Minutes of the Regular Meeting of the Academic Council

Thursday March 18, 2010

Craig Henriquez (Chair, Academic Council and Professor of Biomedical Engineering and Computer Science): Welcome everyone. We're going to get started. We've passed spring break, three hours into March Madness, that means we are nearing the end of the semester and we have a lot to do in our next two meetings and a

lot to do in this meeting. Because I want to give ample time to faculty discussion of financial challenges, I want to move quickly through our agenda. And the faculty discussion will be in closed session so those of you who are not faculty members, who have not been given pre-permission, will be asked to leave.

The first agenda item is the approval of the February 25th minutes. I hope you had a chance to look at them. May I have a motion to approve the minutes? [The minutes were approved by voice vote without dissent.]

I also would like to take this time to recognize and thank all of the Council members who have finished their terms, as this is the last official meeting for them. I have genuinely valued your input and insight and I hope you will continue to follow the business of the Council. You are welcome to join us at all future meetings, and I certainly hope you will join us again, and serve again, and encourage your colleagues to do so as well.

We will officially welcome our new Council members at the next meeting and we will also be voting on a new slate of ECAC members as three of our ECAC members will be rotating off this year.

Speaking of voting, last month, I mentioned a possible change to our bylaws affecting the nomination process. Because of spring break, I wasn't able to get the language in front of everyone, and because I didn't want to rush this, what I am going to do is present this language to the next council and vote at that time since we are not planning another election until January of next year.

Faculty Survey

One other piece of information: Nancy Allen, who is back there, former Chair of this Council and now Vice Provost for Faculty Diversity and Development, asked that I let you know that a faculty survey is going to be distributed very soon to all regular-rank faculty. The survey is intended to evaluate the climate for faculty at Duke — meaning issues such as stress, workload and its relationship to faculty quality of life, impact on resources for teaching and research and the effect of the tenure-and-promotion process on junior faculty; all of this will be assessed in the survey. As Chair of the Council, I'd like to encourage everyone's participation in order to get the broadest representation possible.

You may recall that a similar survey was issued in 2005. This survey led to improvements in facilities such as the development of the Link classrooms, gathering spaces, changes in mentoring practices, grant-administration support, and faculty-development issues, along with enhancements for support for work-life issues.

The plan is to compare the 2010 survey with the 2005 survey as well as with a set of peer private institutions, so we can gain some comparative perspective on the aspects of climate that are unique to Duke and those

that are shared with other institutions. It is hoped that these will help the administration with a broad array of issues that are facing the faculty here.

I expect that this will only take a few moments of your time, maybe ten to fifteen minutes, so I don't know if there is some sort of perk associated with it. Lunch with the President? (laugher) I like to always offer that as a possible perk (laughter). But I should inform you, to avoid confusion, because I know there will be confusion — there is actually another survey going out. This one is being issued by the *Chronicle of Higher Education* to assess almost the same sort of thing. We learned last week that 600 faculty will be randomly sampled and so you maybe will get another survey. But this is a different survey with a different perk perhaps, so just wanted to let you know that you might be asked to do two surveys and I realize that many of us have gotten our Census already, so that's another survey (laughter). You're filling out your brackets (laughter)…So Nancy, is there anything else you want to add regarding the survey?

Nancy Allen (Vice Provost, Faculty Diversity & Development): No, Craig you did a great job. The 600-person *Chronicle of Higher Education* — that survey goes to faculty and staff, so hopefully there will only be about two hundred faculty. But we will appreciate your contributions.

Henriquez: Any questions? Actually, we have a bonus agenda item. The President is going to update us briefly on the last Board of Trustees meeting and so I will let him take some time to do so.

Board of Trustees Meeting — Report

President Brodhead: I'd like to do this quite expeditiously. If you remember, it wasn't so long ago that the suggestion was made that the President speak to the

Academic Council after each Trustees' meeting just to briefly indicate what had been done at the last meeting. The last Trustees' meeting was the last weekend in February. That meeting is usually held in a so-called retreat format which means somewhat more informal and a deeper discussion, usually on one or two items of special strategic interest in the University.

What was decided to do this time was — it's been a little more than five years since I came as President, it's

been about five years since we adopted the most recent strategic plan — was to look at what Duke had said it was important to accomplish over the last five years, how much of that had been accomplished, and was it time now to define a new set of goals and just to muse about the state of the University with respect to its strategic plan.

I think what was quite interesting — it was a very informative and very spirited session — is, I think, that people understood at one point in Duke's history, there were things you could identify as needing amelioration and then a few years later you could come back and they were ameliorated. I see the Librarian here: at a time when the Library needed to be rebuilt, you could set that as a goal, and a few years later you could come back and it was rebuilt.

But the things that have been identified as the highest priorities in the current strategic plan, are actually things that represent long-term transformations of the University, and so by their nature, you will have made progress in them in a five year period, but you won't be there yet, nor will you be done with them yet. And I think that was well understood, and people were content that we had chosen a good path and are making progress on that path.

At every meeting of the Trustees we look at one school, this year was the turn of Arts and Sciences, and I think there was a lot of satisfaction in the report that (Dean) George McLendon gave about faculty hiring and faculty building in the University over that period.

There was also an update about international strategy, and the meeting where we said goodbye to Sandy Williams, who had been our Chief Advisor on International Strategy and said hello to Greg Jones in his new incumbency in that role.

There was also a serious look at the finances of the University, of which we will hear our version from Peter in a short while. And then we ended talking about the whole question of philanthropy, and I can give you the plot line as follows: The resources available for achieving strategic ends in the University are smaller than they were before the economic downturn. But that also means that as one thinks of philanthropy, philanthropy can be thought about, not just in terms of shedding drops of rain all over the whole landscape, but as something that might be directed, especially, towards strategic priorities, or the things that would actually do the most good for the University. So there was a long and interesting discussion of that at the meeting.

I think that the two things that I would take away from the meeting that are perhaps worth sharing, were the very high degree of interest among the Trustees in the phenomenon of entrepreneurship and social entrepreneurship, as an emphasis in a variety of schools — also, the Trustees' continuing interest in the subject of the conditions of housing and the availability of housing for a University whose undergraduate school is residential. So those were indicated as things that the Trustees regard as of ongoing strategic importance together with everything else. And if I could answer any questions, I would be happy to do so.

There weren't a lot of action items at this meeting, but I do think it was a chance to catch up, to ask ourselves, where did we say we were going, where are we now, and does the economic downturn fundamentally change our sense of where we should be going, does it spur us to move in those ways and even more aggressive ways, or whatever?

Questions

Garnett Kelsoe (Immunology): Could you give us an example of one of the long-term goals that requires a sort of longer-range remediation?

President Brodhead: Sure, but don't forget that many of the goals aren't remedial goals. There were goals in the last plan, there were a number of them that I think were remedial. I believe the work done on the Library could be called remedial and I believe it's not the only thing that was done in the building on excellent space that had a remedial effect.

But if you think of something like interdisciplinarity or if you think of something like internationalization, it's not like we were hopelessly parochial and now we are trying in a year not to be, but rather…you realize that the horizon in which higher education operates will be increasingly international, and so one wants to make sure you're continuing to evolve in a proportionate way. The same with interdisciplinarity, which everyone understands is not a goal you will proceed to in opposition to support for traditional forms of education, but rather you will always be wanting to get the balance right. And of course, that is a continuing work.

Kerry Haynie (Political Science): Yes, Are there any areas in which the Trustees wanted some pullback,

put the brakes on in light of the economic downturn?

President Brodhead: To tell you the truth, I think that the point of the way that we have been proceeding is, and everyone who came to my address to the faculty a while ago understands this, is to try to protect the highest priorities through this time, and at the same time, to live within our budget the better to protect our highest priorities. We did not receive instructions on things that people think we should be slowing down with, rather, I think there was a considerable affirmation that the bal-

ance between where you've got your foot on the gas and where you've got your foot on the brake (laughter), or how shall I put this in a different way? (Whenever I read my metaphors in the minutes, I always regret them (laughter).) The balance between where we are right to sit down to a healthy meal, and where it is appropriate to diet, is also, I think, an appropriate metaphor (laughter).

Patrick Wolf (Biomedical Engineering): Could you expand a bit on how entrepreneurship was discussed?

President Brodhead: Well, you know, the plans of every one of our schools are based on the notion that we have now moved far beyond the period in which students will be thought of as passive recipients of knowledge; actually we are all looking for more and more ways to make them more and more actively engaged. At the same time, there are many parts of the University where delivering the social benefit of research is a matter of figuring out ways to carry out ideas and discoveries made in universities in the domain of practice, and in the domain of commerce. Both of these are areas in which enterprising people, people trained and self-conscious about enterprise, will be able to be especially helpful. You know that Fuqua has big programs in entrepreneurialism as does Pratt, and the social entrepreneurial center in Fuqua comes to mind — lots of undergraduate activities in this regard. I think that one of the things we realize is that it's a word you now hear in many places; it's a word whose meaning perhaps has not been entirely stabilized within the University. It is possible that we mean a lot of different things by entrepreneurialism, but I think the moment comes when we need to reach some deliberated understanding of what does this mean and in what proportion is it a goal of the University to further it?

Transition to Orthopedics Department

Henriquez: Thank you very much. We will move on to our next agenda item, which is a vote on the proposal for the Orthopedics division to transition into a department. If you were here last month, you heard Dr. Michael Cuffe present the School of Medicine's proposal to transition Orthopedic Surgery from a division to the Department of Orthopedic Surgery. Dr. Cuffe is not here today for the vote, but Dean Andrews is here today, so if you have any additional questions regarding this transition from division into a department … If there are no questions, may I have a motion to approve this process? [The motion passed by voice vote without dissent.]

Congratulations to Orthopedics. I hear now that the perks for filling out the faculty survey is a free knee replacement (laughter).

Draft Open-Access Policy

At last month's meeting, we had a very good discussion regarding the Draft Open Access Policy. If you were not here, I hope you had time to read that section of our minutes. I also sent out, just that section of the minutes, to all Council members, in preparation for this

meeting. The co-chairs, Cathy Davidson and Paolo Mangiafico are here today to answer any additional questions.

Many of the questions last time were focused around the issue of duplication of effort. There was some concern by faculty that they were going to be asked to do more. Many faculty who were engaged in NIH - type research already are involved in open access: so are we going to be asked to do more? That was one of the issues. While the goal, at least in terms of policy, is I believe to try and make this a service model, make everything easier for the faculty, a service model is not yet in place. This makes it somewhat complicated in terms of evaluation.

A number of other questions related to the cost of the implementation: again, we are not exactly sure what this plan will be, so cost is difficult to assess, but there is a question: will this cost us a lot? In these times where we are being asked to make tradeoffs, I think cost is an important issue.

We did not have very many representatives from Humanities at the last meeting. Many of the questions came from the NIH-funded researchers. We did get some follow up email from Karla Holloway, I did send some, and the answers to those, were sent to all of you. I hope you had a chance to look at that.

At present, the Library is seeking an endorsement from us on the policy which will allow them to move forward and find a suitable and cost-effective service model. One of the things that I think we should try to do today as a group is determine whether, once a service model is figured out, to ask the Library to come back, tell us about that service model, and tell us a little bit more about what it might cost.

I think the idea of trying to decouple the philosophy of the policy, which involves open-access of all of our scholarly publications, from its implementation, is a good one and I am suggesting that we do that. We can sort of decouple the two and then approve the philosophy of open access today, or discuss the philosophy of open access today, and then talk about an implementation plan once it is developed.

In other words, we give this group the impetus to look at a plan and come back to us with a more cost-effective solution. In thinking about this, I realize that even in the absence of a service model, if a cost-effective solution cannot be found, the idea of having a policy like this is a benefit to all of us, particularly those of us who are putting our scholarly publications on our own websites. This gives us some sort of legal coverage for doing so, and Paolo can talk a little bit more about the implications of that. I am going to let Paolo and Cathy answer any questions that you might have. We did have a fairly lively discussion at last month's meeting and hopefully it can continue today.

Cathy Davidson (Department of English and Co-Chair, Open Access Policy Task Force): I do want to just begin by saying that this is not for all scholarly publications, it is specifically for journal articles. Our charge was to look specifically at open access for scholarly publishing in journals and, actually, this committee was not

charged with an implementation plan. It was trying to come up with principles that we could all agree on, legal and other principles. We looked at all the existing policies that have been approved at other universities and thought about which ones would work best for Duke. And we have now carried this around to fifteen or so committees, departments, subcommittees, and so forth

and have been taking comments and feedback since June when we first started looking at this, and we are very happy to answer questions about how we got to where we are and are very open to feedback and comments.

Questions

Karla Holloway (English): I have a comment and a question. One is I appreciate the responses to the questions that I forwarded. I am not quite as sanguine about the idea of open access coming with a value attached to it — and the idea of the value is that our approval would connect to our institutional citizenship — that opening our documents for use is a good thing to do. I don't speak for all the humanities; but I wouldn't want the concerns of the humanities regarding this policy to be seen as different from an interest in institutional citizenship … that opting out would be viewed as counter to the institution's expressed value on this matter. Of course I don't speak for the Humanities — but a Humanities scholar's critique is not a lack of interest in open access. So what I would like to see is a policy that indicates that open access is not a universal value, that instead it is an option. I would want a policy to reflect something that includes the idea of options — one that is a bit more structured in this regard for us to consider.

Another issue that comes to mind is the increasing use of images by Humanities scholars, and their use we get with one publication, we would know whether or not that would extend to open access or forward. So I think that there are ways to structure both the response to Humanities interest and embrace — I don't know if the policy can do this — all the divisions of the institution so that we are all equally concerned about the value and supported in terms of our valuing this access, but also concerned about the differential affects of this on our various disciplines. Instead of thinking that the Humani-

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ties might just want to opt out in case they are worried about something, I would rather the approach be let's see how clear we can be so that we don't have to opt out.

Davidson: I can answer part of that and I think Paolo can do the more technical parts. My sense is in places that this has been adopted, it has not been differentially accepted or rejected by Humanities versus other kinds of scholars. I think the issues you raise are really important across the board and there are parallel ones in other fields, but Paolo can talk to that.

I also wanted to say that this would be a three-year policy because the landscape moves so fast. The problem with images is very different in 2010 than it was even in 2008 and we don't know what the policy will be in the future so there has to be built into the policy at any time the [possibility for the] faculty to want to change their role in this policy because it served their work, that can happen. That is intrinsically part of the policy because we don't know the landscape in three years, nobody does, nobody knows what will be happening three years from now.

Paolo Mangiafico (Office of the Provost and Co-chair, Open Access Policy Task Force): I just want to add that we have today Kevin Smith, who is a scholarly communications officer, and that was a position that the Library created four or five years ago, specifically to

provide advice and consultation on these kinds of issues. So Kevin is available even now, with or without this policy. If you have questions about the publishing licenses that you are about to sign or want advice on, you want to have open access, can you do that under your license or do you need to amend the license? That kind of thing. Or if this policy comes into effect and you have questions about how this is going to affect me and my future licensing and future publication, I think Kevin is available to help answer those kinds of questions.

Kevin Smith (Scholarly Communications Officer): I will just make two comments about that. One is when you ask for something to be more structured, one thing that's possible is that the faculty could adopt a recommendation or portions for the faculty and departments could adopt a recommendation to use a specific document with all publication agreements. That has been done at other institutions. So that is one option that would be perhaps beyond this policy but certainly possible.

The other thing I just wanted to say is that we have a fair-use argument for including images in publications now. Fair-use is very, very fact-specific, but I think, as a general matter, if it is fair-use and you use it in a publication in a subscription journal, putting it into an open-access repository would still be fair-use. What determines the fair-use there is really the incorporation into a scholarly argument that is transformative, to use the language that these judges use.

Holloway: I can imagine structuring an argument that way, but I can also imagine the counter to it. I think just considering the way in which in Visual Studies — as you say Cathy, initiating cross fields — we should see the advantages, is something worth our attention.

Smith: That's something we will just have to pay attention to as it goes. There's a lawsuit going on right now about fair-use against a University. When that's decided we will know more than we do today.

Davidson: It's a moving target. Literally right now that is being decided, and it will be decided again later. And that is why there has to be flexibility that anyone can opt out at anytime.

Phil Costanzo (Psychology and Neuroscience):

Given our concerns, is it possible to review open-access and what makes it a good thing?

Davidson: Let me give an example. I am teaching a course called "This is Your Brain on the Internet" and on Monday I was talking about this in my class, because Geoffrey Mock's article had come out and we were having a conversation about it. And one of my students, it turned out, last summer, was an intern for Congress working on research for the Health Reform Bill and kept being asked to do research that he couldn't find answers to. He was getting very frustrated, as was everybody else, he found out, and thought well maybe I should just try through Duke. And within a second was able to find those answers. This spread throughout Congress, and as he said in my class, "I'm a twenty-year-old kid and all of the sudden, all of the Congress people were coming to me asking for me to be able to use my Duke Card to get access to articles." (laughter)

That's the issue. If you are here and you have a Duke Library Card, life is good. I was at the wedding this summer of a former Duke graduate student who was back who taught at Emory, and she said that she can't get many of the journals that she could when she was a stu-

dent, and our students who are at other schools can't at all. At the very least…I would love to reform the whole system .. for me this is such a modest step. But you do what you can. At the very least, it allows us as faculty to have our work available in an access where the students, the public, and others can see, not the final version even, it's just a PDF of the penultimate draft that would be going to this, and it would allow it to be accessible by databases and other sources. And that to me is a huge good.

It seems to me, and this is where I get passionate, and this is a different issue than what we are very modestly proposing, we are in the Information Age, and we are scholars and our work is as gated as any information out there anywhere in the world. There is something way wrong with that. Way wrong with that. So that is why I agreed to be on this committee and I realize that we are taking a baby step. But it's a symbolic step, and I think an important one.

Kathy Franz (Chemistry): I was wondering if you could comment about what the responses in the publishing world as the trend goes more this way, and what are the future ramifications of that?

Davidson: I know a lot of publishers (laughter). My partner is the Editorial Director of Duke University Press, so we have had many, many conversations about this. About 80% of academic publishers are fine with this policy. The ones who are not, tend to be the big commercial publishers, who, in my opinion, are the problem to begin with. And if part of this is to provoke some kind of attention to those publishers, I am fine with that.

Smith: When we first started talking about this, I was in a conversation with a small group of faculty, and garnered from that the name of eight publishers that they were interested in and specifically went and did some research about this. Of the eight publishers, which were pretty much randomly selected. (I brought it with me, I won't go over it in great detail.) But of those eight publishers, four of them allow immediate self-archiving by the faculty. No problem at all. Three of them allow self-archiving after some period of time. If it's the journal *Nature*, six months. If it's the American Sociological Organization or the journal *Academic Medicine*, twelve months. Only one of the eight publishers had a real problem with this. That's John Wiley. (laughter). But also, Elsevier, which is one of the largest publishers, is one of the ones that had no problem at all. But seven out of eight would have been fine, and the eighth probably a waiver would be necessary, because they're pretty intransigent and I have talked with them and haven't gotten very far.

Davidson: My other interest in being on this task force was making sure that if we had a policy there is no way it could hurt — especially junior faculty, but any of us as faculty. There is one value in making the fruits of our intellectual labors as available as possible. There is another value in making sure that we protect our faculty's publications and integrity. This policy has opt-out waivers for exactly that reason.

Henriquez: Could you explain a little bit more about the opt-out? There has been some misunderstanding that I attribute to a misunderstanding of what the opt-out, opt-in policy is. Could you elaborate a little more on this?

Mangiafico: So, one of the things that we are still working on is how to develop a service model that doesn't involve you necessarily having to be proactive and say "I really want my article to be open-access and therefore I am going to go to this Library repository and upload and so on." You can do that. We have a system that would allow that now. It isn't set up yet for faculty publications, it is used for theses and dissertations, but that is an option.

To try and make this more universal, we realize that we need to put in services that will make it easy to do. One of the ideas that we are looking at, and some other universities have done that — for example North Carolina State University has what they call the Scholarly Publications repository in their library, where they have a program that goes and looks at bibliographic sources, the databases where your journals are already indexed and published, and matches that against a directory of all the faculty in their University. They bring back the citations, but in a database, so you have a database of all the citations, without having to key those in. Their site right now is they have an upload button next to each one of those, so if you wanted to upload your publication and have the legal right to do so, which you would have to investigate on your own, you could do that, and the publication would be available through the North Carolina State Library system.

What we are trying to do here is add some extra steps onto that kind of process. Where not only would we be trying to get the citations, so you wouldn't have to type them in, but we would also do some lookups of the publisher policies. There are some databases that track those kinds of things, so then we would be able to compile those also. An example of how we would like to implement this is: once a year you would get an email saying these are the publications that we think you published in the past year. Here are the publications that they were in and here is what the policies are for those. Are you okay with us archiving these publications? If not, then uncheck these boxes, if you want to opt out of all of them, opt out of all of them.

So it would be a sort of reactive kind of thing, rather than something that you will need to know and think about up front. So I am hoping that we will be able to provide that information on the journal licenses and situations of the particular journals you are publishing in, so that would provide you some more information about what that kind of environment is, before you agree or disagree to do that.

Raphael Valdivia (Molecular Genetics and Microbiology): So if you have a multi-authored publication from different institutions, do you have to go back and contact every single one of them?

Mangiafico: I am going to pass that question to Kevin because he is better able to answer the legal aspects of that than I am.

Smith: As a legal matter under US copyright law, if you're a joint author, which would be the situation, you

could actually grant this license without the permission of all your joint authors. I don't think I would recommend that in practice (laughter), but as a matter of legality you could. So really you would still have the control to say "Yes I want to do this," "No I don't want to do it," or "I am going to go back and check with my joint authors" but we wouldn't have any direction about which one of those you had to do.

Valdivia: So is it a verbal type of communication?

Smith: Yes. It's a non-exclusive license which can be given verbally.

Davidson: And revocable. If your co-author says "I'll never write with you again," you can then go back in and revoke it. (laughter)

Smith: And maybe that is something that we need to say in regard to the question of opt-out. The policy is completely waivable by a faculty author.

Davidson: At any time.

Smith: Right. It actually says in the language "irrevocable." But the irrevocable essentially refers to any subsequent copyright holder because the waiver of the faculty author is built in. What we don't want to have happen is you grab the license, and then somebody to whom you transfer copyright comes along later and revokes it. That's the relationship between the waiver and irrevocability.

Davidson: You hold the copyright. Not the publisher. Not Duke. You hold the copyright.

Smith: Until you transfer it.

Davidson: Yes. And if you wish to transfer it, you may transfer it.

Steffen Bass (Physics): Another question with respect to the opt-out, which is a very nice instrument as long as the authors know what they're doing, are aware of potential problems developing with their scholarly work with regard to publishing it with a certain publication house, and so forth. In most cases, authors aren't that savvy up front. And it may get them into trouble without knowing it before hand. So can you comment: are there any provisions in place to try to help the authors out?

Davidson: Now that's exactly why we're trying to develop a service. We aren't. I'm not. *They* are trying to develop a service model where there's a database of all of the copyright agreements of each journal, so when they write to you, you will see right there "Do you wish to do this?" and this is the policy of the journal, so that information would come together. No one should have to know all of this. That is why we have experts in the field. It's very complicated and it's changing all the time. Even if you memorized it all today, two years from now it might be quite different, so this would be a database that is kept up.

Mangiafico: And that's a service that could be provided prior to your publication agreement. That database already exists, and Kevin is here to provide that kind of service. And so anyone at anytime could give Kevin a call or send Kevin an email and ask, "I'm about to sign this thing. Should I sign addenda or do something else with it?"

Smith: And I think part of the service model that we talked about is that the database that's out there is kind of funky and difficult. I would like to see it, it would probably be a task for my office to do, that we develop the world's simplest database. Two columns. What's the name of the journal? Can you do this? (laughter). That's really what I would like to see us develop, but before that point, first of all, I would encourage you to read those contracts and keep them. They really do determine your rights in a lot of ways. I am here to help you with that and to look at those databases.

Davidson: I should mention that the Center for the Study of Public Domain in the Law School said they had a number of law students who would love to be able to do that. They are very, very enthusiastic about this, and would love to do this as part of their education. So it isn't necessarily an expense that would be incurred, but part of somebody's experience as a law student.

John Staddon (Psychology and Neuroscience and Faculty Secretary): I assume that for pre-publication material, that's necessarily opt-in? You would have no access to it, unless you trawled someone's personal files.

Davidson: Right. Absolutely.

Costanzo: This has been stated as a pilot project of sorts that would go on for three years. What will be measured in the context of a pilot program as to the success of this facility, what will be the criteria for evaluating whether this should be continued? And for subsequent years, how will those data be collected?

Mangiafico: Yes, so I will admit that I haven't really thought that one through and we'll be able to talk about this more on the task force. I think one of the things we can do if we are able to collect the articles here and deliver them from here, we will be able to count how many times they are being accessed and downloaded. We can also gather information about how many times they are being cited elsewhere through other databases and collect that information and other kinds of use counts like that. So we should be able to have some indication of "are your works being read more now that they are in open access capacity?"

There have been some studies done that show that articles that are available through open-access are definitely downloaded, and potentially read more, but also cited more. So I would expect that we see a similar trend here. That's something that we would look at. The other thing we would want to analyze is: what's the participation, how many people are opting out or not, are we providing a service that is truly as easy as we think that we will be able to do? Those kinds of things and if not, we will revisit whether or not we think this is really worth doing.

Davidson: And certainly a factor would be if faculty report to us that they are getting in trouble with their journals. If we see a pattern of people saying that they want to opt-in and then feeling they have to opt-out to protect themselves. Those types of things.

Holloway: So, at the end of this process we will have a database of articles to evaluate it in all of the ways that you mentioned, but also a single database that exists that you might decide you don't want to exist an-

ymore, you want to add to, or change in some way. What's the vulnerability of that database to any changes that you might make in three years?

Mangiafico: Do you mean from a legal perspective?

Holloway: Whatever perspectives you can imagine. In other words, you have something physical that would exist after this three year process. What you are saying is an evaluative three years, but at the same time you end up with material. What happens to this material?

Deborah Jakubs (University Librarian): I think there's confusion about this pilot that could go away, and as a pilot that would be reviewed, and how it will continue into the future. The library is certainly committed to this for the future, this is the way libraries are developing all over the place, and we would never abolish it or change it, we would adapt it as necessary to accommodate the changes in legal things and other things that Cathy has alluded to. It's the direction libraries are going.

Holloway: That's a slightly different version for me — an experimental project [rather different] than one that already has some stability.

Davidson: I think again, I'm not sure if I am answering this correctly, I'd love the people who really know about this to speak, but my sense is part of the commitment the Library is making, and this is one of the benefits to faculty is … Journals can come and go, especially some small journals. And the whole commitment you are making on the first part of this is preserving things in perpetuity that might not be preserved in other ways, and taken in digital form — which is a pretty major commitment.

Jakubs: That is a good way to look at it, as a natural extension of the mission of the Library to acquire, preserve, and make accessible intellectual output of the University. I think that is going to be the easiest way to see it.

Davidson: And again, if somebody doesn't want their work preserved, they can opt out.

Henriquez: Any other questions? I think everyone involved in this task force has worked incredibly hard to put together a policy that will work for Duke. It is one that is based on existing policies of several leading universities. Right now, I think that what is before us is an opportunity for the faculty to say, "We are supportive of this open-access model for Duke University," that we want our publications to be out there in the public domain.

Allowing the faculty member the ability to opt-in, opt-out as they see fit, allows them to do what they need to do with their scholarly contributions. What I hear, that's the plan. The plan will be adapted to allow that. There is some question about what this will cost. And Deborah and I have had an email exchange for the past few hours talking about this. And my understanding is that this will be worked into the budget of the Library and part of the mission of the Library, so it will be dealt with as sort of a Library activity. So there may be some sort of reallocation of resources with the Library to allow that.

Jakubs: It's not as if this is something that needs to be built from scratch. We already have the electronic theses and dissertations. Tim Pyatt, University Archivist and Associate Director of Special Collections is here, and he has been very involved in creating that database. So it is really a question of scale, and scaling this up, and as I wrote to Craig, we don't expect tomorrow to have all of you and all of your colleagues submitting your articles to be put into this database overnight. It's something that we are developing a service model for, that our library specialists will work with individual faculty on specific questions, and also Kevin will be available. We will begin the process of absorbing these publications as an ongoing part of our observations.

Henriquez: So is our motion to endorse this open access policy?

[Motion passed by voice vote without dissent.]

Thank you all for this. You've worked very hard, even in the last couple of hours.

We are now going to move into closed session for the last item on our agenda. Would all those who are not members of the faculty, please leave the room? Our meeting will end following this discussion, so you are free to leave.

[Executive Session]

Respectfully submitted,
John Staddon
Faculty Secretary, April 14, 2010