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https://escholarship.org/uc/item/8cn0q1nw

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Publication Date

2019-05-01

University of California

Negotiating with scholarly journal publishers

A toolkit from the University of California

A North American framework for creating transformative change in the scholarly publishing industry based on initial insights from the University of California's 2018-19 negotiations with Elsevier

Prepared by the UC Publisher Strategy and Negotiation Task Force

May 2019

The University of California's (UC) 2018-19 journal contract negotiation with Elsevier has been widely followed. In response to ongoing demand for information, this negotiation toolkit was created to provide support and insight for institutions, particularly university librarians/directors and faculty in North America, interested in restructuring their publisher contracts for journal content.

UC greatly appreciates the messages of encouragement and congratulations that have poured in from around the world — including, as of May 2019, 17 statements of support representing 41 higher education institutions across the United States and Canada. This support testifies that there is a growing will to utilize publisher negotiations to sustainably reduce expenditures for academic journal subscriptions in the service of transforming journal publishing to open access.

While UC has not yet secured a transformative open access agreement with Elsevier, the university has successfully built a strong internal coalition around taking a principled stance in publisher negotiations and, in April 2019, UC and Cambridge University Press entered into a transformative open access agreement — UC's first, and Cambridge's first in the Americas. UC's negotiations have also started a national conversation about how libraries can restructure their publisher contracts in the service of open access publishing and the central role that faculty must play in these conversations.

Thanks to the efforts of open access pioneers around the world and, in particular, our European colleagues (including Projekt DEAL, the Bibsam Consortium, FinELib, Hungary's Electronic Information Service National Programme, and more), UC has stood on the shoulders of giants, building upon existing knowledge and expertise to leverage publisher negotiations to effect a transition away from the standard subscription model and towards open access.

With this toolkit, UC hopes to enable others to do the same, following UC President Janet Napolitano's open access call to action:

> I urge my colleagues at universities nationwide and worldwide to join the University of California in advocating for open access to the groundbreaking research taking place on our campuses and in our laboratories every day. Now is the time to take a stand — together — and launch the next information revolution by ensuring that publicly funded research can benefit all humankind.

The time to reinvest subscription funds into open access by radically rethinking and restructuring publisher agreements is now.

HOW TO USE THIS TOOLKIT

This toolkit begins with an introductory guide to transformative agreements and UC's unique multi-payer model, which is the model that UC proposed to Elsevier and that has formed the basis for our discussions with other publishers.

UC's model was created to allow large research-intensive institutions to sustainably transition from the current business model underpinning journal publication, which is based on reading, to one based on open access publishing. Many of the recommendations in this toolkit are applicable to a variety of negotiation strategies related to restructuring publisher contracts, including offsetting and breaking up Big Deals.

The toolkit sections that follow mirror the organizational structure that was established to aid planning and activities related to UC's negotiation with Elsevier. A **negotiation task force** was formed to guide UC's negotiations with Elsevier and to manage systemwide committee engagement and stewardship of UC's shared negotiation goals. UC's library leadership committee charged the task force and received endorsement from the systemwide Provost's scholarly communication committee and the Academic Senate library committee.

The task force included university librarians; faculty; associate university librarians for collections; representatives of the California Digital Library (CDL), the UC body responsible for systemwide online journal subscriptions; and communications experts. The task force was chaired by a university librarian and the CDL director for collection development and management, and was empowered to charge activity-based teams as necessary. The teams that reported to the task force were:

- **Negotiation team:** Comprised of the task force co-chairs, faculty, and CDL representatives. Refined CDL's original negotiation proposal and participated in all negotiating sessions, presenting a unified library-faculty front.

- **Communications team:** Communications directors from three UC libraries developed and oversaw strategy for communicating with all audiences, including university administration, faculty, students, the media, and the public.

- **Analytics team:** Data analysts, collections staff, and a university librarian analyzed Elsevier holdings value and publication output, and developed draft negotiation targets and proposals.

- **Alternative access team:** Resource sharing, technology, and public services staff provided recommendations for alternative access strategies and implementation.

It is important to note that context is different at every institution, and while the onramp for pursuing transformative open access agreements is now shorter (institutions can build on the work of UC and those in Europe, and publishers are more familiar with the various models for such agreements), it can take time to engage stakeholders and establish shared objectives.

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About the authors

This toolkit was prepared by the following members of the UC Publisher Strategy and Negotiation Task Force and its support teams. The task force represents UC's faculty University Committee on Library and Scholarly Communication, the Council of University Librarians, and the California Digital Library.

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An introductory guide to the UC model transformative agreement

Transformative open access agreements has recently come into use as an umbrella term for a type of comprehensive publisher agreement. According to the [ESAC Initiative](#) (Efficiency and Standards for Article Charges):

> Transformative agreements are those contracts negotiated between institutions (libraries, national and regional consortia) and publishers that transform the business model underlying scholarly journal publishing, moving from one based on toll access (subscription) to one in which publishers are remunerated a fair price for their open access publishing services.

Various flavors of such agreements have evolved in recent years, with a corresponding evolution of terminology:

- **Offsetting agreements**, in which fees for subscriptions and for article publishing offset one another, so that either subscription fees are reduced as publishing fees increase, or article publication charges (APCs) are heavily discounted to account for fees allocated to subscriptions;

- **Read and publish (RAP) agreements**, in which, often, a single fee covers both subscription access and open access publishing for affiliated authors, with the balance tilted toward subscription charges; and

- **Publish and read (PAR) agreements**, in which all or most costs are allocated toward open access publishing at the article level, with read access and perpetual rights to subscription articles included as a benefit of the agreement.

While some observers have described these as distinct agreement types, this is a fluid and evolving area in which agreement characteristics are subject to ongoing variation, innovation, and negotiation — and additional models continue to be developed.

Are all of these agreement types truly transformative? It is true that such agreements can be viewed and implemented in a homeostatic manner. However, the libraries, consortia, funding agencies, and, in some cases, publishers that have pressed for these agreements have generally done so with the intent to facilitate a cost-effective transition from subscriptions to open access over time. While the timeframe for transition may be expressed in a variety of ways — from the ambitious goal of full transition by 2020 articulated by Plan S to simple expressions of an intent to transition at some indeterminate future date — the institutions negotiating such agreements generally share

Key UC documents and resources

- [Open access agreements at UC: modeling the transition](#)
- [UC and Elsevier: a blueprint for publisher negotiations](#), April 8, 2019
- [Pay It Forward: Investigating a sustainable model of open access article processing charges for large North American research institutions](#), June 30, 2016

Key community resources

- [14th Berlin Open Access Conference report](#), December 13, 2018

the goal of placing subscription and open access charges into a unified framework with meaningful cost controls and eventual full open access transition. This is the perspective with which UC is approaching these agreements.

UC origins: The Pay It Forward project

In 2016, in response to concerns developing at several of UC's libraries about the potential cost of an APC-based transition to open access for large research-intensive institutions, UC undertook a year-long study funded by the Andrew W. Mellon Foundation to examine the affordability and viability of APC-based open access at publishing-intensive universities. The findings of this study, called [Pay It Forward](#), have been widely [presented](#) and discussed. Two of those findings have shaped UC's approach to transformative agreement design:

- **Role of grant funding:** In order for APC-based open access to be affordable for publishing-intensive institutions, library subscription budgets alone are not sufficient; grant funding needs to be part of the funding mix unless future competition reduces total payments to the publishing industry. Since most published research is a product of grant-funded research, and since such funding is typically used to cover open access charges now, this can be thought of as an extension of current practice.

- **Role of authors:** The best path to long-term cost control will be one that involves authors in funding decisions, ensuring that they have "skin in the game." Since publishers compete for authors and authors are the ones who decide where to place their publications (and, where applicable, how to expend their grants), Pay It Forward posited that by giving authors financial agency, the cost of publication would evolve to reflect its actual value to authors.

The UC transformative model

On the basis of these ideas, UC developed a unique "multi-payer" model for transformative agreements designed to engage authors and encourage shared funding between university library and research funds that can be replicated at other U.S. institutions. The model combines library funding — in the form of baseline financial support for all authors and full financial support for authors lacking grant funds — with an author workflow that asks authors with grant funding to pay a portion of the article publication costs. This is the model that UC proposed to Elsevier and that has formed the basis for our discussions with other publishers (including our April 2019 agreement with Cambridge University Press).

It is important to note that the co-funding elements of this model need not be limited to subscription publishers, but are intentionally designed for implementation with native open access publishers as well. The model is intended to create a level playing field for publishers of all types. Specific characteristics of the UC model include:

- **Default open access.** Open access is the default publication option for all UC corresponding authors who publish in the target publisher's journals. Authors have the choice of opting out.

- **Reading fee.** The former subscription fee is greatly reduced and becomes a "reading" fee for access and perpetual rights to articles that are still behind a paywall.

    - o UC has set its desired reading fee at 10% of the previous license fee, to allow for the bulk of the former subscription fee to be allocated to APC payments. The size of the reading fee recognizes that the proportion of closed to open access articles is decreasing as similar agreements are negotiated elsewhere around the globe.

- **Discounted APCs.** The library negotiates reduced article publication charges (APCs) with the publisher, to bring the overall costs of the agreement into an affordable range that can facilitate a rapid transition to open access while protecting both the university and the publisher from undue economic risk.

- **Overall cost.** In general, the total of all fees (reading fee + APCs) should be no more than the current licensing cost, possibly also including any existing APCs that have been paid outside the previous license agreement. To achieve this aim, negotiated APC discounts may be 30% or higher.

- **Co-funding model.** Publication fees are subject to a co-funding model involving both institutional (library) funds and author (grant) funds, in a unified workflow:

    - o **Library subvention.** The library provides a baseline subvention to cover a significant portion of the publication fee for all authors (e.g., $1,000 per article).

    - o **Grant-funded authors.** Authors with access to grant funding are asked to pay a remaining portion of the article publication fee at the time of acceptance if they are able to do so, to allow for sustainability and scalability over time.

    - o **Unfunded authors.** The library covers the publication fee in full for authors without access to grant funding (e.g., many authors in the humanities and some in the social sciences). Authors indicate the need for this support after their article has been accepted, as part of the publisher's standard APC payment workflow.

    - o **Author choice.** Authors can opt out of open access and publish their articles behind a paywall at their discretion.

    - o **Aggregated library payments.** All library-funded components (baseline subvention and full funding for authors lacking grants) are paid through direct, periodic bulk payments to the publisher; there is no need for authors to request funding explicitly from the library. However, the full article publication costs, including library subvention amounts, should be disclosed to authors in the publisher interface.

- **Cost controls.** Once established, the overall cost of the agreement varies up or down from year to year by a designated amount keyed to publication volume, to allow for gradual adjustments in response to author publishing behavior while allowing both the institution and the publisher to predictably manage costs.

    - o UC's model puts this standard variance at 2% — thus, the overall fees paid to the publisher can vary up or down by 2% per year.

Because author payments from grant funds are included within this cost-neutral, cost-controlled spend, the actual payment from the library to this publisher may decrease, freeing up library funds to offer similar support models for full open access publishers.

Arriving at your shared goals for the negotiation

Clearly articulated and broadly supported goals should be established prior to entering publisher negotiations. These serve as a touchstone throughout the negotiation process.

Recommendations

1. **Develop a university-wide coalition.**

   Establishing shared negotiation goals for transformative open access requires a strong alliance between your administration, faculty, and library. Identify existing or establish new committees to appropriately support active participation and provide ongoing input.

2. **Prioritize a partnership between the library and faculty**.

   The work of the faculty and library must be mutually reinforcing; from developing goals and a comprehensive strategy to signing (or not signing) an agreement, the faculty and library need to be working in partnership. At UC, the faculty representatives on UC's negotiation task force are key faculty leaders who are dedicated to both the negotiation and assisting with internal stakeholder engagement.

3. **Leverage the growing body of evidence to bolster confidence within your stakeholders**.

   Successful transformative agreements, as well as the North American and international experience with walkaways, can be utilized to bolster confidence with your stakeholders. For many UC administrators and faculty, knowing that UC was not acting in isolation, but adapting and advancing a new model that better reflected the funding structures of research-intensive institutions in North America, empowered us to take action.

Key UC documents and resources

- [Pathways to OA](#), February 27, 2018
- [Declaration of Rights and Principles to Transform Scholarly Communication](#), April 25, 2018
- [Negotiating Journal Agreements at UC: A Call to Action](#), June 21, 2018
- [Knowledge to the people](#), April 9, 2019

Key community resources

- [OA2020.us](#)

4. **Broadly communicate and contextualize your goals well in advance.**

   In consultation with the appropriate faculty/administration committees or representatives, identify and communicate in advance what underlying principle(s) you are trying to address (e.g., open access, cost), both broadly and in upcoming publisher negotiations. Build on any existing policies or public statements that articulate those principles. For example, UC had faculty senate and presidential [policies on open access](#) dating from 2013 and 2015, respectively, which provided an early foundation as we developed our negotiating stance.

5. **Socialize and secure support for potential outcomes**.

   In setting publisher negotiation goals, it is important to acknowledge and discuss potential outcomes. If publisher negotiations do not accomplish the desired goals, knowing stakeholder willingness to consider alternatives, including revised goals or foregoing subscription access, will provide clear guidelines for your negotiation team.

UC's experience

The development of UC's overarching negotiation goals involved a partnership between UC faculty, libraries, and administrators. The favorable conditions for these conversations were:

- UC's strong and well-respected Academic Senate and attendant committee structure, as well as the corollary administrative committees;
- a deep history of open access advocacy and action by UC faculty and libraries;
- the Mellon-funded Pay It Forward study of the financial sustainability of open access through an APC-based model; and
- ongoing engagement with European countries and consortia who were taking a principled stand in publisher negotiations, and provided encouragement and lessons learned from their own experience.

Three library-focused systemwide committees informed the development of UC's negotiation goals:

- the Academic Senate library committee, known as the University Committee on Library and Scholarly Communication (UCOLASC), representing the faculty perspective (corollary committees exist on each campus);
- the library leadership committee, known as the Council of University Librarians (CoUL), representing the library perspective; and
- the provostial scholarly communication committee, known as the Systemwide Library and Scholarly Information Advisory Committee (SLASIAC), bringing together administrative, faculty, and library perspectives.

Starting in early 2017, based on deliberations and votes in the systemwide Academic Senate library committee and local campus faculty senate committees, several individual UC campuses became signatories to the OA2020 Expression of Interest. These discussions increased faculty awareness of and support for the strategy of redirecting subscription expenditures to support open access, while affirming the many flexible ways in which such redirection might occur.

At the beginning of 2018, a draft of the Declaration of Rights and Principles to Transform Scholarly Communication was developed and discussed by faculty in the systemwide Academic Senate library committee. This document sought to "align our institutional policies and practices toward the goal of replacing subscription-based publishing with open access [...] when negotiating with publishers during journal license renewals," and was finalized after consultation with the other systemwide library and faculty committees, as well as colleagues from like-minded institutions.

At the same time, the library leadership committee initiated the creation of a comprehensive overview of open access strategies and options for UC, published in February 2018 as the Pathways to OA. This report exemplifies UC's deliberate big-tent approach towards open access that embraces many pathways and allows different approaches to flourish.[1] The library leadership committee also spent a significant amount of time discussing the financial strain on UC's licensing coalition through ever-increasing costs, and presented an analysis to the systemwide Council of Vice Chancellors in April 2018.

In the context of these discussions around journal affordability, open access, and a faculty-driven desire for transformative action, the systemwide provostial scholarly communication committee tasked a subgroup of librarians and faculty to produce a practical framing document to contextualize the Principles and Pathways in preparation for upcoming publisher negotiations. This effort resulted in the publication of Negotiating Journal Agreements at UC: A Call to Action (more context here), which articulates the stance that has guided UC in negotiations ever since:

> We believe the time has come to address these issues [cost reduction and open access] head-on through a combined strategy that places the need to reduce the University's expenditures for academic journal subscriptions in the service of the larger goal of transforming journal publishing to open access.

This call to action exemplifies one of UC's pathways to open access (to leverage publisher negotiations to effect a transition to open access), and adds UC's voice to the global coalition already taking a strong stand for transformative open access agreements with publishers.

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[1] UC convened 125 representatives of libraries, consortia, and author communities throughout North America in the Choosing Pathways to OA workshop in October 2018, supporting an even broader deliberation of a plethora of open access approaches, culminating in individual and institutional commitments to take action.

Negotiation strategy

In pursuing transformative agreements and taking a principled stance on cost — particularly when dealing with large, dominant for-profit publishers — universities need to develop a more complex and participatory negotiation strategy.

Recommendations

1. **Establish a representative negotiation team.**

   Negotiators for licensed content should be joined by representatives from faculty and library leadership. In addition to creating an efficient feedback loop and participatory process, this will strengthen your credibility and demonstrate institutional alignment around transformative agreements. It also ensures that faculty perspectives are accounted for at every step and gives faculty the opportunity to communicate directly with the publisher.

2. **Make the first proposal.**

   The first agreement proposal should come from the institution, not from the publisher. This sets the goal posts where you want them to be, and compels the publisher to negotiate on your terms. (If they don't, the gap between your established goals and their response will be very apparent.) Make these goals a touchstone as you go forward and reiterate them frequently.

3. **Determine who "speaks" for your side in the negotiation room.**

   With multiple individuals on the team, it is important to delegate an official spokesperson and interlocutor, ensuring that decision authority is coordinated in a visible way.

4. **Hold pre- and post- meetings for each negotiating session.**

   Confirm that you know what you intend to happen at each session and that key takeaways are captured while they are fresh.

5. **Do not make decisions in the negotiation room.**

   New information and proposals should be brought back to the negotiation task force for discussion and, when necessary, broad consultation with the coalition's representative committees.

6. **Pay attention to both the internal and external environments.**

   Demonstrate awareness of your internal environment (those you are negotiating on behalf of) and your external environment (how your negotiations are being portrayed publicly) to the publisher through questions and observation. They will often know more about your organization than you might expect they do.

UC's experience

In negotiating with Elsevier, UC strategically aimed to first hold a high-level information sharing session to present our dual cost reduction and open access goals, and to indicate that UC would make the initial proposal (which the university delivered thereafter). UC requested senior-level participation from Elsevier's open access leadership at the outset, in addition to traditional sales personnel. The high-level goals set forth by UC in the initial meeting remained a touchstone throughout the negotiation, referred to early and often.

The initial proposal to Elsevier, as well as all subsequent UC counter-proposals, were fully vetted by the task force. Major outlines and decision points were also vetted with UC's library leadership committee and key faculty leadership committees, and both task force and campus representatives continued to speak at local and systemwide faculty and administrative meetings to ensure continued engagement and support.

The task force met before each negotiating session to align on messaging and identify potential pitfalls, and debriefed after each session to analyze what had transpired and lay the groundwork for next steps.

As the negotiation team and task force sought input about acceptable responses and fallback positions, the primacy of open access transition and cost containment emerged as twin priorities of UC's library and faculty leadership.

Communications planning and execution

Communications cannot be an afterthought. An effective communications strategy helps build and maintain support among key stakeholders, keeps messaging consistent, and ensures the institution is equipped to respond to a variety of outcomes. Communications should also be considered part of your negotiating strategy: the publisher, too, will read media coverage, web content, and faculty communications.

Recommendations

1. **Begin communications work early.**

   As soon as possible, engage institutional communications experts, both library-specific and university-wide, and charge a communications team. Allow sufficient time to determine communications needs, assess existing communications capacity (and whether additional resources are needed), and start developing a communications plan.

2. **Realistically assess your communications capacity.**

   University systems and consortia should evaluate both individual and collective communications capacity to ensure efficient and coordinated communications. In considering whether to engage a communications consultant, it is important to weigh your communications needs and your team's capacity to get the day-to-day work done. If you decide to seek consultant support, a communications partner with political savvy, issues management and crisis communications expertise, and experience writing in an academic voice is likely the best fit.

3. **Establish a communications leadership team.**

   The communications team should have the necessary expertise to carry out day-to-day communications strategy and execution, and should include a designated media relations contact. The team should either include or regularly engage the lead institutional negotiator(s) to ensure negotiation descriptions are accurate and nothing is revealed that could jeopardize the progress of the negotiations.

4. **Communicate up and out.**

   Appropriate members of the task force should establish a line of contact with the most senior leadership in the university (administration, communications, etc.) to keep them apprised of key developments (they should know what's happening before they see it in the news). In large institutions, systems, and consortia, the communications

> ### Key UC documents and resources
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> - UC system Office of Scholarly Communication webpages on [Publisher Negotiations](#), [UC and Elsevier](#), [UC and Elsevier: Why it matters](#), and [UC and Elsevier: What UC faculty are saying](#)
> - [Termination of negotiations press release](#) (University Office of the President)
> - Alternative access messaging at the [system level](#) and campus examples [here](#) and [here](#)
> - Campus-level open letters to faculty ([examples](#))
> - Notable media coverage ([example](#))

leadership team should also facilitate content distribution and coordinate information sharing among communications representatives for local campuses or consortium member institutions.

5. **Identify your spokespeople.**

   Clearly identify the authorized designate to speak publicly on behalf of the university about the negotiations. Also identify faculty champions and thoughtful skeptics (the latter may be more relatable for some audiences), and secure their willingness to speak to the press in advance, to the extent possible.

6. **Maintain an engaged coalition.**

   Communications between faculty, administrators, and the library should create space for cross-coalition dialogue; representatives from the negotiation task force should not just share information, but also solicit views and advice. Broader stakeholder communications should first be tested with your intended audience to ensure clear messaging and that widely-held questions and reservations are addressed upfront. Talking points and written materials should reflect variability in existing knowledge and level of potential interest, and that the faculty, library, and administration may be motivated by different issues and concerns. Creating a central website provides a consistent, unified message that you can point to.

7. **Build on existing policies and principles.**

   Where institutional open access policies and statements exist, refer to them at every opportunity as a reminder of the coalition's breadth and commitment. If institutional policies and statements still need to be created, obtain endorsements from key faculty, administration, and library leaders to demonstrate internal alignment.

UC's experience

UC utilized email, web-based communications, faculty newsletters, and campus media to inform faculty (beyond senate leadership and key committees), students, administrators, and library staff about the goals and progress of our negotiations. UC's internal communications focused on shared objectives, underlying reasons for the approach taken, and plans for supporting faculty and students with alternative ways to access journal articles, if need be.

On every campus the university librarian and faculty senate library committee collaborated on developing and executing a local communications strategy.

Informative (one-way) communications were complemented by two-way engagement via town halls and other activities held on most campuses. Town halls were often co-sponsored by the campus senate chair, provost, and university librarian to encourage participation and raise the visibility of faculty leadership.

Campus-level communications were supported by template materials created by the communications leadership team (e.g., slide decks, open letters, talking points for town halls and meetings with campus administrators), as well as a list of suggested campus outreach actions to reach various target audiences. Communications aimed to reflect that administrators, faculty, and the library are sometimes motivated by different issues and value shared goals differently, and regularly referenced existing statements of values and principles from various stakeholder groups.

Importantly, university librarians and faculty on the task force also communicated directly with UC faculty editors of Elsevier journals, either by email or face-to-face, as we recognized that they would be among those most affected by any change in the university's relationship with Elsevier and, therefore, that they would have the most questions and strongest opinions.

When the negotiation task force determined that UC should end negotiations with Elsevier and walk away from our subscription agreement, the communications team worked with system and campus faculty and administrative leadership to generate a coordinated, sequenced set of announcements. On the day we announced, the following were published, intentionally in this order:

1. Statement from the leadership of the systemwide academic senate, so that the faculty voices would be heard first.

2. Press release from the President's office (with presidential statement) including a link to the academic senate statement. This was delivered to reporters who cover UC broadly and this issue in particular.

3. Announcement on the systemwide Office of Scholarly Communication website (the central location for publisher negotiations content for all 10 campuses).

4. Open letter from university librarians (in many cases co-signed by the campus provost and senate and library committee chairs), published on campus library websites and/or emailed directly to faculty and graduate students, and including links to the above.

5. Social media sharing of the news.

The role of data analytics

Transformative agreements represent a new way of doing business with publishers. Effective cost reduction proposals require deep insight into the value of content to a library's users and the marketplace in which the publisher is operating. To support negotiations for these dual aims, libraries must develop data analysis tools and strategies that go beyond the standard return on investment that is commonly used to measure the value of traditional subscriptions.

Recommendations

1. **Assess your analytics capability and determine whether you need additional help in this area.**

   Many libraries have limited capacity and expertise to carry out the agile data analytics necessary for developing and supporting transformative open access negotiation goals in a measured, deliberate way. Local resources outside of the library may be available to help with these efforts (e.g., financial analysts from the budget office).

2. **Incorporate data analysis early in the strategy-setting process**.

   Data analysis can play an important role in shaping negotiation goals. The development of a negotiation strategy and data analytics framework should be iterative and mutually reinforcing.

3. **Be prepared to gather diverse sets of data.**

   To create informed and persuasive transformative open access models, negotiation teams and data analysts will need to utilize both data routinely used in licensed content negotiations, as well as less-commonly used types of data. Familiar datasets include COUNTER compliant usage statistics, citation data, and journal subscription costs. Additional data necessary for transformative open access analyses include article-level data (including corresponding author affiliation, grant acknowledgement statements, and open access status) and detailed information about journals (including business models, list-price APCs, and portions available open access).

4. **Build flexible and customizable analyses and tools.**

   To enable iterative and responsive data analyses, develop diverse datasets and flexible, customizable data analytics tools and models, ideally from the start. Dynamic worksheets can be built to support a wide variety of parameters that can be added to and removed from analyses as needed. When built correctly, analysis efforts can be transferable across publishers and scenarios, allowing the data work to evolve as priorities, knowledge, and circumstances change.

5. **Consider all perspectives**.

   It is important to identify and investigate all stakeholder points of view and build outputs and visualizations accordingly. Analyses are most impactful when the outputs are tailored to the audience (for example, separate outputs from a single analysis can be provided to negotiation team members, the publisher, and interested faculty).

6. **Verify publisher-provided data with local analyses**.

   Develop your own approach to traditional metrics, and perform your own analyses to confirm or refute any data the publisher may provide. Usage statistics, publication data, and other data points can be influenced by many factors, and local verification, including processes such as normalization and contextual interpretation, can allow for a deeper, more nuanced understanding of the available information.

7. **Be as objective as possible**.

   Resist the urge to overlook or downplay aspects of data that may not fit a chosen narrative. Address all analysis outcomes — even if they present challenges to the model — so the university and its stakeholders can move forward with confidence in the model.

UC's experience

In preparing for and throughout its negotiations with Elsevier and other publishers, advanced analytics helped UC understand what transformative agreements would mean for various stakeholders, how potential agreements would correspond with local priorities, and where there might be risk or uncertainty to address. Extensive data analysis supported stakeholder engagement (internally, with faculty, library leadership, and administrators, and externally, such as with colleagues at other university libraries) and helped the negotiating team operate on an equal footing with the publishers.

Analyses conducted in support of UC's negotiation with Elsevier and other publisher negotiations included the following.

Value-based analyses, such as:

- **Competitor comparison, between Elsevier and a major competitor with a similar mix of high prestige and more normally-valued journal titles:** UC mapped journal cost against usage and impact factor, finding that Elsevier had more high-cost titles than the competitor, particularly in the lower ranges of the scales (less-used titles and lower-impact-factor titles). Elsevier was also compared directly to its competitor in select metrics, including cost per article. Through this analysis, Elsevier's cost per article was found to be 15% higher than that of its competitor.

- **Pricing regression analysis:** This was conducted across all of UC's major journal package holdings to measure and quantify the strength of correlations between various journal quality metrics (including title count, article found, usage, citations, and impact factor) and price.

- **Authorship impact analysis:** UC used data from Clarivate's Journal Citation Report and Web of Science to recalculate the impact factor for Elsevier's top journals with UC-authored papers removed from the calculation, thereby representing the value of UC authorship to Elsevier's journals. Removing UC-authored content reduced impact factors by an average of 4.4% across Elsevier's top ten journals, most significantly in Lancet-branded and Cell Press journals.

- **Usage and alternative access analysis:** Because we had perpetual rights to pre-2019 content for most of the journals to which UC had subscribed, we used JR5 COUNTER reports to isolate current-year usage, normalized to eliminate unusual download activities. Next, we further normalized this data to account for repeat use by individual users based on log analyses performed and reported on by Ted Bergstrom at UC Santa Barbara for other projects,[2] as well as some of our own research on user interfaces and the relationship of html and pdf downloads.[3] We then studied the literature on Big Deal cancellations to estimate how much of this usage might translate to interlibrary loan requests.[4] Projection tools were created to estimate potential post-cancellation access costs. (UC's estimates have so far been based on the cost of access if supplied through ReprintsDesk.)

Publication modeling, such as:

- **Institution publishing analyses:** UC observed publisher-specific patterns to inform strategy and choose appropriate publisher partners for these transformative agreements. Data required for this analysis came from Web of Science (for bibliographic data, affiliation data, and grant funding data), Unpaywall (for article open access status), Crossref (to impute data for journals not covered by Web of Science), Essential Science Indicators (for subject data), and a combination of ad hoc sources and manual work to normalize and classify journal and publisher names.

- **Offsetting worksheets by publisher:** These worksheets combined UC publishing data with journal title lists and business data (such as applicable open access model and list price APC).

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[2] Bergstrom, T., Uhrig, R., & Antelman, K. (2018). Looking under the COUNTER for overcounted downloads. UC Santa Barbara: Department of Economics.

[3] Li, C., Wilson, J. (2015). Inflated Journal Value Rankings: Pitfalls You Should Know About HTML and PDF Usage. California Digital Library: University of California. ALA Conference, San Francisco, 2015.

[4] Jonathan Nabe & David C. Fowler (2015) Leaving the "Big Deal"…Five Years Later, *The Serials Librarian*, 69:1, 20-28, DOI: 10.1080/0361526X.2015.1048037'; Wayne A. Pedersen, Janet Arcand & Mark Forbis (2014) The Big Deal, Interlibrary Loan, and Building the User-Centered Journal Collection: A Case Study, *Serials Review*, 40:4, 242-250, DOI: 10.1080/00987913.2014.975650.

Alternative access planning

When entering a journal negotiation where loss of ready access to current content is a potential outcome, alternative access planning — identifying existing and new options for access to articles in lieu of subscription access — is critical.

Recommendations

1. **Simplify your messaging and approach**.

   Scope and refine alternative access options so that they are relevant to the need and can be summarized in an easy and straightforward manner. Where possible, use existing and/or known tools (e.g., plug-ins, internet search strategies, link resolver, interlibrary loan). Given the one-click simplicity that users were accustomed to under a Big Deal license, the importance of this cannot be overstated.

2. **Raise awareness of existing library services, like interlibrary loan or document requesting**.

   Existing alternative access services, like interlibrary loan, are used by only a subset of our communities, particularly since online access to articles has been ubiquitous and seamless under Big Deal licenses. This makes building awareness of these services important even though they are not new options. Communicating about interlibrary loan turnaround can reassure new or occasional users.

3. **Consider strategies to expedite access to subscription content**.

   The occasional need for immediate access to an article beyond the bounds of traditional interlibrary loan hours or turnaround time is a valid concern that should be strategically considered, particularly for clinicians and faculty (e.g., the "I have a grant due tomorrow" use case). Investigate document delivery through a

Key UC documents and resources

- UC Office of Scholarly Communication: Alternative access to articles
- UC Alternative Access Project Team charge, October 2018
- UC Alternative Access Assessment Team charge, May 2019

commercial provider and potentially the library reimbursing select users for purchased articles.

4. **Incorporate data and pilots into your planning**.

   Employ usage data, and data from other libraries, to develop ballpark estimates for direct alternative access costs. Assess potential impact on interlibrary loan, frontline, and other library staff. Pilot different access strategies to meet potential spikes in demand.

5. **Develop a communications plan**.

   An alternative access communications plan should be developed well in advance of losing subscription access and include a web presence and FAQ. Test the plan with faculty, and incorporate their questions into messaging. Ensure library staff and advocates are well-informed about alternative access, and prepared to answer questions and assist with searches for open access versions of articles.

6. **Prioritize ongoing research and strategic planning**.

   Develop a continuous alternative access assessment and improvement plan to implement if and when direct access is lost. Focus on user experience and needs, and collect data to inform strategies for content acquisition.

UC's experience

Recognizing that losing immediate access to newly published Elsevier journal content was a realistic possibility, UC began planning for alternative access shortly after negotiations began. Fortunately, there is a growing diversity of sources where readers can find some of this content, including open access search tools and academic social networks that facilitate peer-to-peer scholarly research sharing. This range of resources supported UC's assessment that a walkaway could be considered; nevertheless, ensuring that members of the UC community will be able to access the articles they need was a top priority for the UC libraries.

The Alternative Access Team's charge included researching access options, making recommendations, and developing a communications plan for the ten UC campuses. The team's objectives were to:

- enable the UC libraries to continue to provide users with timely access to Elsevier articles in lieu of subscription access;

- ensure library staff were knowledgeable about alternative access solutions and workflows;

- reassure our communities that the UC libraries were prepared for the consequences of walking away from an Elsevier subscription deal, should that happen; and

- educate members of the UC community about options to obtain legal copies of articles themselves, such as using open access search tools or requesting a copy from the corresponding author.

The team evaluated free and paid browser extensions, document delivery suppliers, interlibrary loan workflows and sharing networks, open access repositories, and open access content discovery mechanisms, including how to surface open access content in library discovery tools. Ultimately, the team chose to focus on three principal ways by which readers could get alternative access to current Elsevier content no longer available through a subscription:

1. Find an open access copy
2. Request a copy from the author
3. Request a copy from the library

UC's Office of Scholarly Communication website provided a central location to host this advice about alternative access, including a quick-guide infographic. Each UC campus also created localized versions for their campus library websites, in recognition of the fact that users are more accustomed to going to their campus library site for help accessing materials. The webpage content was adapted for other communication channels as well, such as email and printed materials.

While UC's Alternative Access Team is not aware of published studies that analyze user behavior and paywalls, there is data on the proportion of projected usage (based on COUNTER reports) that converts to interlibrary loan requests. Post-Big Deal studies looking at interlibrary loan/document delivery impact have shown, in general, that "cancellations have a very small effect upon overall interlibrary loan usage"[5] and that a relatively small portion of expected demand based on prior downloads results in interlibrary loan requests[6] (in the ballpark of 5-10%, but as little as 0.3% for Elsevier titles in one case[7]).[8]

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[5] Knowlton, S. A., Kristanciuk, I., & Jabaily, M. J. (2015), "Spilling Out of the Funnel: How Reliance Upon Interlibrary Loan Affects Access to Information," *Library Resources & Technical Services*, 59(1), 4. Earlier studies are referenced in this article.

[6] Scott, M. (2016), Predicting Use: COUNTER Usage Data Found to be Predictive of ILL Use and ILL Use to be Predictive of COUNTER Use, *The Serials Librarian*, 71(1), 20–24; Jones, M. A., Marshall, D., & Purtee, S. A. (2013), "Big Deal" Deconstruction, *The Serials Librarian*, 64(1–4), 137–140; Pedersen, W. A., Arcand, J., & Forbis, M. (2014), "The Big Deal, Interlibrary Loan, and Building the User-Centered Journal Collection: A Case Study," *Serials Review*, 40(4), 242–250.

[7] "For Elsevier, there were 46 requests for the 61 [canceled] titles, compared to 15,017 downloads the prior year. Demand was thus 0.3% of prior use." Nabe, J., and Fowler, D. C. (2012), Leaving the "Big Deal": Consequences and Next Steps, *The Serials Librarian*, 62(1–4), 59–72, p. 6. McCaslin, David, Getting ahead of the curve: how Caltech Library succeeds in resource sharing and fulfillment, October 4-6, 2017

[8] COUNTER reports, however, are a very rough gauge of readers' need for the full article because downloads (views) include an unknown proportion of soft demand that can be met by the abstract, as well as duplicative downloads (pdf and html downloads of the same article by the same person, and downloads by the same person repeatedly), as well as downloads that are artefacts of user interface design. Bergstrom, T. (2018), "Do download reports reliably measure journal usage? Trusting the fox to count your hens?"; Bergstrom, T., Uhrig, R., and Antelman, K. (2018), "Looking under the COUNTER for overcounted downloads." Davis, P. and Price, J. (2006), "eJournal interface can influence usage statistics: Implications for libraries, publishers, and project counter," *Journal of the American Society for Information Science and Technology*, 57(9).

The UC Libraries projected potential direct costs related to supplying alternative access to Elsevier articles with adjusted COUNTER data and UC's ReprintsDesk costs (10% was modeled, which will be refined with actual data when available); the estimated costs were significantly less than the subscription cost.

Two countervailing influences add to the difficulty of predicting the impact on interlibrary loan of loss of immediate access to Elsevier journal content. Driving interlibrary loan demand up will be that all current journal content from our largest publisher is not accessible through the publisher's platform, rather than just the long tail as when a library exits a Big Deal and retains subscriptions to the most used titles. Driving interlibrary loan demand down is the constantly increasing rate of green and gold open access, as well as the rapid growth of researchers sharing papers by means of academic social networks. Thus, UC's assessment during a period of loss of immediate access is critical to learn how to respond to the impact and inform future decision making around subscriptions.

Given the unprecedented prospect of losing access to all newly published Elsevier journal content, an Alternative Access Assessment team has been charged to assess the impact on the libraries and researchers, analyze possible next steps absent an offset deal, and continue to improve alternative access options through piloting new services/policies and improving the discovery-to-delivery user experience.