

CANADIAN RESEARCH KNOWLEDGE NETWORK
RÉSEAU CANADIEN DE DOCUMENTATION DE RECHERCHE

Town Hall Meeting - Committee Briefings
Toronto, April 23, 2004

CNSLP Advisory Board

Terms of Reference:

The CNSLP Advisory Board is a panel of distinguished experts, international in scope, drawn from industry, research, academic, political, and digital library sectors. The Advisory Board advises and assists with:

- strategic planning for the project, to ensure a smooth transition to long-term sustainability following termination of CFI funding
- new directions and partnerships for the project
- research, industry, political and international benchmarks for project evaluation and success
- project promotion and profile

Members:

- Howard Alper, Vice-Rector (Research), University of Ottawa (ex officio)
- Angee Baker, President, The McAfee Group
- Réjean Bernard, Vice-President, CFI Group Inc.
- Jean-Claude Guédon, Professeur, Université de Montréal
- Derek Law, Librarian and Director of Information Strategy, University of Strathclyde
- Clifford Lynch, Executive Director, Coalition for Networked Information
- Ann Okerson, Associate University Librarian, Yale University

CNSLP

Advisory Board

Working document for the Annual General Meeting
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I

Setting the framework

The text which follows reviews a number of issues and questions that relate to CNSLP's positioning, tactics and strategies as well as to its possible evolution. It does not evaluate the present performance of the Consortium as this has been done by another committee.

It may be useful to remember that CNSLP has been working within a framework and a number of assumptions that can be summarized as follows:

- ⟨ CNSLP never intended to cover all the needs of the member universities;
- ⟨ CNSLP has tried to negotiate with publishers with the ability to walk-away from them;
- ⟨ CNSLP has tried to satisfy the core needs of a wide variety of libraries, despite the difficulties that this choice implied. Creating some level of “even playing fields” for the majority of Canadian researchers was very much of the essence in this context. Spreading a culture of digitized materials was also part of CNSLP's agenda. When the Consortium started, the issue of whether digital materials should supersede print-based materials was very much alive. To this day, questions of preservation haunt the shift to digital publishing;
- ⟨ CNSLP has constantly tried to maximize its control over the negotiation process and its maneuvering room by imposing the following criteria:
 - ⟨ the contracts used were CNSLP's own, not the publishers';
 - ⟨ Publishers were placed in a position where they had to compete – an unusual situation in a market as inelastic as that of scholarly publishing;
 - ⟨ Prices were paid in Canadian dollars at a time when this brought advantages to Canadian customers. More recent trends, particularly with regard to US suppliers or suppliers using the US Dollar as reference, have led to re-examining this point;
 - ⟨ Successful negotiations have been accompanied by capping provisions that are meant to ease the pain of re-negotiating a second round. This is particularly important as it is much more difficult to walk away from a renewal than it is from a first deal.

The initial framework within which CNSLP has operated was made possible by an initial CFI grant; it was also the perspective of this grant that convinced libraries to band together on a “coast-to-coast” basis. One might say with a faint smile that enlightened self-interest made the collaboration possible. The same reasoning had fed the initial urge to create regional consortia and further thinking and negotiating was needed to examine whether the added complexities of a national consortium could be justified by greater leveraging power in front of large, multinational, publishers. These issues are not dead, as we shall see further down. Moreover, after the initial round of negotiations, CNSLP

began to face new and important questions, among which the following appear most crucial.

- ⟨ The first round of negotiations had not included Reed-Elsevier; yet, many libraries wanted access to Science Direct. The response to this collective request was a single, focused negotiation of a “Big Deal” with this particular publisher. From there emerged subsidiary issues that remain unresolved for the moment:
 - ⟨ Was the “Big Deal” strategy the best one for this particular case?
 - ⟨ What can be said of the walking-away ability that CNSLP had always stressed as being crucial?
 - ⟨ How important is the fact that a few libraries chose to break ranks in this particular deal?
- ⟨ CNSLP's business model as proposed to CFI was predicated upon the principle of sustainability and the latter has been tightly tied to a contractual commitment which is limited in time (within the terms of the CFI agreement). The very existence of the Advisory Board was justified as a way to reinforce the sustainable potential of the Consortium.
 - ⟨ Presumably, incorporating CRKN will contribute to shifting the ground on which the sustainability question lies. Essentially, it will rely on membership terms, including the possibility of various levels of commitments, some of which are financial, and privileges. In so doing, CRKN is moving away from the initial homogeneous model that prevailed at its inception: a relatively stable set of members – essentially the 64 initial institutions – and no opting out provision; it appears to be moving toward a more flexible, but also more diffuse, model where the contours of the consortium may shift with each issue, project or negotiation¹;
 - ⟨ Much energy went into trying to extend CNSLP's action into the social science and humanities. To this end, CNSLP applied to CFI for a second grant. Alas, this request was unsuccessful. This said, it must be remembered that success would not have solved the sustainability issue over the long term, but it certainly would have given some breathing space to CNSLP. In other words, issues that could have been conveniently pushed further back in time are now staring the Consortium in the face.
- ⟨ CRKN is also facing the question of its evolution. Two parameters are important in this regard : the national context, including the state of educational support by the various provinces, and the trends that can be noted internationally among consortia.

¹This has been the rule in the British consortium, NESLI. For a good and pithy summary of NESLI, see the concluding pages of David Ball and Frederic Friend, “Library Purchasing Consortia in the UK”, **Liber Quarterly**, <http://webdoc.gwdg.de/edoc/aw/liber/lq-1-01/15Ball-Friend.pdf>.

- ⟨ With education financed in large part by provinces, it is obvious that disparities appear among the various provinces and/or regions of Canada. This feeds the centrifugal forces anew and a number of initiatives in the form of regional consortia have already appeared since CNSLP's beginnings. Trying to understand how this affects the general evolution of CRKN is obviously very important;
- ⟨ Other institutions beside CRKN and the university libraries are involved in the business of providing access to the research literature. CISTI is the most obvious example, but the Library and Archives Canada can also be mentioned, as well as various provincial bodies that play a parallel, albeit more limited, role (the “Grande Bibliothèque du Québec” presently under construction comes to mind in this regard.);
- ⟨ Other institutions beside universities need access to the research literature: museums, science-based industries, various federal and provincial ministries make use of the same publications as their academic colleagues;
- ⟨ On the international level, consortia, while still multiplying in numbers, are also evolving. Now that the “ropes” of licensing are well known by the library side, and now that “Big Deals” are increasingly meeting with resistance, library consortia are also taking notes of other trends in the general arena of procuring scientific and scholarly literature to their constituencies. On the radar screens appear questions such as: cross-linking the scientific literature, the issue of institutional repositories and the rapid growth of open access publishing. In effect, the question of access to the relevant literature is no longer limited to the procurement of commercially available sources. Participating in the production and the preservation of scholarly materials appears ever more important. Producing different and better navigational tools for the digitized literature also appears essential. In short, librarians are positioning themselves to translate and transpose the essential elements of their profession as they exist in the print context.

II

Facing the future: Tactics and strategies

In its first round of negotiations, as has already been pointed out, CNSLP designed a very clever and effective way to deal with publishers. The problem with this tactic is that its potential was essentially exhausted once the initial success achieved. The reason was that renegotiating licensing terms cannot easily be handled in the same way as in the first case. For one thing, the element of surprise is absent; secondly, libraries are known as institutions that work toward continuity: long collection runs, good preservation are part of the core core values of the profession. As a result, it is difficult to imagine a consortium addressing the task of extending licensing terms within a frame of mind that would easily extend to the possibility of scuttling the whole deal to move on to another publisher.

The Elsevier deal had also demonstrated an important fact that libraries ought to reflect upon: libraries tend to rely heavily on statistics to make acquisition decisions and one

such statistics is the cost/title of journals. It is clear that “Big Deals” give extraordinary boosts to these figures. In the case of CNSLP, we must remember that the first deal cost in the vicinity of 45 million Canadian dollars and led to acquiring a bit over 700 titles. The Elsevier Big Deal cost around 65 million dollars [? Is this the right figure?] but led to acquiring about 1,700 titles. In other words, with around 50% more money, one got an increase of close to 150% in the number of titles. There is a famous song to reflect such a “deal”: Call me irresistible...

The issue that libraries face, however, is not acquisition. It is not even access taken as an absolute. Even though librarians like to boast about the size and accessibility of their collections, the real issue is usage (which obviously is related to access, but not equivalent to it). A huge, but useless, collection is obviously in no one's interest². What librarians really seek is the lowest cost/usage level while supplying anything anyone in the constituency wants at exactly the right time.

Big deals perpetuate the “just in case” mentality although the digital nature of their materials begs for a “just in time” strategy. **Whether CRKN should pursue a “Big Deal” strategy should be questioned.**

Discussing the “Big Deal” helps point to a higher level of discussion. In effect, choosing or not choosing the “Big Deal” is not a question of strategy, but of tactics. **The main issue now facing CRKN is precisely to move beyond a set of tactics to a comprehensive strategy.**

Unlike tactics that are largely process oriented, strategies are derived from clearly stated broad objectives and values. CRKN already has a good mission statement which can serve as a basis for the designing of an effective strategy. Improving the documentary infrastructure for researchers is a crucial part of this mandate; creating an even playing field for Canadian researchers constitutes another important dimension of CRKN's mandate. The trouble is that optimizing information for researchers (who are largely concentrated in so-called research universities) and creating an even playing field for everyone may not always lead to the wants and desires.

In parallel with this first dilemma is the question of positioning CRKN within a national field where other institutions partially fulfill similar functions: regional consortia, institutions like CISTI and the National Library, etc.

In short, the question to be raised can be phrased as follows: **What are CRKN's real functions and how do they fit within a national strategy where, indeed, optimizing access to the scientific literature for everyone is of the essence?**

A general answer to this question is not presently available. It ought to be the result of discussions. Adumbrating the nature of these discussions may provide useful working hypotheses.

It must be remembered that a good share of the procurement of scientific literature is

²At a recent meeting in Urbana-Champaign, where the library was celebrating its 10 millionth volume, many voices were heard asking whether this made sense in the growing digital environment.

done in an adversarial context given that the main players on the supply side turn out to be the authors themselves, but their commercial proxies. While CRKN talks of optimal documentation infrastructure and even playing fields, large, multinational commercial companies talk about profit optimization³. For example, and very recently, the new CEO of Reed-Elsevier, Crispin Davis, has admitted that his company made huge profits, but argued in front of House of Commons Science and Technology Committee Inquiry into Scientific Publications that such profits were needed to fuel innovations such as the Science Direct Platform.⁴

For a consortium such as CRKN, a distinction must quickly be drawn between publishers whose agendas do not diverge too much from that of the libraries and, more importantly, that of the authors who give away the results of their research. **The negotiating behaviour of the Consortium must, therefore, vary with each publisher and it ought to be done on the basis of a prior assessment of the economic stance of each publisher must be done.**

Furthermore, a consortium such as CRKN must be careful in which choices it makes. Clearly, large, commercial, publishers are out to crowd out small, society-based, publishers. The “Big Deal” strategy actually includes that objective in its design and it is not to the advantage of the consortia to play along with this strategy. As a result, Consortia probably **ought to examine how to allocate their resources between large commercial publishers and assimilated society publishers that emulate their behaviour, and other publishers closer to the vision and needs of the scientific communities they purport to serve for a moderate profit.**

This line of analysis does suggest a strategy that would conjugate a respect of the Consortium's fundamental value while addressing CRKN's need to clarify its positioning within the general field of scientific literature procurement. In short, what might be imagined is a coordination of efforts between relevant institutions to achieve several objectives:

1. Achieve the best possible coverage of **needed** information for the cooperating institutions;
2. Create a system that makes negotiation ever more difficult (and costly) for companies that want to impose their business models.

This double objective could be achieved in the following manner:

1. CRKN, regional consortia, CARL plus CISTI and the Library and Archives Canada could sit down and imagine how to distribute tasks in a complementary manner. Various content levels, defined precisely in terms of titles and not of publishers, could be identified, for example and a strategy to move from the broadest to the narrowest common set could be devised so as to guide negotiation patterns. Also, such a strategy would decide which institution is

³As an illustration of this claim, check <http://www.r-e.com/index.cfm1985.htm>. Visiting the whole site is most instructive.

⁴This claim is rebutted at: <http://www.biomedcentral.com/openaccess/inquiry/myths/?myth=innovation>.

best equipped to do a first pass at the large publishers. Who would be dealing with the large publishers on a pay-per-view basis? Who would be dealing with the large publishers on the basis of a few individual titles? Who would be dealing with the small, “good society type” journals? etc.

To this end, a series of discussions and meetings ought to be organized between the various institutions touched by these issues.

2. The agreement, should it come to exist, might include a game plan responding to any failure at any level in the negotiation processes. In general, such a failure would result in passing on the problem to a level where the publisher has to repeat the same negotiations several times, thus facing growing transaction costs for lower results.⁵ The general idea is to find good ways to link various forms and levels of negotiations in such a way as to increase the pressure on publishers by degree – a national “tightening of the screws” device *in toto*, so to speak...

There is little need to develop this point further here, but the main point is worth reiterating in the following fashion: **CRKN needs to go beyond juxtaposing its mission statement and its basic strategies; it needs to harmonize them. In turn, this objective requires clarifying its position next to other institutions and associations involved in the procurement of scientific literature for research.**

III

How should CRKN evolve?

In the light of what precedes, a number of themes easily emerge:

A. Evolving in the institutional field:

1. Rather than a self-contained organization, CRKN should take the form of a crucial node in a network of national, regional and individual institutions involved in the procurement of scientific literature for research. Cooperation, division of labour, shared values and objectives should be the basis for the constitution of this network. Indeed, CRKN could catalyze the creation of this networked approach to a scientific information infrastructure;
2. CRKN ought to develop its ties with new categories of institutions, particularly the scientific associations, on the one hand, and with granting agencies. The latter case will be justified later with reference to new roles and functions that CRKN may fulfill, particularly in the areas of open access and institutional repositories. CISTI and the Library and Archives Canada (in particular CIDL and CIHM) have already been mentioned in this context;

⁵One could imagine, for example, that CRKN takes a first cut on a national site license with a given, large, publisher. Failing an agreement, the negotiation is transferred to the regional bodies and, wherever the regional discussions fail, they are transferred to individual institutions. Obviously, the issues are complex and a small report like this one cannot begin to fantasize solving them. This is precisely what the proposed inter-institutional committee could craft as its recommendations.

3. CRKN ought to explore linking in some fashion with non-academic, yet research oriented, institutions. Museums and industrial or governmental research centres come to mind in this regard; the same ought to be true of academic, but not primarily research, institutions. The role CRKN can play to enhance education, particularly post-secondary education, has not been addressed in any significant way up to now.
4. On a national basis, CRKN ought to define some quantitative level of significance: should the Consortium aim at fulfilling about 15-20% of the national needs, or should the proportion be very different? Should it be the same in all sectors and disciplines?⁶
5. CRKN ought to study how it wants to relate to other consortia, and on what basis. Being involved in ICOLC is crucial but certain consortia may appear far more relevant than others to CRKN. CRKN ought also to examine how to exchange negotiation information with other consortia in order to break the “divide and conquer” strategy of the large commercial publishers requiring confidentiality;

B. Evolution of functions:

1. The procurement function of CRKN is fundamental and should remain so;
2. With the growth of the institutional repositories in a number of libraries, it becomes clear that the very nature of scientific information materials is evolving. CRKN ought to position itself clearly as to its role(s) in this context;
3. The open access movement is related to, but distinct from, the institutional repositories. By removing all financial barriers to access, this trend radically modifies the roles of publishers and librarians. For the latter open access means recovering a number of traditional librarian tasks such as cataloging (recast here as management of meta-data) and preservation. Should CRKN get involved in these issues, for example by contributing to keeping a watch on trends, by suggesting standards and/or tools, by participating in the establishment of basic principles of behaviour, by working on a national, OAI-based, harvester to promote national content, etc.?⁷

It also means producing materials, either peer-reviewed or not. One could imagine, in view of the recent CFI fiasco supported by the whole SSH area (RKN as well as Synergies), that a future grant request be crafted that would bring together the learned societies of Canada and their journals, other academic journals, the University presses, CRKN and SSHRC in order to create an open access structure for the whole of Canadian social science and humanities.

⁶The recent CFI grant request included funding levels that hinted at much higher levels of involvement in the social sciences and the humanities; yet, no discussion was ever clearly directed at this issue. Was it the right level?

⁷It is obvious that, for some of these issues, library associations must take the lead or, at least, be involved. It is also obvious that all these issues impinge on the discussions surrounding the revising of the copyright laws in Canada.

C. Evolution of contents:

1. Should CRKN move toward book acquisition, including e-books?
2. Should CRKN move toward reference materials?⁸
3. Should CRKN pursue its efforts in favour of SSH content and, for example, renew its efforts in view of getting a CFI grant at the next round of grants?
4. What about data sets?⁹

While all these issues are interesting, some are or may appear controversial and, as such, may bear a divisive potential that ought to be avoided. Politics is said to be the art of the possible and policy is not far removed from that stance. This caveat should be kept in mind while musing on the possible evolution of CRKN.

IV

What of the Advisory Board itself?

Created as a result of CFI's concern for the sustainability of CNSLP, the Advisory Board has, in the opinion of its Chair, lived in somewhat circumstances within CNSLP. The Consortium has been largely dominated by process-oriented urgencies, so that mid- to long-term considerations have generally been treated as a second order priority.

This situation has generated uncertainties as to what the Advisory Board really means and ought to do. In order to address these issues, the Chair makes bold to suggest the following:

1. The Advisory Board ought to issue a report once a year where mid- to long-term recommendations ought to be spelled out. These recommendations ought to be placed on the agenda of the face-to-face meeting immediately following and the Board of Directors ought to respond to each recommendation by a motion debated and voted upon at that meeting;
2. The Advisory Board ought to have a closer links with the Evaluation Committee, given that some of the conclusions of the Evaluation Committee may be of great importance for the Advisory Board. To this end, a member of the Advisory Board should be granted at least observer status on the Evaluation Committee;
3. The meetings of the Advisory Board ought to coincide with the Annual General Meeting of members. In fact, it should ideally follow it so as to take stock from the tenor of the discussions and translate them into the mid- to long-term concerns that are its own;
4. It might not be a bad thing to mandate the Advisory Board to keep a watch on trends and, to this end, provide this Committee with a small, autonomous,

⁸Having struck a deal with the "Web of Science", CNSLP has already answered this question in the affirmative. The real question is: should the answer be generalized?

⁹This issue is closely related to open access.

budget. This would allow thinking about activities such as doing modest studies on relevant issues, attending strategically important conferences, gathering relevant facts to identify interesting trends, etc.¹⁰

5. Whenever meetings occur between CRKN and potential institutional partners and whenever such meetings are not simply process oriented, a representative from the Advisory Board should be present at least as observer. Only in this way can the Advisory Board be expected to play the role that should be its role – namely that of a transversal observer.
6. The Advisory Board should include more researchers as well as at least one person well versed in the economics and practices of scholarly publishing.
7. The library profession is well-known to be heavily process-oriented . This is normal as it is a profession that has to deal with an enormous set of complex, yet practical, tasks on a day-to-day basis. However, this generally leaves little time for deeper reflection and a deeper view. The general conclusion that emerges from this remark is that the Advisory Board should be consciously constructed to counter-balance this tendency and bring a stronger sense of mid- to long-term coherence to the whole enterprise.

V Conclusion

The goal of this paper has not been to bring a particular truth or vision to the whole Annual General Meeting; rather, it has aimed at surveying what was viewed as important issues. Hopefully, no important issue has been neglected. For some of them, possible solutions of tasks to be done have been suggested. In all cases, the suggestions presented here are meant to generate fruitful discussions; it may even become their primary function. Obviously, the writer of these lines entertains his own biases on all of these matters and no attempts have been made to act as if they did not exist. This said, the point is to open up the discussion space as widely as possible and thus come up with a number of useful steps that will ensure a useful, fruitful, positive role for CRKN in the future. The moment is particularly apt as the recent failure of a major grant application forces all of us to go back to the drawing board and reconsider a number of fundamental issues. It is in the moment of recovery from such setbacks that most institutions find the ways and means to develop their profound essence and functions. Let us call it a second beginning, and a definitive one at that.

¹⁰In the case of the present Chair, some of this has been taken care of thanks to his involvement with, and support by, the Open Society Institute. This has allowed him to participate in a number of conferences which have been extremely useful to keep up with the trends in this whole field, but this cannot be expected of all future Chairs. And there is one venue that the Advisory Board Chair should not miss: ICOLC meetings.