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ACADEMY

*for the humanities and social sciences*

## **Submission of Evidence to the Review of RCUK Policy on Open Access by the British Academy**

### **Introduction and summary of main recommendations**

1. The British Academy – the UK’s national academy for the humanities and social sciences – welcomes the opportunity to submit evidence to the Review of RCUK Policy on Open Access.
2. The Academy supports the goal of making publicly funded research readily accessible. Through a series of major reports, statements and events, the Academy has explored how Open Access should best be implemented for the benefit of Humanities and Social Science (HSS) research and the UK more generally. The Academy’s most recent report on the issue, *Open Access Journals in Humanities and Social Sciences*, sheds new insights on the effect that different journal embargo policies will have on library acquisition policies, and the degree to which different disciplines are involved in non-UK publishing. The findings of this report have helped shape the comments below.<sup>1</sup>
3. This submission highlights the need for RCUK Policy on Open Access to be sensitive to the distinctive features of publishing in HSS, discusses evidence of compliance with the ‘Green’ Open Access embargo periods and considers the impact of a requirement for Creative Commons licensing on HSS. The main recommendations are:
  - a. Open Access policy must be sensitive to these distinctive features of HSS publishing. This sensitivity would be in the form of an equal acceptance of Gold and Green Open Access for HSS disciplines, with appropriate embargo periods for the latter
  - b. A 24-month minimum embargo period for HSS publications should be adopted for the foreseeable future, as HEFCE has already accepted.
  - c. All academics should be able to publish in the journal which they think is the most appropriate location for their work. HEFCE have allowed an exception for the next REF whereby authors can publish in the ‘most appropriate’ journal for their article, even if that journal does not accept Open Access. We recommend that RCUK adopt the same policy.
  - d. RCUK might sensibly recognise two exceptions to Open Access: one to journals in countries where the Open Access agenda has not yet been extensively adopted, at least insofar as it relates to HSS; the second to those

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<sup>1</sup><http://www.britac.ac.uk/openaccess/index.cfm>

disciplines which depend on the permission of holders of third party copyright.

- e. It should be possible for RCUK grant-holders to vary Creative Commons licences according to the usages and requirements of different subject areas. In particular, the British Academy believes that an 'Attribution-NonCommercial-NoDerivs' licence (CC-BY-NC-ND) will very often be more appropriate, as it offers more safeguards against the misuse of authors' texts, and should be permitted by RCUK. In the HEFCE Policy, the use of CC BY-NC-ND has been explicitly permitted, and we commend that to RCUK.

### **The effectiveness and impact of the RCUK policy on the transition of RCUK funded outputs to Open Access, with a focus on the impact on outputs in HSS disciplines**

4. As the RCUK Policy on Open Access Call for Evidence appreciates, we are in the early stages of the transition to Open Access and thus the volume and robustness of evidence available is limited. What is clear is that HSS disciplines have very different publishing models to those prevalent in the natural and medical sciences. *The Report of the Working Group on Expanding Access to Published Research Findings* (the Finch Report) appreciated some of these differences<sup>2</sup>. Paragraphs 5-10, below, begin by outlining distinctive features of publishing in HSS and the consequent need for sensitivity in the transition to Open Access of RCUK funded outputs in this area.
5. It is worth noting that, for 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 Article Processing Charges (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. If Gold were to remain the preferred option, this could be seen to discriminate against anyone who could not get such funding – early-career researchers, retired researchers, most HSS researchers abroad, researchers in Universities with limited research budgets. It is the view of BA that very little HSS publishing will be by Gold routes for the foreseeable future; indeed (see below), the CC-BY licence which RCUK requires for Gold publishing has led to even lower levels of interest in the Gold route.
6. The report *Open Access Journals in Humanities and Social Sciences*, hereafter referred to as the BA report, highlights that journal publishing is neither the only nor necessarily the main form of publishing in HSS disciplines; monographs and book chapters are common. The twelve HSS disciplines investigated were grouped into the following three clusters: *Social Sciences*-Economics, Geography, Political Science, Psychology and Sociology; *Humanities*-Archaeology, English, History, Modern (European) Languages and Philosophy; and *Creative Arts*-(Fine) Art/Design and Drama. Using

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<sup>2</sup> <http://www.researchinfonet.org/wp-content/uploads/2012/06/Finch-Group-report-FINAL-VERSION.Pdf>

the RAE2008 data set, the BA report found that whilst in Social Sciences, 60-90% of RAE work was published in journals; in Humanities, this fell to 31-54%; and in the Creative Arts, 13-26%. More information could be provided about the forms of publishing in HSS research, but this will not be emphasised further here.

7. Journal publishing itself in HSS is highly international: again using the RAE2008 data set (and acknowledging the difficulty of determining where a journal is actually based), the BA report found that the proportion of journal articles published abroad ranged from around 33% for the Humanities to around 48% for Social Sciences. Therefore, one cannot assume that one has prescribed the publishing practices for a certain HSS discipline merely by prescribing the UK publishing practices in that discipline. Moreover, in many disciplines in HSS, the majority of the most appropriate journals for academics are based outside the UK. The most notable examples are those published by the American Psychological Association which influences its discipline in a way that no other does in HSS: the BA report notes that 12% of all journal articles submitted to RAE2008 in Psychology were published by one of its journals.
8. 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. If journal publishing switched from the traditional subscription model to Gold open access, learned societies might face resistance in setting APCs at the level needed to replace the 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>3</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>4</sup>. The BA report points out that in most fields of HSS, the journals with the highest numbers of submissions to the RAE2008 tend to show substantial percentages of learned-society ownership. Most of the relevant learned societies are, in addition, UK based, (with the exception of Economics and Psychology, where non-UK learned-societies are in the great majority). The reaction of learned-societies to Open Access policy will therefore be significant. They 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.
9. It is often claimed that a distinctive feature of publishing in HSS disciplines is a relatively long ‘half-life’. The BA report used a measure of ‘usage half lives’,

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<sup>3</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>4</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)

calculated from data obtained from January 2013. Every download of an article made in January 2013 from a specific journal constituted a single usage figure with a content age worked out from that date. Complemented by research into half-lives of STEM disciplines by Dr Philip Davis<sup>5</sup>, the BA report found that the main difference between half-lives is within disciplines rather than between them. Whilst it is emphasised that the evidence about the Creative Arts disciplines and Archaeology is not solid, the overall Social Science half-life figure is 46 months and that for Humanities 48 months. Employing the Davis figures, the half-life of Medicine is markedly lower than that of either STEM or HSS publishing. STEM subjects such as Mathematics share a half-life with Humanities disciplines, and Chemistry and Life Sciences are similar in half-life to Social Sciences. Thus, the evidence gathered in the BA report suggests that difference in half-life between HSS and STEM subjects is not as marked as the difference between Medicine and either HSS or STEM.

10. Open Access policy must be sensitive to these distinctive features of HSS publishing. **This sensitivity would be in the form of an equal acceptance of Gold and Green Open Access for HSS disciplines, with appropriate embargo periods for the latter.** The embargo period mandated by RCUK policy is currently 24 months where an HSS journal offers a Gold option but no APC is available. The rationale behind an embargo period might be said to be an attempt to maintain subscription income for a journal whilst also allowing vital research to be readily accessible. The evidence regarding half-lives from the BA report suggests that a scale with Medicine at one end and Humanities or Mathematics at the other does (roughly) sensibly correspond to an embargo regime of 12 months for some disciplines and 24 months for others. **We recommend that a 24-month minimum for HSS be adopted for the foreseeable future, as HEFCE has already accepted.**

**Evidence of compliance with the 'green' Open Access embargo periods mandated by the policy, with a focus on the difficulties arising due to the international nature of HSS publishing and the importance of attaining third-party copyright**

11. The BA report undertook research specifically into the Open Access policies of journals outside the UK. It treated as 'compliant' with RCUK/HEFCE requirements any journal which allowed authors to post author-accepted manuscripts (AAMs) in institutional repositories, with embargo periods of up to 24 months if the journal concerned also offered a Gold option.
12. Three main groups of disciplines across HSS were identified in the BA report for demonstrating different levels of compliance. In the first, Economics, Geography and Psychology, the BA report found a substantial alignment with current UK public agendas for Open Access, both inside the UK and internationally: three quarters or more of the non-UK journals most popular with UK academics were compliant. In a second group, History, Archaeology, Philosophy – with the addition of less robust figures for Drama, as well as Politics in Social Science – the figure for compliance is

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<sup>5</sup> For the survey, see <http://www.publishers.org/usagestudy/>, accessed 19 December 2013

lower, perhaps as little as half of non-UK journals. In a third group, English and Modern Languages, with the addition of Art History and probably Music, figures for non-UK 'compliance' are low: well under a half for English and under a quarter for Modern Languages, with the strong likelihood that these figures would drop considerably if all journals were taken into account. Europe and the USA dominate UK publishing abroad in HSS. Whilst this evidence suggests that the Open Access agenda is developing in Europe and other parts of the world, early signs are showing a preference for Green only. Moreover, thus far Open Access policies internationally in substantial sectors of HSS have had little traction.

13. The findings in the BA report suggest that even the adoption of a 24-month embargo to cover all publications resulting from their grants from April 2013 will therefore have a large impact on disciplines within HSS. Whilst the impact will be relatively small for a discipline such as Economics, in the first group identified in paragraph 12, it will be large for a discipline such as History, in the second group, and extreme for a discipline such as Modern Languages in the third group. Any policy for RCUK-funded research must take into account this divergence, and must be prepared, therefore, to envisage different protocols not only between HSS and STEM, but also inside HSS – and, indeed, in parts of STEM, for example Mathematics.
14. Given the highly international nature of research in HSS, as emphasised in paragraph 7, 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. As one example, the Royal Historical Society have flagged that, owing to the embargo periods mandated by the RCUK policy, RCUK-funded historians are unable to publish in either the 'William & Mary Quarterly', the world-leading journal for 'Atlantic world' history, or the 'American Historical Review', the most widely-read history journal in the world<sup>6</sup>. BA can supply many other examples of significant niche areas, in both Continental Europe and the USA, where the non-UK journals which dominate the area are and will be unwilling to adopt UK Open Access protocols. **BA believes very strongly that all academics should be able to publish in the journal which they think is the most appropriate location for their work.** HEFCE have allowed an exception for the next REF whereby authors can publish in the 'most appropriate' journal for their article, even if that journal does not accept Open Access. **We recommend that RCUK adopt the same policy.**
15. Some disciplines in HSS have faced difficulties in meeting Open Access policies as a result of the need to attain third party copyright. The disciplines that this problem mainly affects are literature based disciplines, which require citation of literary texts, and above all Art History, in which virtually all artistic work is copyrighted and, what is more, often copyrighted by bodies which are unsympathetic to Open Access. The BA report found that *Art Bulletin* and *Art History*, major UK/US Art History

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<sup>6</sup> Submission of Evidence to the Review of RCUK Policy on Open Access by the Royal Historical Society

journals, have no current provision for Open Access publication.

16. The evidence thus far of the impact of compliance with Green Open Access embargo periods mandated by the policy suggests that **two** exceptions to Open Access might sensibly be recognised by RCUK: one to journals in countries where the Open Access agenda has not yet been extensively adopted, at least insofar as it relates to HSS, as already noted; **the second to those disciplines which depend on the permission of holders of third party copyright.**

### **The impact on particular discipline areas of the RCUK requirement for Creative Commons licensing, in particular CC-BY licences for Gold OA**

17. 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. It understands the value in being able to build on and exploit the data and findings contained in STEM articles.
18. However, many articles in HSS subjects are the product of single-author scholarship, where there is a claim on 'moral rights' that are not adequately protected under an unrestricted CC-BY licence. The Academy has observed a 'flight from Gold' because CC-BY allows so much reworking of the arguments of authors. Data-mining as a concept is also irrelevant to the great majority of papers in most humanities disciplines, which present interpretations of data, not the data themselves.
19. The CC-BY licence also permits exploitation of work for commercial purposes, e.g. reproduction by another publisher of a journal article in a themed collection of papers. Much scholarly publication however involves the reproduction of material whose copyright is owned elsewhere, for which specific permission has been obtained. As emphasised in paragraph 15, 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. It must be added that in the USA many journals are very unwilling to allow a CC-BY licence for any published work, even if they have provision for Open Access in other respects. (This explicit unwillingness might be extended to continental Europe if journals there became familiar with what Creative Commons licensing entailed, which the BA report found they at present in general were not.) This adds further to the problems outlined in paragraph 15.
20. **The Academy strongly believes that it should be possible for RCUK grant-holders to vary Creative Commons licences according to the usages and requirements of different subject areas. In particular, it believes that an 'Attribution-NonCommercial-NoDerivs' licence (CC-BY-NC-ND) will very often be more appropriate, as it offers more safeguards against the misuse of authors' texts, and**

**should be permitted by RCUK. In the HEFCE Policy, the use of CC BY-NC-ND has been explicitly permitted, and we commend that to RCUK.**

### **Communication of the Open Access policy by RCUK**

21. The Academy's impression is that the Open Access policy has been communicated effectively to the HSS academic community by RCUK.

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