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Assuring Access: One Library's Journey from Print to Electronic Only Subscriptions

In the late 1990s, libraries began contemplating the migration of their print journal subscriptions to electronic only formats. Drexel University was one of the first institutions to commit to this change.¹ Many libraries conducted user surveys to determine patron preferences regarding journal access via print formats versus electronic formats.² They also contemplated the issue of retaining print holdings in cases where the title was to be held in electronic format.³ Relevant concerns on the part of these libraries included the completeness of the original content contained in the electronic version as well as the text and graphical quality of the electronic version compared to the print version. A small survey of predominantly British libraries conducted in 2004 found that 80% cancelled print versions of titles included in major ongoing bundled deals.⁴

“Perpetual access” (sometimes referred to as “sustainable access”) was another concern that arose early in the debate.⁵ The concept of “perpetual access” is the idea that, once an institution has paid for a number of years’ subscription to an electronic journal, that institution should have ongoing online access to those volumes even after that journal subscription is cancelled.⁶ This concept is analogous to that for the counterpart print volume, the content of which will remain on a library’s shelves after the subscription to that title has been cancelled. Some major libraries and organizations have developed model licenses incorporating the issues discussed in the works cited above and recommending language.⁷

The Case of Central Michigan University

One of fifteen public universities in Michigan, Central Michigan University (CMU) has a student enrollment of 27,354, with 7,108 of those students enrolled in off-campus programs.⁸ The Libraries consist of the University Library, the Clarke Historical Library, and Off-Campus Library Services. The three units are co-located in the Charles V. Park Library and collaborate in collection development. Fifteen bibliographers make up the collection development team at the CMU Libraries. They serve as liaisons to the 39 academic departments on campus as well as to the unique constituents of Off-Campus Programs and the Clarke Library. In addition, they contribute to the collection building, assessment, and planning for the Libraries.

In 2006, Central Michigan University began to investigate migrating its subscriptions to electronic only. As is the case with many academic libraries in the last decade, CMU has seen a significant and increasing demand for electronic access to library materials, especially from the off-campus population. In response to this demand, the CMU Libraries entered into a five-year contract with Publisher A in 1998 in order to increase its electronic journals collection. The contract allowed CMU to migrate the fifty-three titles the library was then subscribing to from print to electronic only format. The agreement also gave the library access to Publisher A's entire journal catalog. Part of the license specified that the publisher would supply access to any subscribed back files should CMU ever cancel any of the fifty-three titles or revert back to print format only subscriptions. At that time, the library felt the contract language indicated that, in the event of cancellation, the publisher would provide CMU with electronic copies of content for which it had previously paid, and that this language assured the library of access to pre-purchased back files should there ever be a change in the subscription status of any of the titles.

During the original contract period, Publisher A was acquired by the much larger Publisher B. As the end of the original contract period neared, the CMU Libraries received a communication from Publisher B stating that each of the titles in the old Publisher A package would be priced individually and separately, with the price per electronic title set at 25 percent above the price for a print subscription. Since the library did not have sufficient funds to absorb this significant increase, it opted to re-subscribe to thirty-five of the original fifty-three titles in print format only. As the library no longer subscribed to these titles online, Publisher B suspended online access to the back files for which the CMU Libraries had previously paid. As stipulated in the license, for an additional fee Publisher B supplied all of the back files, though on an older medium from which it was very difficult for the library to extract content. Complicating the situation was the fact that none of the files was indexed. Publisher B had actually fulfilled its side of the original contract by providing the subscribed content, but that content was completely unusable to the library. For more than two years, the University and Publisher B engaged in negotiations to provide CMU users with access to the back files without the library having to pay an additional and significant access fee. Though the situation was eventually resolved satisfactorily by both parties, the lack of access to content for a considerable period of time has made the entire CMU academic community leery of engaging in negotiations for electronic only subscriptions unless there is a guarantee of low- or no-cost access to subscribed back files in a contemporary format in the event of cancellation.

As a result of its disagreement with Publisher B, the CMU Libraries did not have access to the five years of online content of those fifty-three key journals for a period of more than two years during its negotiations with the publisher. As insurance against further loss of access, the library had switched its subscriptions to these journals back to print format. When patrons

enquired about this change they were given a full explanation of the situation and were encouraged to request needed articles from the gap through Interlibrary Loan. Although the patrons were disappointed at not having any access to the five years of back files and not having online access to the current issues, the library staff was pleased to discover that they appreciated the situation and supported the library's decision to provide print-only access at that time. Despite a relatively small number of such patron conversations the message spread, and it became apparent that many faculty and students on campus were aware of and understood the situation.

In early 2006 the library administration engaged in discussions with the Academic Senate Library Committee (ASLC), the primary university advisory body on library issues, asking their feedback on the proposed conversion of the CMU Libraries' current journal subscriptions to electronic only format.⁹ The Head of Technical Services gave a presentation which indicated the number of titles then held in different formats and showed that, in some cases, the library maintained parts of a title's holdings in print, electronic, and microform formats. ASLC members agreed that this duplication was wasteful and supported the proposal to move to predominantly electronic journals subscriptions. Their major concern was the need for communication and consultation with faculty before the final decision to eliminate print and microform subscriptions was made. The Dean agreed that lists of titles proposed for migration to electronic only would be sent to the appropriate departments once a year. The faculty in those departments would be able to contest particular titles if they had reason to believe that migration to an electronic only arrangement would negatively impact usability.

To gain further insight into patrons' opinions on the proposed migration to electronic only journals, the CMU Libraries, in collaboration with the Center for Applied Research and Rural

Studies (CARRS) at Central Michigan University, conducted a survey of faculty in the Spring of 2006. The goal of the survey was to learn more about the needs of both on- and off-campus faculty regarding library resources and services, their views on the growing number of electronic resources in relation to the ongoing presence of print resources, and their perceptions of the ways in which the Libraries might be able to meet patron journal needs within an increasingly constrained budget situation. The survey results demonstrated that approximately 96% of the respondents considered electronic access to library resources to be important. Support was high for canceling subscriptions to print journals provided that permanent access to back issues for the online was guaranteed -- about 75% -- yet support for migrating to electronic only without the guarantee of access to back files was minimal -- only about 12%. Another finding of note was that 27% were in favor of canceling the online and keeping the print subscription if there was not a guarantee of permanent access to the online back files.¹⁰ In light of what was learned from the survey of CMU faculty, the Dean felt confident in making the move from the traditional print-based collection to a predominantly electronic journals collection.

Having received the blessing of the Academic Senate Library Committee as well as positive feedback from the CMU faculty through the survey, the Dean of Libraries announced the goal of maintaining 70% of the library's current journal subscriptions (at that time a total of nearly 4,300) in electronic format by September of 2008. A new E-Only Serials Committee comprised of the head of collection development and five library bibliographers, who represented the humanities, the social sciences, the sciences, Off-Campus Programs, and the Clarke Historical Library, began drafting a plan that would help the CMU Libraries realize its goal of a predominantly electronic journal collection.

From the beginning, the committee concerned itself with ensuring that the quality and

accessibility of the collection did not suffer in the migration from print to electronic format. Committee members wrestled with both theoretical and practical concerns. They debated the pros and cons of migrating to predominantly electronic subscriptions and disagreed on how to interpret the licenses being offered by vendors. Were these new contracts to be regarded in the same way the library regarded subscriptions to its bibliographic databases? If so, the library was basically agreeing to lease information from the vendor. The discussions around the question of access to back files would become critical in defining the early work of the committee.

During the age of print journals, the library was able to retain and provide access to back files through bound volumes on its periodicals shelves, but the advent of the electronic journal dramatically changed this model. Back files were no longer housed within the library and access to them was no longer guaranteed. If a vendor went out of business or if it provided access to content in an unusable format, a library would lose content it had once provided to its patrons. After one unhappy instance of the library having been deprived of five years of purchased back files, the members of the committee certainly appreciated the gravity of this situation. All new contracts with vendors were to be scrutinized very carefully, and this became a large part of the work of the E-Only Serials Committee.

The immediate responsibility of the Committee was the selection of journal titles for migration to electronic format. To accomplish this task, the following process was identified:

1. Develop criteria for selecting journals for migration to electronic format;
2. Formulate terminology to be used in negotiations with publishers, including a clause requiring them to provide post-cancellation access;
3. Examine the license agreements submitted by publishers to ensure that the library's specific requirements are met;

4. Prepare a final list of journals for migration.

The committee began by reviewing current professional literature on the subject and by examining the policies existing at other academic libraries. The policies of the University of Maryland and Simon Fraser University were found to be particularly relevant.¹¹ After having obtained the necessary permissions from both universities, the committee based its policy on that of the University of Maryland in combination with that of Simon Fraser University (see Appendix A for CMU Libraries Electronic Only Migration Policy).

“Perpetual access” proved to be the most difficult criterion for the committee to define, and it has proved to be the most troublesome to implement as well. Though publishers’ licenses typically provide a statement regarding post-cancellation rights, most statements are not adequate. Post-cancellation access statements commonly found in licenses, such as *the publisher shall provide continuing access either from the server or by supplying electronic files to the licensee* and *the publisher shall provide continuing access from the server for a mutually agreed upon fee* do not sufficiently guarantee perpetual access. A library could conceivably be provided with a box of DVDs to be loaded to its server, or with some other legally sufficient but unworkable solution similar to what the CMU Libraries experienced with Publisher B. Furthermore, some members of the committee felt uneasy about the phrase “mutually agreed upon fee” and feared that if no mutual agreement could be reached then perpetual access would not be granted. From its experience with Publisher B, the CMU Libraries learned that license language must explicitly and unambiguously state that perpetual access is expected of the publisher.

The committee deals with licenses from a selection of publishers each month. Prior to each monthly meeting, the Chairperson distributes copies of the license agreements as well as a listing

of the journal titles that each vendor provides and the format to which the library subscribes. Committee members review the licenses and lists and prepare comments and discussion points for deciding whether the library can discontinue the print subscription and receive the journal in electronic format only. The committee elected to review the license agreements and subscription lists of the larger vendors first, since this offered the possibility of moving large numbers of journals from print to electronic format quickly and efficiently. The negative decisions reached by the committee during its discussions are taken to the vendors to renegotiate contract language as necessary. The emergence of third party bodies that provide post-cancellation access, such as Portico, has helped this process.

In February of each year, the committee compiles a list of titles and publishers it has recommended for migration to electronic only. The list of titles is sent to the library bibliographers so they can recommend removing titles that they believe do not fit the criteria. As soon as the list is vetted by this group, the titles are sorted by department code and sent to the appropriate academic department library contacts. These representatives have the opportunity to challenge the removal of titles (the library has found the most likely reason for challenge to be unacceptable print quality). After department representatives have agreed to the lists, they are sent to the Dean for approval, and then to Technical Services staff who communicate the changes to the library's serials vendors. This process normally takes approximately two months.

Conclusion

By September 2008 approximately 53% of the CMU Libraries' journal subscriptions were electronic only. Once we meet our initial goal of 70% electronic only subscriptions, the committee intends to assess the remaining subscriptions to determine which can still be migrated.

Titles not meeting our criteria will remain as print subscriptions. It is anticipated that the library will maintain some print subscriptions for the foreseeable future.

Although the initial goal was not met, the committee feels that much valuable progress has already been made toward this end. Many of the impediments to achieving this goal were presented by the journal publishers themselves. Confusion on the part of some publishers regarding electronic only subscriptions and access to back files has slowed the pace of the migration, though it should be pointed out that most publishers have begun to actively address these issues in recent years, making the negotiation process generally easier than it was even a few years ago. One of the publishers that has reversed its opinion on the idea of access to back content is Publisher B, and the CMU Libraries and other like-minded libraries can be justly proud of the efforts they undertook to change this model.

In a local sense, the CMU Libraries has been pleased at the positive feedback it has received from users on its migration to electronic journals and the improved access that has resulted from it. Other real benefits of the efforts of the E-Only Serials Committee and others in the library are a heightened awareness of the nuances of negotiating with journal publishers, the creation of template language to be used to streamline future license negotiations, and an overall better understanding on the part of the CMU Libraries of the process to be undertaken when migrating from print to electronic content. The CMU Libraries has every intention of achieving and exceeding the 70% measure as stipulated by the Dean of Libraries in the near future, and feels certain that, with this new understanding of the process in hand, it can go forward confidently and effectively toward that end.

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POLICY FOR MIGRATION TO ELECTRONIC-ONLY JOURNALS
D R A F T -- 4/07/06

Adapted with permission from the University of Maryland, University Libraries, *Policy on Collecting Only Electronic Versions of Journals*, (<http://www.lib.umd.edu/CLMD/e-verpol.html>), and from Simon Fraser University Library. *Criteria for Migration to Electronic-only Journals*. (<http://www.lib.sfu.ca/about/collections/duplicatecriteria.htm>)

Introduction

Print journals have traditionally been the only format available to libraries, and their longevity and utility have justified the very substantial investments made by the CMU Libraries in acquiring and preserving them. In current years however, electronic journals have become increasingly available. As of 2005/2006 the Libraries subscribe to 911 electronic-only periodicals, 1,412 periodicals in both print and electronic formats, and 1,973 in print-only.

The goal of the CMU Libraries is to selectively migrate its print and electronic subscriptions as well as its print only subscriptions to electronic-only, so that by 2008, 70% of its periodical subscriptions are electronic-only.

In so doing, the Libraries' want to ensure that it is collecting the full equivalent of the journal and can access the purchased electronic content in perpetuity. It is therefore important for the CMU Libraries to clarify the circumstances under which a subscription to only the electronic form of a journal is acceptable.

While conversion of a subscription from print to electronic format is not a cancellation decision, Library Bibliographers will work closely with affected departments in evaluating the appropriateness of such conversions for individual titles.

This policy is intended solely to evaluate when it is appropriate to collect only the electronic form of a journal or periodical, i.e., whether the print format of a title can be cancelled in favor of the online. This policy is not intended to evaluate whether a particular online source should be acquired or not.

Criteria

A print journal (or collection of journals) could be discontinued if the electronic equivalent meets all of the following criteria:

1. **Content:** The online journal must contain at least the full scholarly content of the print equivalent. For instance, not only should it include all research articles, but it should also include content such as supplements (if included with the print journal subscription), letters, calls for papers and other professional announcements, editorials, job openings, and book reviews.
2. **Timeliness:** The full content of each issue should be available online no later than publication of the print.
3. **Format:** The electronic journal should be provided as PDF files or an equivalent full-image format identical to the print edition.
4. **Image and Graphics Quality:** The quality of illustrative materials (photographs, tables, figures, artistic renderings, etc.) should be of a standard sufficient to meet intended use and should be at least the quality of such images in the print edition. The committee will consult with appropriate departments in evaluating this.
5. **Vendor Reliability:** The speed of loading/accessing content must meet CMU Libraries' users' expectations. Server downtime should be minimal. Vendors should have backup servers to provide ongoing access if there is a failure of their main server. Vendor should provide technical assistance when needed.
6. **IP Access:** Access to the electronic version should be provided via campus-wide IP address. Access provided should be compatible with WAM.

7. Printing and Downloading Capability: All content must be printable and downloadable.
8. Stability: There must be a reasonable guarantee of the stability of the electronic journal. As such stability in aggregated databases cannot be guaranteed, such databases will not be considered as part of this process. Electronic journals must be subscribed to from the publisher or equivalent.
9. Pricing: Migration to electronic-only should be cost effective.
10. Perpetual access: The CMU Libraries must have perpetual access to all content paid for. The CMU Libraries' are committed to providing our users long term and uninterrupted access to such materials. The CMU Libraries should have the same perpetual access to electronic materials we purchase without paying additional fees, as we currently have for our print materials. However, the concept of "perpetual access" is difficult to pin down in the digital world. Terminology used in the literature also includes "ownership", "sustainability", and "archiving". We will interchangeably use all terms except the last, which can be confused with the more general use of the term.

In particular the CMU Libraries must have a guarantee of perpetual access to paid-for content if we subsequently cancel the electronic journal. Such access must be in the same manner (or equivalent) as provided when we subscribed. It is very important that access continue to be provided in this manner. Leasing of an electronic journal is not sufficient to allow for the cancellation of the print equivalent.

Such "perpetual access" must be addressed in the license. Suggested language from various Model Licenses follows:

X. PERPETUAL LICENSE: Licensor hereby grants to Licensee a nonexclusive, royalty-free, perpetual license to use any Licensed Materials that were accessible during the term of this Agreement. Such use shall be in accordance with the provisions of this Agreement, which provisions shall survive any termination of this Agreement. Except in the case of termination for cause, Licensor shall provide the Licensee with access to the Licensed Materials in a usable format substantially equivalent to the means by which access is provided under this Agreement.

From: MIT License Agreement for Electronic Resources.
<http://macfadden.mit.edu/colserv/digital/licensing/MITSLA.doc>

8.4 After termination of this Agreement (save for a material breach by the Licensee of its obligations under this Agreement) the Publisher will provide (at the option of the Licensee) the Licensee and its Authorised and Walk-in Users with access to and use of the full text of the Licensed Material which was

published and paid for within the Subscription Period, either by i) continuing online access to archival copies of the same Licensed Material on the Publisher's server which shall be without charge ...

From: Model NESLi2 License for Journals.

http://www.nesli2.ac.uk/NESLi2_Licence_NEW_final_vers_041005.htm

See also: National e-Journals Initiative. <http://www.nesli2.ac.uk/model.htm>

XII. Perpetual License: Notwithstanding anything else in this Agreement, Licensor hereby grants to Licensee a nonexclusive, royalty-free, perpetual license to use any Licensed Materials that were accessible during the term of this Agreement. Such use shall be in accordance with the provisions of this Agreement, which provisions shall survive any termination of this Agreement. The means by which Licensee shall have access to such Licensed Materials shall be in a manner and form substantially equivalent to the means by which access is provided under this Agreement.

From: Standard License Agreement: Publisher and Regents of the University of California. <http://www.cdlib.org/vendors/CDLModelLicense.rtf>

See also: Checklist of Points to be Addressed in a CDL License Agreement. <http://www.cdlib.org/vendors/checklist.html>

Allowing the CMU Libraries to permanently store our purchased content in a system such as **LOCKSS** (<http://lockss.stanford.edu/>) may be considered a viable alternative to the above.

11. License: The license must not be overly restrictive regarding local use; must allow off-campus use by authorized users and walk-in use by visitors; must not be overly restrictive regarding simultaneous users; must allow Interlibrary Loan of content; and allow cancellation of the print. All of the above as well as other licensing terms must be provided in a license for the CMU Libraries to review before a decision will be made.

Additional recommended reading:

Walters, William H. *Criteria for replacing print journals with online journal resources: the importance of sustainable access.* **Library Resources and Technical Services** 48 (2004): 300-304 .

Watson, Jennifer. *You Get What You Pay For? Archival Access to Electronic Journals.* **Serials Review** 31 (2005): 200-205.

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