultaneous user access can result in busy signals for patrons when not shared by all campuses, e.g. Gale Book Review Index.
- Vendor price models are subject to change, as are enrollments, making it difficult to budget from year to year.

At the conclusion of this presentation, Mr. Stemper solicited additional questions/comments from members, and these included:

- Yale was cited as an example of a university that is very conscious about the cost of textbooks and other study materials that students generally have to purchase. It was noted that many of the resources that Yale uses are in the public domain and freely accessible to students. Are faculty at the University left to their own accord to identify resources in the public domain or does the Library assist faculty in identifying these resources? Ms. Lougee stated that protocols exist for revealing the public domain content has been contributed to the Internet. OAIster

(<http://www.oaister.org/>) is a union catalog of digital resources. The goal of OAIster is to create a collection of freely available, previously difficult-to-access, academically-oriented digital resources that are easily searchable by anyone. Additionally, Google Scholar and Google Book Search are other tools. Ms. Lougee noted that the University is part of a grant proposal working on a project in conjunction with the University of Michigan to look at books published from 1923 – 1964, the so-called "orphan works" period. Many of the books in this time period could have moved into the public domain, but no one has done the detective work to verify this. Ways to find public domain materials are by using tools that are freely available on the Internet. Ms. Lougee expects interesting transitions in the textbook arena going forward.

- How would moving to electronic versions of textbooks co-opt all students into purchasing them? According to Ms. Lougee, several models are being discussed within the publisher community, e.g. institution licenses a textbook and charges the student, or the publisher could deal directly with student and license to the individual.

The question to the committee, remarked Ms. Lougee, is that while there exists the perception that the coordinate campus should have greater access to 'Twin Cities' resources, how should 'greater access' be defined and achieved. Is the current model whereby coordinate campuses define what resources are needed for their campus appropriate?

A member asked whether most licenses permit inter-library loans. Most do, stated Ms. Lougee, but these licenses stipulate certain terms be adhered to when making inter-library loans. UMD Librarian Bill Sozansky stated that while the coordinate campuses are grateful that the Twin Cities campus gives them the option to participate in acquiring content, often, coordinate campus libraries simply do not have the money in their budgets to participate.

A member concurred that this situation poses a real predicament for the coordinate campus libraries. The other extreme to the current situation would be to license all electronic resources on a systemwide basis, which would considerably reduce the amount of content the system could license given the added costs of expanding licenses. Ms. Lougee used Penn State as an example of this type of model. She noted that Penn State is constitutionally constituted as one institution; they require that all their licenses cover each of their 23 campuses. This approach requires Penn State to pay a sizeable additional percentage for their electronic content.

A member asked how the University of California system makes its purchases. Do California institutions buy individual licenses? Ms. Lougee reported that the University of California system operates similarly to the University of Minnesota with respect to its licensing agreements. While each campus in the California system licenses content on their own, the system has created a separate library entity, the California Digital Library (<http://www.cdlib.org/>), which licenses the core resources for all the campuses in the system.

A member suggested the coordinate campus libraries should keep track of licenses that they have had to forego due to their inadequate acquisition budgets, and to bring this documentation to the administration as a means to increase their budgets in the future. Ms. Lougee reported that each of the libraries have worked this year to codify and document for University administration resources that they would like to have over and above the core resources currently licensed for all.

Further, the suggestion was made that the Big 10 should negotiate for library content on behalf of all Big 10 institutions rather than having individual institutions negotiate their own licenses. Ms. Lougee noted that a large number of the University's licenses are negotiated through the CIC. She added that there also is a consortium of consortia that tracks licensing issues.

Professor Orf thanked Mr. Stemper for his presentation, but noted that in light of time, the committee needed to move on to its final agenda item.

V). Professor Orf noted that with the reorganization of the Senate structure, a majority of Senate committees have Civil Service representatives on them. The Civil Service Committee (CSC) has made a formal request to the Senate Library Committee (SLC) to have a Civil Service representative serve as an official voting member on SLC.

The committee debated whether it would be appropriate to have a Civil Service representative on the committee. After some discussion, the committee voted to approve the Civil Service Committee's request to create a Civil Service seat on the Library Committee, providing an opportunity for input from this employee group. A caveat was recommended, namely, that library employees not occupy the Civil Service seat because this would constitute a conflict of interest for these Civil Service employees.

The committee's vote to approve this request will be forwarded on to Committee on Committees for approval, and then onto the Senate for action noted Professor Orf. It is unclear at this time whether this will be put on the March or April Senate docket given the fact that a large portion of the March Senate meeting will be devoted to the President's State of the University Address.

VI). Hearing no further business, Professor Orf adjourned the meeting.

Renee Dempsey
University Senate