



A BIMONTHLY REPORT ON RESEARCH LIBRARY ISSUES AND ACTIONS FROM ARL, CNI, AND SPARC

## MANAGING COPYRIGHT FOR NIH PUBLIC ACCESS: STRATEGIES TO ENSURE COMPLIANCE

by Kevin L. Smith, Scholarly Communications Officer, Duke University

In 2005, the National Institutes of Health (NIH), at the direction of the US Congress, began asking authors of articles arising from NIH-funded research to voluntarily submit those articles to the public access database maintained by the National Library of Medicine, PubMed Central (PMC). The goal of this policy was, and still is, to increase the accountability of the NIH for the way it spends taxpayer money, to ensure availability of a long-term archive of NIH funded research, and to make the published results of taxpayer funded research freely available to health care providers, educators, and the general public. Unfortunately, voluntary submission rates were quite low, presumably due to concerns about copyright issues as well as the heavy workload on most university researchers. The low submission rate meant that the NIH was not initially able to accomplish the Congressionally set policy objectives and needed to find a new way to pursue those important goals.

At the end of 2007, therefore, the NIH's voluntary submission request was made a requirement of funding by language inserted by Congress in the Consolidated Appropriations Act of 2008. The new law directs the NIH to require that all investigators funded by NIH submit an electronic copy of their final peer-reviewed manuscripts of articles that have been accepted for publication. Submission is to take place "upon acceptance," and the article must be made available in the PubMed Central database within one year of publication.

This new requirement took effect on April 7, 2008; all articles accepted for publication on or after that date are required to be deposited for release within 12 months of publication. Also, beginning May 25 all grant applications, progress reports, or

renewals submitted to the NIH need to include reference numbers from PubMed Central for all publications that fall under the new policy.

### Requirements of the NIH Public Access Policy

Compliance with the NIH Public Access Policy involves three distinct elements:

- First, authors must retain sufficient rights in their articles, even when (or if) they sign copyright transfer agreements with publishers, to give NIH a license to make their work available in a publicly accessible database.
- Second, either the author or some entity acting on the author's behalf must actually submit the article to PubMed Central. The principal investigator usually will need to verify that the final version of the article as "marked up" by PMC for digital release is correct.
- Finally, the author(s) will need to obtain PMC reference numbers for their articles to include in subsequent documents submitted to NIH, as described above.

Retention of sufficient rights in an article to allow PMC deposit is probably the most unfamiliar and challenging of these necessary parts of compliance. This analysis will focus, therefore, on this first element of compliance, and will outline three broad options that institutions and authors can pursue to ensure that copyright is managed in a way that will permit PMC deposit. By way of background, however, several preliminary issues related to the stakeholders in the NIH grants process and the obligations created by the new policy merit discussion.

## Responsibility for Compliance

Because article deposit is now required under the NIH Public Access Policy, the issue of enforcement and liability for non-compliance inevitably arises. Both the institution and the faculty author(s) are potential grantees of a funding award, so it is necessary to ask how the obligations of compliance, and the risk of failure, are distributed. The short answer is that, insofar as both institutions and authors function as grantees, the issue of rights retention will necessarily concern both. As is generally true for all sponsored research regulations, the risk associated with failure to comply will have a negative impact on all the parties that rely on the funding.

It seems likely that, as time goes on, the NIH will become increasingly insistent that documentation filed for renewals of funding or new funding contain reference numbers to verify that earlier publications have been made available to the public. The most probable enforcement scenario is that funding will be delayed until such reference numbers can be supplied. It is simply not clear whether funding will be delayed only when the same investigator is applying for renewal or new monies, or if an institution might be obligated to ensure that earlier publications by its employees have been deposited with PubMed Central before new funding for other investigators at that institution will be approved. But in either case, a delay in funding can cause significant problems for an institution in terms of resource planning and allocation. Also, some institutions have acknowledged that demonstrated compliance with the public access mandate could offer a competitive advantage in the race to obtain increasingly limited research dollars.

Since both institutions and individual researchers have a significant stake in complying with the NIH Public Access Policy in order to assure the efficient processing of grant applications and receipt of funding, it is unwise for an institution to leave compliance entirely up to the investigators/authors. Large universities often have offices of research support precisely because they recognize the need to free investigators from the bureaucratic tasks involved in meeting the terms of grant awards so that they can focus on their important research. The public access requirement needs to be addressed in the same way; although investigators will have to play a significant role, both as copyright holders and as the final authorities as to the text of their articles, universities will need to create structures that support compliance and make it as easy as possible for authors to complete the necessary steps for public access. In regard to copyright and rights retention, this will mean, at least, significant educational efforts to help authors retain the rights they

need, and it may well mean that institutions will want to take an even more active role in copyright management.

## Author's Copyrights

Copyright is fundamentally an author's right; US copyright law designates the author as the owner of copyright from the moment an original work is created in fixed form until and unless the owner transfers that copyright, or some portion of it, to another. The twist here, however, is that in some situations the author of a work is considered to be the employer, when an employee creates the work while acting within the scope of his or her employment. Because this situation might seem to apply to scholarly articles written by full-time faculty, most universities have policies that govern the ownership of copyright and other intellectual property assets. Many, but not all, of these policies state that faculty authors are the owners of copyright in their own scholarly writings. The strategies for copyright management outlined here presume that individual authors retain the copyright in the articles they write and therefore are the parties who will normally sign any copyright transfer agreements or other publication contracts, but it is important to be aware of the role university policies may play in any negotiations required to retain rights for NIH deposit.

In many academic circles, the phrase "copyright management" will sound odd; it is a practice that has been largely ignored for a long time. It is most common for faculty authors to simply give away the copyright in their work to publishers without compensation. Thus one of the major assets of an academic community is passed to companies or other entities whose primary mission is not necessarily to serve scholarship, and authors and universities must ask permission to make subsequent uses of their own work; frequently, they must pay subscription or licensing fees for that permission. Many publishers, however, recognize that authors and institutions need to continue to use their work and include rights retention in many publication contracts. Under these clauses, authors retain the rights to do specified things with the work after it is published, even though they have transferred the copyright to the publisher. Rights retention is becoming increasingly important as authors and universities seek to maximize the value of intellectual assets and take advantage of the many new opportunities offered by the digital environment.

## Three Strategies for Rights Management

The NIH Public Access Policy has created an urgent need for authors and institutions to focus on copyright management and rights retention as part of their core mission of creating and disseminating new knowledge. A rights retention policy or other copyright management strategy has become necessary to fulfill the NIH

requirements, but we need also realize that other funders are likely to implement public access policies in the future.<sup>1</sup> Institutions may also seek other ways to maximize the value of faculty research, such as creating their own digital archive or repository of the university's scholarship, which will themselves require careful management of copyrights. The following three options describe general strategies for appropriate copyright management; although each is focused on the need to meet the NIH's article deposit requirement, these options could also be employed to accomplish a more comprehensive strategy for public dissemination of research, as will be noted as each is discussed in turn.

**The first broad option** that could ensure the needed copyright management is for authors to publish their articles in journals that offer to deposit those articles in PubMed Central for the author. This is obviously the easiest option for authors, although even here there are significant issues to be considered and educational efforts that will be necessary. This strategy, of course, restricts the choices available to researchers of journals in which to publish their work, and its viability will ultimately rest on the degree to which publishers choose, or are persuaded, to voluntarily deposit with PMC.

The NIH maintains a list of over 300 journals that submit articles directly to PMC on behalf of the authors.<sup>2</sup> When an author publishes in one of these journals, according to the NIH, no further action will be necessary to comply with the Public Access Policy.<sup>3</sup> There are also other journals that will deposit articles for the author when they are informed of the need to do so because the research was supported by NIH funding. In these cases, it is not always clear if the author will need to take further steps to ensure compliance. It may be necessary, for example, for the principal investigator to verify the final version of the article that is being placed in PMC<sup>4</sup>, unless the journal is willing to submit their final published version.<sup>5</sup> Because these differences exist, it is extremely important for authors to have clear communication with their publishers about exactly what the publishers will or will not do on their behalf. A letter sent to a potential publisher as soon as the manuscript is submitted for publication (see accompanying Sample Submission Letter) could be very useful in opening a necessary conversation even with those publishers that offer submission as part of their service to authors.

The primary risk of noncompliance, when relying on publisher deposit, comes at the point where a faculty member needs to take some action—approve a final version or supply needed metadata<sup>6</sup>—and fails to do so due to inadequate communication with the publisher.

Because this option probably requires the least effort for the author and relatively low risk for the institution, it would seem sensible for institutions to do what they can to encourage journals to cooperate with the NIH in

this approach. When institutions or departments have a particularly close relationship with a journal, perhaps because of frequent publication in that venue, heavy investment in the publisher's online and print products, or faculty involvement on editorial boards, there is an excellent opportunity to ask the publisher to undertake submission to PMC for authors and to do so in the most comprehensive way possible in order to reduce the bureaucratic burden on researchers. The NIH is actively seeking such partnerships with publishers and, by encouraging the creation of these relationships, universities can reduce the risk of non-compliance and the subsequent possibility of funding delays.

**The second broad option** for managing copyright to permit implementation of the public access requirement is for the institution itself to take from its faculty authors a non-exclusive license in any work that arises out of funded research that would give the institution the right to authorize deposit. Institutional policies that govern the relationship between researchers and their employers could be amended to create such a license automatically when any articles were written. Many of the copyright ownership policies discussed earlier already allow for some kind of license to the institution in certain kinds of faculty work, and the recent decision by the Faculty of Arts and Sciences at Harvard to grant a license for deposit of faculty work in the university's own open access repository is an important model.<sup>7</sup>

Creating such a license allowing the institution to authorize deposit in PMC would usually be a significant policy change for an institution and would require careful negotiation with faculty. Once accomplished, however, the license would come into force prior to any copyright transfer agreement with a publisher, and those agreements would have to be formed subject to the license. There is a risk here that faculty members would sign publication agreements that would be inconsistent with the prior license; as with all of the options, careful education of faculty and clear communication with publishers would be required. Once again, a letter that authors would be asked to include when they submitted their articles for publication would help avoid these conflicts by informing the publisher up front that the article is subject to an automatic license giving the institution the right to authorize public access deposit. (See accompanying Sample Submission Letter.)

This option does not offer a short-term compliance strategy, since it would require a good deal of planning and negotiation to implement, but it might be the most effective long-term solution. In addition to giving the institution a higher level of security that deposit can be accomplished in accordance with copyright law, it would create an important opportunity to plan for other digital uses of faculty work beyond NIH deposit. Other funder mandates are likely to arise, as has already been observed,

and a sufficiently broad license to the institution could avoid the need to change policies or hurry to create new compliance strategies when those future requirements are imposed. Also, institutions can use these licenses to support their own interests in more broadly disseminating the scholarly work of their faculty, as Harvard has decided to do, in order to obtain significant benefits for both the institution and the researchers.

**Finally, the last broad option** for copyright management is for the institution to provide comprehensive assistance to authors as they negotiate retention of the right to deposit their work in PMC (as well as in other digital repositories). This is not a suggestion that institutions simply leave the matter of copyright management up to individual authors, since that would fail to address the institutional need to achieve compliance and reduce risk. Just as institutions support other aspects of compliance with the terms of sponsored research, so they must now offer assistance regarding copyright management, even when the final responsibility remains with the author.

A two-step approach seems warranted when this option is adopted. First, the institution can provide authors with a letter to include when they submit any article arising from federally funded research to a publisher. Regardless of the compliance option chosen, a submission letter will serve to give the publisher early notice that the article is subject to the NIH requirement and to outline the approach to rights management that the author and her institution are pursuing. When that strategy specifically leaves negotiation up to the individual author, a standard submission letter can be provided that will ask the publisher to be as explicit and clear as possible about what it will do on the author's behalf. It can request that specific language be included in the publication contract that will clearly allow the author to deposit her work in PMC. And finally, it can inform the publisher of what further steps the author will take if any doubt remains in her mind about whether she will maintain the rights she needs. (See accompanying Sample Submission Letter.)

The second step in this approach is to supply the author with an addendum she can use as part of the publication contract she signs whenever any doubt remains as to whether all the rights issues have been addressed. Such an addendum would include, as an added term to the contract, a clause that specifically retains for the author the right to deposit the work in PMC and to authorize its release to the public within 12 months of publication. The author would also need to be instructed to indicate over her signature that her agreement to the contract is subject to the added term.

Using both a submission letter and an addendum to the publication agreement may seem like an unnecessary "belt and suspenders" approach, but the two steps

together are necessary to reduce the risk of non-compliance when this option is adopted. Without a submission letter, publishers are likely to be unfairly surprised by the addendum to the publication contract and to balk at accepting it. At this point in the negotiations, such conflict can seriously undermine the process of releasing research results to the scientific community and the general public. Prior notice that the public access requirement must be met should prevent such last-minute disagreements. Also, a submission letter may eliminate the need for the later addendum, if the publisher includes a sufficiently broad rights retention statement in their copyright transfer agreement or accepts a license for first publication and allows the author to retain her copyright. On the other hand, a submission letter without the addendum might not be enough to ensure that authors retain rights sufficient to authorize PMC deposit. The institution (as well as the investigator) would be at risk of non-compliance if an author unwittingly signed a contract that, in spite of the previous letter, makes their subsequent deposit in PMC an infringement of the publisher's copyright. And authors would be plagued with doubts whenever they were confronted with a contract that did not clearly address the issue of PMC deposit.

An advantage of an addendum to publication contracts is that, like a prior license taken by the institution, it can be crafted to address whatever needs and goals are important to the institution. The NIH has suggested language that is designed to retain for the author the specific right to deposit in PubMed Central for public access,<sup>8</sup> and use of that language as an addendum may be all that an institution is concerned about at this point. But other addenda have been written to allow retention of a broad array of rights that can help researchers and their institutions best exploit all of the opportunities for digital distribution to students, colleagues, and the public. An institution or an individual author interested in retaining this broader panoply of rights can use the "Scholar's Copyright Addendum Engine,"<sup>9</sup> from Science Commons, to create a customized addendum that will ensure retention of rights that are appropriate to a particular situation or a specific use.

## The Opportunities Created by Compliance

The NIH Public Access Policy offers significant benefits both to scholars and to the general public. Scholars and their institutions gain in reputation as more people become aware of the exciting research and important scholarship done on campuses around the country. The public, of course, benefits from greater access to cutting-edge science and to an archive of biomedical information, as well as better awareness of how tax money is being spent.

Another effect of the new NIH public access requirement is to make it clear that the time is past when scholars can ignore the issue of copyright management,

unquestioningly giving away full rights in their vitally important intellectual assets. Institutions must give more attention to the publication agreements that their faculty authors sign, and they must help those authors negotiate agreements that meet the requirements of funder policies. There are significant obligations here, which institutions can address by adopting one of these suggested options, or a variation thereon. There are also great opportunities available, as we decide how to comply with the NIH policy, to become more aware of the benefits of retaining copyrights in order to facilitate new ways of disseminating research and maximizing the value of our scholarly assets.

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<sup>1</sup> Indeed, several private funders of research, including the Wellcome Trust in the UK and the Howard Hughes Medical Institute in the US, already have similar requirements.

<sup>2</sup> "Journals That Submit Articles to PubMed Central," National Institutes of Health Public Access, [http://publicaccess.nih.gov/submit\\_process\\_journals.htm](http://publicaccess.nih.gov/submit_process_journals.htm).

<sup>3</sup> Ibid.

<sup>4</sup> It does appear that this verification step will always be the responsibility of the principal investigator named on the grant, whether or not that person is the author of the particular article.

<sup>5</sup> Journals published by Elsevier offer an example here. The publisher tells authors that they will deposit on the author's behalf, but it appears that the author will have to be involved in the deposit process at several points.

<sup>6</sup> "Metadata" refers to the structured, encoded data that describe an article or other information source. For a scholarly article, metadata include subject-specific information like search headings and topical descriptors.

<sup>7</sup> Robert Mitchell, "Harvard to Collect, Disseminate Scholarly Articles for Faculty," *Harvard University Gazette Online*, February 13, 2008, <http://www.news.harvard.edu/gazette/2008/02.14/99-fasvote.html>.

<sup>8</sup> "Journal acknowledges that Author retains the right to provide a copy of the final 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." See "Public Access Frequently Asked Questions," National Institutes of Health Public Access, posted January 11, 2008, question C3, <http://publicaccess.nih.gov/FAQ.htm#c3>.

<sup>9</sup> "Scholar's Copyright Addendum Engine," Science Commons, <http://scholars.sciencecommons.org/>.

## SAMPLE SUBMISSION LETTER

This sample letter notifies a publisher that an article being submitted for consideration is based on NIH-funded research and therefore must be made accessible to the public under the NIH's new policy.

Although such a letter is highly recommended for any of the compliance options discussed in the accompanying article, the wording will naturally differ depending on the option(s) being pursued and the specific needs of the grantee institution. This letter addresses a combination of options one and three.

Dear publisher,

Thank you for your attention to the enclosed submission. This article is based on research at (Institution name) that is funded in whole or in part by grants from the National Institutes of Health (NIH) and is therefore subject to the mandatory NIH Public Access Policy (see <http://publicaccess.nih.gov/policy.htm>). As a matter of US federal law, the final, peer-reviewed manuscript must be deposited with the PubMed Central (PMC) database upon acceptance for publication and be made publicly accessible no later than 12 months after publication.

In order to ensure compliance with this mandate and to be sure that copyrights are addressed appropriately, we ask that *either*:

- You, as the publisher, have signed a PubMed Central participation agreement and will submit the final published article directly to PubMed Central for release within 12 months. In this case, we need only ask to be informed when submission is complete so that the required reference number(s) that must be used in subsequent NIH applications can be obtained. *Or*
- Where the author must take responsibility for deposit, or where you, as publisher, submit only the final author's version of the article to PMC on their behalf, we ask that the publication contract sent to the author upon acceptance include language that allows he or she to retain the right to grant a license to the NIH for PubMed Central deposit.

Please indicate clearly if you have any requirements about when, within the allowable 12-month period, the article can be made public through PMC. The author will deposit the article in PMC, if necessary, and the principle investigator will verify the final PMC text. *Or*

- If the necessary language is not part of your standard publication agreement or copyright transfer, please include this additional wording, which is suggested by the NIH: *The Journal acknowledges that Author retains the right to provide a copy of the final 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.*

Again, please inform us of any applicable embargo up to the allowed 12-month delay. We will deposit the article in PMC.

It is our hope that one of these options will be employed to ensure that we can cooperate to comply with this mandate. However, since this is a requirement of the current and future NIH funding which supports a great deal of research at (Institution name), we must ensure that our authors comply with the Public Access Policy. If you accept this article for publication and none of the above options have been implemented, we will ask our authors to include the italicized passage above from the NIH as an additional term of any contract they sign and will proceed with depositing the article in PMC.

Thank you for your consideration and cooperation.

# SCHOLARLY COMMUNICATION

Karla Hahn, Director, ARL Office of Scholarly Communication

## RESEARCH LIBRARY PUBLISHING SERVICES: NEW OPTIONS FOR UNIVERSITY PUBLISHING AND NEW ROLES FOR LIBRARIES

by Karla L. Hahn, Director, Office of Scholarly Communication

The electronic journal now occupies center stage in research libraries. Over the past decade, library expenditures on electronic serials have grown significantly and now exceed spending for print serial titles.<sup>1</sup> Along the way, a number of significant issues have emerged and been addressed, notably the use of publishers' deals for e-journal bundles<sup>2</sup> and negotiating for licensing terms that serve research and teaching communities.<sup>3</sup> The most recent trend to emerge lies in the development of library publishing service programs.<sup>4</sup> Just as licensing was once a novel addition to libraries' established practices of acquiring content for collections, adopting new roles in producing journals is the latest library contribution to disseminating journal articles to scholars and researchers.

To foster a deeper understanding of an emerging research library role as publishing service provider, in late 2007 ARL surveyed its membership about the publishing services they offer. The survey showed that 43% of the 80 responding ARL member libraries were delivering publishing services and another 21% were in the process of planning publishing service development. Only 36% of responding institutions were not active in this arena. The initial survey findings suggested a need to expand the survey into a broader study; consequently, publishing program managers at ten institutions were interviewed to delve more deeply into several aspects of service development: the sources and motivations for service launch, the range of publishing services, and relationships with partners.<sup>5</sup>

Research libraries are publishing many kinds of works, but are focusing especially on journals; 88% of

publishing libraries reported publishing journals, compared to 79% that publish conference papers and proceedings, and 71% that publish monographs. Established journal titles are significant drivers of service development, although many new titles are also being produced. Collectively, the survey respondents work with 265 titles: 131 are established titles, 81 are new titles, and 53 were under development at the time of the survey. On average, each library works with 7 or 8 titles, 6 of which are currently available.

Seeking transformative approaches to scholarly publishing, research libraries' programs are intentionally exploring the boundaries of what several program managers conceptualize as a service core.

Publishing services are predicated on leveraging new capabilities and new economies. The challenge is to provide the basic service suite by reallocating resources, partnering, seeking synergies with related services, and developing modest revenue streams. Libraries' aspirations to replicate traditional publishing services are modest to non-existent. Libraries are focusing on the capabilities and possibilities of new models rather than slavishly duplicating or simply automating traditional models.

Libraries' products certainly resemble many publications produced by traditional publishers, but they are largely electronic-

only and basic in their design. Peer-reviewed works dominate library publishing programs, and editors or acquisitions committees typically maintain their traditional roles in identifying quality content. At the same time, libraries want to identify the most promising new kinds of services needed to support authors and editors.

Limiting services to purely electronic publications offers the advantage that costs are kept low by simplifying production and design and using open-source software. The availability of open-source software such as the Public Knowledge Project's Open Journal Systems (OJS)<sup>6</sup> and D-PubS<sup>7</sup> allows libraries to develop infrastructure to support basic journal hosting

FIGURE 1.  
PERCENTAGE OF ARL MEMBER LIBRARIES  
OFFERING PUBLISHING SERVICES

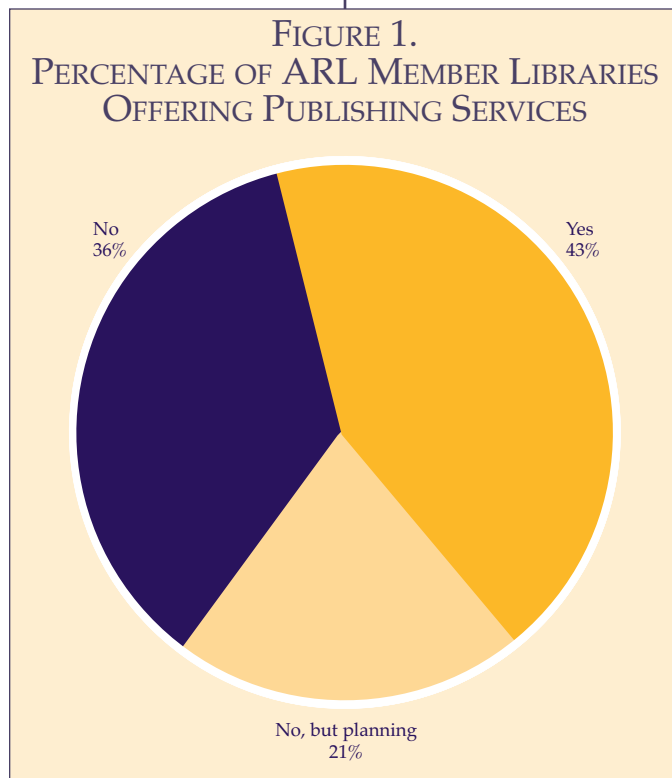
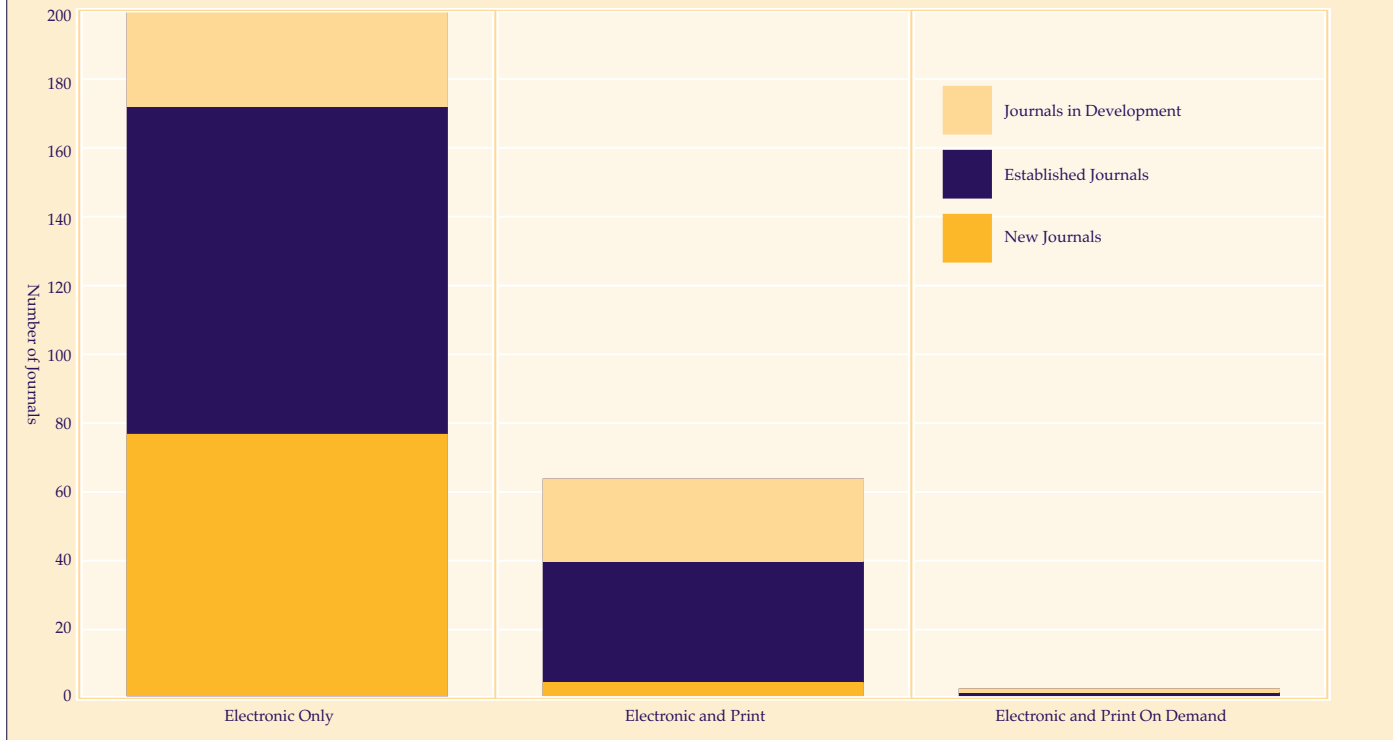


FIGURE 2.  
TYPES OF JOURNALS AND JOURNAL FORMATS REPORTED



relatively easily. Some libraries are leveraging tools bundled into digital repository services they are licensing, such as those offered by the Berkeley Electronic Press (bepress) through Digital Commons.<sup>8</sup>

Advice and consulting regarding a variety of publishing practices and decisions are also in high demand and make up an important component of library services. There are pressing demands for information and advice about issues such as moving print publications into electronic publishing, discontinuing print in favor of electronic alternatives, publishing works with limited revenue-generating capability, revenue generation, standards of various sorts, markup and encoding, metadata generation, preservation, contracting with service providers, and copyright management.

Library publishing services have few pretensions to produce elaborate publications and these services pursue a different economics from those of traditional publishers. Online full-text publishing enables full-text searching and discovery by a wide range of search engines, reducing the need for marketing. Workflows tend to be streamlined and almost all services are highly automated once production commences.

### Business Models

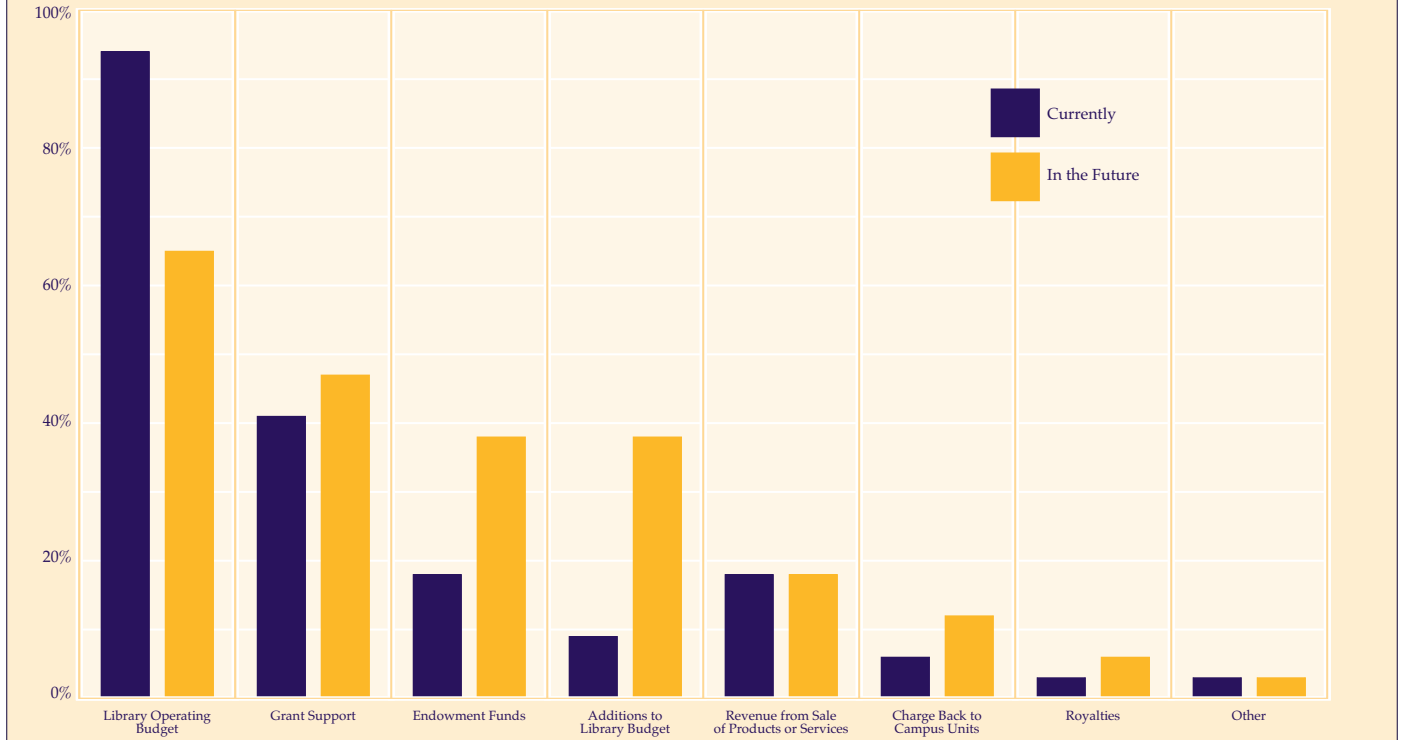
For many service programs the goal is to keep publishing costs low enough to be managed as core

library services. Libraries are contributing significant organizational resources to support publishing service programs, so it is not surprising that to best leverage those institutional investments a substantial portion of library publishing uses business models enabling open access or working toward such a model. Libraries are avoiding the substantial overhead involved in subscription-based business models and traditional print runs.

As with most scholarly publishing, much of the work of content recruitment and selection, and even some editing, is done by unpaid volunteers drawn from the ranks of active scholars and researchers. However reduced, of course there are still real costs to providing basic publishing services. Start-up or set-up costs for journal publishing are generally substantially higher than ongoing publishing or dissemination costs. The largest costs lie in the startup process of advising, prototyping, creating workflows, and generating whatever layout and graphic design is considered adequate.

The mechanisms for supporting a library's publishing program typically are diverse and usually diversified. Many libraries use a mixed model to manage the two types of investment, either subsidizing set-up but using other funding approaches for ongoing publishing or seeking special funds for start up and

FIGURE 3.  
SOURCES OF FUNDING FOR LIBRARY PUBLISHING PROGRAMS



providing ongoing publishing support as a core library service.

Most respondents reported they currently rely on at least two different sources of funding (a few used many more) and have plans to diversify their funding sources further in the future. Nonetheless, almost all library publishing services have a substantial foundation in library operational support. All of the respondents who currently utilize library budget funds anticipate continuing to rely on this funding. In addition to base budget and overhead support from the library, other sources of revenue include grants, charge backs to units or organizations, royalties and licensing fees, print on demand revenue, and other forms of sales of some kind. Partnering is a consistent strategy to diversify program support, and libraries report they often work with multiple partners.

Publishing services leverage a different economics from traditional publishing as they are not usually treated as an isolated operating unit, the way a university press might be. They are typically embedded in an emerging program of related services research libraries are offering to their campuses — digital repository development, digitization programs, copyright management advising, etc. This enables both crucial synergies and important efficiencies in the launch and evolution of publishing services. The developing service suite for authors and editors

complements the critical mass of content libraries are creating, connecting new content with print content converted to digital forms.

### Looking Ahead

In planning for the future of publishing services, program managers have their eyes on a joint rubric of identifying resource needs for basic services and fostering scalability. Programs are working through an initial learning curve with a small number of publications and then plan to build on their experiences to scale services to support a larger range of publications.

While there is frequent disagreement about the seriousness of the challenges facing the scholarly journal and the scholarly monograph, many researchers are responding now to their perceptions of dysfunctions. Regardless of what forms of service libraries prove capable of supporting, many authors and editors are seeking more options than they feel traditional publishing offers. There is broad agreement that demand for publishing services is far from satisfied.

Library publishing services are developing in conjunction with a number of related services that are increasingly embedding library services more directly into the research process. Staff members working on library publishing are simultaneously developing digital repository, digital library, digitization, digital preservation, and metadata services. Libraries are

building expertise in licensing and copyright advisory that intersect with publishing services. Librarians are moving away from service desks and into research spaces making new service capabilities increasingly visible on campus. These trends are synergizing with the development of library publishing services, allowing efficient and responsive development of a set of related new services. Publishing services are just one part of the rapid transformation taking place in research libraries.

Publishing services will require substantial institutional support to thrive. Research libraries have the will and wherewithal to start service development, but it will require broader commitment of institutional resources, almost surely requiring new resources from institutional leadership, to build effective capacity. The time is also ripe for library leadership and increasingly for campus leadership to give thoughtful consideration to the potential, the goals, the resource needs, and the value of investing in and fostering this rapidly evolving mode of university publishing. The question is no longer whether libraries should offer publishing services, but what kinds of services will libraries offer. Consequently, leaders need to ask to what extent can the university benefit from investments in library publishing services, particularly in the context of related transformations in library services. While new investments are needed, there are both great demands for publishing services and significant benefits to be obtained from strategic investments.

<sup>1</sup> See Martha Kyrillidou and Mark Young, comps. and eds., *ARL Statistics 2005–06* (Washington DC: ARL, 2008), 20–23, 42, 50, <http://www.arl.org/stats/annualsurveys/arlstats/arlstats06.shtml>.

<sup>2</sup> See Mary M. Case, “A Snapshot in Time: ARL Libraries and Electronic Journal Resources,” *ARL: A Bimonthly Report*, no. 235 (August 2004): 1–10, <http://www.arl.org/resources/pubs/br/br235.shtml>; and Karla Hahn, “The State of the Large Publisher Bundle: Findings from an ARL Member Survey,” *ARL: A Bimonthly Report*, no. 245 (April 2006): 1–6, <http://www.arl.org/resources/pubs/br/br245/>.

<sup>3</sup> See Karla Hahn, “Do I Have to Negotiate a License for Every E-Resource I Buy? Developing a Best Practice Option,” *ARL: A Bimonthly Report*, no. 248 (October 2006): 11, <http://www.arl.org/resources/pubs/br/br248.shtml>.

<sup>4</sup> See special issue of *ARL: A Bimonthly Report* on university and library publishing, no. 252/253 (June/August 2007), <http://www.arl.org/resources/pubs/br/br252-253.shtml>.

<sup>5</sup> Karla L. Hahn, “Research Library Publishing Services: New Options for University Publishing” (Washington DC: ARL, March 2008), <http://www.arl.org/bm-doc/research-library-publishing-services.pdf>.

<sup>6</sup> <http://pkp.sfu.ca/>

<sup>7</sup> <http://dpubs.org/>

<sup>8</sup> <http://www.bepress.com/ir/>

## RESEARCH LIBRARY PUBLISHING SERVICES: KEY FINDINGS FROM THE ARL SURVEY

- Publishing services are rapidly becoming a norm for research libraries, particularly journal publishing services.
- Service development is being driven by campus demand, largely from authors and editors. Scholars and researchers are taking their unmet needs to the library. Those needs are not just for publishing capacity, but for expertise and advice on navigating the paradigm shift affecting publishing and scholarly communication.
- Libraries are addressing gaps in traditional publishing systems. Libraries are not replicating traditional publishing; however, they are working with a mix of existing titles and new titles. They are frequently working with publishers and editors looking for the opportunity to translate their traditionally published titles to the emerging networked environment of information exchange.
- Substantial investment in open-source applications such as Open Journal Systems (OJS), Open Conference Systems (OCS), D-Pubs, and DSpace is facilitating service development. Investments in further development continue. For instance, the Synergies project funding includes a component for OJS development.
- The numbers of titles research libraries are publishing represent a very thin slice of the scholarly publishing pie; yet, collectively research libraries are beginning to produce a substantial body of content. Publishing programs are consciously focusing on building scale within a defined body of core services.
- Library publishing services are part of a range of new kinds of services libraries have developed or are developing. There appears to be no dominant pattern of service evolution, but publishing services are co-managed and often integrated with a range of new services such as digitization initiatives, digital humanities initiatives, digital repository deployment, development of learning objects, digital preservation activities.
- Rather than building a list per se, libraries are offering services and develop publication services in ways that are consonant with research library service culture.
- The use of varied forms of revenue generation is common for publishing services, but core support comes from library resources and in some cases new campus funding. Libraries can and will redirect resources, but there is wide agreement among program managers that broader institutional investments will be required to supplement existing library budgets, at least as long as the current cost structure of established scholarly publishing persists.

# ARL ACTIVITIES

Kaylyn Groves, Managing Editor, ARL Web Content

## SPARC AND SCIENCE COMMONS RELEASE GUIDE TO CREATING INSTITUTIONAL OPEN ACCESS POLICIES

**S**PARC and Science Commons have released “Open Doors and Open Minds: What Faculty Authors Can Do to Ensure Open Access to Their Work through Their Institution.” The new white paper assists institutions in adopting policies that ensure the widest practical exposure for scholarly works produced, such as that adopted by the Harvard Faculty of Arts and Sciences in February.

Co-authored by SPARC and Science Commons, “Open Doors and Open Minds” is a how-to guide for faculty, administrators, and advocates to formulate an institutional license grant that delivers open access to campus research outputs. Some institutions are considering such policies as they work to comply with new requirements for public access from national agencies including the US National Institutes of Health.

The white paper details the motivations behind the Harvard policy, offers a concise explanation of US Copyright Law and how it relates to the scholarly publishing process, and makes specific suggestions for faculty and advocates to pursue a campus-wide policy. The guide offers a detailed plan of action, a series of institutional license options, and a 10-point list of actions for realizing a policy and adopting the right University License to meet the institution’s particular needs.

Three different licenses, which are granted to the institution by the author, are offered for consideration:

**Case 1.** Broad license grant—a non-exclusive, perpetual, irrevocable, worldwide license to exercise all of the author’s exclusive rights under copyright, including the right to grant sublicenses.

**Case 2.** Intermediate license grant—involves license restrictions that modify the scope of the license grant in Case 1.

**Case 3.** Narrow license grant—grants to the university only the right to deposit the article in the institutional repository, and to make it available through the repository Web site.

The paper also recommends mandatory deposit of articles in institutional repositories. Mandatory deposit may be adopted regardless of the licensing policy chosen.

“Everyone—faculty, librarians, administrators, and other advocates—has the power to initiate change at their institution,” said Heather Joseph, Executive Director of SPARC. “By championing an open access policy, helping to inform your colleagues about the benefits of a policy change, and identifying the best license and most effective path to adoption, it can be done.”

“Open Doors and Open Minds” and the 10-step action list is openly available on the SPARC Web site at [http://www.arl.org/sparc/publications/guides/opendoors\\_v1.shtml](http://www.arl.org/sparc/publications/guides/opendoors_v1.shtml).

## ARL LAUNCHES E-SCIENCE AGENDA

**I**t is shortsighted, and perhaps dangerous, for those of us in the research library community to think of e-science as simply the use of computers in the conduct of scientific discovery and experimentation. E-science is more than business as usual with powerful machines. It’s an emerging set of research methodologies that are computationally intensive, relying on vast amounts of data, and employing networked technologies.

E-science is transforming how scientists do their work, the tools they use, the kinds of problems they address, and the nature of the documentation and publication that results from their work. E-science requires new strategies for research support and significant development of infrastructure. It has the potential to affect nearly all aspects of the research library’s roles and functions.

An ARL Task Force on Library Support for E-Science deliberated through 2006–07 and released its report in December. The ARL Board of Directors enthusiastically endorsed the report’s recommendations as the basis for an ARL e-science agenda for 2008. The report calls for:

- establishing an ARL structure and process to assist in the furtherance of the e-science agenda;
- building an understanding within the library community and that of stakeholders of how libraries can contribute to e-science;
- building capacity among library and information professionals to contribute to e-science;
- participation in the development of infrastructure, systems, tools, and services to support the research process and research assets; and
- influencing policy, standards, and resource allocation decisions that support ARL principles.

Elements of all five recommendations are included in ARL’s strategic program directions for 2008. Neil Rambo, University of Washington Director of Cyberinfrastructure Initiatives and ARL Visiting Program Officer for Library Support of Research and E-Science, is responsible for moving the program plan forward, with the advice of a newly formed ARL E-Science Working Group. One of the activity areas is the development of resources to aid senior library leadership in understanding e-science concepts and in initiating discussion of library roles with campus leaders and other faculty. Other program emphases throughout the year include offering relevant program sessions at ARL Membership Meetings and possibly other venues and seeking opportunities to work with allied organizations and agencies to advance the research library’s role in e-science.

To read the report of the Task Force on Library Support for E-Science, “Agenda for Developing E-Science in Research Libraries,” and for updates, see the ARL e-science Web site <http://www.arl.org/rtl/escience/>. Neil Rambo is reachable via [neil@arl.org](mailto:neil@arl.org).

## CHARLES B. LOWRY NAMED ARL EXECUTIVE DIRECTOR

The ARL Board of Directors has appointed Charles B. Lowry as Executive Director of the Association, effective July 1, 2008. Dr. Lowry is currently Dean of Libraries at the University of Maryland, College Park.

ARL President Marianne Gaunt, University Librarian, Rutgers, the State University of New Jersey, announced the appointment via e-mail to the ARL membership. "Charles is a seasoned colleague who is eminently well prepared to assume this role as we embark on updating our strategic plan to position the Association for the future," she wrote. "He brings a rich array of leadership experiences in research libraries to assist the Association in moving forward."

Since 1996, Dr. Lowry has been the Dean of Libraries at Maryland (<http://www.lib.umd.edu/>), leading a library system that serves over 35,000 students, faculty, and staff. Within ARL he has served on numerous committees, and he was elected by the membership to serve on the ARL Board of Directors for 2005–08. He has led the development of ClimateQUAL™—

Organizational Climate and Diversity Survey (<http://www.lib.umd.edu/ocda/>) that is a new offering from the Statistics and Measurement program of the Association.

Before arriving at Maryland, Dr. Lowry was University Librarian at Carnegie Mellon University (1992–96). His other previous library positions include Director of Libraries at the University of Texas at Arlington (1985–92); Director of Libraries at the University of South Alabama in Mobile (1980–85); Head Librarian and Director of Learning Resources at Elon College, North Carolina (1978–80); and Social Science Reference Bibliographer and Head of Reference at the University of North Carolina at Charlotte (1974–78).

In his 30 years as an academic library director, Dr. Lowry has served on boards of SOLINET and Amigos as well as OCLC advisory committees and chaired state consortia. In addition to his teaching and research experience, he has co-founded two journals: *Library Administration and Management* and *portal: Libraries and the Academy*, which he currently edits. For more details

on Dr. Lowry's career, see his bio at <http://www.lib.umd.edu/deans/deanswelcome.html>.

"I am extremely pleased to be asked by my colleagues to serve as ARL Executive Director," said Dean Lowry. "It is both a singular honor and responsibility, particularly at a time of immense challenge for research libraries. The Association has become one of the main forces for positive change in scholarly communication, with all that means for higher education, teaching, and research. My service on the Board has reinforced my strongly held belief that the Association of Research Libraries is the most important organization working on behalf of research libraries. Following in the footsteps of Duane Webster's exemplary leadership will be a challenge; but, with the support of a superb staff and my colleagues in the Association and on the Board, I know that the Association will continue to flourish."

Dr. Lowry will step down from his deanship at Maryland and take a leave of absence to lead ARL for the next three years. When this limited term concludes, he will return to teaching and research in the university's iSchool, where he holds a tenured professorship. The ARL Board expressed its appreciation to the University of Maryland administration for making it possible for Dr. Lowry to take on this important assignment.



Charles B. Lowry

Photo © John T. Consoli

## ARL TRANSITIONS

**Cornell:** Anne Kenney was appointed Carl A. Kroch University Librarian, effective March 31, 2008. Kenney served as Interim University Librarian since February 2007.

**Manitoba:** Carolynne Presser announced that her term as Director of Libraries ends June 30, 2008. Karen Adams has been named Director of Libraries for a five-year term beginning July 1, 2008; she is currently Director of Library Services and Information Resources at the University of Alberta.

**Maryland:** Desider Viktor, Director of Collection Management and Special Collections, has been named Interim Dean, effective July 1, 2008.



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## ARL CALENDAR 2008

<http://www.arl.org/events/calendar/>

- June 27            ARL Survey Coordinators & SPEC Liaisons Meeting  
*Anaheim, California*
- June 28            SPARC-ACRL Forum  
*Anaheim, California*
- June 28            ARL LCDP: Closing Ceremony  
Class of 2007–08 & 10-Year Anniversary Celebration  
*Anaheim, California*
- June 28–July 1    LibQUAL+® Consultations at ALA Annual Conference  
*Anaheim, California*
- July 28–29        **ARL Board Meeting**  
*Washington DC*
- August 4–6        Library Assessment Conference  
*Seattle, Washington*
- October 1–4       National Diversity in Libraries Conference  
*Louisville, Kentucky*
- October 14–17    **ARL Board & Membership Meeting**  
*Washington DC*

- October 27        Using LibQUAL+® Effectively  
*Washington DC*
- November 17–18 SPARC Institutional Repositories Meeting  
*Baltimore, Maryland*
- December 8–9    CNI Fall Task Force Meeting  
*Washington DC*

## ARL MEMBERSHIP MEETINGS 2009

- May 19–22, 2009, Houston, Texas
- October 13–16, 2009, Washington DC  
*Tentative dates*

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