

SENATE COUNCIL

Resolution to Endorse the Committee on Institutional Cooperation (CIC) Statement on Publishing Agreements

(Legislative)

Whereas, the scholarly communication system intended to support faculty and scholars is now leaving authors and readers frustrated by barriers to the free flow of information that is an essential characteristic of the research university; and

Whereas, current publishing methods usually require authors to assign publishers the copyrights to their works which may limit authors' ability to republish, distribute or use their work for teaching, research, posting on websites, or archiving in a repository; and

Whereas, in 2007, to address the need for changes in the practice of publishing scholarly material, the CIC Provosts endorsed a statement on scholarly publication and issued an *Addendum to Publication Agreements for CIC Authors*; and

Whereas, the faculty governance bodies at the following CIC universities have endorsed the statement and addendum: University of Illinois (Chicago and Urbana-Champaign); Indiana University; University of Iowa; University of Michigan; Michigan State University; University of Minnesota; Northwestern University; University of Wisconsin-Madison; and

Whereas, Penn State's Faculty Senate issued an informational report in the March 20, 2007 Senate Agenda titled, *Authors' Rights and Publishing Agreements*; and

Whereas, the Officers of the University Faculty Senate in consultation with Senate Council and the chairs of the 15 standing committees of the Senate support the statement and addendum;

Therefore Be It Resolved,
that the University Faculty Senate supports in principle the Committee on Institutional Cooperation (CIC) *Statement on Publishing Agreements* and the *Addendum to Publishing Agreements for CIC Authors*.

Note: Portions of this resolution are excerpted from the CIC Scholarly Communication Web site:
<http://www.cic.net/groups/CICMembers/archive/Report/AuthorsRights.shtml>

January 2008



The Committee on Institutional Cooperation (CIC) STATEMENT ON PUBLISHING AGREEMENTS

The Committee on Institutional Cooperation (CIC)¹ is a consortium of 12 world-class American research universities, advancing their missions by sharing expertise, leveraging campus resources and collaborating on innovative programs. For 50 years, the CIC has created new opportunities for member universities to work together toward greater efficiency, effectiveness and impact. In 2006, the Provosts of the CIC member universities unanimously endorsed this statement and addendum to publication agreements. Since that time, faculty governance of 9 CIC campuses² have also endorsed the statement and addendum.

Publication is the lifeblood of a research university. It is incumbent upon faculty, campus administrators and librarians to ensure the free flow of scholarly information in fulfillment of our campus missions to advance the public good through research and education. Toward this end, our campuses are committed to supporting a sustainable publication process and a healthy publishing industry. The “information revolution” has greatly expanded the means for disseminating and utilizing scholarly discourse, but this opportunity for extending the reach and impact of our campuses is countered by social and economic conventions of some sectors of the publishing industry. Suitable publishing partners for academic enterprises should be encouraging the widest possible dissemination of the academy’s work, and the management of copyright should be directed to encouraging scholarly output rather than unnecessarily fettering its access and use. Without some important changes in publishing practices, authors and readers will continue to be frustrated by barriers to the free flow of information that is an essential characteristic of great research universities.

Faculty authors should consider a number of factors when choosing and interacting with publishers for their works. The goal of publication should be to encourage widespread dissemination and impact; the means for accomplishing this will necessarily depend on the nature of the work in question, the author’s circumstances, available suitable outlets, and expectations in the author’s field of inquiry. In general, authors are encouraged to consider publishing strategies that will optimize short- and long-term access to their work, taking into account such factors as affordability, efficient means for distribution, a secure third-party archiving strategy, and flexible management of rights.

Protecting intellectual property rights is a particularly important consideration, as many authors unwittingly sign away all control over their creative output. Toward this end, the CIC encourages contract language that ensures that academic authors retain certain rights that facilitate archiving, instructional use, and sharing with colleagues to advance discourse and discovery. Accompanying this document is a model CIC publishing addendum that affirms the rights of authors to share their work in a variety of circumstances, including posting versions of the work in institutional or disciplinary repositories. While the particular circumstances and terms governing publication will vary on a case-by-case basis, the underlying principle of encouraging access to the creative output of our campuses should inhere in all of our efforts.

¹

The 12 CIC member universities are: University of Chicago; University of Illinois; Indiana University; University of Iowa; University of Michigan; Michigan State University; University of Minnesota; Northwestern University; The Ohio State University; Penn State University; Purdue University; University of Wisconsin-Madison

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As of November 7, 2007, faculty governance from the following CIC universities have endorsed the statement and addendum: University of Illinois (both the Chicago and the Urbana-Champaign campuses); Indiana University; University of Iowa, University of Michigan; Michigan State University; University of Minnesota; Northwestern University; and the University of Wisconsin-Madison.

ADDENDUM TO PUBLICATION AGREEMENTS FOR CIC³ AUTHORS

This ADDENDUM hereby modifies and supplements the attached Publication Agreement between:

Corresponding Author _____

Additional Authors (if any) _____

AND

Publisher _____

Related to Manuscript titled _____

To appear in Journal, Anthology, or Collection titled _____

PUBLISHER AND AUTHOR AGREE THAT WHERE THERE ARE CONFLICTING TERMS BETWEEN THE PUBLICATION AGREEMENT AND THIS ADDENDUM, THE PROVISIONS OF THIS ADDENDUM WILL BE PARAMOUNT. IN ADDITION TO THE RIGHTS GRANTED THE AUTHOR IN THE PUBLICATION AGREEMENT AND BY LAW, THE PARTIES AGREE THAT THE AUTHOR SHALL ALSO RETAIN THE FOLLOWING SPECIFIED RIGHTS:

1. The Author shall, without limitation, have the non-exclusive right to use, reproduce, distribute, and create derivative works including update, perform, and display publicly, the Article in electronic, digital or print form in connection with the Author's teaching, conference presentations, lectures, other scholarly works, and for all of Author's academic and professional activities.
2. After a period of six(6) months from the date of publication of the article, the Author shall also have all the non-exclusive rights necessary to make, or to authorize others to make, the final published version of the Article available in digital form over the Internet, including but not limited to a website under the control of the Author or the Author's employer or through digital repositories including, but not limited to, those maintained by CIC institutions, scholarly societies or funding agencies.
3. The Author further retains all non-exclusive rights necessary to grant to the Author's employing institution the non-exclusive right to use, reproduce, distribute, display, publicly perform, and make copies of the work in electronic, digital or in print form in connection with teaching, conference presentations, lectures, other scholarly works, and all academic and professional activities conducted at the Author's employing institution.

THIS ADDENDUM AND THE PUBLICATION AGREEMENT, TAKEN TOGETHER, CONSTITUTE THE FINAL AGREEMENT BETWEEN THE AUTHOR AND THE PUBLISHER WITH RESPECT TO THE PUBLICATION OF THE ARTICLE AND ALLOCATION OF RIGHTS UNDER COPYRIGHT IN THE ARTICLE. ANY MODIFICATION OF OR ADDITIONS TO THE TERMS OF THIS AMENDMENT OR TO THE PUBLICATION AGREEMENT MUST BE IN WRITING AND EXECUTED BY BOTH PUBLISHER AND AUTHOR IN ORDER TO BE EFFECTIVE.

AUTHOR

PUBLISHER

(Corresponding Author, on behalf of all authors)

Date

Date

³ The 12 member universities of the Committee on Institutional Cooperation (CIC) are: University of Chicago; University of Illinois; Indiana University; University of Iowa; University of Michigan; Michigan State University; University of Minnesota; Northwestern University; The Ohio State University; Penn State University; Purdue University; University of Wisconsin-Madison.