Supporting academic openness and funder compliance:

a new institutional licence and model policy

SPARC Workshop :: LIBER2016 :: Helsinki

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Work in progress
Imagine

You could assure your academics that with one small action on their part, librarians would ensure that each journal article was compliant with many funder OA policies, including Horizon2020, RCUK, HEFCE(REF) etc.
and that you could manage a reduction in funding to spend on hybrid OA significantly (thus protecting spend for pure gold OA)
Imagine

and that academics could publish in their journal of choice
Imagine

And that by doing this one thing, academics were more likely to gain a citation advantage.
Work grew out of attempting to explain combined RCUK/HEFCE policy compliance in the UK
Communicating the combined policies

The challenges of compliance

It can be all too easy for academics to comply with one policy and fail to comply with others.

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Recognising that challenge and solution was at the licence level

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The current conversation

Will my publisher make me eligible for the REF?

Many will not
Journal price increases?

That’s a library problem.
The current conversation

Soon we will not have enough funds to support hybrid OA and subscribe to journals

That’s a library problem
The current conversation

Would you like the institution to assert its right to your IP

Absolutely *&%$!!!! not
The current conversation

So will you retain your IP in your journal articles?  

Unlikely. I will probably sign it over to my publisher.
Currently, authors give up most rights for their research:

- Restricts authors’ reuse
- Prevents compliance via green route through embargoes
- Makes deposit more difficult (journal OA policies) and reduces library support capacity

Two options:

- Encourage authors to request permission to distribute work (Edinburgh/SPARC addendum)
- College-wide policy that retains author’s right to distribute work globally (Harvard/MIT approach)
Preference for development

- Academic signs © over to publisher
- Academic signs © over to publisher but licenses back right to publish AAM in repository (SPARC model)
- Institution requires academic to license institution right to AAM but allows academic to retain © (Harvard model)
- Institution claims © on all academic outputs
Key components of the Harvard model licence

- Implemented as part of university policy
- Academics are required to grant a non-exclusive licence to the university for all journal articles and to deposit AAMs
- Where a journal seeks a waiver, this can be managed by exception
Harvard model is in widespread use

- Used by over 60 institutions worldwide
- From Harvard and MIT
- To smaller institutions, including two in Kenya
Academic freedom to publish in journal of my choice? Yes
Surely the publishers will ask for waivers?

At Harvard this happens around 5% only
Would publishers simply refuse to publish me?

Harvard is unaware of a single case of this happening.
• If it is that good, then why hasn’t it been implemented in Europe before now?
• UK institutions implementing a “license back” model have tended towards the SPARC model – perceived as weak because it pitches individual academics against corporation publishers

• The HEFCE REF policy has encouraged thinking about the Harvard model
Developing the policy and the licence

• Takes as its starting point, the belief that open access facilitates scholarly communication and that publication facilitates esteem
• Seeks to draw up a licence which can be seen as “reasonable” by relevant parties:
  • Funders
  • Academics
  • Universities
• Licence which minimises widespread waiver requests
• Assists academic choice - helps them understand which publishers are supporting them in compliance with funders and in furthering open scholarship
During development ...

- Legal advice sought – UK law differs from US law
- Discussions with funders
- Discussions with colleagues we knew were interested (UK and Europe)

- We came up with
The name of the licence

The UK Scholarly Communications Licence and Model Policy
The licence is intended to support authors in reuse and early communication of their research, especially research which has been facilitated through the use of public funds. Institutional adoption of the licence – e.g. through the model policy, would, inter alia, enable author compliance with the UK's HEFCE-REF policy and with other green funder policies through a single action, and it would allow authors to reuse their own content, for example in teaching and future scholarship.

The licence has been drawn up with the aim of being reasonable to authors, funders and publishers, whilst preserving the academic freedom to publish in the journal of their choice.

The licence is not intended to undermine the publishing process and all the benefits that that brings, including, as is in widespread use currently, peer-review, esteem, promotion and career progression.

The licence is seen as an interim solution to help authors make their outputs available as open access and meet funder requirements until sustainable open access publishing models emerge.
The challenge: what terms?

- Funders want OA as early as possible
- Publishers want embargo periods to last as long as possible
Potential uses of the licence & policy (journals & conference proceedings)

At Institutions
• As an institutional policy, sitting alongside the institutional IP policy which would require academics to deposit their AAMs with a subject or institutional policy with an agreed set of licence terms

During Publisher negotiations
• As an information note incorporated in the “Schedule” to any consortially negotiated publisher agreement notifying the publisher of those institutions which have adopted the licence and policy terms.

• Using the terms of the licence in negotiations
  • The terms of the licence are available to all academics of institutions which form part of the publisher licence negotiation, whether at the individual institution level or as part of a consortium
  • Any academic publishing with a publisher with whom this licence schedule has been negotiated can deposit in a subject or institutional repository with the standard UK-SCL licence terms and be compliant with Horizon2020, RCUK, HEFCE etc
Benefits of the policy and the licence

• Enabling the timely communication of the findings of publicly-funded research (thereby increasing citations and impact);
• Supporting academics in meeting funder requirements for open access whilst preserving the right to publish in the journal of choice;
• Allowing the reuse of research outputs, for example for research and teaching;
• Enabling compliance with multiple policies through a single action.
• Enables one-step compliance with Horizon 2020, HEFCE and RCUK, etc
• Protects diminishing funds for hybrid publication whilst continuing to support pure gold, and hybrid where it is a genuine transition to pure gold
• Reduces academic and library effort
Open access supports impact factors

Cumulative citation count as a function of the age of the paper relative to its publication date. 4839 articles from 5 major HEP journals published in 2005 are included.
Average Citations for articles in Journals published 2011-2015

Citations sourced from Scopus®
Next steps

- Over 70 UK institutions engaged, with 15 interesting in being first movers
- Further legal advice being sought on behalf of the sector, including discussions with Universities on IP policies
- Ongoing discussions with JISC
- Wider engagement with the library, research office and legal office communities
The European Scholarly Communications Licence and Model Policy
• Dr Torsten Reimer (Imperial College London)
• Simon Bains (University of Manchester)
• RCUK (Mark Thorley)
• HEFCE (Ben Johnson and Stephen Hill)
• Wellcome Trust (Robert Kiley)
• Many RLUK and LERU librarians
• All those who originally developed the “Harvard” model

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• More information available from chris.banks@imperial.ac.uk