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## **A submission from the British Academy to the House of Commons Business, Innovation and Skills Select Committee on the Government's Open Access policy – February 2013**

- 1 The British Academy – the UK's national academy for the humanities and social sciences – welcomes the opportunity to submit evidence to the House of Commons Business, Innovation and Skills Select Committee's inquiry on the Government's Open Access policy.
- 2 We support moves to make publicly funded research more available, including any data collected in that research, and we believe it is right that members of the public are able to access academic research without excessive obstacles. The Academy has hosted two discussions of open access issues in 2012 (one in January, one in October<sup>1</sup>), issued a formal statement on 26 July 2012 (Appendix A), and in January 2013 submitted written evidence to the inquiry by the House of Lords Science and Technology Select Committee on the implementation of the Government's Open Access policy.
- 3 Our official position is one of caution. We welcome the policy in principle but, like many others in the higher education sector, we have been concerned about how implementation has been proceeding. In our view, it has been too rapid and without due attention being paid to some unintended consequences of the policy. We acknowledge that there have been some attempts to clarify the policy within the last month, but we have not been reassured about all our concerns.
- 4 We group our comments under the headings identified by the Committee as being of particular importance.

### **The Government's acceptance of the recommendations of the Finch Group Report, including its preference for the 'gold' over the 'green' open access model**

- 5 The *Report of the Working Group on Expanding Access to Published Research Findings* (the Finch Group Report) states that Government and the Research and Funding Councils should 'make a clear commitment to support the costs of an innovative and sustainable research communications system, with a clear preference for publication in open access or hybrid journals' (as the first of its recommended 'key actions').<sup>2</sup> In the run-up to the appearance of the Finch Report, the Minister of State for Universities and Science, the Rt Hon David Willetts MP, had regularly stressed the importance of establishing a financial

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<sup>1</sup> A summary of the October event is available on our website at: [www.britac.ac.uk/policy/hsslssa-open\\_access.cfm](http://www.britac.ac.uk/policy/hsslssa-open_access.cfm)

<sup>2</sup> *Accessibility, sustainability, excellence: how to expand access to research publications. Report of the Working Group on Expanding Access to Published Research Findings* (June 2012), p. 8.

model that sustained the traditional publishing industry that did what one might call the heavy lifting for the bulk of scholarly journal publishing.<sup>3</sup>

- 6 If there had been an announcement that additional public funding was to be provided to meet the Finch Report's estimate of costs for the transition from a subscription model to the Gold model of open access, then some of the subsequent furore might have been avoided. However, it is now clear that there will not be enough money to meet the demand for all UK articles to be published under Gold open access, or even most of them. In addition, articles submitted from abroad – a majority in high-status journals – will not carry APCs in the great majority of cases. Regardless of any expressed preference by Government for Gold, the *de facto* policy will be a mixed economy, predominantly reliant on the Green model of open access.
- 7 Most UK journals are likely to be 'hybrid' – i.e. they will offer a Gold option, but will continue to rely on subscription income to finance non-Gold content. For this reason, the embargo periods allowed under the Green model of open access – the window in which a journal publisher is able to exploit an article commercially – have become a key issue.
- 8 The importance of not undermining the viability of journals through the imposition of too limited embargo periods was stressed in the Finch Report.<sup>4</sup> Articles in humanities and social sciences (HSS) journals have longer half-lives than those in STEM journals, so HSS journals need a longer embargo period to avoid librarians cancelling subscriptions. The BIS statement of 16 July 2012 acknowledged that the embargo period could be 'longer for publications in those disciplines which require more time to secure payback' – and gave two years as an indicative figure. We are sympathetic to the argument that this figure is realistic for many HSS disciplines, but we also urge that research be carried out to ascertain whether there are in fact disciplines or subdisciplines where this period might be longer.
- 9 A particular concern has been the position of Research Councils UK (RCUK) on embargo periods, which spoke of a maximum embargo period of 12 months for the publication of research funded through the Arts and Humanities Research Council (AHRC) and the Economic and Social Research Council (ESRC). We welcome the clarification, prompted by the current Select Committee inquiries, that RCUK's stipulations will now fall in line with the BIS position – i.e., where a HSS journal offers a Gold option but no Article Processing Charge (APC) is available, there should be an embargo period of 24 months, at least for the next five years. Our concern remains that

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<sup>3</sup> For example, speech to the Publishers Association, 2 May 2012: 'Provided we all recognise that open access is on its way, we can then work together to ensure that the valuable functions you [the publishing industry] carry out continue to be properly funded – and that the publishing industry remains a significant contributor to the UK economy. I believe that academic publishing does add value, not least because peer review is at the heart of our system of determining and communicating high-quality research. ... It would be deeply irresponsible to get rid of one business model and not put anything in its place.' ([www.bis.gov.uk/news/speeches/david-willetts-public-access-to-research](http://www.bis.gov.uk/news/speeches/david-willetts-public-access-to-research))

<sup>4</sup> 'Fundings' limitations on the length of embargo periods, and on any other restrictions on access to content not published on open access terms, should be considered carefully, to avoid undue risk to valuable journals that are not funded in the main by APCs.' Finch Report, recommendation (x), p. 8.

no pressure should be put on RCUK grant holders to deter them from publishing in their journal of choice where that journal is compliant with the BIS position.

### **Rights of use and re-use in relation to open access research publications, including the implications of Creative Commons 'CC-BY' licences**

- 10 RCUK's policy mandates that, under the Gold model, articles should be published under a Creative Commons 'Attribution' licence (CC-BY) – which allows others to modify or build upon the work. The Academy is aware of the important role that open access publication can play in opening up possibilities for data- and text-mining.<sup>5</sup> We understand the value in being able to build on and exploit the data and findings contained in STEM articles. However, many articles in HSS subjects are the product of single-author scholarship, where there is more of a claim on 'moral rights' that are not adequately protected under an unrestricted CC-BY licence. Data-mining as a concept is also irrelevant to a substantial proportion of papers in many humanities disciplines, which present interpretations of data, not the data themselves.
- 11 The CC-BY licence also permits exploitation of the work for commercial purposes, e.g. reproduction by another publisher of a journal article in a themed collection of papers. Much scholarly publication involves the reproduction of material whose copyright is owned elsewhere, for which specific permission has been obtained. Obtaining such permission is a notoriously complex business.<sup>6</sup> This is particularly so in the humanities, where journal articles may need to reproduce commercially valuable literary or artistic material in order to be able to critique it. In such an instance, academic authors obliged to comply with a CC-BY licence will be prevented from including essential material because they will not be able to reassure copyright owners about its subsequent re-use elsewhere.
- 12 We believe that it should be possible to vary Creative Commons licences according to the usages and requirements of different subject areas – and that an 'Attribution-NonCommercial-NoDerivs' licence (CC-BY-NC-ND) may very often be more appropriate.

### **The costs of article processing charges (APCs) and the implications for research funding and for the taxpayer**

- 13 In its statement of 16 July 2012, BIS announced that the funding needed for the APCs required by the Gold model of open access 'will come out of existing research funds', which the Russell Group calculated could cost up to 1000 PhD studentships.<sup>7</sup> The subsequent announcement of an additional £10 million for 30 research-intensive

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<sup>5</sup> Issues surrounding data- and text-mining were raised in Ian Hargreaves' 2011 report *Digital Opportunity: A Review of Intellectual Property and Growth*.

<sup>6</sup> In 2008 the British Academy and the Publishers Association published *Joint Guidelines on Copyright and Academic Research: Guidelines for researchers and publishers in the Humanities and Social Sciences* (available as a PDF file at [www.britac.ac.uk/templates/asset-relay.cfm?frmAssetFileID=7267](http://www.britac.ac.uk/templates/asset-relay.cfm?frmAssetFileID=7267)).

<sup>7</sup> The Russell Group also commented that 'The Government's plan to reduce shrinking research pots in order to fund open access is robbing Peter to pay Paul' ([www.russellgroup.ac.uk/russell-group-latest-news/151-2012/5324-government-response-to-the-finch-report/](http://www.russellgroup.ac.uk/russell-group-latest-news/151-2012/5324-government-response-to-the-finch-report/)).

universities has not plugged the gap, and was met with some scepticism from parts of the HE sector.<sup>8</sup>

- 14 RCUK is to support the payment of APCs related to Research Council-funded research, through block grants to selected UK Higher Education Institutions (HEIs). It has now been made clear that the funds made available will not be enough to support the publication of all Research Council-funded research under the Gold model, should there be demand for it. The Russell Group has calculated that planned expenditure on APCs would pay for around 10% of articles in their HEIs.<sup>9</sup>
- 15 For the humanities and social sciences (HSS), the Research Councils are not in fact the primary funder of publishable research. Most HSS articles are produced by individual scholars not supported by the large-scale Research Council-type project grant that brings with it the possibility of APCs. For individual scholars in university posts, in many cases APCs would have to be funded through the QR route, made available by HEFCE and the other Funding Councils. It is very likely that this source of funding will not be able to meet all the demand for APCs placed on it.
- 16 HSS journals tend to have a higher rejection rate than most STEM journals, and to publish longer articles. Costs of peer review and editing are higher as a result. For these reasons, APCs for HSS journals could be higher than for other journals, and therefore the publication of HSS articles will potentially be more at risk in a constrained funding environment.
- 17 The Academy is concerned that decisions within HEIs about scholarly journal publication may well in the future be taken away from those academics who understand the research in detail and where it should be published for maximum effect. We fear that a more generalist administrator who may be unduly influenced by the varying levels of APCs and so ration publication through Gold open access, thereby preventing research being made available, will become responsible for these decisions. We are particularly concerned that the publication activities of early-career scholars may be restricted, because their contracts will often not extend long enough for them to be counted for the next REF of the employing HEI: this would prevent them from building the profile necessary to advance their academic careers.
- 18 *Learned societies.* In HSS subjects, as in STEM subjects, much scholarly journal publication is undertaken by independent learned societies. These learned societies use the journal subscription income to support a range of scholarly activities – including support for postgraduates, early-career researchers, academic conferences, and research awards – complementing the role played by the Research Councils. As journal publishing switches from the traditional subscription model to Gold open access, learned societies may face resistance in setting APCs at the level needed to replace the

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<sup>8</sup> The 1994 Group expressed reservations that this approach could risk other research programmes, [www.1994group.ac.uk/newsitem.php?item=440](http://www.1994group.ac.uk/newsitem.php?item=440)

<sup>9</sup> Russell Group response to the House of Lords Science and Technology Committee's inquiry on open access publishing.

income they need for those wider scholarly activities. As one member of the Finch Working Group has put it, learned societies have received 'an enormous exogenous shock' from the way the Finch Report is being implemented.<sup>10</sup> The concern of the learned societies was evident at the meeting of the Humanities and Social Sciences Learned Societies and Subject Associations Network, hosted by the British Academy on 22 October 2012.<sup>11</sup> Learned societies will doubtless attempt to adapt their business models, but it would be dangerously complacent to undermine their existence – and the crucial role they play – in the medium term.

### **The level of 'gold' open access uptake in the rest of the world versus the UK, and the ability of UK higher education institutions to remain competitive**

- 18 In some disciplines, including many in HSS, the majority of the most appropriate journals for academics are based outside the UK. The open access agenda is developing in Europe and other parts of the world. But it is not clear that research funders in all other countries are pursuing the Gold option; indeed, early signs are showing a marked preference for Green-only, particularly in Europe. Journals in those countries are most likely to follow similar patterns; and anyway it would be complacent ever to assume that foreign journals will quickly become compliant with policies stipulated by UK research funding bodies. If UK academics are pressured into not publishing in the leading journals in their field, this both restricts academic freedom, and risks damaging the international reputation of UK research. This would be even more serious for HSS (and also STEM) disciplines were HEFCE to take a similar view to the RCUK when it considers submission criteria for future research assessment (e.g. after REF 2014).
- 19 We would cite in this connection the remarks made by Professor Martin Hall (University of Salford and a member of the Finch Group) in his keynote address at the Westminster Forum on 5 February 2013 under the title 'Neither green nor gold'.<sup>12</sup> Even though his final proposals have flaws, in particular insofar as they threaten the interests of learned societies (what he rather dismissively calls 'collateral damage'!), it seems to us significant that a central figure in the follow-up to Finch is even now proposing new models and fundamental rethinking. We would urge that such rethinking and consultation should continue and the international developments should be carefully monitored before definite decisions are taken within the UK system. A single solution that respects the needs, professional practices and international standing of all disciplines is not likely to be found in the short term, if at all.

### **Conclusion**

- 20 The implementation of open access policies by Government, the Research Councils and the Funding Councils needs to take account of a range of issues relating to the

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<sup>10</sup> Professor Rita Gardner, Director of the Royal Geographical Society, at the Academy of Social Sciences Workshop on Open Access Publishing in Nov 2012: [www.youtube.com/watch?v=DMJrkDRN2dA](http://www.youtube.com/watch?v=DMJrkDRN2dA) (from 43:20)

<sup>11</sup> A summary of this British Academy event is available at: [www.britac.ac.uk/policy/hsslssa-open\\_access.cfm](http://www.britac.ac.uk/policy/hsslssa-open_access.cfm)

<sup>12</sup> [www.salford.ac.uk/\\_\\_data/assets/pdf\\_file/0003/220755/Neither-Green-nor-Gold-February-2013.pdf](http://www.salford.ac.uk/__data/assets/pdf_file/0003/220755/Neither-Green-nor-Gold-February-2013.pdf)

humanities and social sciences.<sup>13</sup> In his speech to the Royal Society on 12 July 2012, the Rt Hon Dr Vince Cable MP gave a reassurance that 'it is not [BIS's] intention to formulate a one-size-fits-all approach' to open access. We strongly support that and trust that this remains the case.

- 21 Our overall view is that RCUK would have benefited from a more extensive consultation before announcing its policy, and we welcome RCUK's recent commitment to the consultation process. We particularly welcome HEFCE's decision to conduct a consultation on its future open access policies. Indeed, for HSS subjects, the policies of HEFCE and the other Funding Councils – particularly on embargo periods – will be crucial. It is important that HEFCE takes care not to repeat some of the apparent errors in judgment made by RCUK.

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<sup>13</sup> A dominant mode of research publication in most HSS disciplines is the monograph (i.e. the single-authored academic book) or the book chapter. The Finch Report acknowledged that an established and proven open access publishing model does not yet exist for these formats, and the publication of monographs and book chapters has not been a significant feature of any subsequent policy discussion. In any development of policy regarding publication of academic work, it is important that the key role of monographs and book chapters should be explicitly recognised. For example, a sample survey that we have conducted of the leading institutions who submitted to the Research Assessment Exercise in 2008 reveals that approximately two-thirds of submitted items were books or book chapters rather than journal articles.

## Appendix A

### **Open Access to research: British Academy response**

26 July 2012

The British Academy has consistently supported the general move to open access whenever feasible, to improve access to and awareness of the results of research. We therefore welcome the detailed exploration of the issues by Dame Janet Finch's Working Group on Expanding Access to Published Research Findings.

The Academy welcomes the fact that there will be opportunities to draw on Research Council and Funding Council funds to pay article processing charges (APCs), so that articles may be made freely available at the point of publication in open access or hybrid journals (the 'gold' model). The Academy will now consider the implications of these developments for its own research posts and award schemes that are funded by the Department for Business, Innovation and Skills (BIS) and by other funding partners.

However, the Academy has a number of concerns about the proposals.

The first general issue is that the resources to pay for APCs are to come from existing research funds. Inadequate provision of funds for APCs will present universities with invidious choices, which could result in a rationing of publication and corresponding damage to the UK research base. (This point was also made forcefully by the Russell Group of universities in its statement of 16 July 2012.) And the Academy is very concerned that an imposition of the 'gold' model with limited levels of APCs will endanger those learned societies whose journal subscriptions currently finance not only high-quality publication but also wider scholarly activities.

Secondly: the new UK initiatives are bold, but many of the leading academic journals (in subjects ranging from political science to modern languages) are published in countries, in both North America and Europe, where the open access agenda is less well developed. If stringent conditions imposed by research funding bodies result in prominent international publications being deemed not 'compliant' – such that UK-funded researchers are prevented from publishing their results in them – UK scholarship will risk becoming provincialised and our universities will be pushed down international rankings.

As well as these general issues, the Academy has particular concerns relating to the humanities and social sciences. It is clear that the Finch Report, both in its analysis and in its recommendations, relates primarily to the natural and medical sciences. The humanities and many of the social sciences have quite different publishing models. Journal articles tend to be substantially longer and to have longer half-lives. And a dominant medium of research publication in most of these disciplines is the monograph or the collection of essays – for which, as the Finch Report acknowledges, an established and proven open access publishing model does not yet exist. The Academy therefore welcomes the reassurance of Vince Cable (in his 12 July speech at the Royal Society) that 'it is not [BIS's] intention to formulate a one-size-fits-all approach' to open access.

The Academy further welcomes the expressed intent of the UK higher education funding bodies to consult widely before finalising any stipulations for research outputs to be submitted to a REF or similar exercise after 2014. We look forward to contributing to that discussion. For example, we will seek to explore further the merits, which seem to us considerable, of the 'green' model of open access for the humanities and social sciences – and in particular the setting of appropriate embargo periods for journals in these disciplines, after which articles may be made freely available online.