

Licensing for additional users and partner organizations: finding your way through the maze – a consortium perspective

Libraries are increasingly being called upon to extend access to their online resources to users beyond their core constituencies. Every institution has its own unique arrangements, but they all raise similar questions for the library: are these users included under our existing licences or are separate ones needed? Will we have to pay more and, if so, how much? Where can I go for advice? This article considers these questions and the related issues from the licensing perspective of an established UK higher education licensing consortium (Jisc Collections), and two individual UK university libraries (King's College London and the University of Nottingham), using examples of licensing for additional users with partners who are from a different sector, and for students who are located in different countries.



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Jisc Collections licensing context

Since the inception of the original Jisc national site licence initiative and subsequent NESLI¹ and NESLi2² phases, the consortium pricing agreed with publishers in Jisc Collections' licensed agreements for UK higher education (HE) 'Authorised Institutions' has gradually incorporated a range of additional user groups.

Beyond the core registered current students and members of staff located at the main site, the Jisc model licence also accommodates:

- alumni
- HEIs with users at associated medical schools and research institutes, often on satellite sites in the same town or city
- multi-campus universities with sites in different UK locations
- students studying on a year abroad

- retired members of staff
- teachers from other educational institutions that teach 'Authorised Users' of the institution that are registered in the UK
- contractors
- walk-in library users.

A key requirement is that all authorised users are authenticated via the university's secure network and via a secure authentication method such as UKAMF/Shibboleth³ or IP address.

These may all sound like fairly standard expectations now, but it is important to note that Jisc's consortium agreements negotiated with publishers for access to learning, teaching and research resources relate to the cohorts described above, and the pricing models used and agreed are connected to the *type of content* involved, for example:

- access to full journal collections of content: pricing is often based on historical print subscription expenditure + an access fee
- access to database collections: pricing is usually based on teaching and research income/affordability using the Jisc-banded⁴ price points
- access to e-books – various pricing models in use
- open access journal offsetting models – a number of models are being tested.

Jisc Collections' agreements clearly exclude commercial use and use by users outside its core membership of academic UK HE and FE institutions.

Additional authorised users

In around 2009 a small number of librarians at HEIs started to express a need to provide access to resources for associated NHS Trusts and for student user groups located outside the UK at their campuses abroad, or based in partner organizations. Jisc Collections responded by working with different parts of the community at the forefront of these activities to understand these issues.

Jisc Collections' work undertaken for the London Medical Schools Procurement Group has resulted in some agreements, including optional access for NHS Trust users, and the 2011–12 AHSC Pilot⁵ and 2014–15 NHS (Finch) Pilot⁶ helped to understand the much lower levels of usage of research content by NHS Trust users which in turn has informed realistic pricing for this user group. Anna Franca, Head of Collection Development at King's College London Library, explains the challenges they faced and overcame and provides guidance to others wishing to develop access for this user group. (See Case Study 1.)

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Case study 1, King's College London

King's Health Partners is an Academic Health Science Centre (AHSC) which partners King's College London with three NHS Foundation Trusts in London to bring together world-class research, education and clinical practice. King's is responsible for delivering a library service to two of these trusts: Guy's and St Thomas' NHS Foundation Trust and King's College Hospital NHS Foundation Trust. In the past, NHS staff benefited from access to printed journals through walk-in access at the libraries. The mid-90s onwards saw a transition from print to electronic journals, particularly in STM subjects. King's was also an active participant in the UK Research Reserve (UKRR) initiative which led to the deduplication of thousands of metres of printed journals from our libraries, creating inequality for NHS staff who had enjoyed the same access as King's staff to the print, but were not entitled to electronic access under our new academic licences. The type of scientific journal research

80 available to universities is generally not available to the same extent in NHS Trusts, which tend to purchase clinical content as a priority, leaving many NHS researchers at significant disadvantage.

King's made early attempts to improve access to e-resources for NHS staff via the London Medical Schools Procurement Group (LMSPG), a consortium of the five London medical schools, established in 2003 with the aim of extending e-resource access to staff working in the universities' affiliated NHS Trusts. The group had been successful in its focus on negotiating access to a small number of key resources, but it was not set up to deliver the scale of access to electronic journals that NHS staff in King's Health Partners were seeking.

By 2013 King's was facing increasing criticism from NHS staff; as well as not being able to access the journal titles they needed electronically, there was considerable confusion about what staff were entitled to, compounded by complex access and authentication routes. Negative feedback began to be reflected through surveys such as the General Medical Council (GMC) Survey, which is aimed at junior doctors, and asks about the level of access to educational resources. Respondents answered that access was poor, and despite wider initiatives such as the 2011 Jisc-led AHSC Pilot that attempted to tackle the issue at a more national level, and the recommendation of the 2012 Finch report that funding should be found to extend licences to all staff working in healthcare, King's was facing mounting pressure from NHS colleagues to take immediate action.

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Working with NHS commissioners, we identified a list of the 400 most wanted e-journal titles, most of which came from a handful of leading publishers. Interestingly, some of the titles were already available electronically and had been negotiated through the LMSPG, which suggested that as well as making more titles available, we also needed to work on promoting the availability of existing content and helping NHS staff to overcome access barriers. We agreed that we would advance by approaching publishers to negotiate licence extensions to our NESLi2 agreements to cover access to staff working in the NHS Trusts.

Today we have licence extension agreements with eight publishers, providing access to approximately 5,330 titles. Most of the agreements were preceded with a trial period, after which NHS usage was assessed and used to inform the negotiation. Our current agreements vary in cost from between 0% and 10% of the academic licence fee. More recently we started work to improve e-book provision and negotiated an agreement through LMSPG to provide access to over 700 titles in the OUP Oxford Medicine Online collection to both King's and Trust staff.

'Today we have licence extension agreements with eight publishers'

Work to extend access to the NHS has not been without challenges. Some negotiations have been time-consuming and not always successful. Managing the OpenAthens link resolver has been problematic due to issues around title and package accuracy, and despite strong endorsement for the titles from the Trusts, usage has not always been as high as we had anticipated, suggesting that further promotion and engagement may be required to ensure that NHS staff know what is available. Despite these challenges, the work to extend licences has been received positively and has improved the relationship between Library Services and our NHS partners.

More widely, there are developments that may impact the work we have carried out at King's. Under Health Education England's Knowledge for Healthcare strategic framework, work is under way to review the allocation of funding for NHS Library and Knowledge Services, including the possibility of increased pooling of NHS funds to procure more resources at a national level. Shifts as a result of this work may take several years to materialize and in the meantime, King's anticipates that licence extension work of this kind will continue to form a crucial aspect of the library service we deliver to our NHS partners.

Licensing for additional student user groups beyond the UK has also provided challenging. It was clear that many publishers were wary of incorporating these additional student groups

81 without a further understanding of the possible implications. Typical concerns of publishers are:

- Pricing (even when Jisc banded) is based on an understanding that students are located in the UK except those on a year abroad who can access remotely.
- Where are these students located/which countries and how many are there?
- What subjects are involved? (Some, such as business studies, can be lucrative.)
- Do these partner colleges already pay for subscriptions to this same content? In other words, will the publisher lose revenue?
- Publishers have contracts in place with publisher representatives in these countries who sell to these partner institutions.
- If these are business arrangements then it is expected that there is a fee for those additional students.

University of Nottingham was one university that came to understand quite early on the issues related to overseas licensing. Ruth Dale, Senior Librarian Resource Acquisitions there, explains how Nottingham went about licensing access for students located at their campuses abroad. (See Case Study 2).

Case study 2, University of Nottingham

The University of Nottingham has two campuses overseas in China and Malaysia, with FTE student numbers in the region of 11,000. The campuses are 'The University of Nottingham', and a number of the staff are from the UK on long-term secondment. The degrees awarded are the same, and there are opportunities to study at a different campus within the group. Each overseas campus has a library, and print resources are purchased locally, but all e-resources are licensed along with the main UK agreement if at all possible. The majority of resources are available to all, but not everything. After many years of operating in this way there is still a long tail of smaller resources/publishers which remain UK only.

Detail of locations, overall FTE and IP/Shibboleth details are included with all new orders as standard and most major academic publishers have agreed to licensed access. Negotiating these, updating with any changes and keeping in touch with colleagues overseas is a significant task.

Data on student numbers are available to us from a local Strategy, Planning & Performance section – staff there will be those who submit all our official statistics to the Higher Education Statistics Agency. Publishers may routinely use these statistics too, and the use of a category referred to as 'aggregate offshore return' may be of help to our sector in trying to standardize and simplify the process of access for overseas partners/campuses. If total numbers are quite small, they need not necessarily require additional fees – it may be sufficient to identify totals and locations.

Universities with overseas campuses will probably need to control access to groups of users in some way. The three-campus Nottingham set-up makes this relatively straightforward, with three separate network log-in protocols, reflected in three 'entities' within the UK Access Management Federation. If the arrangement is short term and very specific, then authentication systems may allow the university to set up limited access for a small group. It will probably be necessary to prioritize immediate access to specific resources, but unless the partnerships have a very uncertain long-term future, libraries should be looking to standardize access to as many resources as possible, just as they would for all students at their UK institution.

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Given that Nottingham agreements have been built up gradually over many years (and FTE in both are now well above 2,000), they were largely negotiated individually with publishers,

82 though always based on existing Jisc/Eduserv or other agreed terms. Where additional fees have been involved, they have been calculated in a number of different ways: using FTE, using proportion of FTE to establish a base rate, simple flat rate for each site, usage monitoring, etc. It was occasionally a challenge working out who to negotiate with, but now most of these conversations are held with existing UK account management contacts.

If access is negotiated from the UK, then troubleshooting will probably involve the UK too. Planning for this – being clear about who does it – and if possible maintaining regular communication via e-mails/video-conferencing/Skype, etc., can make this work more smoothly. Additions to, or changes in, IP addresses or ranges have been a regular bugbear from the University end, and changes to publisher interfaces (or even annual renewal updates) often cause non-standard arrangements to disappear. Be prepared!

Overseas campus/partner arrangements are varied. Library colleagues getting involved with them might find the mailing list for Partnership Electronic Resource Licensing LIS-PERL⁷ a useful one to join to find advice and support.

Jisc Collections Current Core Service Provision to Jisc Members: Licensing Framework

Through workshops and surveys with the community Jisc Collections identified a core service provision by developing a Licensing Framework as outlined below.

As part of its core service to members, Jisc Collections' licensing and negotiation service includes a licensing framework that enables the inclusion of additional authorised users (AAUs) under the same terms as the main licence agreement. The model licence used as the basis for Jisc Collections' agreements incorporates four additional definitions:

'Additional Authorised Users' means individuals who qualify as authorized users and can perform the same activities as 'Authorised Users' under this Licence (subject to the payment of the 'Partner Fee', defined below) but for monetary purposes are not included in the 'Licence Fee'. Additional authorized users are users at a 'Partner Organisation' (defined below) for which the institution has agreed with the publisher to pay the partner fee (see below).

'Partner Fee' means the fee payable by the institution for access and use of the 'Licensed Material' by additional authorized users at a partner organization where applicable. The partner fee may be paid by the institution to the publisher at any time during the term of this licence upon receipt of the partner fee quotation (see below).

'Partner Fee Quotation' means the quotation of the partner fee, calculated in accordance with Schedule 4 of the Model Licence, provided by the publisher directly to the institution at the request of the institution to include additional authorized users from partner organizations under this licence.

'Partner Organisation' means the organization(s) for which the institution has agreed with the publisher to pay the partner fee(s).

In addition, Jisc Collections aims to negotiate a partner fees schedule in the licence agreement with the publisher at the renewal point of an agreement. The partner fee is based on the number of FTE within the partner organization and the partner fee is invoiced by the publisher to the HEI, payable directly to the publisher. (An example is shown in Table 1). The aim is to agree with the publisher what the partner fee per head should be in each FTE tier.

Developing a shared service

The negotiation of agreed/actual partner fees with publishers has had limited success, as many publishers want to discuss a university's particular situation and details before making a pricing judgement. Jisc Collections did not know the extent to which HEIs were actually using the Jisc licensing framework and any pricing that had been agreed with publishers by

Table 1. An example of a Partner Fee invoice, to be filled in by the publisher

Number of FTE in Partner Organisation(s)	Partner Fee per head
0 – 100	
100 – 300	
301 – 600	
601 – 900	
901 – 1,200	
1,201 – 2,000	
>2,000 FTE	a separate licence would apply

Jisc Collections. It was also apparent to Jisc Collections that it could not engage properly in negotiating for the sector without a better understanding of local requirements, the numbers of students (and supporting staff) involved, locations, and resources required; and establishing this information was time-consuming and seemed to be a movable feast each year. Any payments to cover access by AAUs are made directly to the publishers concerned, sometimes mid-term in an agreement, and hence this information is not available to Jisc Collections.

A further complication for librarians is that the resources licensed for HEIs by Jisc Collections are only a fraction of an HEI library's total resource requirements. In many ways it was unsurprising that universities found themselves negotiating directly with publishers. To assist with this situation Jisc Collections provides a Decision Tool⁸ to be used by an HEI for internal purposes with e.g. planning offices and research offices, to determine how these additional users relate to the current agreements in place with the publisher, and to provide a copy to publishers in confidence to support negotiations. The decision tool and advice provided by Jisc Collections has helped many universities get organized and support their individual negotiations with publishers. While some universities have successfully negotiated terms with publishers, there is still valid concern that students abroad do not have access to the same level of resources as UK counterparts and that provision of such material comes at a cost, with no transparency of that cost across the academy.

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Librarians are unanimous in seeking a simpler, less labour-intensive solution but have not yet agreed what that might be. They are looking to Jisc Collections to provide answers and solutions. Ultimately, by negotiating and providing support to develop an easier, more cost-effective solution for all UK universities with overseas courses, this will save time and money, thus releasing funding back into the sector.

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Jisc is now working to establish a pilot to work with the community to determine the exact shape of an optional service that addresses all the issues raised above, and to ensure that such a service is self-sustaining. Jisc wants to establish a systematic and strategic licensing approach, service and business model that provides a means of licensing access to resources for all AAUs. In doing so we hope this will bring benefits and efficiencies for publishers as well as their university customers.

Abbreviations and Acronyms

A list of the abbreviations and acronyms used in this and other *Insights* articles can be accessed here – click on the URL below and then select the 'Abbreviations and Acronyms' link at the top of the page it directs you to: <http://www.uksg.org/publications#aa>

Competing interests

The authors have declared no competing interests.

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