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## **Update on open access and academic journal contracts**

Presentation to the Board of Regents' Academic and Student Affairs Committee

July 17, 2019

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**Jeffrey MacKie-Mason**, University Librarian & Chief Digital Scholarship Officer, Professor, School of Information and Department of Economics, UC Berkeley

**Günter Waibel**, Associate Vice Provost & Executive Director, California Digital Library, UCOP

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### **Introductory remarks by Acting Provost Carlson**

Thank you, Regent Anguiano.

We are very pleased to offer the Regents an update on issues of great importance to the educational, research and public service missions of the University.

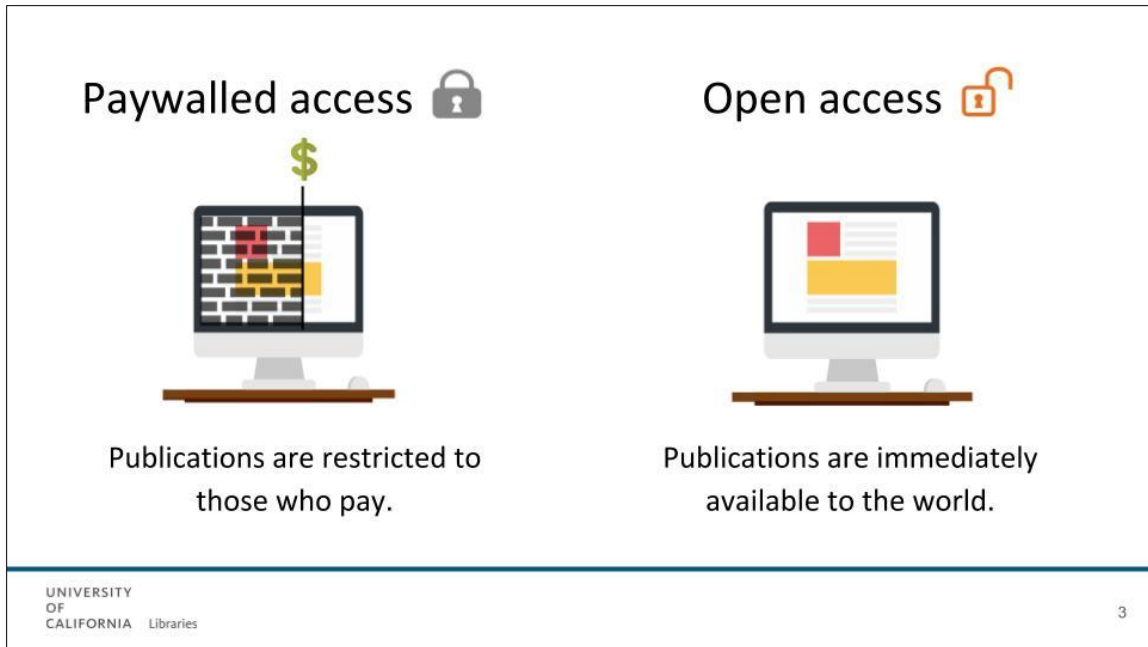
I am joined here at the table by Günter Waibel, Associate Vice Provost and Executive Director of the California Digital Library (CDL); and by Jeffrey MacKie-Mason, University Librarian and Chief Digital Scholarship Officer, and Professor in the School of Information and in the Department of Economics at UC Berkeley. Also present today is Ivy Anderson, Associate Executive Director of the California Digital Library, Director of Collection Development and Management, and head negotiator for our systemwide library collections contracts. All three are members of the UC Publisher Negotiations Task Force and UC's Elsevier negotiating team.

### **Presentation by University Librarian & Chief Digital Scholarship Officer MacKie-Mason and Associate Vice Provost & Executive Director Waibel**

Thank you, Susan, Chair Anguiano and members of the committee.

The UC Mission Statement opens with: "The distinctive mission of the University is to serve society as a center of higher learning, *providing long-term societal benefits through transmitting advanced knowledge.*" One way that we do this is by publishing our research results as peer-reviewed, scholarly articles.

And we're a knowledge generation powerhouse: UC authors publish 50,000 articles a year. But the current business model of the publishing industry severely hurts how well we *transmit advanced knowledge*. Only 15% of our articles are freely and immediately available for anyone to read in their final published form. The number is much lower for the largest publisher, Elsevier, which makes only 6% of our articles freely available. Let us explain.



Journal publishers put most articles behind a paywall and charge people to read them. For universities, that means subscribing to journal packages containing 100s or 1000s of journals for millions of dollars. As a result, no university can afford to subscribe to all published research. And what about those who are not at well-funded institutions that subscribe? Well, they pay \$40 per article. This paywall is blocking access to publicly-funded research for policy makers, doctors, journalists, entrepreneurs, community welfare organizations, researchers in the global south, and citizen scientists.

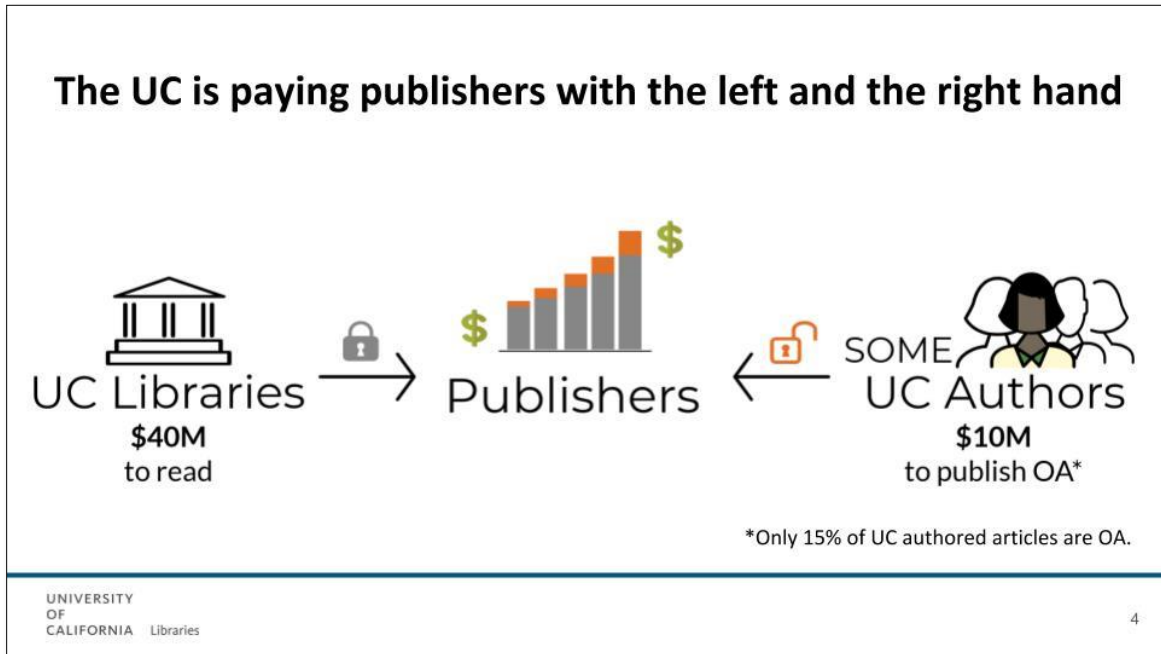
There is a better way. Instead of paying to read, we could simply *pay to publish* directly. After collecting their money up front, publishers could make all articles freely available to anyone with an Internet connection. This is what we call *open access*.

The UC has long been a leader in efforts to move to open access. For example, [in 2013, the Academic Senate passed a groundbreaking open access policy](#), giving our faculty the legal right to post their pre-publication articles in an open access repository in addition to publishing the final versions in a journal. Today, all 10 UC campuses, with deep involvement of relevant faculty committees, are signatories to [Open Access 2020](#), an international statement expressing the intention to shift paywall subscription funding towards paying for open access.

In early 2018, the UC Libraries, the Academic Senate library committee, and the UC Provost's library advisory committee simultaneously [adopted a new plan to accelerate the transition to open access](#). Our plan lays out several strategies, including support for more open access publishing by UC Press, as well as by the UC Libraries. Since the vast majority of established, prestigious journals are owned by traditional publishers, we have also launched a strong effort to use our subscription contract negotiations to change the business model. We are now negotiating so that instead of paying to read, we pay to publish.

If we succeed, and the rest of the world follows, then all research will be published open and freely accessible. We will have boldly advanced the UC's public mission: *"providing long-term societal benefits through transmitting advanced knowledge."*

As simple as this shift towards paying for publication instead of paying for reading sounds, achieving this transition is complex. Here's what this transition may mean for the UC.



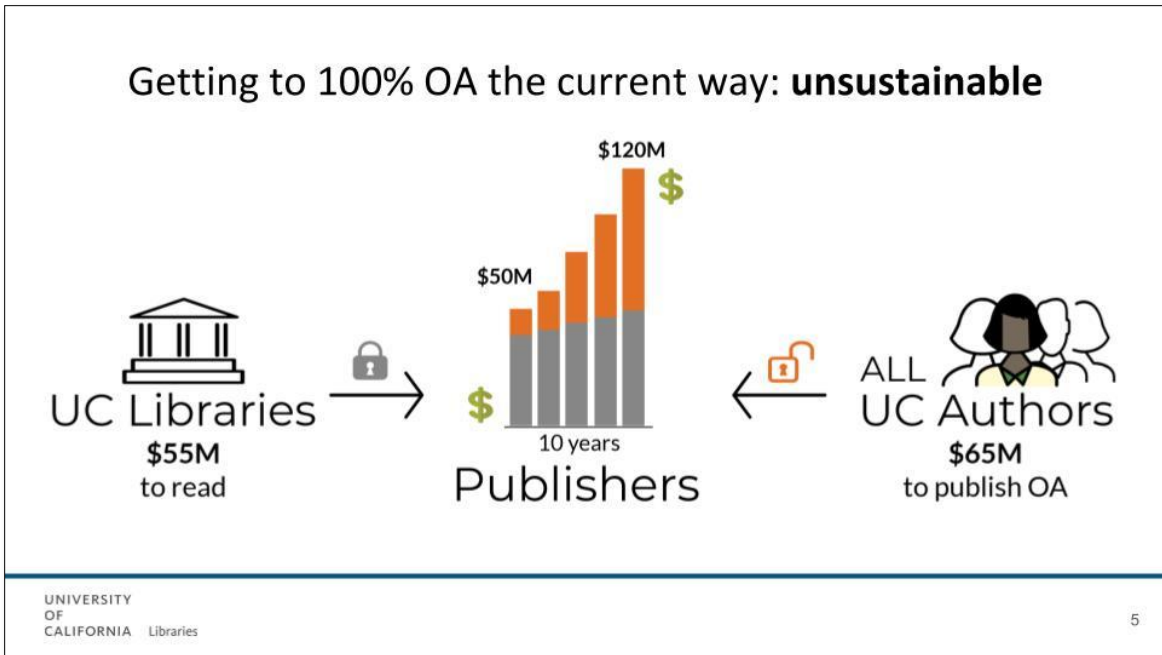
Today, we pay publishers with the left hand, and we pay publishers with the right hand. Our slide shows this “double-dipping” by the publishers.

- The UC Libraries pay \$40M in annual subscriptions so that we can read published research.
- In addition, a small number of UC authors independently pay \$10M a year for their articles to be published open access.

This \$50M total payment to publishers buys an unsatisfactory patchwork of access with big gaping holes:

- The UC can read some but not all of worldwide published research.
- The UC can make about 15% of UC's research freely available to the world.

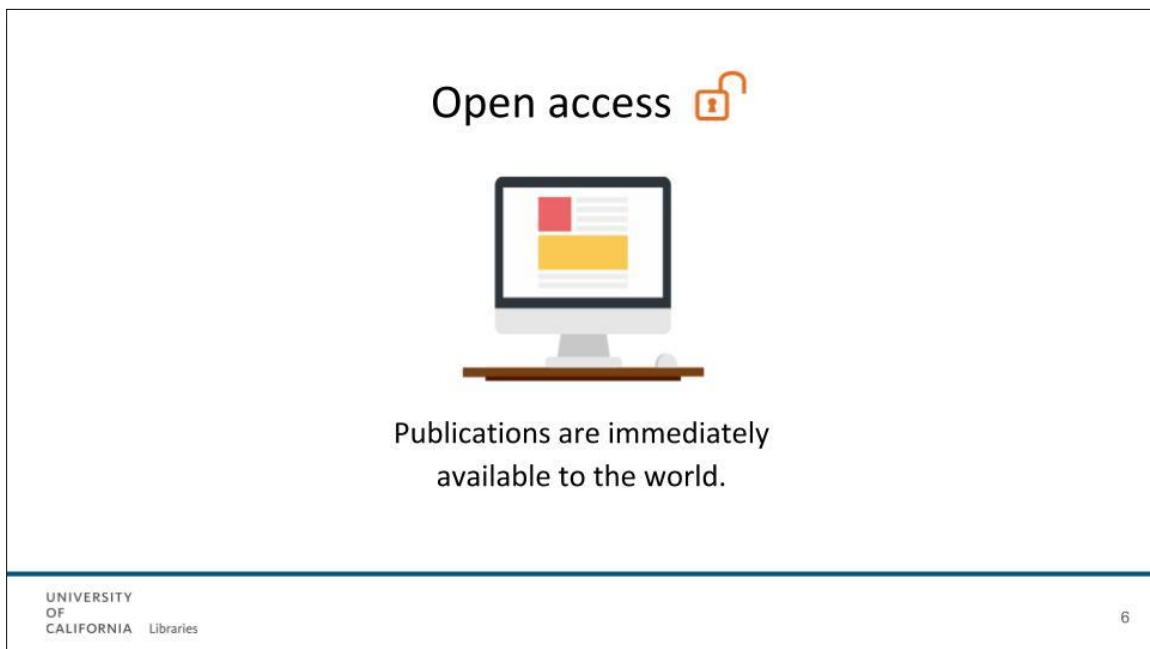
If publisher double-dipping is permitted to continue, how much would it cost the UC to publish all of our research open access?



Let's suppose it takes us 10 years to find the funds and get all authors to pay for publishing open access.

- Because of annual contract increases, the library would pay \$55 million for reading.
- Because of the increased number of open publications, our authors would pay over \$65 million for open access.
- Our total bill in year 10 would be more than \$120 million, about two-and-a-half times higher than today.

I think we can all agree that this path is financially unsustainable.



Instead, here is our vision:

- First, all research everywhere is published open access. Science and society will prosper.
- Second, no net increase in total cost for the global academy. If every institution pays the same amount in the future as it pays now, open access is sustainable for the academy and for the publishers.

This is not just UC's idea. Recently this vision was affirmed by participants from 37 nations and 5 continents in [the 14th Berlin Open Access Conference](#).

To facilitate the transition to open access, we are now negotiating for a very different kind of publisher contract. Here are some of the features:

- Instead of double-dipping, payments for reading and publishing are brought together in a single contract so we can control total cost.
- In addition, the contract supports 100% open access for UC's corresponding authors. The library and UC authors with available research funds will share the publishing cost; for authors without research funds, the library will pay the total cost. This creates an unprecedented path to open access publishing for those with limited grant funding, emphatically including students.

And this is not just a theory. We can report our first success.

UC has recently reached this type of agreement with Cambridge University Press. Cambridge is one of the most prestigious university publishers in the world.

Under the agreement:

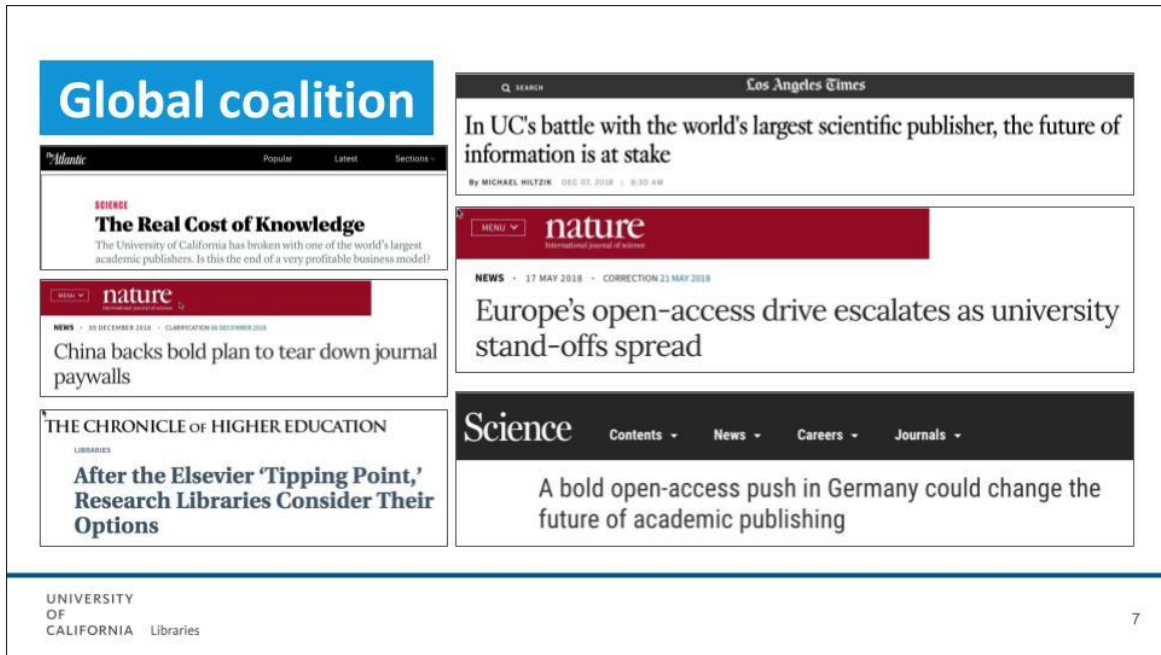
- All UC authors will be able to publish open access, whether they have available research funds or not.
- The agreement is cost-neutral for UC, since funds for subscription payments are now redirected to support open access publishing.

However, not all publishers welcome this transition. In our negotiations with the world's largest publisher, Elsevier, we have not reached agreement, and the UC allowed its contract to lapse at the beginning of 2019. Last week, Elsevier shut off its access to articles published in 2019. UC previously purchased perpetual rights to most pre-2019 content, which guarantees continued direct access.

Admittedly, losing direct access from Elsevier for new articles causes students and faculty some inconvenience. But we can obtain legal copies of every article through alternative means. Typical delays range from a minute or so to a couple of days.

We are gathering data and will study the impact of the delayed access on students and faculty. The results will be used to further improve our alternative access services, and to guide our future negotiations with Elsevier.

We want to return to the negotiating table with Elsevier, but only if and when Elsevier is willing to address our public mission principles: full open access for UC authors, and cost containment to properly steward public funds.



As you can see on our slide, UC is not alone. Over the last couple of years, nationwide consortia in Finland, Germany, Norway, Hungary, the Netherlands and Sweden have reached impasses with Elsevier similar to UC's. Over 130 organizations representing more than 6,500 institutions worldwide have signed the [Open Access 2020](#) statement embracing a shift of funds from paywall subscriptions to open access publishing. And 18 European national funding agencies and two major foundations (one in the US) have created [Plan S](#), which requires all research they fund to be published open access by 2021.

While much of the initial action has been in Europe, UC's leadership has brought the fight to North America. Since UC first announced its open access goals last year, over 200 media stories have covered our efforts. And after we terminated negotiations with Elsevier, 19 North American institutions and consortia have issued public support statements, representing 54 individual universities.

UC's principled stance has ignited a new movement for open access and cost containment here in North America. Other universities are reaching out to us for advice and support as they design their strategy. In response, we recently launched [a publisher negotiation toolkit](#) with lessons learned from our experience. At the end of August, [the UC Academic Senate and the UC Libraries are co-sponsoring a negotiation workshop in Washington DC](#), with the express goal of bringing about a tipping point for open access agreements in North America.

To close, we'd like to emphasize that we believe that publishers have a valuable role to play in academic discourse, and we will continue to seek their partnership for UC's open access vision. Elsevier, as well as other publishers who do not yet support this approach, offer quality journals in which our faculty want to publish. Our model supports our faculty's academic freedom to choose where they publish.

**Internal coalition**

**Linked In**

**Knowledge to the people**

Published on April 9, 2019

**Janet Napolitano** Follow  
President at University of Cal...

206 3 35

**Champions of learning**

When Johannes Gutenberg invented the printing press in the 1400s, he understood that it would lead to an information revolution. For the first time, people outside the cultural elite could easily and cheaply access information for themselves. Unprecedented sociopolitical progress followed.

**Negotiating Journal Agreements at UC: A Call to Action**

June 2018

Issued by the UC Systemwide Library And Scholarly Information Advisory Committee  
Endorsed by the UC Council of University Librarians  
Endorsed by the UC Academic Senate University Committee On Library And Scholarly Communication

**UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE**

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February 28, 2019

**University of California Academic Council Statement on the University's Negotiations with Elsevier Publishing**

*The Academic Council of the Academic Senate of the University of California (UC), hereby signals its collective and resolute commitment to support UC's negotiating position with Elsevier in order to advance UC's mission as a public institution, make the products of our research and scholarship as freely and widely available as possible, and ensure that UC spends taxpayer money in the most ethically, morally, and socially-responsible way when entering into agreements with commercial publishers.*

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SECTIONS FEATURED

**A Lesson From UC's Split With Elsevier: Keep the Faculty in the Loop**

UNIVERSITY OF CALIFORNIA Libraries 8

Our efforts have been a coproduction of the UC faculty, libraries and administration. From jointly developing UC's negotiation goals, to participating in the negotiation room with Elsevier, to making the decision to terminate negotiations with Elsevier, the libraries and the Academic Senate have worked shoulder-by-shoulder. President Napolitano has been a strong and public supporter throughout.

Together, we aim to ensure that publicly-funded research can be freely read by everyone on the planet, and that we control the cost of publishing as we wisely steward our public funds. We all share the sentiment of Berkeley Chancellor Carol Christ, who recently said about this effort, "I'm so proud of the UC system."

Thank you for the opportunity to brief you.