COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATION
ANNUAL REPORT 2012 – 2013

To the Legislative Assembly of the Academic Senate, Los Angeles Division:

The Committee on Library and Scholarly Communication is the Academic Senate’s primary pathway for communication with the UCLA Administration with respect to the Library and scholarly communication. The Committee takes, as its principal obligation, to reflect and articulate the views of UCLA faculty members concerning the role of the University Library in the acquisition, storage, and provision of scholarly materials. The Committee represents the Division and the faculty in all matters of library policy and advises the Library administration accordingly. COLASC works to forcefully, clearly, and collegially represent faculty interests and concerns in these areas in the spirit of shared governance.

Summary

The Committee on Library and Scholarly Communication discussed several key issues during the academic year. Among the most prominent:

1. The search for the new University Librarian;
2. Open Access proposed policy;
3. Report by the Task Force on Academic Freedom;
4. Report by the Task Force on Online Education.

Major Issues Fall 2012 – Summer 2013

- UCLA Librarian Gary Strong announced that he would retire at the end of the 2012-13 academic year. As the search for the new University Librarian began in earnest, COLASC was apprised on the search process as new developments arose. The position was very difficult to fill given the complexity of the university’s library system. The new librarian needed to be ready to determine the future of UCLA’s libraries, and also to manage the large UCLA Library staff and its many facilities. The search committee narrowed down the candidates to three finalists, all of whom visited the campus in late January/early February. The candidates met with various stakeholders over their two-day campus visits, including faculty, development, university leadership, senior management of the Library, and the members of the Library Board. Members of COLASC were strongly encouraged to attend the faculty interviews in order to gauge the candidates and ask questions. During COLASC’s meeting on January 10th, the following general issues were identified as the key issues for discussion during the faculty meetings with the Librarian candidates:
  - Vision of scholarly resources for both faculty and students
  - Experience with managing library facilities (both physical and virtual)
  - Ability to sustain and increase the Library’s professional staff
  - Experience with fund-raising to coincide with the University’s Centennial
Campaign

- The need to maintain and build upon the University’s special collections
- Understanding of the undergraduate student experience, including transfer students
- The need for a stronger interface between librarians and students

Finally, the committee would like to recognize Librarian Gary Strong and extend our sincere gratitude for his exceptional and transformational leadership over the past nine years. We would also like to extend a warm welcome to incoming Librarian Virginia Steel. The University Library is a vital resource for the campus and we are excited to work alongside her in the coming years.

- In August 2012, the systemwide Academic Senate requested a review of the proposed Open Access Policy developed by the University Committee on Library and Scholarly Communication (UCOLASC). The Senate leadership of the Los Angeles Division requested that COLASC (and several other committees) submit a formal response, which was to be incorporated into a response on behalf of the Division. The proposed policy would expand open access to research publications by University of California faculty by changing the default relationship between faculty authors and scholarly publishers to one in which authors grant the University a non-exclusive license to the work. The policy would also require that authors deposit a digital copy of the final version of their published works with the California Digital Library. Authors would be allowed to opt out of the license grant at their own discretion. However, publishers that demand exclusive rights would need to ask authors to choose to opt-out.

COLASC discussed the proposal extensively in 2011-12 and at its first meeting of the Fall Quarter 2012, where we were pleased to register our full support for the proposed policy. COLASC saw the policy as an important step in the right direction to make scholarly journal articles available to the UC community and beyond, and over the long run to help shape academic publishing towards a more rational use of scarce educational resources. UCOLASC chair and UCLA Professor Christopher Kelty presented an initial draft of the proposed policy to COLASC last year. Following its meeting on May 14, 2012, COLASC issued a response to Chair Kelty and raised questions about definitions of scholarly articles and expressed some concern about burdening the faculty, especially those without extramural support, if a different business model – and associated costs – were to result from the adoption of the policy. We were satisfied that the proposed policy provided adequate provisions for opting out, and recognized the importance of the deposit requirement even in cases where open access is temporarily or indefinitely delayed. In addition, we are fully cognizant of the vital role of collective action on the part of faculty both within the UC System and the large number of other universities that have passed similar open access resolutions for negotiating subscription and access agreements with publishers.

In addition to reviewing the proposed policy, COLASC members representing both ‘north’ and ‘south’ campus participated in Open Access Week events held at UCLA in October, organized jointly by the Academic Senate, COLASC, and the Library. Dr. Kelty and Catherine Mitchell, Director of Publishing at the California Digital Library, both attended and fielded questions in extensive discussions. As UCLA’s representative to UCOLASC, Chair Francis Steen attended its meeting on October 10th, which included
detailed presentation by Dr. Mitchell on the eScholarship repository. Given such exposure we feel that the proposed policy has received significant attention and consideration, and the feedback we have gathered indicates strong support among the faculty. We see the policy as a critical step towards adopting a more public approach to advancing scholarly exchange and availing faculty of the right to determine the accessibility, or exclusivity, of their published work.

• The joint Senate-Administration Taskforce on Academic Freedom, which was convened in the 2011-12 Academic Year, submitted a report in October 2012. The taskforce’s mandate was to: "1) Draft a statement for the Chancellor’s review and approval reiterating the values underpinning academic freedom, including how these values affect the University and broader community, and the need to assess our legal obligations in light of these principles; 2) Provide guidelines that can be disseminated to faculty to educate them on their obligations under the California Public Records Act and on what steps to take to better protect the privacy of their electronic communications; and 3) Identify campus stakeholders who could or should be convened to address specific problems or threats when they arise" (Waugh and Leuchter; 12-06-2011).

The Senate leadership of the Los Angeles Division requested that COLASC (and several other committees) submit a formal response, which was to be incorporated into a response on behalf of the Division. COLASC discussed the document at its meeting on January 10, 2013. While we are supportive of the need to safeguard academic freedom and shield faculty from abusive applications of public access laws, it was our position that these laws perform essential functions in safeguarding an open society, and we suggested that the new regulation present a more nuanced balance between a protective and an open stance.

While members appreciated the spirit of the statement in general and the need to provide clearer guidance to the faculty when dealing with public requests, we felt that the document could be improved upon to also serve as an educational tool for faculty. It could for instance usefully clarify which types of information may be subject to a request and present concrete recommendations for appropriate data management strategies that protect faculty and at the same time fulfill their legal responsibilities to comply with the public access laws.

Members recognized the increased abuse of the public records access laws and the widespread use of “fishing expeditions” without clearly defined targets that are used to undermine the openness of scholarly communications and research, from which the faculty should absolutely be protected. However, members expressed some concern about the principles being too far-reaching and not fully inclusive of the various scenarios in which the laws are used. As a public institution, UCLA has an obligation to recognize and support public access laws whilst also shielding itself and its faculty from the oft time-consuming and bureaucratic minutia that many of these requests present.

Members suggested incorporating more background about the state and federal laws and defining their core intent so as to not undermine their democratic principles, and of UCLA’s obligations to abide by them as a public institution. Some members felt that the statement was too restrictive and seemingly critical of public access laws, and that the
University should address protection requests with concrete and targeted policies and not with a blanket blocking strategy. The overarching theme of the document should focus on restricting abuses and not on restricting public access.

- A taskforce for online education headed by Vice Provost Kathryn Atchison was formed at the request of EVC Scott Waugh to draft a proposed policy for the development and implementation of online courses at UCLA. We reviewed the document in February 2013 and provided our views to Senate Chair Linda Sarna, who then crafted a formal response on behalf of the Senate faculty. COLASC reviewed the draft Policy for Online Instruction and concluded that the committee could not offer its endorsement as written without significant revisions and clarifications.

1. Benefits of Online Instruction. The document seemed to lack a sufficient degree of discussion regarding the pedagogical advantages of online education, while focusing more on the organizational structures and thoughts about “ownership”. While it does force one to think about the assumed desirability of implementing a range of “Online Education” components into one’s everyday classroom practice, the reasons why students and instructors might benefit from these developments remain obscure. Some reflections on the pedagogical advantages of strengthening the “Online Education” element in our teaching at UCLA are lacking from the “Introduction” to this draft. The proposal also appeared to be modeled on UCOE, in that it envisions selling classes to non-UC students. However, UCOE has not been successful in attracting these non-UC students and appears therefore to have no effective business model. Replicating a failed business model is a waste of public resources and a direct threat to other budget priorities.

2. Intellectual Property. The document established an intellectual property framework that has enormous implications for faculty. It noted that the “Designated Instructional Appointee” retains ownership over the course materials without the use of Exceptional University Resources. Much further detail is required with regards to what constitutes an “exceptional” university resource, especially when technologies are ever-changing. The institution of a Commissioned Work Agreement as stated in the Policy also begs further analysis, as there should not be a significant difference in the way the development of course materials for online courses and traditional classroom courses are treated.

3. Standards. In order to meet the needs of a given course or academic program, instructors must have the flexibility to be innovative with methodologies, which may lie outside those conventionally associated with online education (such as lecture videos and chat sessions). How these methodologies could be affected by standards set by the proposed administrative Office remains unanswered. It is important to note that while resources for online education should be available to academic departments, the proposal seemed to assume a regulatory responsibility, which would become a direct threat to faculty control of curriculum and methodology. If established, the purview of the Office should remain as a resource of support, rather than one of validation and regulation.

4. Effect on the Library. An issue of natural concern to the committee is where the library fits into a discussion regarding online education. As library collections and resources become increasingly digitized and distributed with new technologies, the concept of the “exceptional” university resource as it relates to university libraries becomes very concerning. If digitization or other services are seen as "exceptional resources" the outcome will likely be a chilling of nascent faculty collaborations with the library as faculty worry about the overly broad nature of the Commissioned Work Agreement. We must be mindful of the library’s central role in higher education. Its resources must remain open and accessible for the development of course material and instructional methodologies, regardless of the distribution platform.
Respectfully Submitted,

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