University of North Texas Manifesto: Expectations for Vendors of Library Collections

2/2/18

As academic libraries supporting research at our institutions, we strive to practice excellent stewardship of funding for library materials. Valuing innovation in our work, we continually improve the efficiency and effectiveness of the services we provide to our patrons and communities. Our goal in writing this manifesto is to increase transparency and to communicate to stakeholders and vendors the challenges we face as a participant in the scholarly communications ecosystem.

We support the following principles in providing access to all materials, whether purchased, licensed, or open-access. We will conduct business only with those vendors who adhere to the following requirements ("must" statements highlighted in the gray box in each section), and we will favor those who meet our preferred standards ("should" statements bulleted below the grey box in each section).

Other institutions may adapt and use the material below; we ask that you alert us to how you are using it by contacting Laurel Crawford, Head of Collection Development, laurel.crawford@unt.edu.

Acquisition Models

Due to super-inflationary pricing and an exponential increase in the sheer volume of scholarly communication, academic libraries are no longer able to commit to fully comprehensive collections. Vendors should diversify their offerings to support more flexible, access-based collecting.

> **Prior to a purchasing decision by a library, vendors must clearly and accurately describe purchase plans and content made available.**

- Vendors should offer a greater-than-currently-offered variety of evidence-based acquisition (EBA) models, including Patron Driven Acquisition (PDA)/Data Driven Acquisition (DDA), rent-to-own, and pay-per-view.
- Products should not be bundled into a one-size-fits-all deal; rather, institutions should be allowed to specify the content to which they wish to have access.

Contract Elements

As a public agency, we are regulated and limited by statute. Furthermore, restrictive licenses and inefficient processes limit our ability to collaborate with stakeholders and other libraries, remain transparent, protect the privacy of our patrons, and remain good stewards of funds.

> **Contracts must conform to all applicable Texas state laws (see Appendix A: Texas State Contract Requirements).**

- State-mandated dispute resolution language should be present and there should be no limitation on claims.
- To improve efficiency, vendor contracts should be compliant with the Shared E-Resource Understanding (SERU) Recommended Practice and be registered in the SERU registry (see Appendix B: SERU Guidelines).
- Our institution has a large and rapidly growing online curriculum; students and faculty members access information in a variety of ways and from many locations. To best meet their needs to use library collections while efficiently and effectively allocating funds, contracts should permit electronic course packs and e-reserves, and should allow us to use proxy servers to provide access to library collections to authorized users.
- We are committed to scholarly collaboration across geographic boundaries, and contracts should therefore allow for inter-library loans (ILL) without electronic provision restrictions.

- Because we are committed to the dissemination of knowledge and the advancement of scholarly research, our contracts should allow us or the vendor to deposit at no cost the final version of works from all faculty, staff, and students into the institutional repository upon publication.
- Confidentiality clauses stifle dialog and communication to an unacceptable degree. Vendors should not restrict us, as a public institution, from sharing information about cost and terms to stakeholders.

Use data

Availability of understandable use data is critical to support decision-making in our collection-development operation. Whether access is purchased or subscribed, and regardless of acquisition model, assessment of need requires the provision of use data to support sophisticated analysis techniques.

> **Usage data must be provided for all electronic resources and must be free of additional cost. Provision must be reflected in the contract or license.**

- Because data is needed to make decisions at various times, use data should be available on demand. Likewise, information is needed about individual resources, not bundles of resources. Data should be granular, and should be easily matched to purchasing information by use of standard identifiers, such as the ISSN.
- Use data should be COUNTER compliant and SUSHI capable. See Appendix C: Use Data Standards for more information.

Pricing

Research demonstrates that profits among publishers vary widely, and prices for scholarly resources are not necessarily related to their value to libraries. Super-inflationary price increases for subscriptions endanger the very existence of academic libraries, whose budgets cannot keep up with price increases that have averaged 5 – 10% in recent years. Research libraries see the effects of price increases magnified across large collections, with both large packages and thousands of individual titles requiring negotiation. Libraries must find a way to reverse the trend of super-inflationary price increases; in the short run, this may entail libraries losing access to some unsustainably priced products. Publishers and aggregators must commit to sustainable pricing models to retain market share.

> **Vendors and customers must maintain a relationship through fair, transparent communication on the part of both parties. Vendors must engage in honest, flexible negotiation about pricing, open access, use rights, and content. Pricing models must be completely transparent and reflected accurately in the contract or license. Hidden fees must be disclosed. Profit margins must be reasonable, and annual price increases should remain predictable.**

- Vendors should consistently keep price increases under 2% annually, or provide explicit justification as to why the increase is higher. Price increases over this amount will be considered for cancellation.
- Vendors should price products such that costs are comparable and fair across institutions; extended negotiations should not be required to achieve a fair price.

Usability & Accessibility

For both ethical and legal reasons, we are committed to providing highly accessible resources for all patrons. Likewise, the usability of resources is a primary concern. Commitment of funds to unusable resources is both inefficient and ineffective.

> **All resources must adhere to current Section 508 guidelines. Databases must not require proprietary logins to access key features.**

- **All resources should be able to provide a sufficient VPAT or acceptable alternative.** Databases should work with EZ Proxy; our preferred method of access is via IP authentication.

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- Generally, all products should work well with other standard systems, such as our Integrated Library System (Sierra) and discovery layer (Summon). This allows us to provide a seamless user experience, without broken links, denied access, and other dead ends for users.
- For further details about preferred features and functionality, see Appendix D: Accessibility Preferences and Appendix E: Usability Preferences.

Vendor Behavior

Vendors should be highly organized and communicative in order to continue our productive relationships. Vendor disorganization and poor communication is a challenge to wise and productive acquisitions activities.

> **Vendors must clearly communicate with us regarding product contents, options for purchase, and pricing. Vendors must provide accurate, timely billing without unexpected increases in price. Vendors must meet professional standards of collegial and informative communication.**

- Vendors should work to fulfill orders, sign licenses, and submit invoices in a timely manner. Order fulfillment rates should be high, and accurate records should be communicated.
- Vendors should work to quickly resolve problems and be responsive to concerns.
- If the vendor is responsible for ensuring interoperability with third parties, such as discovery layer vendors, interactions should provide uninterrupted service for patrons.

Privacy

Patron privacy and confidentiality are tenets of librarianship. Vendors should strive to uphold the right to free inquiry as included in the First Amendment. This includes providing us with information about what data is collected, how securely it is stored, and the length of time that data is retained.

> **Vendor privacy policies must be available upfront and understandable to users. The library and users must be notified of changes to these policies.**

- Vendors should ensure the privacy of our community members by using HTTPS for all content delivered through the web.
- Vendors should abide by the guidelines set forth in the American Library Association's Library Privacy Guidelines for E-book Lending and Digital Content Vendors (see Appendix F: Privacy Guidelines), including securing and encrypting data, securely destroying data that is no longer needed, and giving users options as to how much information is collected.

Future directions

Although the requirements and preferences above are our priorities for now, in future years we will consider moving toward more stringent requirements for vendors. Among the actions which will be considered are:
- Investing more heavily in alternative approaches and initiatives to support more sustainable forms of scholarly communication, particularly by providing Open Access to content.
- Collaborating with other institutions to seek out and create sustainable, alternative scholarly communication models guided and controlled by academia.
- Supporting political action to encourage Open Access to publicly funded research.
- Moving away from doing business with monopolistic vendors as much as possible.

See also Appendix G: Open Access Manifesto

Appendix A: Texas State Contract Requirements

- **Confidentiality Clauses**: Chapter 552 of the Texas Government Code, also known as the Texas Public Information Act (PIA), requires disclosure of information when a Texas PIA request is filed.
- **Indemnification**: Article III, Section 49 of the Texas Constitution states that only certain entities may create debt on behalf of the state, and UNT and the UNT System is not among them. Texas Attorney General Opinion Number MW475 further clarifies this issue by stating that an indemnification clause in a contract does not constitute the creation of a debt.
- **Limitation of Claims**: Section 16.070 of the Texas Civil Practice & Remedies Code states that any period of limitations in a contract that is shorter than 2 years is void.
- **Governing Law**: The Contracting Handbook of the University of North Texas System, provided by the UNT Office of General Council, states that all contracts should be governed by the laws of the State of Texas. Furthermore, Section 105.151 of the Texas Education Code mandates Denton County, Texas as the legal venue for all lawsuits filed against UNT or the UNT System.

Appendix B: SERU Guidelines

SERU Recommended Practice
See http://www.niso.org/workrooms/seru

From the Recommended Practice:

> *The Shared Electronic Resource Understanding (SERU) Recommended Practice offers a mechanism that can be used as an alternative to a license agreement. The SERU statement expresses commonly shared understandings of the content provider, the subscribing institution and authorized users; the nature of the content; use of materials and inappropriate uses; privacy and confidentiality; online performance and service provision; and archiving and perpetual access. Widespread adoption of the SERU model for many electronic resource transactions offers substantial benefits both to publishers and libraries by removing the overhead of bilateral license negotiation.*

SERU Registry: http://www.niso.org/workrooms/seru/registry/

Appendix C: Use Data Standards

COUNTER
See https://www.projectcounter.org/

From the website:
> *COUNTER provides the Code of Practice that enables publishers and vendors to report usage of their electronic resources in a consistent way. This enables libraries to compare data received from different publishers and vendors.*

> *COUNTER maintains the Registries of Compliance that lists the publishers and vendors who have passed an independent audit of their usage statistics.*

Libraries spend considerable amounts of money licensing different types of online content to support their user's needs. Libraries need to assess user activity, in relation to this content, to ensure that this money is spent as productively as possible.

The COUNTER Code of Practice helps librarians demonstrate the value of electronic resources by facilitating the recording and reporting of online resource usage stats in a consistent and credible way.

SUSHI

See http://www.niso.org/workrooms/sushi/

From the website:

> **WHAT IT IS ...**
> - *An ANSI/NISO Standard*
> - *Defines automated request and response model for harvesting e-resource usage data*
> - *Designed to work with COUNTER, the most frequently retrieved usage reports*
>
> **WHY YOU SHOULD USE IT …**
> - *It replaces the time-consuming user-mediated collection of usage data reports*
> - *The protocol is generalized and extensible, meaning it can be used to retrieve a variety of usage reports*

Appendix D: Accessibility Preferences

These preferences are adapted from the American Library Association's Association of Specialized and Cooperative Library Agencies' publication "*Think Accessible Before You Buy*."

- All images and other non-text content should provide an alternative text equivalent. If a link is embedded in an image, there should be a text equivalent of the link.

- Synchronized captions, audio descriptions, and/or other alternative formats should be provided as appropriate for video and audio presentations.
- If any items flash or blink, the rate should be greater than 2Hz and lower than 55 Hz.
- If a scripting language (like Java) is used, content should be available in an alternative format for use by adaptive technology.
- Pages should not require special plug-ins, applets or other applications to view complete information.
- A user using only a keyboard should be able to fill in any form/box information and navigate backwards and forwards to navigate search results.

Appendix E: Usability Preferences

- **Abstracts:** Abstracts should be available for all records.
- **Full text availability:** All articles should be available full text.
- **Media:** Text should be heavily supported by image, video and/or audio content. Journals include all originally published images, graphs, etc.

- **Creating a User Account and Logging In/Out:** User account should not be required to access the full content and functionality of the product. When users desire to set up a user account, it should be easy to accomplish and users should be able to see the value in doing so; the logout button is obvious.
- **General Indexing:** The records should be accurate and match the information in the item (e.g., spelling of author names) and should be comprehensive (include: all authors, multiple subject terms). Author's names should be viewable in a variety of ways (e.g., firstname lastname; lastname, firstname; initials, lastname; etc.)
- **Discovery:** Searching should be across both the index and the full text, if applicable.
- **Search and Browse Methods:** Multiple methods of searching and browsing (simple, advanced, browsing, subject term selection, narrowing topics from within results, etc.) should be available and easy to locate and invoke.
- **Search Techniques:** Users can use Boolean operators, truncation, keyword searching, proximity searching, or wildcards. Users can browse one or more indexes of records or items. One or more thesauruses is available. The search system suggests alternatives for misspelled words and names.
- **Search Pages**: All search pages should be attractive, intuitive, and easy to find. The advanced search should allow the user to limit by: full-text availability, language, item format, date, publication type, specific publication (if applicable), text found in abstracts, and other facets.
- **Subject Searching:** Subject terms should be comprehensive and appropriate to the field. If a personal user account is available, users can tag or otherwise add to the subject headings. Subject terms should include both those from a controlled vocabulary as well as natural language.
- **Readability:** Text should be easy to read, fonts should be clean and sized appropriately, whitespace between elements should be adequate, headings and borders should be appropriate and useful, and there should be sufficient color contrast on pages for low-vision readers.
- **References:** A citation should be available for each record or item. Users can output to our preferred citation manager. Multiple citation formats should be made available and can be copied outside the platform.
- **Online Help Pages/Tutorials:** These should be available, easy to find, include help and tutorials in both text and video format, and should be applicable to issues users are likely to encounter.
- **Search Results:** Search results should be relevant and presented clearly. They should be easily be limited once retrieved and, if a personal user account is available, saved for later use. Images, videos and text should all be included and clearly defined by format.
- **Output Options:** Users should find it easy to email, download, and print records or items and to share the content and citations via social media. No more than three steps (clicks) should be involved.
- **Mobile Content:** The user interface should render well on iPad, iPhone, popular Android devices and other similar devices.

Appendix F: Privacy Guidelines

American Library Association's Library Privacy Guidelines for E-book Lending and Digital Content Vendors

http://www.ala.org/advocacy/library-privacy-guidelines-e-book-lending-and-digital-content-vendors

Appendix G: UNT Collection Development Open Access Content Manifesto

The Future of Scholarly Communications

In the current environment of research at academic institutions, the products of research, including research and the scholarly review of such research, is extracted from academic institutions and sold back to universities by outside entities. Access to this research, which is often funded by the government and non-profit entities in the first place, is then restricted to institutional affiliates in ways that preclude access by taxpayers and diminish the public-serving

mission of our institution. Multiple alternative approaches and initiatives for a more sustainable form of scholarly communication have been proposed.

For these reasons, among others, we seek to:
- Support and create alternative approaches and initiatives for more sustainable forms of scholarly communication, in particular those providing Open Access to content.
- Collaborate with other institutions to find and support alternative scholarly communication models that are guided and controlled by academia.
- Support political action to encourage Open Access to publicly funded research.
- Move away from doing business with monopolistic vendors as much as possible
- Requirements and Preferred Standards for Open Access Resources

To achieve these goals, we seek to include Open Access materials in the library catalog and financially support Open Access initiatives. In order to ensure the continued excellence of our collections, we require that all materials meet certain criteria before inclusion within the library catalog. Our requirements and preferred standards used to evaluate materials are explained below. For further definitions and explanations, please see the Collection Development Policy for Open Access and Born-Digital Resources.

Any Open Access resource must:
- Adhere to the same standards for quality and relevance of used for acquiring licensed resources
- Provide quality content and a clearly stated review process.
- Explain the authority of each author and/or the publisher.
- Maintain objectivity in providing information and contain no or minimal advertising.
- Provide current content for the topics covered.
- Ensure the functionality of the resource by not requiring user registration, by requiring no or minimal additional software, and by offering additional viewing options.
- Contain content in line with institutional goals or plans.

Additionally, we prefer that Open Access resources:
- Use the least restrictive license (CC BY).
- Provide increased accessibility for users with disabilities. See *Appendix D: Accessibility Preferences*
- Increase discoverability of the material by providing quality MARC records or metadata that can be included in our catalog or discovery tools.
- Maintain and adhere to a preservation plan for the content.

When we pay to support an Open Access initiative, the material will meet the preceding requirements. Furthermore, the "vendor" should:
- Maintain clear and timely communications with our appointed representative.
- Provide a transparent business model with a clear and consistent pricing structure.
- Furnish usage data as applicable.