



## British Academy response to the RCUK Policy on Open Access and Supporting Guidance: March 2013

### Introduction

- 1 The British Academy welcomes the opportunity to comment on the revised Policy on Open Access and Supporting Guidance issued by Research Councils UK (RCUK).<sup>1</sup> A policy as significant as this deserves widespread discussion and scrutiny by those who will be affected. We are pleased that RCUK has taken note of the recent report from the House of Lords Science and Technology Select Committee (hereafter, the Committee), which reflects views expressed by the British Academy<sup>2</sup> and other interested bodies, and issued this revised policy.
- 2 The British Academy supports the goal of making the results of publicly funded research readily accessible. However, we have been concerned about the manner of implementation and regret that RCUK did not originally take a more consultative approach before announcing its policy. While we welcome the opportunity to comment now on the revised RCUK policy, it is disappointing that the time available for comments is so limited. It is interesting to contrast this approach with the one being taken by HEFCE regarding the interaction between open access and research assessment. We hope that, in the future, RCUK will consider the benefits of open discussion of significant policy changes with the sector.
- 3 As well as these issues about implementation, the Academy has particular concerns relating to the humanities and social sciences. The humanities and many of the social sciences have very different publishing models to those prevalent in the natural and medical sciences. Journal articles tend to be substantially longer and to have longer half-lives. A dominant medium of research publication is the monograph or collection of essays<sup>3</sup> – for which an established and proven open access publishing model does not yet exist. For these reasons,

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<sup>1</sup> Published on 6 March 2013 – available at [www.rcuk.ac.uk/media/news/2013news/Pages/130305.aspx](http://www.rcuk.ac.uk/media/news/2013news/Pages/130305.aspx) [accessed 20 March 2013]

<sup>2</sup> British Academy submissions to the House of Lords Committee and to the House of Commons Committee are available at [www.britac.ac.uk/policy/research\\_and\\_he\\_policy.cfm](http://www.britac.ac.uk/policy/research_and_he_policy.cfm)

<sup>3</sup> Some analysis by the British Academy suggests that, in the RAE2008, around two-thirds of outputs in some humanities submissions consisted of monographs and book chapters; the corresponding figure in some social sciences submissions was around one-third of outputs.

care needs to be taken to ensure that policy takes account of these differences in the humanities and social sciences.

### Comments

- 4 We welcome RCUK's recognition that 'the journey to full Open Access is a process and not a single event' and that there will be 'a transition period anticipated to be five years'. In order to help bring about a smooth and consensual transition, we believe that at various points the latest draft of the Policy and Guidance document could be amended, to introduce greater clarity and to remove some inconsistencies.

### Embargo periods

- 5 The Committee's report included a number of recommendations to RCUK to revise its original guidance published in July 2012.<sup>4</sup> The Committee specifically recommended that RCUK should include reference to the Publishers Association decision tree 'in order to dispel the widespread confusion about embargo periods'.<sup>5</sup> We welcome the fact that the RCUK guidance now includes this decision tree. And we note that the document now provides [3.6(iv)] that, where a publisher is willing to accept an article processing charge (APC) but no APC is available, it would be permissible for 'the paper to be published in a journal with the embargo of 12 months, or 24 months in the arts, humanities and social sciences (which will mainly be funded by the AHRC and the ESRC). This is consistent with the Government's response to the Finch report'.<sup>6</sup>
- 6 However, we have concerns about the wording in the preceding paragraph 3.6(iii). This wording appears to work against the welcome clarity of the decision tree – which the Minister of Universities and Science, David Willetts MP, has repeatedly commended. According to the decision tree, where funding for APCs is unavailable during the transition period, longer embargo periods *will be* allowable – not 'may be', as the document phrases it. And the attempt to apply moral pressure on an author not to stick with his or her 'first choice of journal' is at odds with the assertion at the beginning of that paragraph that 'the choice of route to Open Access remains with the author and their research organisation'.<sup>7</sup>
- 7 Paragraph 3.6(iii) asks authors 'to meet the spirit of the RCUK policy'.<sup>8</sup> We imagine that RCUK is seeking to encourage journals that do not at present offer a Gold option to start to do so. However, by suggesting to authors that, where an APC is unavailable, they should offer their article not to the Gold-ready journal (where a 12/24 months embargo would apply), but to a journal 'with embargo periods of six or twelve months'<sup>9</sup> seems to reward the

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<sup>4</sup> Issued 16 July 2012

<sup>5</sup> House of Lords Science and Technology Committee 3rd Report of Session 2012-13, The implementation of open access, paragraph 16

<sup>6</sup> RCUK Policy on Open Access and Supporting Guidance, March 2013, page 6

<sup>7</sup> Ibid

<sup>8</sup> Ibid

<sup>9</sup> Ibid

journal that does not offer a Gold option.

- 8 The assertion in paragraph 3.6(ii) that the Research Councils are working towards ‘a maximum embargo period of six months for all research papers’ also appears to go beyond the current limits of government policy.<sup>10</sup> And for the sake of clarity, it would be helpful to know what is meant by ‘interim arrangement’ in this paragraph – is this on the same timetable as the ‘transition period’ referred to everywhere else in the document?

### Licences

- 9 The Committee noted that it had heard a range of concerns about the issues of licences when publishing open access. The preferred option for RCUK is the Creative Commons attribution (CC BY) licence. The Committee’s report notes that some disciplines feel that this licence may infringe some author rights, impinge on an author’s ability to cite source documents and may cause publishers to increase article processing charges. The Committee recommended that RCUK gather evidence about the suitability of the CC BY licence for different disciplines.
- 10 However, in the revised policy RCUK does not appear to have followed this recommendation. In section 3.7 on licences, the emphasis is on CC BY licensing as a default position, with an occasional allowance for the use of Creative Commons Attribution-non-commercial licence (CC BY-NC). The only reference to gathering evidence about the suitability of the CC BY licence for different disciplines is that the review conducted in 2014 will include ‘... an assessment of the impact of the use of CC BY especially within the Arts, Humanities and Social Sciences disciplines.’<sup>11</sup> This does not seem in keeping with the spirit of the Committee’s recommendation. Arguably, it would be more beneficial to conduct an investigation into the likely issues with CC BY licences in some disciplines before asking them to apply them to their research publications. The policy notes that this licence is currently used predominantly by STEM journals, but there is no indication that any work has been done on the impact of this licence on humanities and social sciences journals.
- 11 Many articles in humanities and social science disciplines 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. We believe that an ‘Attribution-NoDerivs’ licence (CC-BY-ND) will often be more appropriate for the humanities and social sciences.

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<sup>10</sup> In his evidence to the Committee, the Minister referred to RCUK’s longer-term ambitions on embargo periods as ‘the nirvana of which they dream’. And he also gave reassurance that there was no ‘one size fits all’ policy and that the different nature of journal publishing in the humanities and social sciences would be respected. [www.parliamentlive.tv/main/Player.aspx?meetingId=12477](http://www.parliamentlive.tv/main/Player.aspx?meetingId=12477), 01:10-05:10

<sup>11</sup> RCUK Policy on Open Access and Supporting Guidance, March 2013, page 7

### Reviewing the policy

- 12 The shift to open access publishing is extremely significant, so it is appropriate to review the policy. RCUK repeats its previous intention to review the policy in 2014 'and periodically thereafter'.<sup>12</sup> However, the Committee report recommended that there should be more specifically planned reviews – with one in 2016 and an end-stage assessment in 2018.
- 13 A review in 2014 will constitute a valuable exercise in looking at the operation of the new systems by the Research Councils, by universities and by individual authors, to detect any *immediate* problems or unintended consequences. We welcome the fact that it will provide an early opportunity to check whether 'APC funding is being used equitably across disciplines'.<sup>13</sup>
- 14 However, paragraph 3.13(iii) lists several issues to be examined in 2014 for which adequate evidence will not yet exist. It will be too soon to assess the take up of the Gold as opposed to the Green model internationally (which will affect the extent to which foreign journals may become 'compliant' according to RCUK). It will be too soon to assess the impact of the CC BY licence on humanities and social sciences disciplines. It will be too soon to detect any systemic damage to the infrastructure of research and publication (e.g. the impact on learned societies).
- 15 It would therefore be helpful to have more clarity as to when the 'subsequent, periodic reviews'<sup>14</sup> will be held and what they will cover, as these later reviews are more likely to reveal the infrastructural effects.
- 16 We are pleased to note that the Finch Group is being reconvened to review developments, and the Academy will also be monitoring the impact on the humanities and social sciences scholarship.

### **Conclusion**

- 17 We welcome the fact that RCUK, in its revised guidance document published in March 2013, has taken on board some of the points raised by the Committee, and put to it by the Academy and other bodies, but believe that further revisions need to be made. One important reason for such further revisions is to reflect the specific needs of the humanities and social sciences. We also urge RCUK to keep the implementation of the policy under review and to engage more widely with the sector on any further changes to the policy, in order to reflect different publication practices across the full spectrum of disciplines. The Academy will be happy to engage further as the policy is implemented.

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<sup>12</sup> Ibid, page 1

<sup>13</sup> Ibid, page 10

<sup>14</sup> Ibid, page 3

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