

Rights as the foundation of scholarly communication: streamlining policy in the UK

Chris Banks
Director of Library Services, Imperial College London
OAI10 Geneva 2017



@ChrisBanks

UK OA Policy background

Finch report (2012) and Research Councils UK

- RCUK policy – applicable to those with a RCUK research grant.
- **Nevertheless, the transition across the world is likely to take a number of years. During that period, all three of our mechanisms – licensing and repositories as well as open access and hybrid journals - will remain in play. Measures to increase access will therefore have to include the more effective use of all three; and it is important that progress on all fronts should be carefully monitored.**

Funding council REF policy (2013)

- Applicable to all academics who are to be submitted to the post 2014 Research Excellence Framework exercise
- **We further recommend that institutions fully consider the extent to which they currently retain or transfer the copyright of works published by their researchers, as part of creating a healthy research environment**

Academics face the “policy stack” challenge



- Many funder policies:
 - Different compliance requirements
 - Differently funded (or not)
- UK REF policy in particular, differs substantially from other policies and applies to all UK research academics
- Many publisher policies
 - Some publisher have different policies depending on who funds the researcher
 - Many publisher policies are not in line with REF policy
- Difficult to know what to do to comply both with Funder and REF policies (e.g. very easy to comply with RCUK but fall foul of REF-eligibility)
- Institutional OA and IP policies not in alignment with funder policies, so don't best support academics.

Institutions

- Recognising that IP, copyright and open access policies were not necessarily supporting funder compliance – something needed to be done
- Variety of approaches to academic IP across UK institutions
- Legally, in the UK: employer is the first owner of any copyright in the work (subject to any agreement to the contrary) created “in the course of employment”.

Publishers

- Have varying approaches to copyright, from licence to first publish, to outright copyright transfer
- Licenses not read by academics – more interest in the journal than in the agreement
- A problem not confined to publishing – how many have read the android google agreement? Social media agreements?
- In 2012 Time magazine reported Carnegie Mellon funded research which concluded: **You'd Need 76 Work Days to Read All Your Privacy Policies Each Year**

Library

- Wanting to create frictionless services
- Needing to upscale services to all academics – REF policy
- Can't easily give answer to academics on OA options - need to ask them lots of questions first (who funds, where publishing) before advising of OA options/requirements
- Working with academics to understand challenges and opportunities

Why an OA policy revision is needed

- Need to ensure that institutional policies are in alignment with funder (RCUK, HEFCE, etc.) policies
- Publisher policies vary considerably – many do not enable easy compliance with both funder(s) and REF policies
- Want to preserve academic choice as to where to publish, including academic freedom to sign whatever licence/© transfer agreement is necessary (whilst separately continuing to encourage scrutiny of those licenses)
- Desire to maximise impact of publication
- Desire to retain some re-use rights for use in teaching etc, including rights in diagrams and graphs produced for the publication. Presently, items deposited in the repository often cannot be used in teaching until after the embargo has passed

Harvard model policy chosen

Key components:

- Implemented as part of university OA policy
- Academics deposit Author Accepted Manuscripts (AAMs) and grant a non-exclusive licence to the university for all journal articles
- Well established policy – has been in use since 2008
- Where a journal seeks a waiver, this can be managed by exception (happens <5% in the USA)
- Used by over 60 institutions worldwide
 - From Harvard and MIT
 - To smaller institutions, including two in Kenya

Making the Harvard model work in the UK

- Copyright framework
- Institutional IP policies
- Employment contracts
- Aligning with RCUK and REF (and many other) funder policies, including their encouragement to advance openness in scholarly communications

Benefits:

- ◆ Academia retains rights over its outputs
- ◆ Authors have the right to make articles open access
- ◆ Open access articles have higher citations than closed ones
- ◆ Reduced costs for compliance (embargo handling & checking of publisher policies)
- ◆ Academics no longer have to sign a separate deposit licence for every manuscript uploaded

- ◆ Authors can continue to publish in journal of choice irrespective of whether it allows open access or not
- ◆ Single means by which authors can comply with "green" open access policies
- ◆ Minimizing reliance on hybrid open access: reduces "double dipping" (paying twice through subscriptions & APC)
- ◆ Minimises effort on managing complex hybrid APC payments

Publisher responses

- Some very positive responses from some publishers, including pure gold (e.g. PLoS) but also learned society (Royal Society)
- Other publishers less happy but now in dialogue with the Steering Group through membership bodies: Publishers' Association and the Association of Learned and Professional Society Publishers

Next steps

- Further meetings with the PA/ALPSP to take place during the summer
- Finalise website, waiver system, advocacy materials and boilerplate texts
- Gain agreement on early mover institutions, and on the date of first adoption
- Notify publishers

Further reading & watching

- Banks, C., (2016). Focusing upstream: supporting scholarly communication by academics. *Insights*. 29(1), pp.37–44.
DOI: <http://doi.org/10.1629/uksg.292>
- Torsten Reimer, UK Scholarly Communications, Licence and Model Policy,
<https://zenodo.org/record/153928#.WLaz9G-LREY>
- “Focusing upstream” – recording of talk given at UKSG 11 April 2017:
<https://tv.theiet.org/?videoid=10043>

Credits

- Dr Torsten Reimer (formerly Imperial, now British Library)
- Simon Bains (Manchester)
- RCUK (Mark Thorley)
- HEFCE (Ben Johnson and Steven Hill)
- Wellcome (Robert Kiley)
- Many RLUK and LERU librarians
- All those who originally developed the “Harvard” model