

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN SENATE

Committee on the Library

LB.07.01 Recommendations to the Senate on CIC Provosts' Statement on Publication Agreements

Background

The business of scholarly publication is rapidly changing due to new opportunities created by electronic publishing and archiving (see LB 02.02: Report to the Senate on Scholarly Communication, as amended March 17, 2003 www.library.uiuc.edu/scholcomm/resolution_lb0202_a.pdf). Publishers appear to have captured much of the benefit of these changes, partly because traditional publication agreements transfer the copyright to the publisher and restrict electronic distribution by the author and their institution (Edwards and Schulenberger 2003). The common practice of posting electronic reprints of articles on publicly accessible web pages, for instance, violates the terms of many traditional copyright transfer agreements. To give scholars and their institutions greater ownership of their published intellectual output, a number of research institutions and scholarly societies have developed addenda to traditional copyright transfer and publishing agreements (see Hirtle 2006; Tanner 2006). These addenda give authors and their institutions more rights for the use and distribution of published works, which may include archiving in open access repositories, which can provide greater visibility and wider distribution of the published work. There is resistance among publishers to open access archiving (Giles 2007), but some publishers are accepting the terms of such addenda, sometimes in exchange for a fee (Monastersky 2007).

In November 2006, Faculty Governance Leaders of the Committee on Institutional Cooperation (CIC) requested the development of such an addendum to be used by faculty of CIC institutions. In December 2006, UIC Provost Michael Tanner presented to the CIC Provosts a draft "CIC Provosts' Statement on Publishing Agreements" and "Addendum to Publication Agreements for CIC Authors." (see <http://www.cic.uiuc.edu/groups/FacultyGovernanceLeaders>). The CIC Provosts have requested comments on these documents from Faculty Governance Leaders. Several CIC institutions have initiated discussions of these drafts. The faculty senates of UIC and Northwestern University have endorsed the draft. The Penn State Senate Council issued an informational statement endorsing the concept but requesting that the CIC Provosts take leadership in negotiating publication agreements directly with publishers. Purdue University formed a task force to examine the issue and develop recommendations.

During the spring semester 2007, The UIUC Senate Committee on the Library (SCL) has considered this issue and has recognized some institutional benefits of greater use of such an addendum. In addition to allowing greater visibility of UIUC scholarship with fewer copyright challenges, the use of these addenda by UIUC faculty will facilitate the development of the Illinois Digital Environment for Access to Learning and Scholarship (IDEALS), an open access institutional repository of creative works produced by UIUC faculty. IDEALS will enhance the University Library collections as well as make UIUC scholarship more directly available to the public.

We also recognize some limitations to the addenda. Publication in leading journals generally carries greater weight in promotion and tenure decisions and many faculty members are unlikely to have much negotiating power with these publishers. While the collective voice of CIC may gain the attention of publishers, it is not clear that CIC would have any negotiating leverage since it cannot and should not control the publication decisions of its faculty, and cancellation of subscriptions to leading journals would not serve the interests of the institutions.

In spite of these limitations, the draft CIC statement and addendum represent promising steps in the direction of promoting freer exchange and dissemination of scholarly works. We encourage individual faculty members to carefully consider the statement and consider using the proposed addendum and similar addenda when appropriate. We also encourage the UIUC and CIC administrations to negotiate the terms of such the draft addendum with publishers, and to continue to develop and promote mechanisms for wide, rapid and cost effective distribution of scholarly work.

Recommendation

Because it will facilitate the distribution of UIUC scholarship, the Senate Committee on the Library recommends the Senate endorse the following statements to be communicated to CIC:

- 1) The UIUC Senate endorses the principles expressed in the attached draft “CIC Provosts’ Statement on Publishing Agreements”;
- 2) The UIUC Senate encourages UIUC faculty to consider using the attached draft “Addendum to Publication Agreements for CIC Authors” as well as other publication agreement addenda that increase their rights in reproducing, distributing and archiving their own work; and
- 3) The UIUC Senate asks the CIC Provosts to provide leadership in negotiating with publishers to develop new publication agreements, such as the draft “Addendum to Publication Agreements for CIC Author” that provide CIC authors and institutions greater rights for use, distribution and archiving their published scholarly works.

Citations:

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Attachments: CIC Provosts' Statement on Publishing Agreements
Addendum to Publication Agreements for CIC Authors

CIC PROVOSTS' STATEMENT ON PUBLISHING AGREEMENTS

[For a fuller consideration of the issues addressed herein, see 'Copyrights and the Paradox of Scholarly Publishing' by R. Michael Tanner, Provost, University of Illinois at Chicago]

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

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

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

The CIC Provosts recognize the complexity of the issues involved in publication, but are nonetheless committed to helping our faculty make the most of their work. For further discussion of these issues, or for help in assessing options for the publication of particular works, members of our faculty are encouraged to consult with academic deans, campus counsels, university librarians, or academic staff in the provosts' offices.

ADDENDUM TO PUBLICATION AGREEMENTS FOR CIC AUTHORS

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

Corresponding Author _____

Additional Authors (if any) _____

AND

Publisher _____

Related to Manuscript titled _____

To appear in Journal, Anthology, or Collection titled _____

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

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

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

AUTHOR

PUBLISHER

(Corresponding Author, on behalf of all authors)

Date

Date