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From the University Presses -- What University Presses Think about Open Access

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I spoke to an expert from OCLC, did I learn the proper procedures. She emailed me the rather complicated steps, which I most likely have stored somewhere but am not certain that I could ever find again.

I’ve already written a short article in favor of the Google Books Project since having all the books in the world accessible is a laudable goal. I have not, however, in my reading seen any discussion of the potential problems that opening up the floodgates of availability might bring. “The Public Access Service license will allow free, full-text, online viewing of millions of out-of-print books at designated computers at U.S. public libraries.” (http://books.google.com/googlebooks/agreement/faq.html) From the Google terminal, the patrons of the smallest public library with a few thousand books will face some of the same access problems as those who use the world’s largest research libraries.

What problems will these users face? First, patrons will need to learn more effective search strategies. Many will enter search terms that bring up thousands of records. The Google search algorithm may bring to the top of the list the books that would most interest them, but then again it may not. Some will be overwhelmed at the number of possibilities when they would have been less frustrated with a more limited number of options. Choosing breakfast cereal in a convenience store is much easier than in a mega supermarket.

Second, the rules for searching and displaying results are not clear. I pretended to be an untrained user and searched for “Mars” to see how Google Books would handle this ambiguous search. The Google results page told me that I had 173,478 hits but returned only around 190 books before Google Books stopped providing results. All the suggested refinements at the bottom of the first page of results referred to the planet. Searching “planet Mars,” “God Mars,” and “candy Mars” all had fewer hits; but Google showed more results before cutting off access. Finally, the French word for the month of March (“mars mois”) returned the most available results of any search — around 400 books. If I’m confused as a trained librarian, think what will happen for the average user who wants books on Mars, the Roman God. I believe that readers can guess what happens when a teenager looks in Google Books for items on the singer “Sade.”

The third issue is the question of reliable and useful information. Small-to-medium public and academic libraries choose the most useful items for their user community as the Clinton Branch Library did for me. These patrons are not interested in esoteric scholarly materials that will become an increasingly important part of Google Books as Google staff scan the collections of major research libraries. The problem may be even worse if the Google Books Settlement Agreement is not approved, because full-text availability will be more common for out-of-copyright materials that are older and less useful for most patrons of smaller libraries. The 1910 book on child rearing certainly won’t help today’s parent very much. As I said earlier about undergraduate research, the patron may also access primary sources that large libraries collect for research but that require sophisticated evaluation skills and background knowledge beyond the competencies of some small library users.

To conclude, I am convinced that one reason why librarians and librarians will survive is that they help people find the right needles in the massive information haystacks on the Internet. Before the arrival of the Internet, the problem was often too little information. Now the problem is too much information. I’m not sure that individual librarians and the profession have adjusted completely to this mind shift. Pathfinders, bibliographies, and reference sessions may retain their importance, not to find needed materials, but to screen out the garbage in an information universe where bigger is not necessarily better.

Random Ramblings
from page 55

I envy a commercial publisher like Elsevier. Its mission can be very simply defined: make enough money to pay your employees and keep your stockholders happy. Whether Elsevier were in the business of making widgets or publishing books and journals, that mission would remain the same. The means to achieve that end can be very complex, but the mission itself is simple and straightforward.

Not so the mission of a university press like the one that employs me. It straddles two worlds, academic and commercial, which each have imperatives unique to them that are often in tension if not outright conflict. On the one hand, and above all, a university press’s mission is defined by the imperative that drives academe as a whole: create new knowledge and communicate it to the next generation of students and scholars. On the other hand, every university press must make enough money to stay viable as a commercial enterprise operating in the same business environment as any other publisher. A few can do so without the help of their parent universities; the vast majority cannot and need to be subsidized at some level (on average, 10% of their operating budget).

How these two imperatives are balanced differs from press to press, depending on pressures both from the university’s administration and from the commercial marketplace. Some presses like my former employer Princeton have the advantage of being semi-autonomous: it is separately incorporated in the State of New Jersey, but the use of its name is controlled by a faculty editorial board and a board of trustees on which a number of university administrators sit. It receives no financial support from the university at all but fortunately has a handsome endowment, which derives from the astute management of the Bollingen Series taken over from Pantheon in the late 1960s accompanied by funds from Paul Mellon to see through publication of the remaining volumes, some of which (like the translation of the I Ching and books by Joseph Campbell) have been huge commercial successes. A few of the very largest presses, like Cambridge and Chicago, are obliged to turn over a portion of their earnings to their parent universities and thereby subsidize those universities in small part. At least one smaller press, Rockefeller, is also similarly obliged. Much more typical is the press at Penn State, which after more than a decade with no operating subsidy now has a subsidy at the level of the 10% average I mentioned above. Depending on how close to the margin any press operates, you may find one press feeling it necessary to raise prices on its books to satisfy the commercial imperative, while another press may feel it can afford to prioritize its goal of maximizing dissemination of its books by keeping their prices low and making them available as soon as possible in cheaper paperback editions. (Some presses, like ours, cross-subsidize between journal and book operations, the former’s surpluses used to offset the latter’s losses.) Overall, because of this disparity in missions between commercial academic publishers and university presses, independent studies of pricing of books have routinely showed university press titles to be priced lower, sometimes much lower, than those from commercial publishers. In this way, too, some university presses are consciously subsidizing academe in general, if not just their own universities.

Those who, like David Shulenburger, have been critical of the positions that university press...
es have taken on copyright may better appreciate our seeming schizophrenia once they understand this fundamental duality in our mission better. As chief spokesperson on copyright issues for university presses for some forty years, I have been in the thick of this battle from the period leading up to the passage of the 1976 Copyright Act on, and I even testified at a hearing in July 1973 on fair use where we presented a different viewpoint from the one expressed by many other sectors of higher education, who succeeded in persuading Congress at the last minute to include language referring to “multiple copies” in the preamble of Section 107. Despite Congress’s protestations to the contrary, that addition changed the law of fair use as it had theretofore been developed by the courts and has led to pervasive confusions in the law of copyright ever since, as admitted by a former Congressional staffer, author of the standard work on the law of fair use, and now a lawyer for Google. This confusion about the basic Constitutional rationale for copying is responsible, among other things, for the suit that several publishers, including two university presses, brought in 2008 against Georgia State University, and for major differences in understanding of what “transformative use” means between the Second and Ninth Circuit Courts of Appeal. Basically, without going into details, it can be said that university presses strongly support “transformative” fair use as interpreted by the Second Circuit, but not by the Ninth, while strongly opposing straightforward copying where no value is added of the kind that Georgia State has been accused of doing on a massive scale. (For a fuller account, see my article in the June 2009 issue, “Is ‘Functional’ Use ‘Transformative’ and Hence ‘Fair’?”) This position is readily understood in terms of presses’ dual mission: as an integral partner in the creation and dissemination of new knowledge, presses believe that there is a very important role for fair use as “transformative use” to play in “promoting the progress of science and the useful arts,” which it is the Constitutionally stated purpose of copyright law to serve. By contrast, copying that merely functions as a private printing machine, whether print or digital, to multiply the number of copies in the marketplace is perceived by presses as a direct threat to the commercial foundation of their business and hence is opposed wherever its threat economically becomes greatest. Unfortunately, too few people in academe seem to grasp that in taking that stance, university presses are merely striving to stay in business so that they can fulfill their primary mission of serving scholarship. Somehow we are perceived to be greedy for “profits,” which don’t really exist for us as non-profit enterprises anyway, rather than trying simply to stay afloat to carry out our mandate.

What I have just said about copyright can be equally said about university press attitudes toward open access. In principle, open access is a good thing: every press would love to be able to readily and hence ‘Fair’”) This position is readily understood in terms of presses’ dual mission: as an integral partner in the creation and dissemination of new knowledge, presses believe that there is a very important role for fair use as “transformative use” to play in “promoting the progress of science and the useful arts,” which it is the Constitutionally stated purpose of copyright law to serve. By contrast, copying that merely functions as a private printing machine, whether print or digital, to multiply the number of copies in the marketplace is perceived by presses as a direct threat to the commercial foundation of their business and hence is opposed wherever its threat economically becomes greatest. Unfortunately, too few people in academe seem to grasp that in taking that stance, university presses are merely striving to stay in business so that they can fulfill their primary mission of serving scholarship. Somehow we are perceived to be greedy for “profits,” which don’t really exist for us as non-profit enterprises anyway, rather than trying simply to stay afloat to carry out our mandate.

What I have just said about copyright can be equally said about university press attitudes toward open access. In principle, open access is a good thing: every press would love to be able to freely distribute their work. However, in practice, university presses have been slower to embrace open access than some other publishers, and for good reason. Universities — such as California, Michigan, and Ohio State — have been cautious about moving too quickly into the open access arena, for fear of losing control over their content and incurring costs that they cannot afford. As a result, many university presses have taken a more gradual approach, experimenting with various models of open access, such as self-archiving repositories or institutional repositories or government agencies to do it on their behalf.Views and approaches will differ among presses, again, depending on their particular economic situations, as well as their administrative positioning within universities or outside. I mention the latter because it is no accident that those presses that have so far experimented the most with OA eBook publishing either are closely connected with the libraries at their universities — such as California, Michigan, and Ohio State — and are exceptions elsewhere, such as Athabasca University Press in Canada, which operates on an open-access model [http://www.upress.ca], and the consortium of European presses called OAPEN [Open Access Publishing in European Networks: http://www.oapen.org].] Thus presses are left to fend for themselves, with about one-tenth of their costs covered, and must look to every source of revenue they can find, including from e-reserves and course-management systems where journal articles and book chapters are reproduced in great quantities, to remain in business.

This, in a very general way, defines the situation in which university presses find themselves when contemplating how much, and in what ways, they can afford to implement open access in their own publishing programs, or allow aggregators or other entities like institutional repositories or government agencies to do it on their behalf. Views and approaches will differ among presses, again, depending on their particular economic situations, as well as their administrative positioning within universities or outside. I mention the latter because it is no accident that those presses that have so far experimented the most with OA eBook publishing either are closely connected with the libraries at their universities — such as California, Michigan, and Ohio State — and are exceptions elsewhere, such as Athabasca University Press in Canada, which operates on an open-access model [http://www.upress.ca], and the consortium of European presses called OAPEN [Open Access Publishing in European Networks: http://www.oapen.org].] Thus presses are left to fend for themselves, with about one-tenth of their costs covered, and must look to every source of revenue they can find, including from e-reserves and course-management systems where journal articles and book chapters are reproduced in great quantities, to remain in business.

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Penn State — or are related in unique ways to the bodies that control them, like the National Academies Press. It was NAP, of course, that started the ball rolling in the mid-1990s when it decided to begin posting all of its books online for free use by readers anywhere in the world with an Internet connection. It used an innovative technological approach to limit downloads and printing so as to provide incentives to users to buy copies printed on demand (or PDFs) after browsing them online. This is an experiment in online viral marketing, which has proved successful enough commercially while proving hugely successful in basic mission terms to keep NAP pursuing this model, albeit with some tweaks along the way. It took about a decade for California, Michigan, and Penn State to follow suit. California worked closely with the California Digital Library to make some of its backlist completely OA to the world and other titles OA just to the University of California system. It is also now experimenting with a number of OA monograph publishing programs in conjunction with various institutes on UC campuses. Michigan and Penn State both announced their plans for digital monograph publishing, with Michigan initially trying out a series of books about digital culture and Penn State refashioning its formerly print series in Romance literatures into a broader OA series in Romance studies. At both universities these initiatives began after the presses formerly were joined administratively with the libraries and have expanded since. Michigan taking the far bolder step of announcing last year that it would publish all of its books in the future in OA mode, with a POD option, on which it must rely to generate sufficient income to keep the operation going. Some other experiments exist also, and one might mention Rice University’s resurrection of its moribund press as an OA publisher beginning with art history, using the open-source Connexions platform that was developed to share coursework freely. On the journals side, Oxford University Press has led the way among university presses with its experiments in “hybrid” journal publishing, where authors have the option of having their articles made available OA on publication upon payment of a fee up front. (There is, however, considerable controversy about whether “hybrid” OA is really in keeping with the spirit of OA or merely a clever tactic by publishers to engage in additional price gouging.) OUP has also pioneered in eBook publishing with its large collection of titles called Oxford Scholarship Online, but this is sold via site license to libraries and is not OA in any way.

A test case of sorts presented itself to the member presses of the AAUP with the expansion of the NIH’s policy regarding posting of NIH-funded research articles on its OA Website PubMedCentral from voluntary to mandatory submission. Worrying about its implications for university press journal publishing were such a policy to be copied by other federal agencies, the AAUP sided with the NIH in opposition, but for the heroic intervention of an author and end-users, and the NIH is taking advantage of this investment without paying back anything to support the publishers’ direct costs — in other words, misappropriation, if not outright copyright infringement.) I was among ten press directors who “dissented” from this position after being lobbed by Mike Rossiter of Rockefeller University Press and Phil Pochoda of the University of Michigan Press, who wrote a column expressing the perspective of university presses in their OA statement. I agreed to sign the statement, however, only after gaining some concessions from the drafters, most importantly the recognition that “one size does not fit all” and that the specifics of the policy as applied to STM journal articles for the NIH (such as the 12-month embargo period) might not work well for other fields (such as many areas of the humanities, where the “shelf life” of articles is typically much longer). I also joined a different group of press directors who opposed a policy proposed in Congress to mandate the early online OA posting of the papers of the Founding Fathers that would, essentially, expropriate the “value added” by the presses that publish formal journal articles and in essence, draw only partially on governmental funding but also foundation support and internal university resources. In both of these examples, you will observe the delicate balance that presses must try to achieve between promoting the maximum distribution of their publications and recovering costs that are needed to publish more books and journal articles online. OA has been, thus compounded can proliferate rapidly, to the detriment of future scholarship. They may not be so crucial as to render the Green OA versions of articles useless for certain purposes, such as classroom teaching (just as teachers now hand out drafts of their articles to students for such use that have not undergone any scrutiny by another expert or copyeditor). But I feel very uneasy about the massive postings of Green OA articles at sites like Harvard’s, which given that university’s great prestige may well lead to the widespread appropriation of those versions by scholars who find it easier to access them OA than to hunt down (and perhaps pay for) the final versions. I have a small corps of copyeditors who have volunteered to look over a random selection of articles at Harvard’s site to test our theory that the versions available there will be less than maximally valuable for future scholars to rely upon, as part of the issue of Against the Grain that I’ll be guest-editing (and to which Dr. Harnad has graciously agreed to contribute).

On that baleful note, I’ll end by saying that I look forward eagerly to the day when OA fully takes over the dissemination of scholarship (and not just Green or Gold OA), partly because it solves the problem I have with Green OA now — but that I don’t expect that day to arrive anytime soon, even for journals, much less for books. There is a long road to travel before we reach the OA Promised Land. 🎯