

LIBRARY COMMITTEE
MINUTES OF MEETING
MARCH 5, 2008

[In these minutes: Civil Service Seat on SLC, National Institutes of Health (NIH) Revised Policy on Enhancing Public Access to Archived Publications Resulting from NIH-Funded Research, Get It: Simplified Book Delivery for UMTC Library Users, Quadrant]

[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, Suzanne Thorpe for Joan Howland, Wendy Lougee, John H. Anderson, Isaac Fox, Jennifer Gunn, Jay Hatch, Anatoly Liberman, Otto Strack, Danielle Tisinger, David Zopfi-Jordan, John Columbo, Shruti Patil, Farzad Sadjadi

REGRETS: LeAnn Dean, Bill Sozansky, Owen Williams, Juliette Cherbuliez, Stephen Gross, Nora Paul, Jessica Reinitz

ABSENT: Jonathan Binks

GUESTS: Linda Watson

I). Professor Orf called the meeting to order.

II). Concern was voiced over how the motion to add a Civil Service seat on the committee was drafted in the February 6 minutes. As originally crafted, the motion created a Civil Service seat on the committee, but prohibited a Library employee from filling this seat.

It was noted that it was the committee's intent to not prohibit a Library employee from filling this seat, but that if it were filled with a Library employee that that person might be required to recuse himself/herself from voting. After discussion, members voted to approve the February 6th minutes with this amendment.

[Following this meeting it was determined that it was not constitutional to ask a voting member to recuse himself/herself from voting. Therefore, the chair acted on behalf of the committee and sent the motion as originally drafted to the University Senate for approval.]

III). Wendy Lougee introduced the next agenda item, the National Institutes of Health (NIH) Revised Policy on Enhancing Public Access to Archived Publications Resulting from NIH-Funded Research. Ms. Lougee noted that conversations are taking place throughout academia concerning publishing more strategically. She added that Ithaka, a

non-profit research group supported by the Mellon Foundation has issued a substantial report that addresses issues surrounding strategic actions related to disseminating the intellectual output of the faculty.

Ms. Lougee reported that the Faculty of Arts and Sciences (FAS) at Harvard approved a policy to give the institution a nonexclusive license to make each faculty member's articles available. She went on to read an excerpt from the Harvard policy:

"Each Faculty member grants to the President and Fellows of Harvard College permission to make available his or her scholarly articles and to exercise the copyright in those articles. In legal terms, the permission granted by each Faculty member is a nonexclusive, irrevocable, paid-up, worldwide license to exercise any and all rights under copyright relating to each of his or her scholarly articles, in any medium, and to authorize others to do the same, provided that the articles are not sold for a profit."

Harvard is claiming a non-exclusive right. When Harvard faculty sign copyright agreements with publishers they must retain sufficient rights to be able to provide a copy of the manuscript to Harvard for its use. In an initial draft of the University of Minnesota's Copyright Policy, noted Ms. Lougee, there was language similar to the Harvard policy related to non-exclusive rights to instructional works, but Senate committees consulted rejected this principle.

Ms. Lougee turned to Linda Watson to provide the committee with more information concerning the revised NIH policy. Ms. Watson reported that it is NIH's goal to provide public access to the research that it funds, and, as a result, it has recently mandated that all publications resulting from NIH funded research be deposited in PubMed Central within at least 12 months of the date of publication. This revised policy opens up a lot of issues for institutional compliance.

To address this issue the University Libraries is collaborating with the Office of the Vice President for Research. Ms. Watson also noted that the University of Minnesota is well connected with scholarly communication organizations that are heavily involved in dealing with the implications of this revised policy, e.g. Association of Academic Health Sciences Libraries.

Ms. Watson noted that the Libraries have created a special email address – [nihpublicaccess@umn.edu](mailto:.nihpublicaccess@umn.edu) - to field questions from University faculty and staff regarding the revised NIH policy. The Libraries are also prepared to assist faculty with manuscript submission.

The NIH submission process is not physically and mechanically a difficult process, but the key issue is whether the author has retained sufficient rights to send his/her manuscript to NIH. It is likely that in many cases faculty have not retained sufficient rights.

Ms. Watson stated that a copyright lawyer working with various organizations nationally on these issues recently published a white paper, which is currently being reviewed by Research Administration. This paper puts forward a number of strategies institutions can adopt when dealing with the revised policy, which include:

- Continue to have the author responsible for retaining sufficient rights.
- Take further steps to educate faculty about copyright options and retaining rights.
- Permit institutions to act on behalf of faculty, and negotiate copyright agreements on their behalf.
- Require faculty to grant the institution a non-exclusive license to retain proper rights, e.g. Harvard policy.
- Communicate with publishers that the institution will unequivocally abide with the NIH policy.

In light of this new NIH mandate, institutions are contemplating whether to focus strictly on NIH-funded research only or whether they should take a broader approach like Harvard and retain additional rights for the benefit of the author and potentially the institution. Professor Orf asked whether the rights in question are only for NIH-funded research or whether the scope of this policy will be broadened to include other federal agencies. Ms. Watson stated that the sense is that other federal agencies may soon follow suit and adopt policies similar to NIH. She added that in her opinion, the University of Minnesota should think more broadly about this issue.

Ms. Watson noted that approximately 300 journals are already fully compliant with the NIH policy. Then, there are another group of publishers, while not fully compliant, who will submit a manuscript on an author's behalf to PubMed Central. The question is whether institutions want to rely on these publishers to submit manuscripts on behalf of their faculty.

A student member commented that it will be very important for departments to advise their graduate and professional students of this revised policy. Members spent a few minutes brainstorming ways to communicate this policy to graduate/professional students.

Who is responsible for submission when a manuscript has multiple authors asked a member? Ms. Watson stated that a lot of this depends on which institution(s) received the grant money. Only one author of a multi-authored manuscript needs to actually submit the manuscript to PubMed Central.

Does the University have a template that faculty can use when communicating with publishers to make sure they are retaining sufficient rights asked Professor Orf? Ms. Watson stated that about a year ago the CIC created such an addendum. This addendum allows faculty to retain enough rights to deposit his/her manuscript in a repository like PubMed Central, the institution's repository and on the faculty member's website for his/her own teaching purposes. Each institution can also design their own addendum depending on what rights they want to reserve. Using an addendum does not, however, guarantee publishers will accept the terms outlined in these agreements. Faculty must

receive a signed copy of the agreement back from the publisher in order to ensure the terms have been accepted.

How favorably has the CIC addendum been received by publishers asked Professor Orf? Anecdotal evidence, noted Ms. Lougee, suggests that it has not been particularly successfully up to now. Some publishers refuse to accept such contractual changes.

Professor Orf thanked Ms. Watson for her presentation. He requested that Ms. Lougee provide the committee with a brief update at its next meeting to find out what resources the University intends to provide faculty for NIH-funded grant compliance purposes.

IV). Ms. Lougee introduced Sue Hallgren, director, Information Access and Delivery Services. Ms. Hallgren provided the committee with information about a new book delivery service launched by the Libraries on Monday, March 3rd, Get It: Simplified Book Delivery for UMTC Library Users (<http://www.lib.umn.edu/site/getit.phtml>). The committee spent the next few minutes hearing from Ms. Hallgren about this new service.

Professor Orf thanked Ms. Hallgren for this update and noted that this new service will undoubtedly make life easier for many faculty and staff at the University.

V). Ms. Lougee introduced University Press Director Doug Armato who was invited to today's meeting to share information about an Andrew W. Mellon Foundation grant that was awarded to the University of Minnesota Press in partnership with the University's Institute for Advanced Study to launch "Quadrant," a program to promote interdisciplinary research and publication. Quadrant will be a new model for university-press partnerships, which is intended to bring scholars in the social sciences and humanities into dialogue with scholars in the sciences and professional schools. In addition, Quadrant will address concerns about the ever-increasing distance that is growing between presses and their parent institutions.

Focusing on emerging areas of interdisciplinary scholarship, Quadrant will create four collaborative groups noted Mr. Armato:

- Health and Society
- Environmental Sustainability
- Global Cultures
- Design and Architecture

Ann Waltner, director, Institute for Advanced Study (IAS), noted that editorial direction of Quadrant publications will be guided by diverse groups of academic participants, including authors external to the University to stimulate dynamic conversations on campus. In addition, the IAS will be used as a focal point for linking the Press to the campus.

Is this initiative intended to be a model for other university presses asked Professor Orf? Mr. Armato stated that he believes this is the Mellon Foundation's motive in light of their commitment to scholarly publishing and libraries. In light of the fact that scholarship

overall is extremely discipline-related, the goal is to try and make this type of discourse work for presses. The University is also very committed to interdisciplinary research and publication.

A member commented being extremely pleased to hear about this initiative, and noted that he has been a long-time supporter of inter-disciplinary ties with University faculty. Mr. Armato commented that this approach, unfortunately, has not been a prevalent attitude among many university press directors. Fortunately, the current University of Minnesota administration is book-oriented, but this is not true of all universities.

Will group external authors be from both the U.S. and abroad asked Professor Orf? Yes, noted Professor Waltner, academic participants in the various groups will be both from the U.S. and abroad. The goal is to bring in new perspectives and this includes individuals that were trained in academies outside U.S. academies.

A member asked whether other types of publishing beyond books are being considered as part of this project. Mr. Armato stated that one way or another books are being targeted but increasingly format is less important, e.g. print, electronic.

Ms. Lougee asked Mr. Armato to speak to how open access trends are affecting university presses. Mr. Armato stated that because most presses are self-funding, the issue of open access poses a funding threat for many presses. While the idea of a mandatory institutional repository is a good idea, there needs to be a level of negotiation between university-owned presses, universities and university libraries to establish a model agreement that will make open access workable for all. There needs to be a model agreement that makes sense for all parties involved.

Professor Orf thanked Mr. Armato and Professor Waltner for providing information about Quadrant.

VI). Professor Orf asked members to email Renee Dempsey, Senate staff, with any suggestions they have for future agenda items. Hearing no further business, Professor Orf adjourned the meeting.

Renee Dempsey
University Senate