

20 March 2013

MEMORANDUM

To: Research Councils UK

Subject: Feedback on revised guidance on Open Access

Date: 20 March 2013

Dear Research Councils UK,

Please find below the joint submission of The British Sociological Association (BSA) and the Heads and Professors of Sociology (HaPS) to the RCUK request for input into the revised guidance for the RCUK policy on Open Access publication.

We have also sent you the BSA submissions to the House of Lords Science and Technology Select Committee Short Enquiry into the implementation of Open Access and the Business Innovation and Skills Select Committee Inquiry into the Government's Open Access Policy.

Please contact us for any additional comment.

Thank you.

Yours sincerely,

Judith Mudd, Chief Executive  
On behalf of the British Sociological Association

Lynn Jamieson, Chair  
Heads and Professors of Sociology

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**British Sociological Association (BSA) and Heads and Professors of Sociology (HaPS) Submission to RCUK request for feedback on revised Open Access policy**

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## **Input on RCUK Policy on Open Access and Supporting Guidance**

### **Executive Summary**

The British Sociological Association (BSA) and the Heads and Professors of Sociology (HaPS) appreciate that the RCUK is offering the opportunity to comment on their Open Access (OA) policy.

We comment below on both the substance of the policy and ambiguities or lack of clarity existing in the policy. Our comments are organised to mirror the organisation of the policy document.

The BSA and HaPS offer the following recommendations:

- Maintenance of mixed approach to OA publication – Green and Gold, to be regarded as equally acceptable methods of publication;
- Clarity on the restriction on publication in non-compliant journals in relation to international publication;
- Full economic costing for the peer review process and recognition of its place in the changed publication models;
- Recognition of HEIs that do not receive RCUK Block Grant funding and consideration of inequalities in access to funds for Gold OA;
- Clarity regarding embargo periods – we recommend the adoption of 12-24 months for the transition period and that this be reviewed in 2017 at the end of the proposed transition period;
- Permit researchers to choose the journal most suitable for their article and to choose either the Gold or Green (12-24 month embargo) according to their wishes;
- Adoption of the CC BY NC ND licence and consideration of the development of clear, unambiguous licences suitable for the needs of different disciplines;
- Consultation and policy implementation in conjunction with the HEFCE consultation and policy;
- Significant Learned Society involvement in the RCUK policy review in 2014;
- Consideration of the following factors in the 2014 review:
  - Adequacy of the proposed 5-year transition is not adequate
  - Identification and correction of any inequalities created or enhanced by the RCUK OA policy
  - Identification and correction of any inequalities created or enhanced by harmonisation of RCUK and HEFCE policies
  - Impact on peer-review;
- Communication with the Learned Societies to establish the evidence that they can provide on the effect of OA policies on their activities and their communities more generally;
- Another review of the RCUK OA policy in 2017 to monitor further effects.

**Detailed response to the RCUK Policy on Open Access and Supporting Guidance**

We welcome the opportunity to comment on the RCUK policy guidance. We recognise that some clarifications have been made and these are welcome. However, we do not believe that the Revised Guidance achieves the desired clarity. We note serious ambiguities within it and have detailed them below.

**3.1 Definitions of Open Access**

- 3.1(iii) The acceptance of a mixed approach to Open Access (OA) – Green and Gold models – in this paragraph conflicts with statements about the strong preference for Gold and the move to a fully Gold OA model after the transition period.

The BSA/HaPS strongly recommend the maintenance of a mixed Green/Gold approach. This will allow for maximum flexibility to respond to future world developments in research publishing. There is as yet no hard evidence that a Gold-only model will be successful. A mixed economy also allows researchers and institutions to have maximum control and flexibility over the most appropriate publication destinations for their research.

- 3.1(iv) We would welcome clarity on how the RCUK anticipates this statement will affect the publication of RCUK research in the international forum. Does RCUK accept that its funded research may be restricted to largely UK journals which are compliant?

The BSA/HaPS would strongly recommend consideration of the possible restrictions to international publication. It is clear that there is no international consensus on a model of OA publication and the differing international regulations will make it difficult for researchers to choose appropriate journals and for UK research to be published for a wide international audience, thereby showcasing the work of UK academics and supporting UK engagement in international research conversations. We are also concerned about the implications for UK researchers involved in international collaborations and needing to agree publishing venues with their co-authors from outside the UK jurisdiction.

**3.2 What is covered by the policy?**

- 3.2(i) We request clarity on the statement ‘that acknowledge Research Council funding’. How does this apply to research papers or theoretical peer-reviewed articles that may not have any direct connection to funding but draw upon data originally resulting from research funded by Research Councils? For instance, researchers have been advised to mine back data from former projects in order to bring new and important insights. However no funding may be available. Should data reuse enabled by OA publication increase as desired, the number of research papers resulting from indirect funding may increase and clarity regarding the OA policy obligations is important. Lack of clarity and the imposition of strict obligations may mean that researchers may be reluctant to reuse RCUK-funded research.

In the case of peer-reviewed articles indirectly connected with RCUK funding, we would recommend exclusion from the policy, though the articles may still be published OA by choice.

### **3.4 RCUK OA Block Grant**

- 3.4(v) We request further clarity on how Higher Education Institutions (HEIs) not receiving any RCUK Block Grant funding are expected to comply with the OA policy. We note the statement in 3.5(iii) but do not feel this offers adequate clarity or acknowledgement of the position of these HEIs.

### **3.5 Article Processing Charges**

- 3.5(ii) **Peer Reviewing and the ‘proper market’ in APCs:** We are concerned about the reference to a ‘proper market’ in APCs and the implication of a preference for lower cost APCs. A proper market in APCs will need to consider many more factors than have been considered to date – namely the place of peer review in OA funding models.

At present, peer review is not costed into APCs, but provided by academic colleagues on a dispersed reciprocal basis (i.e. to publish in a peer review journal an academic recognises the obligation to do peer review in return). This peer review is frequently organised through learned societies and other groups (sometimes organised around a specific journal title). Whereas reciprocal peer review can be maintained under a subscription model of journal publication, it is hard to see how it can be maintained by journals charging an APC: reviewers might properly consider that their services should be paid, as is the case for the review of book proposals for commercial publishers. This tendency is likely to be accentuated in a situation where funds to support APCs are unequal across institutions. Potential reviewers at HEIs with little APC funding are likely to be less willing to review for journals charging APCs.

We believe that the viability of journals published by learned societies is under threat. The income generated by APCs will not cover the cost of existing services that many learned societies provide in support of the peer review process (for example, the cost and maintenance of technological infrastructure, skilled administrative support, office space and overheads, insurances, legal advice, plagiarism and complaints panel investigation, design and marketing, press communication etc.). Business and financial modelling is already suggesting a reduction in learned society support services. If peer reviewers demand payment for their work, the full economic cost of providing high quality peer review will swiftly become unaffordable for learned society journals. Thus an unintended consequence of the move to APCs may be a rapid increase in costs at the same time as income will be reducing with the shift from subscription income to APC income. We believe that the size and speed of income reduction will be exacerbated in a competitive APC pricing market where prices are driven down. For this reason, we regard as deeply worrying that reference is made to the importance of price as a factor in where to publish and that “HEFCE’s policy on the REF, which puts no weight on the impact value of journals in which papers are published, should be helpful in this respect, in that it facilitates greater choice.”

In effect, this is a direct threat to high standards of peer review in publications, which we believe is in conflict with the terms of the Royal Charters under which the Research Councils operate, which require a commitment not only to the maintenance of the highest standards of research, but also a commitment to high standards in its dissemination.

- 3.5(iii) **HEIs not receiving Block Grant Funding:** We request further clarity on what is considered evidence of 'significant problems'.

The BSA/HaPS strongly encourage the maintenance of the mixed approach to OA and evaluation of the effects of unequal funding for APCs. Much research in Sociology, and other disciplines in the social sciences and humanities, takes place outside of the 30 institutions that receive RCUK Block Grant funding. The publication of this research will not therefore benefit from any additional funding in this transitional period. It will either be made OA via the Green model or not published. Researchers at those HEIs may be disadvantaged in seeking quality publication outlets in the planned shift to the fully Gold model.

### **3.6 Embargo Periods**

- 3.6(i-iv) We request clarity on the acceptable embargo period. The statements contradict one another and the decision tree.

While the guidance recognises differences across disciplinary areas, it is clear that this recognition is limited only to the transition period, with the direction of travel being immediate Gold OA or, at best, Green OA within a 6-month embargo. It is our view that this will shorten the transition period to less than RCUK will allow as a consequence of the bureaucratic convenience of a one size fits all policy within individual institutions. In that sense, the decision tree is contradicted by the accompanying text.

We suggest that the policy would be made clearer with the firm adoption of the longer embargo periods (12-24), subject to review.

We believe that the longer embargo periods are vital to the sustainability of quality journals in the UK. If the UK is to continue to publish high-quality research that has been verified by a rigorous peer review process, the implementation of policies needs to allow these journals to be financially viable. Given that journals will have to offer the hybrid model of publication – Gold, Green and subscription – the embargo time for the delayed Green OA is, therefore, an important issue for the future of journals. Embargo periods that enable the maintenance of some subscription income will allow journals to survive during the transition to OA publishing. Without subscription income, the level of APCs likely to be charged in the humanities and the social sciences (HSS) will threaten the viability of rigorously peer reviewed journals and thus the dissemination of the research that they enable.

Longer embargo periods will sustain the mixed economy of Green and Gold, allowing flexibility for researchers, for HEIs without funds, and for research not funded by the Research Councils (as acknowledged in 3.5(ii)). The maintenance of flexibility is vital to achieving the true aims of OA – making research available at the cost of publishing less research is contradictory to the aims.

- 3.6(ii) We request clarity on acceptable embargo periods. This statement contradicts the decision tree which allows 12-24. As stated above we would recommend the firm adoption of 12-24 months.
- 3.6(iii) APC cost and other financial considerations should not affect decisions to publish as it represents a threat to academic freedom and undermines the quality of research. Researchers choose a journal for publication on a number of factors: subject suitability, peer review quality, ongoing conversation/debate in the journal, new perspective to an adjacent discipline, etc. These considerations are about quality and about reaching the most appropriate audience of readers. Financial considerations on APCs may pervert proper decisions about the most effective international dissemination of research.

We recommend that the policy allows researchers to choose the journal most suitable for their article and to choose either the Gold or Green (12-24 month embargo) according to their wishes as acknowledged in 3.10(ii).

- 3.6(vi) We request clarity on the wording in the decision tree box: 'Are APC funds available from research funder?' The wording is ambiguous. Given that funds are now provided to HEIs and are not directly connected to particular grants, the availability from the funder does not take the distribution of funds within an HEI into account. Funds may be made available by RCUK through the block grant, but they may not be accessible for the researcher. There are already suggestions from HEIs that the Block Grant money will not cover the publication of the funded research. Therefore researchers will be in competition for scarce APC funds.

The wording in this box is also ambiguous in relation to HEIs who may have Research Council funding but are not receiving Block Grant funding. Is the intention to suggest that researchers at these HEIs may safely answer 'NO' to this question?

We recommend that researchers and their HEIs be given full control of the decision of where to publish and whether to choose Gold or Green.

### **3.7 Licences**

- 3.7(i) We have serious concerns about the mandating of a CC BY licence that allows commercial re-use.

In STEM subjects intellectual property (IP) rights can be protected under IP arrangements associated with the substance of their research, but for many colleagues in the arts, humanities and social sciences, the publication is their copyright, which they should be able to protect for fair usage and against re-publication in different formats (including editing and recombination with work by other authors).

We strongly urge that a CC BY NC ND (creative commons non-commercial non-derivative) licence should also be recognised or that a new licence be developed allowing both the protection of intellectual property and text and data mining.

- 3.7(ii) The guidance suggests that the “CC BY licence opens up exciting possibilities for new areas of research by the re-use of papers, and the content of papers through text and data mining, and for new ways of disseminating research by being able to re-present papers in innovative and potentially value-adding ways.”

We note that CC BY NC ND would not restrict text mining. Should CC BY NC ND not be considered suitable, we recommend the development of a fit for purpose licence that recognises the aims of OA and the rights of authors.

- 3.7(iii) We would add a further concern raised with the CC BY licence. We note the asymmetry created by the proposed use of the CC BY licence where the ‘value-added’ re-use of papers by commercial users will itself be allowed to be behind a paywall, where the original material is not because it was published OA. We note that this potentially also arises for the re-use of data, as indicated in our comment on paragraph 3.2(i)
- 3.7(iv) We note the inclusion of monitoring the effects of licensing. We request clarity on how the effects will be assessed. The nature of permissive licensing and the vastness of potential web usage makes its effects difficult to track. However, we have a strongly stated preference for the CC BY NC ND licence.
- 3.7(vi) We note the ambiguity associated with seemingly different treatment of ‘hybrid journals’ offering Gold and Green open-access, where it seems that articles for which APC has not been paid will be subject to the strictures applying to Gold articles (for example in terms of the licence, which is mandated as CC BY, whereas that for ‘green-only’ journals the licence can be CC BY NC ND).

We request clarity here and recommend that the CC BY NC ND licence be adopted for all.

### **3.13 Reviews of the policy and implementation**

- 3.13(i) We welcome recognition of the speed of this policy implementation but would request action to suit. To date the policy has been released without consultation with all the stakeholders. The speed of policy development and release has not allowed for full consideration of the effects on the various participants in the research dissemination ecosystem. We have been very concerned about what we believe is an over hasty and poorly co-ordinated implementation of OA policies by RCUK and by HEFCE.

While we are pleased to be able to comment, our most significant message would be a request for fuller consultation and a lengthy transition period to full OA publication. We are concerned that the speed of implementation is not taking account of the concerns raised in the recent House of Lords Science and Technology Committee Report. There are many issues regarding OA still to be resolved. The social sciences and humanities communities have raised serious concerns that policies being implemented reflect STEM subject models rather than the academic community more widely. Indeed, we believe that a period of two weeks following publication of new policy guidelines published on 6 March provides little time for an effective response and implies that RCUK has not addressed issues identified by the House of Lords Report, just as it has failed to wait for a similar Report and assessment of

evidence from the Business Innovation and Skills Select Committee Inquiry. We append our submissions to both these Committees and recommend consideration of the BIS report before implementing policy.

We are also concerned that RCUK does not seem to be coordinating its policy with HEFCE and has designed its own 'mini-consultation' to take place before any responses to the HEFCE consultation can be incorporated. Given that the policies of HEFCE and RCUK will need to be aligned for clarity in the sector, we believe it is disingenuous to believe that RCUK policies will apply only to articles that acknowledge RCUK funding (submitted after 1<sup>st</sup> April 2013). As HEFCE has stated that it will include an OA policy, the two policies should be coordinated and RCUK should consider the implications of these policies for the whole of research publication, not just for RCUK funded research. It is not possible to significantly change the model of publication without widespread effects.

BSA/HAPS requests a longer period of engagement and consultation by RCUK with stakeholders in conjunction with the HEFCE consultation and policy.

3.13(iii) We welcome the thoroughness of the 2014 Review proposed by the RCUK and would request further detail (in another document) on how these items will be monitored.

We would also request the addition of four additional points to the topics for examination in the 2014 Review:

- Adequacy of the proposed 5-year transition
- Identification and correction of any inequalities created or enhanced by the RCUK OA policy
- Identification and correction of any inequalities created or enhanced by harmonisation of RCUK and HEFCE policies
- Impact on peer-review

The 2014 Review should consider whether the new OA policies have created inequalities. We believe there is significant potential for particular groups of researchers to be disadvantaged by pay-for-publication policies and for particular institutions to be disadvantaged by the distribution of the block grant funding. The development of inequalities should be noted, fully researched and corrected. Inequalities for researchers and for research institutions do not allow for full and fair competition in the UK academic sector; excellent research may be stifled by access to funds.

3.13(iv) We would request the addition of significant Learned Society involvement in the review as well as the monitoring of the effects on Learned Societies. To date the consultation has been very superficial. The Learned Societies will have evidence on how they themselves have been affected by the changes, but they will also be in strong position to comment on how their communities have been affected. The Learned Society perspective on the policies may differ from the institutional one and may offer new insights into the effects of OA publication.



We recommend discussion with Learned Societies and publishers now to establish the evidence to be collected so that when the review is undertaken, the evidence is comparable and can offer true insights.

We would conclude with a request to establish and plan for another review of the RCUK OA policy in 2017 – 5 years on – to monitor further effects and changes as recommended by the House of Lords report. Successive reviews should be considered as well.

### **Conclusion**

The British Sociological Association and the Heads and Professors of Sociology appreciate the opportunity to comment on these policies. The Learned Societies have a significant interest in this topic and the developing policies, but we have been little involved to date. We play a significant role as journal publishers and also as representatives of our academic communities in the dissemination of research and also the monitoring of the true effects of new policies. We hope that RCUK will take note of these comments, those of other Learned Societies and the Academy of Social Sciences. We hope you will work with us on achieving Open Access and will include us in the discussions going forward.