

Faculty Council on University Libraries

January 12, 2022

UNIVERSITY LIBRARIES



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UW Negotiating Priorities (2019)

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UW Elsevier Checklist

1. Bringing down subscription costs and increases to a sustainable level that will not imperil other collection and service needs See Schedule I “Subscribed Products/Access/Fees” Page 10
2. Ending NDAs to allow the Libraries to disclose their contractual terms and permit greater market transparency See 7.8 “Confidentiality” - “INTENTIONALLY DELETED” Page 8
3. Allowing interlibrary loan to facilitate resource sharing See 1.3 “Authorized Uses” Page 1-2
4. Protecting the rights of users to share articles with students and colleagues See 1.3 “Authorized Uses” Page 1-2 **Pilot for International Interlibrary Loan (ILL) Page 2**
5. Ensuring the privacy and data security of all users **See 7.6 Page 10 and UW PDPA**
6. Protecting the ability of students and researchers to continue to access journals and articles
See Schedule 1.1 “Post Termination Access to Subscribed Titles” Page 12
7. Supporting the University’s Open Access policies by allowing re-use and embargo-free deposit rights and protecting researchers’ copyright in their own research **Letter of commitment for collaboration “to make sincere, good faith efforts to develop a practical, tangible Green OA pilot”**
8. Enabling greater market flexibility and responsiveness by negotiating contracts on a 3-year basis See “Schedule I” Page 10
9. Providing equitable service and access to information for all our library users **See 2.5 “Accessibility” Pages 6-7 (Agreed to “reasonable efforts”, Not to “shall comply”)**

Elsevier Agreement Details

Elsevier-UW 2020-2022 Agreement

Subscription costs:

- 2020 - 3.2% **reduction**
- 2021 - 1% increase
- 2022 - 2.5% increase

Year	Total Elsevier Cost
2019	\$2,626,899
2020	\$2,542,859
2021	\$2,564,543
2022	\$2,625,527

Challenges:

- Privacy
 - Couldn't reach agreement on terms in the UW PDPA

- Open Access
 - Pursued options for expanding repository-based open access for UW authored articles

Negotiation Challenges 2022

Current Licensing Principles and Negotiating Priorities need updating.

<u>Principles</u>	<u>Priorities</u>	Deal breakers
Authorized Users	Sustainable Pricing	Governing Law and Venue
Fair Use/Scholarly Sharing	Privacy and Data Security	Indemnification
Interlibrary Loan (ILL)	Perpetual Access	
Usage Data	No Long-term Lock-in (4+ years)	
Accessibility		
No Confidentiality Agreement		
Authors Rights		

Negotiation Challenges 2022

Q. What Are Deal Breakers?

A. License terms that expose the University and/or the Libraries to legal or financial risk.

New Deal Breakers?

- Accessibility
 - Legal cases
 - Higher Ed Institutions Face Liability for Inaccessible Web Content and Technologies
 - UW Accessible Technology
 - Legal Cases by Issue
 - Resolution Agreements and Lawsuits
 - Library E-Resource Accessibility Testing
- Privacy and Data Security
 - UW Privacy Office Data Processing Agreement

Negotiation Challenges 2022

Communication on Elsevier Negotiation, Negotiating Priorities, and Negotiation Deal Breakers

Questions for consideration:

- For the Elsevier negotiation - what are potential communication pathways between the Libraries, the negotiating team, and FCUL? How does FCUL want to be involved in communication to the rest of the University?
- For the negotiating priorities and deal breakers, how can FCUL help with communicating these out to the faculty and University community?

Thank you!

Let us know if you have questions or comments

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UNIVERSITY LIBRARIES



2021-22 FCUL meeting planning

UW Libraries' proposal

Discussion Topics

- Journal licensing agreements
- Coordinating with other Faculty Councils
- Develop communication pathways and messaging with stakeholders

Logistics

- Less presentation, more discussion
- Pre-meeting readings
- Meeting agendas with explicit goals and outcomes

FCUL meeting planning (draft)

FCUL Meeting	Topics*	Meeting Goals	Pre-reading
Jan 12	Contract recap and Accessibility terms	Understanding and input on deal breakers	<u>Elsevier Negotiations Update</u>
Feb 9	FY23 Budget and Privacy data processing agreement	Understanding budget process and priorities	TBD and <u>UW Privacy Data Processing Agreement</u>
April 13	Equity & Diversity Audit and Surveillance	Feedback on developing and implementing audit	TBD
May 11	Alternative access to collections	Guidance on support for alternatives	TBD

* Note: Subject to change

FCUL Discussion Prompts

Goal: *Develop communication pathways and messaging for key stakeholders about new and evolving library collections, services and issues*

- Who are the key stakeholders?
- What are the existing communication pathways?
 - What is working?
 - What could be improved?
 - How can you help UW Libraries?