Access and use of electronic resources licensed to the Library:
Background information

Introduction
The University is exposed to a number of risks associated with agreements for software and electronic resources licensed by the Library. The purpose of this paper is to advise the University about the nature of the risks and their possible impact.

In 2013, Monash University Library spent more than $11M purchasing electronic resources, involving over 300 licences. These resources are licensed for use by authorised users as defined by the licence agreements, which in almost all cases limit access to Monash University staff and students as defined by Monash University Statute. Access to these resources relies on Authcate for the authentication of registered users and Ezproxy, a software application to manage cohorts of users and IP addresses to control access to electronic resources.

The University Librarian and the University Solicitor are concerned that, because the range of people granted Authcate has expanded and is now broader than that which is included in the majority of electronic resource licences, the University is potentially in breach of the licence agreements. Vendors have repeatedly made it clear that they are opposed to broadening access beyond the currently defined groups. Where-ever possible the Library negotiates to include use by walk in users, alumni and affiliates however these users are generally not granted access by the vendor. The Library also has to negotiate with over 300 vendors each time a new category of user is granted authentication.

The risks associated with allocating Authcate to individuals who are neither Monash staff nor Monash students are highlighted below. These risks should be carefully considered by those allocating Authcate.

Risks

The risks associated with extending the allocation of Authcate beyond Monash staff and students include the following:

- **Litigation.** Vendors may sue Monash University to recover damages resulting from misuse or unauthorised access under their licence agreements. This risk is greater where the University has provided Authcate access to a wide range of individuals not currently employed by, or enrolled in studies at, Monash University as it is difficult to police misuse by non-Monash users.

- **Loss of access to resources.** Vendors often remove access to resources if they find misuse or unauthorised use of an electronic resource (e.g. systematic downloading of multiple articles from multiple years of an electronic journal). This risk will increase as a broader user base is added. Vendors remove access to subscribed electronic resources until a breach has been resolved. Loss of access has a direct impact on the completion of research or assignments.

- **Sanctions for misuse.** It is difficult to police misuse by non-Monash users. Misuse by Monash University staff and students can be addressed through the disciplinary process. For others, the only sanction is withdrawal of access. It is difficult to educate Authcate account-holders about the importance of safe-guarding their Authcate details and avoiding breaches of contract.
Negotiating licence agreements. Monash University Library devotes approximately 3 FTE staff to negotiating licence agreements to cover our multiple campuses and community users. In addition, many contracts are examined by the Solicitors' Office prior to signing. Additional time is required if Authcate accounts are provided to a widening range of individuals. This increases the time it takes to make resources available. Certain electronic resources may not be obtainable for a wider community of users. Extending contracts and licence agreements to more users is also seen by the vendor as undermining the vendor's potential market, particularly in the law, business and medical fields. Vendors are reluctant to extend licence agreements for this reason.

Loss of reputation with vendors. Monash University currently provides access to a huge array of electronic resources available through Search (resource discovery and access application). Monash University is one of the few universities world-wide with such a large number of databases (1,000+), electronic book collections (500,000+), and electronic journals (95,000+). If Monash University loses its reputation for protecting the intellectual property of publishers and vendors, it may not be able to obtain desired electronic resources. Vendors may charge higher prices to Monash University to provide content for a wider range of users.

Increase in demand. Many electronic resources have limited concurrent users. Potential users are forced to abandon their attempt to search a database when the maximum number of concurrent users is reached. They must try again later. Adding more Authcate accounts will create competition with Monash University staff and students accessing Library electronic resources. It is not possible to prioritise usage. Additional usage creates strain on existing hardware and software, and staff resources.

Conclusion
It is critical that the Library is involved in discussions and recommendations associated with access to electronic resources, particularly for affiliates and non-Monash University entities. It is important to remember that the electronic resources licence agreements have defined categories of users that the University must adhere to. When granting authentication the electronic resources licensed by the Library policy and guidelines should be adhered to.

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