Hackman, Tim. "What's the Opposite of a Pyrrhic Victory? Lessons Learned from an Open Access Defeat." *College & Research Libraries News.* **70:8 (October 2009), 518-521, 538.**

A recent failed attempt to pass a resolution in support of open access at the University of Maryland (UM), while disappointing to the librarians involved and to many observers, nevertheless provides some important lessons for working with teaching faculty to address the scholarly communication crisis.

The current effort began in 2005, when the Faculty Affairs Committee of the University Senate began investigating issues of scholarly communication and alternatives to continually rising journal prices and the resultant loss of access to research. At the time, it was widely agreed that faculty awareness of the issue and potential support for open access was low, and the discussion never made it past the committee stage.

This changed in the fall of 2008 when Terry Owen, coordinator of the Digital Repository at the University of Maryland (DRUM), and one of the libraries' elected faculty senators began working with the Faculty Affairs Committee once again to bring a resolution to the floor of the University Senate.

There had been several major developments in open access since 2005: the National Institutes of Health (NIH) Public Access Policy now required NIH grant recipients to deposit their research results in PubMed;[2] Harvard's Faculty of Arts and Sciences had voted for an open access policy,[3] and faculty at Harvard Law and Stanford University's School of Education quickly followed suit.[4] Although to our knowledge there had been little discussion of the Harvard and Stanford policies on campus, both the UM Libraries and the Office of Research Administration and Advancement had done some outreach on the NIH policy. That fact, combined with general faculty dissatisfaction following three consecutive years of journal cancellations, led the libraries' senators and the Faculty Affairs Committee to believe that the time was right to raise the issue again.

The beginning step

The committee decided that a resolution, rather than a mandate or a policy, was the best beginning step, a general expression of support for the principle of open access that could be used as a conversation starter among the departments and colleges.

The resolution as drafted was simple—a series of "whereas" statements that established the context (rapidly rising journal prices, flat library budgets, reduced access to scholarship, obligation to the tax-payers who partially fund the university, and availability of open access models such as the NIH mandate that have proven effective) followed by four resolutions: the university president should collaborate with other universities and organizations to advocate for nationwide open access policies; the university libraries should keep faculty informed about the pricing and open access policies of its journals and, where possible, assist faculty in negotiating reasonable copyright arrangements; researchers are encouraged to publish in open access journals when practical, negotiate with the journals in which they publish to maintain their

copyright, and to consider the journal price as one factor in deciding where to publish; and researchers are encouraged to deposit preprints and reprints in the institutional repository (DRUM) or in discipline-appropriate repositories such as PubMed Central.[5]

The resolution was worded with plenty of wiggle room ("encouraged," "where appropriate," "where practical and not detrimental to their careers")—a suggestion more than a prescription—and not terribly controversial.

Opposition to the resolution

Or so the resolution's supporters thought. The week of the vote, Owen sent out via the Senate e-mail list a short article on the basics of open access he had published in the faculty newsletter.[6] In response, a faculty member from Women's Studies wrote an unexpected and lengthy e-mail citing an opposing view on open access, including arguments that simultaneously demonstrated her misunderstanding and fear of what open access would mean. We in the libraries scrambled to send a response to the Senate members correcting a few of the faculty member's facts, clarifying the intent of the resolution, and attempting to assuage fears that open access would mean the death of peer-reviewed journal literature.

The chair of the Faculty Affairs Committee (who is a faculty member in Chemistry and Biochemistry, not a librarian) replied with his own articulate case for open access, which was followed by a few more e-mails on the subject from a handful of faculty members, largely from the sciences. Yet there was no evidence of the full-scale opposition that the resolution was about to face.

On April 23, 2009, the resolution was introduced on the floor of the University Senate and, once again, the Chair of Faculty Affairs offered an eloquent case for open access as a necessary corrective to the crisis in scholarly communication.

Unsurprisingly, when discussion was opened, the author of the initial opposing view e-mail rose to voice her concerns and express her opposition. But the libraries' senators watched in disbelief as faculty members rose one after another to speak against the resolution, with reasons as varied as they were misguided. Some claimed that open access would put journals out of business, especially smaller humanities journals published by scholarly societies and university presses. Humanities faculty in general expressed the opinion that the crisis in scholarly communication did not apply to them, that it was a problem caused primarily by the inflation in Science, Technology, Engineering, and Medicine (STEM) journals published by huge conglomerates and that an open access resolution that attempted simultaneously to include all disciplines was a mistake. There was some confusion between the nonbinding resolution and more restrictive policies; for example, some seemed to think that "open access" meant only "open access journals" and, since there were no viable open access journals in their particular disciplines, that they would have no acceptable publishing venues if the resolution were passed.

Others seized on the author pays model (just one business model for open access journals) as unfair, undesirable, and tantamount to vanity publishing, seeming not to realize the diversity of

open access arrangements and the role that peer review plays in open access publishing.

Another claimed that since, as faculty members, they already had free access to all of the journals to which the library subscribes, there was no problem with access to research. And, my personal favorite, some compared academic journals to print newspapers, which are going out of business "as a result of" making news content available for free online. When the vote came it was far from a landslide (25 in favor and 37 opposed, with four abstentions), but it was nevertheless a clear defeat.

The point here is not to ridicule the faculty members for their misunderstanding of the fundamental principles of open access, of newspaper publishing, or of the nature of the crisis in access we all (humanists included) now face. Rather, it is to point out the ways in which such important conversations could be better handled, in the hope that efforts at other institutions will be more successful.

What went wrong

The news of the defeat at UM reached the open access community quickly, and there were several attempts by outsiders to analyze what went wrong. In the "SPARC Open Access Newsletter," Peter Suber expressed the opinion that the inclusion of a waiver clause, such as in the policy at Harvard that allows faculty members to get permission to submit their work to journals whether or not those journals are open access, would have made it easier for faculty members to vote for the resolution.[7] Such a clause was not included because the resolution was neither mandatory nor binding, and so the drafters did not feel the need to include it. Speaking from a local perspective, the lack of understanding and quantity of misinformation among faculty members were such that it is highly unlikely that a waiver provision would have made any difference in the final vote.

In his initial blog post on the vote, Suber offers a different analysis, pointing out: "The resolution didn't focus more on gold OA (OA through journals) than green OA (OA through repositories), but the controversy focused more on gold OA than green OA."[8] Suber's point (also picked up by Stevan Harnad in a posting to Yale's Liblicense discussion list) is a good one, and indeed the "gold" recommendation was the most controversial piece of the resolution; there was almost no discussion of the self-archiving ("green") recommendation during the e-mail and Senate floor debates. The first lesson learned, then, is summed up nicely by Harnad: "Disentangle completely all talk and policy concerning the requirement to self-archive refereed journal articles (the Green OA mandate) from any advice concerning whether or not to publish in Gold OA journals."[9] Failure to do so, as we learned, clouds the fundamental issue—improving access to research— and raises unnecessary concerns, such as author fees.

While this is great advice for drafting an open access policy or resolution of support once the conversation is underway, the most important lesson from our experience at UM is that the majority of faculty members may not have a sufficient knowledge base to even begin such a conversation. As librarians, we made a number of assumptions that turned out to be incorrect (and thus fatal to our cause.) We assumed that most faculty members understood the current crisis in scholarly communication and, more importantly, agreed that it was a crisis. We also

assumed that most faculty members understood (at least to some extent) the concept and aims of open access. As a result, our efforts to educate the faculty were not as robust as they should have been.

Lessons learned

The "Faculty Voice" article on open access published in March 2009 had been the first of its kind at UM, and discussion and drafting of the resolution had taken place mostly behind closed doors within the Faculty Affairs Committee, without involving the rest of the Senate. A handful of interested departments (almost all of them in the sciences) had met with representatives from the libraries to discuss scholarly communication and open access, but the majority of faculty members had no direct contact with someone who could explain the issue and its importance and answer specific questions. It was hoped that the faculty newsletter article would help in this regard, but it was a case of too little too late. The lesson then is don't assume faculty understand the situation or sympathize with the library's point of view.

A closely related lesson is start early to educate the faculty and build support from the ground up. In retrospect, the University Senate was probably not the right place to begin a conversation on open access. Cultivate relationships with the faculty members who are interested in these issues and use them to start conversations within the departments. (The resolutions at Harvard and Stanford, for example, came from the initiative of interested faculty members in particular departments.)

One positive outcome of the defeated resolution is that a number of faculty members have since contacted their subject specialist librarians expressing their interest in the issue and offering to work with us on next steps. When the issue is raised again on a larger scale, hopefully there will be a better understanding of open access and a sense that this is a problem to be solved by the entire academy, not just the library.

It is clear that although librarians tend to view the crisis in scholarly communication as one that affects all disciplines, faculty have a narrower view determined by publishing practices in their particular subject areas. Any proposed resolution or policy should be flexible to allow for these disciplinary differences. Similarly, if librarians have the opportunity to address a group of faculty directly, they should be sure to tailor the information to the concerns of that particular department.

For the humanities, for example, one could begin by clarifying that rising journal prices are not just a problem for the sciences; rising journal prices eat into monograph budgets and fewer monograph purchases by libraries, in turn, means that publishers are less interested in the book-length studies that represent one of the most important avenues of scholarly communication for humanists, thus reducing access to their research.

Finally, don't be discouraged if your first (or second, or third, or tenth) attempt to call attention to this issue fails. As one faculty member e-mailed after the vote, "Open access is a matter of if, not when," and every setback can be viewed as a learning experience. In the case of my institution, we hope to take the lessons learned from this open access defeat and use them to help

us craft a stronger program of education and advocacy that will lead to future successes. Planning is already under way for meetings with humanities faculty in several departments at UM, with hopefully more to follow as professors share information with one another.

One potential area of traction we have identified is the issue of author rights—building awareness among faculty that they can and should reserve some rights to their own work. By now, many academic libraries, including UM, have created Web pages on scholarly communication and author rights, but this is not enough. We need to take the time to speak directly, early, often, and with sensitivity to disciplinary differences with our faculty to educate them on the issues. More importantly, we need to listen to their concerns about the future of scholarly publishing. Access to scholarly research, after all, is not just a library issue, and no progress can occur until the scholars themselves agree that it is an issue they are willing to help solve.

Notes

1. Special thanks to Terry Owen, University of Maryland, for his feedback on early versions of this article and for his untiring work in support of open access.

2. National Institutes of Health, Public Access Homepage, www.publicaccess.nih.gov/index.htm.

3. R. Mitchell, "Harvard to Collect, Disseminate Scholarly Articles for Faculty," Harvard University Gazette Online, February 13, 2008, www.news.harvard.edu/gazette/2008/02.14/99-fasvote.html.

4. Harvard Law School, "Harvard Law Faculty Votes for 'Open Access' to Scholarly Articles," May 7, 2008, www.law.harvard.edu/news/spotlight/faculty-research/hls-faculty-votes-for-%27open-access%27-to-articles.html; Stanford University School of Education, "Stanford University School of Education's Open Access Policy, www.ed.stanford.edu/suse/faculty/dspace.html.

5. The full text of the resolution is available at www.senate.umd.edu/meetings/materials/2008to2009/042309/FAC_Open_Access_Resolution_08-09-25.pdf.pdf.

6. T. M. Owen and Courtney Michael, "A Crash Course on Open Access," "Faculty Voice," March 22, 2009: 3–7, www.hdl.handle.net/1903/9028.

7. Peter Suber, "Lessons from Maryland," "SPARC Open Access Newsletter," 134, June2, 2009, www.earlham.edu/~peters/fos/newsletter/06-02-09.htm#maryland.

8. Peter Suber, "Maryland Faculty Votes Against OA Policy," "Open Access News. 24 April 2009. http://www.earlham.edu/~peters/fos/2009/04/faculty-votes-against-oa-policy-at.html.

9. Stevan Harnad, "Gold Fever: Read and Weep," Online Posting, April 27, 2009. Liblicense:

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www.library.yale.edu/~llicense/ListArchives/0904/msg00090.html.