

Interview with Eileen Joy (punctum books), 18/10/2022.

Scholar-Led publishers share some common values around scaling small, removing barriers to open access, bibliodiversity and non-competition. Tell me about the impetus to start up your press- why did you decide to found it? What needs were you hoping to meet?

First, most important and really the only reason to found an Open Access press was to have an alternative to traditional academic publishing, be that corporate like Palgrave, Springer Nature, Routledge, or traditional “legacy” university press. In my field, which is the humanities, some of the bigger corporate publishers have no impact on us, nor interest, such as Elsevier and Springer Nature, whom we regard as the real pirates in the landscape of academic publishing. But that's a digression.

The real answer to your question is that I and my initial co-director wanted an alternative to traditional academic publishing, not because of its commercial extraction of public funds stewarded by universities, but because we felt like the same kind of scholarly books were being produced over and over again, and they're boring. A lot of amazing research is done by university and other traditional academic publishers. That is highly valuable, so I don't want to be misinterpreted. But there is a certain homogenization of what research looks like when it ends up in a book published by a university press, and how it ends up in the book is the result of a process that I believe — and I was in academic for many, many years and published a lot of research myself — means that everything is supposed to look the same. There's a lot of gatekeeping. The traditional peer review process, in my opinion, harms the production of knowledge in all of its forms, and full academic freedom is a mirage because of this. For example, your department won't give you tenure until you publish a book. They only approve of books published by certain publishers. They insist that you go through a review process, which is double-blind, which can end up being cruel, stupid, or poorly managed, and that in my opinion maims and harms public knowledge. It also harms individual researchers who end up contorting themselves into the box they're being asked to fit inside of.

I also wanted books that were more fun. I wanted books that were experimental. Every time I would meet academics at conferences, I would always say, ‘What are you working on?’ It's like in different party situations where people ask different things. When I lived in the South, people asked, ‘Where does your family live and what is their ancestry?’ When I lived in DC, people asked, ‘What do you do for a living?’ And in academia it's, ‘What are you working on?’ Academics would always tell me, ‘Well, I'm working on this book that I need for tenure, about this, and I care about it. But I have this other book I'd like to write that's kind of percolating in my brain. But I just can't work on it right now because I have to get tenure, and I don't know if I'll have time later’. So I thought, ‘Can we have a press for that? Can we have a press for those other books that academics want to write, that they don't feel like they can, and which no other press would publish?’

I also wanted a press for what I called para-academic authors. Those are people with PhDs, brilliant minds, brilliant dissertations in their back pockets, and they can't get a job. They need someone to foster their work. So those were the two reasons for starting the press. I'm sick of traditional publishing. I don't like the way it maims and harms authors and therefore also harms public knowledge. I want to support authors who are precarious, and that's how we started. I thought, ‘let's have experimental academic publishing, let's help authors who normally don't get assistance’. I didn't know anything about Open Access. I knew nothing of its history. I didn't know anything about the business side of traditional publishing. I was clueless. I knew Open Access existed, and I knew

that we should be Open Access. In my gut I felt we should be Open Access, but that wasn't why we did it. Then later I got radicalised by everything I found out about Open Access. All of a sudden I thought, 'Oh my God'. I didn't know the history or the politics. Once I learned all of that, I became much more invested politically, and as a press, in the movement of Open Access. But that's not why we started the press.

Are you incorporated? As what? Why?

First of all, we had multiple forms. We started as what's called a Limited Legal Partnership or an LLP. It was just me and one other person. It's always been me and one other person or just me, but at the beginning it was me and another professor at Brooklyn College in New York City. So we got legal papers drawn up to be a Limited Legal Partnership, which is not a charitable company, it's not a non-profit company. We saw this as a side venture. We didn't even think of punctum as a real company. We thought, 'We're both going to keep our jobs as professors. We're going to create this thing, it's going to be a side project that we do for fun'. We were not even trying to make it financially stable. But we thought 'If we do make any money, we'll just split the profits. We'd have to pay taxes on them'. Then we split up. I've had many professional breakups, and we separated, partly because we had published a couple of books and a friend emailed me and said, 'Do you need copy editors for punctum?' and I replied, 'Well, we can't afford them right now. Why are you asking?' He said, 'Well, I'm reading a punctum book right now and it's riddled with errors.' My co-director and I would each work on a book, and we didn't really supervise each other's work. So I confronted him about this. He said, 'I think all errors are on the author, so if there are any errors it's not my problem' (caveat lector). He just wanted to typeset books. He didn't want to edit them. I was shocked and I said, 'What! I'm sorry, that is a lack of care for authors' work, and if there are mistakes, readers don't blame authors. They blame the publisher.' And I said, 'This is an ethical matter.' And then he said, 'I think you're trying to do something that I don't want to do anymore. I just want to do this for fun and you're making it too serious. It sounds like you want to grow our operations and I don't want to. I'm doing this for beer money.' So then we split up and punctum became a sole proprietorship, meaning it's my business.

It's wasn't a charitable organization. It was just me, running punctum. There were no profits. I had no library support program. I had no grant money. I had no personal money. My university didn't help in any way, so it was just me, and everything was at a loss. When I resigned my tenured university job to run punctum full time, I took all of my money out of savings. I liquidated my retirement account to keep punctum going. So it was an LLP, limited legal partnership, then a for-profit sole proprietorship, which in the US usually means you own a store or you own a business, and you pay taxes. It's just your business and you don't have shareholders usually. Then my previous partner, after seeing how successful punctum was becoming, brought legal papers to me and said, 'I know punctum will grow and it'll be successful and I want 17% of all future profits'. I said, 'For what?! We created a press! It's not like we invented a toaster!' And he said, 'Well, I want you to sign these papers anyway'. I said, 'You know what? I'm going to convert punctum to a non-profit charitable company and you won't be able to get a dime'. In the meantime, a series of different directors came in to help me and finally Vincent W.J. van Gerven Oei arrived. He was a godsend because he's so good at what he does, and he could do all the design production and I would do all the editing, and we would do everything else together. We had no employees. We had no full-time employees until last year.

So then we set a process in motion to become a charitable organization at the federal level, kind of like the OBC has done. You have no idea how difficult this process is. From being part of Work Packages 2 and 4, you have gotten a glimpse into the process, and you know that it is complex. Well, in the US, it's even harder. My lawyer told me that they didn't understand what Open Access is. There's a Commission in the Internal Revenue Service that reviews these applications and it costs tens of thousands of dollars to do all the legal paperwork. My lawyer said, 'I don't even know what Open Access is, and the federal government won't like it because they won't give publishers this status and they're skeptical of publishers who seek this designation, historically they deny it'. I said, 'That doesn't make any sense. We're giving books away for free'. And she's said, 'It isn't going to work and you're not going to get the status'. She said the other problem was that I had been around already for 6 or so years and would ask 'Why were you this, and now you want to be that? We don't trust you'. So I couldn't get the charitable status. Also, after we had spent about \$10,000, the lawyer still hadn't filed the paperwork. It had been almost two years. So then I said, 'OK, screw this. What else can we be?'

It turned out in California there's three types of non-profits you can be. One is public benefit. I think it's obvious what that means. The other two are mutual benefit and religious. The 'mutual benefit' is one is for societies and professional organizations where everything they do is for the benefit of the members, a little bit like we'll be in OBC. Sometimes they raise a little bit of money, but not much, and it's just so that the members of their organization can work together on specific things like saving the whales. So we went for 'public benefit' for an obvious reason: we give books to readers all over the world for free. So we're a non-profit, but we pay taxes because we're not a charity, not a tax exempt organization. So all of that tells you what we went through via the evolution of our business models.

Regarding the governance of a press of your size: what resources, elements, and/or actors are involved and/or subject to it?

One of the things that Vincent and I realized when we finally incorporated this way was that if you are a charitable organization, the governance from above is quite heavy. This would potentially never be a problem, but suppose that five members of the OBC's Board decided they didn't like a person running a press and who was a member of the OBC for whatever reason, and they wanted to boot them out, they could do that. Likewise, if five or more members of the board wanted to kick a board member off, with enough votes, they could do that. In the case of a press, if we had been a charitable organization, we would have to have had to have a board, and if they wanted to remove us as directors, they could do so. This happens all the time in the US, at a very high level, like with Uber for instance. The head of Uber, who invented Uber and was the CEO, was removed by the board because of his seriously bad behaviour. They just kicked him out. He got to keep some of his shares. So Vincent and I decided this will never happen to us. Our governance is me and Vincent. We are the directors, and we are the trustees, and we make all decisions. We have legal papers that say we have 50/50 control. I can't get rid of him. He can't get rid of me. If someone wants to sell the business we both have to agree. We could sell punctum, but I hope you understand we never would. It's never going to happen, but it could, and we don't want anyone to have control over that. So we don't need a Board of Directors, but we do have an Executive Advisory Board which we created that includes us and four other people. They are advisory only. We meet a couple of times a year, and we have open channels of communication back and forth. So that's really our governance.

The other part of our governance in relation to the libraries who fund us, similar to the OBC, is that we want librarians to be part of our governance. Again, we don't vote on things. They don't tell us how to run the press, they don't have control over who we publish or anything like that. But we have official meetings with them, and official channels of communication. And we specifically ask them, 'We're confronting this issue. What do you think we should do?' At our annual meeting we share information with them, they share information with us. We ask them questions, they ask us questions, like 'We're wrestling with this.' For example, in the last meeting we said, 'We want to develop some new areas in our catalogue. We're well-known for these areas, but we're really interested in feminist film studies, which we now have a new imprint in, and we don't have much in digital economics. We wish we had more'. So we told the librarians this, and asked 'What do you think about that, and do you think there are other areas that we should be focusing on?' So you see how that works. When Wiley withdrew over 1,300 e-textbooks from library databases, we asked our librarians, 'What do you think about this? What are your opinions, and what are you worried about?' So we have a very tight, close-knit relationship with our librarians, who agree to have a member of the library sit on the Library Advisory Board and do this kind of work with us. But what you may have intuited already is we have a very light governance structure. Nothing's voted on by anybody. It's more of a friendly agreement that we are in this group together and we're all focused on the flourishing of punctum books and its catalogue. We have a very collaborative structure. We say board, we say directors, but Vincent and I are ultimately in charge of everything.

We don't govern our authors. With our authors it's just the kind of relationship you would imagine between a press and its authors. We're not beholden to any national governing bodies. There are certain things we have to do within the state of California. There was an application process, and we had to be reviewed to be a public benefit corporation, but it didn't take two years and yield no result. Just to re-emphasize, we wanted that charitable status, so badly, so we wouldn't have to pay taxes. But afterwards Vincent and I realized that would have been terrible for us, we would have had such a heavy governance structure, and we wouldn't really be in charge. Now we are in charge.

Talk about the evolution of your governance structure and process? Did you use or adapt any external principles, guidelines or toolkits? Did you consider any?

It was all organic. I hate to admit that I wish I could say 'Oh, it was all very well thought out, and we did all this consulting, and we met with other similar businesses and tried to get information from them and we drafted a governance charter'. But there was none of that. It's the loosest non-governance structure you could imagine and yet it works. I think that's a point we should make when we think about governance, depending on the organization. How much governance do you need? It's possible that Vincent and I might decide that we want something that's more formal, and we want librarians to actually vote on things. But we would never make those votes binding. We would never have a governance structure, or document or constitution, that says once a year, we gather and we have binding votes, and this means Vincent and I have to do X, Y and Z. So it's all organic. I've learned a lot through COPIM, because of the research that was done in Work Package 4 by Sam, by Patrick and Janneke. I know a lot more now than I used to about community governance, but having said that I don't think punctum is going to radically change anything about the way our governance works. Unless I get run over by a truck or if Vincent and I were both in a plane crash. Not to be morbid, but what would happen then? Does punctum fold or does someone step in and keep it going? We should probably leave a legal directive, and sooner rather than later, so we'd have a transfer. That's the other thing about a charity and the same with OBC: What if everyone on the Board evaporated at some moment? In the case of a charity, The Board of Directors would decide

what happens next. It would be their decision. Even if the OBC fails financially, it will be the Board that decides what happens next, and their decisions will be beholden to the constitution that the lawyers drafted with us. We would have to follow those rules and they would be in charge, and we just don't want that.

How does governance operate now, regarding mechanisms like election, role appointment and consensus-seeking? How are conflicts and complaints dealt with?

I'm glad you brought this up, because there's something else I should have said was part of our governance, regarding how the press is managed, and I shared there's an Executive Advisory Board. We consider those our most important advisors. It's a small group. It's people we care about a lot. We didn't just choose them from nowhere. They are friends, actually. There are two librarians and two people who are cultural studies and digital studies experts. We have an academic scholar who runs a very prestigious Center for media studies at the University of South California, and we have two librarians. Then there's the Library Advisory Board. Every library that supports us has a member on that board. Then there's an editorial Advisory Board made-up of 26 persons who help us determine which manuscripts we will publish every year. So those are the boards. There is no actual process or procedures about how any of these entities might interact with each other. We've never had any conflicts other than an author, saying, '**** you for not publishing my book!' In almost 12 years of publishing, I can count on less than one hand the number of authors who said that. We've even had one who threatened to sue me; that really happened. We have insurance for that by the way. We have \$1 million certificate of insurance. It's just for publishers and it ensures that if someone sues us, like if someone were to sue us for copyright infringement, we have a contract with authors that says that's on you, not us. If you plagiarize somebody else's material and they show up and want to sue, you're the one who is liable. However, even having said that, it doesn't stop people from suing us. The author may agree to that in a signed contract, but if someone's been plagiarized and they want to sue us as the publisher, they can. Anybody can sue anyone in US. I could sue you because I don't like your cat. It would be a ridiculous lawsuit. It would be thrown out in court. But I could actually file the suit if I wanted to, and if I wanted to pay the money to do it. So we have insurance for that.

But you're raising a really interesting issue: we don't have any procedures in place for if that happened, if an author sued us. We've had a couple threaten us, and we've kind of laughed it off because they don't have money. How are they even going to get lawyers? Their claims are ridiculous. Truly ridiculous, outrageous threats of a lawsuit in a couple cases, by people who I think were psychotically deranged. But what would we do, if we were faced with a lawsuit from an outside person about one of our books containing plagiarized work that belongs to them, and it would technically be copyright infringement? That could be quite frightening, especially if they have deep pockets for lawyers. We see this happen all the time with corporate publishers who themselves instigate lawsuits against shadow libraries or against people who they think have infringed their copyrights. And they have the money and the lawyers to pull it off, so we probably should think about that as part of this conversation. It raises issues like, what would we do with this situation? We don't have a procedure for that, and we probably should. Maybe we need to vest our Executive Board members with more power than they have now. Maybe we need a document. Probably the most important thing for us to make more official is our relationship to the Executive Board and what we want them to be able to do, if we die all of a sudden, or we get sued. We've never thought about that.

I mean, it's one thing for Vincent and I to say we want to be in charge of everything, but what if we need serious assistance in the event of a lawsuit? Or what happens when we're gone? Do we want to vest power in the Board in whatever way we want, put it in writing and sign it, and get them to agree to it? I think that's probably something we need to do and that would probably be the most formal governance structure that we need. But we would also have to provide indemnification insurance. I'm not sure we need other formal governance structures, but I suppose we should think about things that might arise that would require it. Even conflicts between Vincent and I. We don't actually have an official governance structure for that. We've never had a conflict that was impossible to resolve. But what if we did? What if we had one that was so bad that it was threatening to break up the press? We'll need arbitration. Maybe the Executive Board should be the arbitrators and we should put that in writing. Doing this interview with you is making me realize for the first time that we do need some procedures that are written down and agreed upon. When we are in situations which we really cannot handle on our own. Our corporate structure means neither Vincent nor I can rule out the other or do whatever they say. Our votes would always cancel each other out. But if there are serious issues we cannot agree on, we'll need an arbitrator and it should probably be a profession one outside of our Board, because we don't want our Board to have legal precedence above us.

What written policies do you have and make available? We make our editorial process more transparent than almost any press I'm aware of, University or Open Access. We have an unbelievable amount of information on our website for authors, telling them everything they could possibly need to know, and the same with libraries: our end of the year financial statements, e.g.. Where does our income come from? Where does it go? Who are our staff? How much are they paid? What are their benefits? What do Vincent and I pay ourselves? How much did we get in print sales? What are the production costs, including overheads, of each book and how specifically do we raise the money for each book, and where does that money come from for each book? How is it apportioned? All of that is released once a year in an online transparent statement and we put that on PubPub and we send it to our librarian advisors. But anyone can see that because we post it on an open platform. Most university presses are not as transparent as we are.

What institutions or organisations do you have relationships with? How does this influence the governance of the press?

The organizations are mostly ones a lot of people know, ScholarLed for instance, which is a consortium of smaller open access presses directed by scholars, the hallmark of which is non-competitive collaboration. Also OASPA (Open Access Scholarly Publishers Association). Vincent is on the board of OASPA so we have a direct connection to them in a way that's influential in both directions, for them and for us, especially in relation to what we care about in the larger landscape of scholarly communications. ScholarLed is very important to us: the principles of ScholarLed, their activities of knowledge and expertise-sharing. We want to be in sync with that. Now ScholarLed is a legal charitable organization registered in the Netherlands. It has a constitution. It has a governance structure, it has a Board, and they vote on things because conflicts do arise. We've had one conflict actually within ScholarLed that had to be resolved by a vote. We aim for consensus, but we had a vote on one thing that really upset Vincent and I, to be frank, and Vincent was the Chair of the Board, and he resigned because he was just upset. So he resigned from the Board, but we're still in

ScholarLed. Obviously, we believe in the organization, and we want to be a part of it forever, so we'll always be involved with ScholarLed and OASPA. I'm thinking of professional organizations, with which we have some kind of relationship. We have a relationship with the libraries, who fund us, especially the University of California, Santa Barbara Library (UCSB Library). Lidia comes from there. We have an informal affiliation with them. They give us office space. They loan us vital technical staff. They sometimes pay to send us to library conferences. I give workshops there. I help organize events for International Open Access week. In October 2022, and we ran an online webinar on Open Access and climate justice. We brought in people who work in the sciences, the social sciences, the arts, and big data, to talk about how their work addresses climate change. We also participated in Open Access events at the Pratt Institute and Indiana University. So libraries are primary partners for us. Regarding formal relationships, OASPA is our most important professional organization for open publishing. OASPA and ScholarLed are our primary partners. It's not that we don't have others. We work with the Coko Foundation on developing open-source tools for publishing and we have a partnership with the Internet Archive. We are also partnered with Lyris, Jisc, the Knowledge Futures Group, and so on.

So these are all people that might not have any formal influence in decision making, but you would certainly take account of in those processes?

Absolutely. Well, with ScholarLed it is formal because there's a constitution and charity organization where governance has to be top-down, and votes are binding within the Board. There's a formal governance structure that we participate in and have to be responsive to, so in terms of ScholarLed that relationship is formalized and follows the rules of a charitable organization. The other relationships as you already pointed out are more informal yet critical to what we do.

How do you feel now about the governance of your press in relation to your aim and missions? Is there anything you would like to improve and develop?

What we care about most is our relationship to authors. When we think about how to improve things, make things better, make things better organized, be more responsive to the community of researchers who publish with us, we put all of our energies into that. But based on our conversation today I think we need to deal with governance at those higher levels. With the Executive Board, I think we need more formalized procedures in place and in the management of the press. Otherwise, as I told you at the beginning, we just want it to be Vincent and me, so it's us, back and forth and back and forth. All strategic planning, all policies, all hiring, we do all of that together. And that reminds me, too, once you have employees, what are your policies there? We've never had any policies. We just say, 'Do you want to work for us? Here's the salary we're offering'. We're very proud of the fact that we offer high salaries for entry level people. Within the world of university presses, regarding starting salaries, we are almost twice that, around \$60,000. That is the entry level salary for everyone, and we also make each staff member an Associate Director, and their starting salary is about \$10,000 less than ours. There was this computer entrepreneur in the US who decided his company made so much money, and he had a lot of money, but it was smallish so he instituted a policy where everyone regardless of their job or how long they had been there would make the same, and that he would make the same, and they were generous salaries. So we're kind of trying to

adopt a similar policy, meaning that we really want to share resources with our employees. They get bonuses at the end of the year. We take them on a retreat.

There are more procedures and workflow things that we just decide internally and implement. Where they don't work, we're just constantly improving those processes. Some of them are written out, and you can look at that on our website. But it's such a hugely informal operation that we run, with Vincent and me being the primary, sometimes only decision makers, receiving and asking for advice when we need it, but that is changing in important ways because we finally have full-time employees, and we want them to do strategic planning with us and we are even co-authoring an employee handbook with them so their concerns are taken seriously. They have extraordinary benefits: one month vacation to take whenever they want, two weeks off last week of December and first week of January, 10 holidays, paid medical leave if they have to care for relatives, partners, for friends, or anyone they care deeply about, and health insurance. We want employees understand their obligations to us and our obligations to them as we grow. I think that will be a necessity and I think we need more formalized procedures worked out with our Executive Board. Again, they would only have the power over us that we would grant to them, but we should probably make that formal, and then we can change it whenever we want, because we're still in charge and the Board is basically doing what we ask them to do. If they agree, a Board member might say, 'I don't want that responsibility, don't make me make those decisions'. So we would have to have an iterative conversation with them around these issues: 'Would it be okay if we asked you to do this, and would you be okay with this?' When we created the Executive Board, one of the first things one of them, whose husband is a lawyer asked us whose, husband is a lawyer, told us he said to her said to her, 'I don't want you joining the Executive Board unless you have a waiver that you are not liable for anything that punctum does for which they might be liable. I don't want you to be liable'. So she said, 'Okay', and we said, 'Okay', but we still haven't written something up, and that will require a lawyer. We probably need a document that says our Executive Board is exempt from any liability that we might have legally. In a charitable organization that would have been required already, it would already be written out, there would be a constitution, and there would be conflict-of-interest policies. All the stuff we've needed for the Open Book Collective, a charity, we would need too.