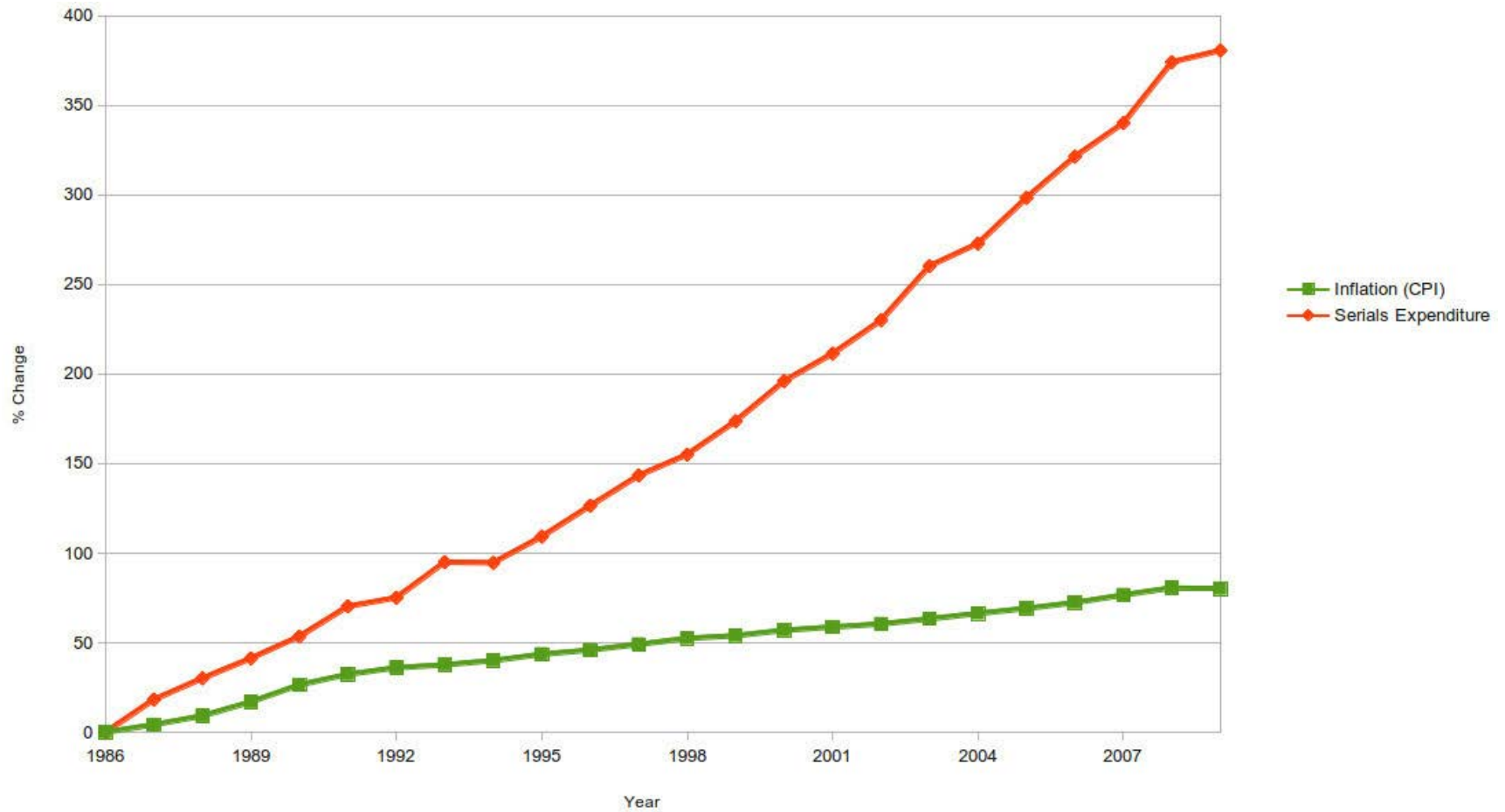


SLSA GUIDANCE ON OPEN ACCESS

RGU Conference 2014

Background – the ‘Serials Crisis’



The Players and their Interests

- Publishers – maintain profits
- Government – make results of UK [scientific] research freely available for commercial exploitation; reduce outputs in HSS?
- Universities – reduce journal subscription costs
- Academic authors – maintain access to high quality publication venues; participate in global academic conversations; protect intellectual property
- HEFCE and Research Councils – make results of publicly-funded research publicly available; increase impact of all publicly funded research
- Learned Societies – maintain activities funded by journal subscription income

Models of Open Access Publishing

- 'Gold'
 - ▣ Freely available to all readers immediately upon publication
 - ▣ Replace subscriptions with 'Article Processing Charges' (APCs)
- 'Green'
 - ▣ Journals still funded by subscriptions
 - ▣ Articles may be made freely available on a personal website or repository after a specified embargo period
- 'Platinum'
 - ▣ Published online, using open source journal software, reliant on volunteer academic labour, minimal cost
 - ▣ Freely available to all readers immediately upon publication

Drawbacks of Each Model

□ 'Gold'

- Replace problems of access and equity for readers with problems of access and equity for authors
- HSS journals not sustainable in current form on APC income alone (particular problem for Learned Societies)

□ 'Green'

- Publishers still hide academic research behind subscription pay walls in crucial initial period after publication
- Insufficient research available on appropriate length of embargo periods
- Author/HEI has to organise OA availability

Drawbacks (cont.)

- 'Platinum'
 - ▣ Issues with archiving and long-term availability (though being addressed)
 - ▣ Reliance on volunteer time and effort raises issues of sustainability

The Finch Committee

- Working Group on Expanding Access to Published Research Findings, chaired by Dame Janet Finch
- Consumer focused: “how to achieve better, faster access to research publications for anyone who wants to read or use them”
- Membership: International Publishers (3), Universities (2), Research libraries (2), Funding bodies (3), Learned Societies (2 – one Science, one Soc Science), Academic researchers (2 – one Science, one Soc Science), BIS observer

Finch Recommendations, June 2012

- UK should move decisively and rapidly towards open access journal publishing
- Use policy levers to promote rather than waiting for voluntary compliance
- Preference for **Gold** OA – the predominant model being used in the Sciences
- Recognition of implementation costs and a necessary ‘transition period’
- Government immediately accepted recommendations; funding from existing research budgets

Policy Levers (1) –



- ALL refereed journal publications arising from an RCUK grant published after 1 April 2013 MUST be published in an open access format
- Cost of APCs to be subsidised by block grants to Universities (proportionate to share of RCUK grants)
 - can't apply for cost for APCs as part of grant application
 - block grants insufficient to cover all anticipated publications; Universities expected to contribute own (research) funds
 - how are block grant funds distributed within Universities?

Policy Levers (1) – RCUK Mandate

- Preference for Gold OA
 - use Green only if Gold not available
 - embargo period no more than 6 months for STEM, 12 months for HSS
 - during 5-year transition period (2013-18), embargo period of 12 months for STEM, 24 months for HSS permitted, IF a Gold OA option is available but the researcher does not have access to funds to pay for an APC

Policy Levers (2) –



- Open Access requirements for submission to next REF
 - ▣ Lengthy consultation process
 - ▣ Policy announced March 2014
- Applies to all journal articles (refereed or not) accepted for publication after 1 April 2016
 - ▣ Also applies to conference proceedings with an ISSN number accepted for publication after 1 April 2016
- Any output submitted to REF that falls within policy but fails to meet OA requirements won't be assessed

- deposit requirements

- The author's accepted and final peer-reviewed text must be deposited in an institutional or subject repository no later than 3 months after the point of acceptance for publication (as evidenced by a letter or email to the author)
- May be replaced or added to subsequently in the repository by the final published version of record if the publisher permits this (some don't), so long as continuity of access maintained
- Any subject repository (eg SSRN) must meet the 'discovery' and 'access' requirements

- discovery and access requirements

- Output must be discoverable by both readers and search engines (ie. must include record of bibliographic/metadata)
- Anyone with internet access must be able to search electronically within the text, read it, and download it without charge
- No preference between OA models
- Outputs may be deposited subject to embargo period not exceeding 24 months for HSS; access requirements must then be met within 1 month of expiry of embargo period (but can be submitted if still embargoed)

- exceptions

- Individual unable to secure use of a repository at point of acceptance
- Individual not employed by a UK HEI at time of submission for publication
- These cases are treated as being entirely outside the policy

- exceptions (2)

- Output depends on reproduction of 3rd party content for which OA rights could not be obtained
- Journal requires an embargo period greater than 24 months, and was the most appropriate publication for the output
- Journal doesn't allow OA deposit in a repository, and was the most appropriate publication for the output
- In these cases, must make a closed access deposit and meet OA requirements as soon as possible

Other Funding Bodies

- European Research Council
 - ▣ Similar to RCUK but can apply for funds to cover APC charges
- Wellcome Trust
 - ▣ Peer reviewed journal articles must be published OA
 - ▣ Various arrangements for meeting APC costs
 - ▣ Deposit requirements in specified subject repositories
 - ▣ Being extended to books and book chapters Oct 2014
- BA, Nuffield, Leverhulme
 - ▣ No mandates

Other Types of Publications

- Books and book chapters
 - ▣ No current mandates apart from Wellcome Trust, forthcoming
 - ▣ Economics of book publishing are different, though OA models are being developed (pay to publish – free to read but pay to download – low-cost online with volunteer labour and institutional subsidies or other sponsorship)
 - ▣ HEFCE floated but rejected idea of including monographs in next REF, but work is ongoing in this direction

Other countries



ERC mandate...



Research resulting from funding programmes of a certain size



Research resulting from ARC funding

- General trend towards **Green** OA

Licensing – Use and Reuse of Content

- Subscription journals
 - ▣ Assign copyright, or
 - ▣ Grant exclusive licence to publish
 - ▣ Reproduction rights restricted – permissions and charges

CC-BY Licence

- Creative Commons Attribution licence (CC-BY)
 - ▣ Work can be freely reproduced, in whole or in part, and mixed with any other work, for any purpose (including commercial) subject to attributing authorship and initial publication venue
 - ▣ Different impact in HSS than in STEM (where inventions can be protected by patents)?
 - ▣ Unrestricted dissemination more likely to be a net benefit?
 - ▣ Can't prevent appropriation/distortion/misrepresentation
 - ▣ No support from publisher in monitoring re-use
 - ▣ Can't grant if work includes 3rd party copyright material

Other CC Licences

- CC-BY-NC – non-commercial
- CC-BY-ND – non-derivative (no mixing)
- CC-BY-NC-ND – non-commercial, non-derivative

- Work being done to conceptualise new kinds of licences that may be more appropriate in HSS...

OA Mandates Include Licensing

□ RCUK

- Where RCUK funds used to pay an APC for a **Gold** OA article, it must be available under a CC-BY licence (also Wellcome Trust)
- For **Green** OA, the publisher must allow deposit of the relevant version of the article under either a CC-BY or CC-BY-NC licence

□ HEFCE

- Doesn't specify any particular licence requirements
- Advises that a CC-BY-NC-ND licence will meet the access requirements

What Has Happened in Law?

- Most journals from major publishers have gone ‘hybrid’
 - ▣ Choice of ‘normal’ publication – available only to journal subscribers, assign copyright/exclusive publication licence, OR
 - ▣ Pay an APC for **Gold** OA – freely available online
 - ▣ ‘Double dipping’ resulting in windfall profits
- Most also offer a **Green** OA option (less obviously publicised)
 - ▣ Embargo periods 12-24 months
 - ▣ Generally subject to a required form of attribution of original publication

Gold – APC charges



□ US\$2,700 / £1,695 per article



□ APCs range from £1,000 - £2,500 per article according to journal (some charge extra for CC-BY)



□ US\$3,000 / €2,200 per article



□ US\$3,000 per article



- \$US1,500 / £800 per article in HSS journals
- \$US3,000 / £1,600 per article for Medical Law journals



- US\$2,950 / £1,788 / €2,150 per article

Green – Embargo periods

- No embargo period for deposit of accepted version of article in institutional repository
- 12 months for deposit of publisher's final version
- no deposit of full articles on SSRN
- Archiving policy varies by journal





Springer

science+business media

- 12 months embargo period

 SAGE journals

- no embargo period for deposit of accepted version of article in institutional repository
- 12 months for deposit in subject repository



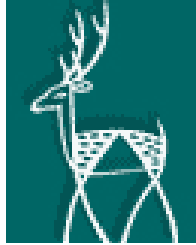
Taylor & Francis

Taylor & Francis Group

- 18 months embargo for most law journals
- 12 months for health/behavioural-related journals



- 24 months embargo for articles acknowledging RCUK funding
- otherwise restricted Green availability



Hart Publishing, Oxford

- No general OA options
- Check with the individual journal

SLSA Guidance to Authors



1. Which is the best journal in which to publish your research?

2. Is your article likely to be entered in the REF or did it arise from RCUK research funding?

NO – go ahead and submit to your chosen journal

YES →

3. Does the journal offer any OA options?

- Platinum – go ahead and submit
- Green only** (with permitted embargo period, and with appropriate licence for RCUK) – go ahead and submit
- Gold only** (with CC-BY licence for RCUK) →
- Gold** or **Green** →
- None of the above →

Gold only

- What is your University's policy on payment of APCs?
- Are you able to obtain APC funding?
YES – go ahead and submit
NO – see 'no OA option'

Choice between Green and Gold

- Does your University have a policy which makes the choice for you?
- If your article is co-authored, does that affect the choice in any way?
- Is your chosen journal published by a learned society or does it use its funds to support the development of the discipline? – If so, choose Green
- Does your University have a fair and equitable policy on the distribution of APCs? – If not, choose Green
- Do you have any concerns or restrictions concerning licensing? – If so, will choosing Green alleviate them?
- If the journal is a hybrid, is the publisher ‘double dipping’? – If so, choose Green

No (viable) OA options

- Are there alternative, equally appropriate journals available which do offer OA options?

YES → return to beginning

NO → you may wish to discuss your publication options with colleagues and/or your research director

- It is likely that claims to fall within one of the exceptions for the REF will need to be evidenced/defended
- However, we would always advise publishing in the most appropriate journal, regardless of OA mandates

SLSA Guidance to Editorial Boards

- Does your journal have a policy on open access?
- If not, you will need one, and you want to be consulted in its formulation
- Inform yourself widely
 - ▣ don't just rely on your publisher for information
 - ▣ Find out what other, comparable journals are doing

Hybrid journals

- ❑ Does your journal offer a Green option? – If not, lobby for a Green option to be added
- ❑ Ensure the publisher implements offsetting measures to avoid ‘double dipping’, for the benefit of UK library subscribers
- ❑ Ask the publisher what they are doing with any windfall profits from APCs – try to ensure they are directed towards discipline-building activities, and/or APC waivers for those without access to APC funds
- ❑ If your journal is associated with a learned society, lobby for members of the society to receive a meaningful discount on APCs

Setting up a new journal?

- Consider the Platinum OA model

- UK examples include
 - ▣ *Essex Human Rights Review*
 - ▣ *feminists@law*
 - ▣ *International Journal for Clinical Legal Education* (launching July 2014)
 - ▣ *International Journal of Gender, Sexuality and Law* (launching 2015)
 - ▣ *Journal of Information Law and Technology*
 - ▣ *Law, Social Justice and Global Development*
 - ▣ *Web Journal of Current Legal Issues*

Further Information

To check individual journal policies on archiving post-prints (Green) and paid open access (Gold):

- www.sherpa.ac.uk/romeo

For a compilation of sources and materials on open access:

- www.slsa.ac.uk/index.php/open-access