



Penn Libraries' Perspective on the *Harvard University Mandate*

Harvard's resolution giving the university permission to make scholarly articles freely available to the world provides an opportunity to restate the importance of the Penn Libraries' *ScholarlyCommons@Penn* program.

Launched in 2004, *ScholarlyCommons* positions Penn to make bold changes to the current model of scholarly communication, provided that the university undertakes a similar effort to manage its intellectual assets. *ScholarlyCommons* is an open-access framework for the dissemination and preservation of faculty and student research. To date Penn researchers from several schools and more than thirty centers and departments have deposited over 10,000 works, including articles, dissertations, conference papers, works of visual art, and student publications, for example the *College Undergraduate Research Electronic Journal* (CUREJ).

According to Harvard officials, the Mandate grants the university, on behalf of the Faculty of Arts and Sciences, "a worldwide license to make each faculty member's scholarly articles available and to exercise the copyright in the articles, provided [they] are not sold for profit." This is a significant step forward in promoting open access to research, one that wrests control of scholarship from publishers, many of whom have insisted on retaining exclusive distribution rights for their own profit. By making its articles freely available and easily discoverable on the open internet, a mandate such as Harvard's will increase the visibility and impact of faculty research, and ultimately strengthen the university's control over its intellectual property and the skyrocketing costs of journals.

This is the first university-level open access mandate in the U.S. Two features define it: the first directs faculty to supply their papers to an institutional repository—a repository that Harvard, unlike Penn, has yet to fully establish. At Penn this supply process is facilitated by librarians working in cooperation with faculty and departmental administrators. Thus we have resolved one of several operational challenges unaddressed by the Harvard mandate. The mandate's second feature involves rights management, a far more complex problem—and the innovation of Harvard's approach. In the current publishing framework, authors typically sign away their copyright to journal publishers, who in turn sell back copyrighted information to the university responsible for creating it. The university is barred from distributing faculty research without the publisher's permission. And in the end, faculty have opted away the opportunity to make that work available to a wide audience—including the tax payers who often sponsored the research in the first place. From both an economic and policy perspective, the current model is unsustainable by the university and damaging to the public interest.

The Harvard mandate allows faculty to opt out of participation. In the absence of a similar rights management mandate at Penn, faculty opt into open access, and this is a crucial distinction. At Penn, *ScholarlyCommons* provides the infrastructure to make open access a viable alternative to the present publishing system. Harvard's action reminds us that effective remedies require both an infrastructure *and* sufficient institutional willingness to control intellectual assets.

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