Meeting Synopsis:

1. Call to order
2. Welcome
3. Review of the minutes from June 7th, 2017
4. Purpose and agenda building
5. Open Access Pathways (Gordon Aamot)
6. ALUW Open Access Policy (Gordon Aamot)
7. New Scholarly Communication and Publishing Department (Cynthia Fugate/Gordon Aamot)
8. New Fine Policy (Cynthia Fugate)
9. Visit to Suzzallo Library Starbucks (The Library has generously procured $5 gift cards for committee members for the Starbucks visit).
10. Adjourn

1) Call to order

Hill called the meeting to order at 2:30 p.m.

2) Welcome

New and returning members were welcomed back to the council for the 2017-2018 academic year. Members and guests introduced themselves.

3) Review of the minutes from June 7th, 2017

The minutes from June 7th, 2017 were approved as written.

4) Purpose and agenda building

Hill mentioned FCUL’s charge as it appears within the Faculty Code: “FCUL shall be responsible for all matters of policy relating to libraries such as, but not limited to, collection development; services to students, faculty, and others; the system of libraries, including branch libraries; space needs; and budgetary requirements. Faculty Code, Sec 42-41.” He explained much of the work of the council involves providing feedback to UW Libraries on various initiatives. He noted he met with chair of the Faculty Senate, Thaisa Way, to develop the council’s charge letter (Exhibit 1), and also met with Betsy Wilson (Vice Provost for Digital Initiatives and Dean of Univ. Libraries) and confirmed that FCUL will be
involved in providing input on initiatives for digital scholarship, offsite shelving and moving collections, and open educational resources for students during 2017-2018.

5) Open Access Pathways (Gordon Aamot)

Gordon Aamot (Director, Scholarly Communication and Publishing) provided a status update on the ongoing open access initiative. He explained the Faculty Senate reviewed a draft UW Open Access Policy twice during the 2016-2017 academic year. Questions surrounding various aspects of the policy’s impacts as well as pathways for implementing the policy itself surfaced, and no vote was taken. During the summer of 2017, the Advisory Committee on Intellectual Property, Policy, and Practice (ACIP3) worked through legal considerations concerning implementation of the policy; recommendations are planned to be developed in late October or early November, 2017.

Aamot gave out a handout with a flowchart describing potential pathways for implementation of an Open Access Policy for both an opt-in and opt-out policy developed by ACIP3 (Exhibit 2). The main difference between the options is the opt-out policy is executable via a non-exclusive license granted to the university to use faculty works. It is not clear if this pathway would require that approval be given on behalf of faculty members one time (via legislation) or every time a faculty member makes a submission to the university’s repository. Aamot noted it is also not clear if there will be a consensus within ACIP3 on a single recommended implementation pathway. Theoretical/policy concerns related to implementation are described on the backside of the handout, along with “practical concerns” (Exhibit 2). ACIP3 has also recommended a new position be created in UW Libraries to aid with the efficacy of the new policy.

Council input

A member pointed out that though the opt-in policy option may seem more likely to be able to be voted through the Faculty Senate and approved by UW voting faculty, it may be less effective in bolstering faculty usage of open access, which is the ultimate goal.

Aamot explained the university does not want to inhibit faculty authors from publishing with a journal of their choosing, and so there must be a mechanism for faculty to “opt-out” of submitting to open access.

There was some discussion of ResearchGate (a social networking site for scientists and researchers to share papers, ask and answer questions, and find collaborators), and several members noted increasing visibility of faculty works through open access (and other mechanisms like ResearchGate) would make the open access initiative more attractive to UW faculty.

6) ALUW Open Access Policy (Gordon Aamot)

Aamot explained the Association of Librarians of the University of Washington (ALUW) has approved its own Open Access Policy, which became effective September 1, 2017. He provided a copy of the Policy (Exhibit 3). Aamot noted there are only roughly 120 librarians at the UW as opposed to the near-14,000 faculty members, making it easier to disseminate and vote on an Open Access Policy for librarians. He explained the Policy also covers librarians from the UW Law Library. Following approval by vote, an
implementation team was charged, and 16 publishers were notified. Aamot commented the Policy is additionally useful as a pilot program for the possibility of implementing a university-wide Open Access Policy.

Members congratulated the ALUW on approving and implementing the policy.

7) **New Scholarly Communication and Publishing Department (Cynthia Fugate/Gordon Aamot)**

Cynthia Fugate (Senior Associate Dean of Libraries, University Libraries) explained a new Scholarly Communication and Publishing Department (SCP) was created within the UW Libraries in the fall of 2016. The new department now has five members, and has responsibility for copyright, electronic theses and dissertations (EAD), open access initiatives, and outreach to Libraries staff and the university community on matters relating to scholarly publishing. One member of the office has a legal background in copyright. The department will be the center of the UW Libraries’ effort to provide support to the university on these matters by way of a more programmatic, proactive approach.

8) **New Fine Policy (Cynthia Fugate)**

Fugate explained to the council that the Libraries’ Loan Policy was altered. Under the new terms, standard loan items will not be fined as long as they are in a renewable status (20 days beyond when they become due). The change accommodates concerns from faculty and graduate students requesting further unfettered access to collections.

9) **Visit to Suzzallo Library Starbucks (The Library has generously procured $5 gift cards for committee members for the Starbucks visit)**

Council members were given gift cards to use at the newly-opened Starbucks location located on the 1st floor of Suzzallo Library.

10) **Adjourn**

The meeting was adjourned at 3:38 p.m.

Minutes by Joey Burgess, jmbg@uw.edu, council support analyst

Present: Faculty: Trent Hill, Randall Leveque, Betty Bekemeier  
Ex-officio reps: Navid Azodi, Tim Zastrow  
Guests: Gordon Aamot, Cynthia Fugate, Tom Helleburg, Ellen Barker

Absent: President’s designee: Betsy Wilson  
Faculty: Richard Furman, Michael Kucher  
Ex-officio reps: Kate O’Neill, Susanne Redalje

**Exhibits**

Exhibit 1 – fcul_chargeletter_17-18.pdf
Exhibit 2 – Open Access ACIP3 Subcommittee Summary[28238].pdf
Exhibit 3 – aluw_openaccesspolicy_fall2017.pdf
August 28, 2017

Trent Hill  
Chair, Faculty Council on University Libraries

Dear Professor Hill:

The Faculty Council on University Libraries is charged with responsibility “for all matters of policy relating to libraries such as, but not limited to, collection development; services to students, faculty, and others; the system of libraries, including branch libraries; space needs; and budgetary requirements” (Faculty Code, Sec 42-4). Activities historically performed include receiving regular updates on library news and logistics from appropriate administrators, with members reporting substantive updates back to constituents, as well as providing faculty and student feedback to the Vice Provost for Digital Initiatives and Dean of Universities Libraries on specific topics of interest, offering guidance and prioritization of concerns where warranted.

Our recommendation is that the council identify specific goals that can be accomplished by the end of the 2017-18 academic year.

The Senate office did a background review to help identify goals for your council. This included review of minutes from last year’s meetings, review of discussions at Faculty Senate meetings, and selected outreach for topics. Recommended goals and / or topics for discussion include:

- Receive a report on the initiative to alter UW librarian employee status from “academic personnel” to “faculty” and evaluate level of support for the initiative on behalf of all UW librarians. Report back to the Faculty Senate Chair with findings.
- Review implementation proposals for Open Access Policy, should it be approved by the university.
- Coordinate as appropriate with the FCTL on IT initiatives/changes.
- Continue to work with UW Libraries on strategic planning surrounding future use of space and resources.

After your first council meeting we will be available to discuss the goals your council identified. Thereafter, we will post your council’s goals on the Faculty Senate Website to communicate the important work you are doing on their behalf.

Sincerely,

Thaisa Way  
Chair, Faculty Senate  
Professor, Landscape Architecture

/jmb
Background

Executive Order 36 is the University of Washington’s Patent, Invention and Copyright policy. Current policy, as well as historical practice, stipulates that university faculty, staff and students retain all rights in copyrightable material they create, including scholarly works, subject to specific exemption or condition.

In April 2015 the Faculty Senate approved a Class C "Resolution Concerning the UW Open Access Repository & Request for Advice on an Open Access Policy." The resolution requested the Provost to direct the Vice Provost for Digital Initiatives and Dean of University Libraries to develop an open access publication policy for recommendation to the University.

Proposed Open Access Policy

The Faculty Senate discussed a recommended policy for the first time on March 2, 2017. During the discussion, there were several legal questions about the mechanism by which faculty would transfer ownership rights and the survivability of ownership over time. It was determined that these questions needed further discussion before the Senate could debate the merits of the policy. A sub-committee of the Advisory Council on Intellectual Property, Policy and Practice (ACIP3) met to discuss the legal issues over the summer. The faculty will revisit the topic in Fall 2017. The information below is a summary of subcommittee work.
SOME THEORETICAL/POLICY CONCERNS

In a sense, the choice at level (A) pits faculty rights against the hoped for size of the repository.

In a sense, the choice at level (B) pits strength of legal arguments supporting initial grant of license against simplicity of policy/rule statement.

In a sense, the choice at (C) would go to the burden on individual faculty members.

In a sense (D) is the linchpin. If Eric Priest is right, then (D) can be handled by (B) or (C) and essentially can be removed from the picture. If not, then (D) may argue in favor of (C)'s article-by-article choices.

Irrevocability of license? Scope of license?

SOME PRACATICAL CONCERNS

If the software implementation puts the onus on the faculty, then practically speaking is not everything article-by-article?

What about faculty liability vis à vis signing transfers of copyright that contain no-encumbrance warranties?

What about administrative expense associated with each defined pathway?
Open Access Policy of the Association of Librarians of the University of Washington
Effective September 1, 2017

Purpose

As a public university, the University of Washington and its Libraries are dedicated to making UW research and scholarship freely and widely available to the people of Washington, the broader research community, and those who do not have access to academic journals that may be prohibitively expensive.

In addition to the public benefit, the policy serves the interest of Librarians and others by promoting the visibility and accessibility of their scholarly work, resulting in greater impact and recognition. It also helps authors retain distribution rights and aids the preservation of the scholarly record.

Policy and Grant of Rights

Librarians, as members of the Association of Librarians of the University of Washington, grant to the University a non-exclusive, irrevocable, worldwide license to exercise, and to allow others to exercise, any and all rights under copyright relating to his or her scholarly and professional articles, in any medium, for the purpose of making those articles freely and widely available in an open access repository. This policy would not transfer copyright ownership to the University.

Scope and Waiver

This policy applies to all scholarly and professional articles authored or co-authored while a person is a Librarian at the University of Washington. The policy only affects articles created on or after the date that the policy is adopted.

The Vice Provost for Digital Initiatives and Dean of University Libraries or her designate will waive this requirement or delay access for a specified period of time for a particular article upon express direction by the Librarian. Grant of such a waiver or delay is mandatory, not at the discretion of any person or group.

Deposit of Articles

To assist the University in archiving and disseminating scholarly articles, Librarians commit to helping the University obtain copies of their articles. Specifically, each Librarian who does not obtain a waiver to deposit in ResearchWorks Archive will provide an electronic copy of the final accepted (post-peer review) manuscripts of their articles to the University for inclusion in ResearchWorks Archive, or notify the University that the article is available elsewhere on an open access basis.

Implementation and Oversight of Policy

The Vice Provost or Vice Provost's designate will be responsible for implementing and interpreting this policy and recommending changes to the Association of Librarians of the University of Washington from time to time.
Notes

All persons employed as Librarians by the University of Washington Libraries or by the University of Washington Law Library are automatically members of the Associated Librarians of the University of Washington.

Peer-reviewed journal articles, articles appearing in professional publications, and conference papers would normally be considered to fall within the category of "scholarly and professional articles."

Librarians typically deposit the final, accepted, post-peer review version of their scholarly articles prior to final publisher formatting ("Accepted Author Manuscript" or "Author's Final Version") in the University's institutional repository, ResearchWorks Archive.

Librarians automatically grant to the University a non-exclusive license to their scholarly articles in order to make those articles freely available on an open access basis via ResearchWorks Archive. Librarians do not transfer copyright for their scholarly articles to the University.

By granting limited rights to the University prior to signing a publication agreement, Librarian authors are able to retain selective rights without having to negotiate on their own for these rights with their publisher.

The Libraries will notify publishers about the open access policy.

If a Librarian author directs the Libraries to waive or delay application of the policy for a particular article, it will be automatically granted.

Although the policy specifically addresses only University of Washington Librarians, the Association of Librarians of the University of Washington recognizes the scholarly and professional contributions of its Libraries colleagues and encourages all Libraries staff to share their scholarly and professional articles with the world by depositing them in ResearchWorks Archive.

http://www.lib.washington.edu/scholpub/aluw-policy