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An Open Access Policy for URI: A Recommendation of the Ad-Hoc Committee on Open Access

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An Open Access Policy for URI

A recommendation of the Ad-Hoc Committee on Open Access

Last fall, Faculty Senate Executive Committee formed Ad Hoc Committee on Open Access.
Charge: “To look at some of the issues of Open Access in scholarly communication and how we might address these issues at URI.”

Membership:
Louis Kirschenbaum, CHM
Corey Lang, ENRE
Julia Lovett, Library
Andrée Rathemacher, Library
Laura Beauvais, Provost’s Office

We met a number of times and produced Recommendation that URI faculty approve a Harvard-style open access policy.
Before I go into the details of the policy, I’d like to play a two minute video featuring Michael Carroll, Professor of Law at American University
So, first, I’d like to point out that the proposed Open Access Policy deals only with scholarly articles.

[[as defined on slide]]

Policy does NOT address:
• Books and book chapters
• Popular articles
• Fiction
• Poetry
• Encyclopedia entries
• Lecture notes or videos
• Other copyrighted works

Only deals with scholarly articles as defined on the slide
Goal: Readership & Impact

“The Faculty of the University of Rhode Island is committed to disseminating the fruits of its research and scholarship as widely as possible…”

• Studies have shown a citation advantage for OA articles ranging from 45% to over 500%.

  Alma Swan (2010). “The Open Access citation advantage: Studies and results to date.”
  http://eprints.soton.ac.uk/268818/

This is the first line of the policy: [[read slide]]

Thus the goal of the Open Access Policy is to increase the readership and impact of our scholarship.

Open access is good for progress in the arts and sciences.

Open access is good for us as authors.

With OA, our research is not trapped behind publisher pay walls. More people read it, and more people cite it.
The URI Open Access Policy will help us achieve “green” OA for our scholarly articles.

In the “Green OA” model, faculty publish in whatever journal they want (the best journal possible)

And then they archive a version of their article in the DigitalCommons@URI repository.
Barrier: Copyright

When we transfer our copyright in an article to a publisher, we lose the right to make it available to colleagues and students for the purposes of teaching & research, to post it on a personal or institutional website, and to create derivative works.

The proposed URI Open Access Policy acts through copyright, which, without the Policy, would be a barrier to making our work open access in DigitalCommons.

Copyright is a bundle of exclusive rights.

When we sign these exclusive rights away to a publisher, we can no longer make use of our own work without the publisher’s permission.

When other scholars do the same, we cannot access and read their work when it appears in a journal to which we do not have a subscription.

For example, when we give away our copyright, we cannot:

• Make print or electronic copies of articles for students and colleagues
• Post articles to our personal website
• Post articles in Sakai for students to read
• Archive articles in DigitalCommons@URI (except as publisher policy allows)
• Allow our articles to be republished as a chapter in a book, or refuse to allow this
Solution: Open Access Policy

“…Each Faculty member grants to the University of Rhode Island a nonexclusive, irrevocable, worldwide license to exercise any and all rights under copyright relating to each of his or her scholarly articles, in any medium, provided that the articles are not sold, and to authorize others to do the same…”

The URI Open Access Policy is a solution to the copyright problem.

Pioneered by Harvard in 2008. Passed first by faculty of the College of Arts & Sciences then subsequently by most of Harvard’s other colleges

Similar policies have been passed by faculty at other institutions, including:
- MIT
- University of Kansas
- Oberlin College
- Duke
- University of Hawaii-Manoa
- Emory University
- Princeton
- Utah State
- University of California, San Francisco
- UMass Medical School

In many of these cases, the faculty voted for the policy unanimously.

Heart of the policy reads: [[read text]]
What does this mean in plain English?

First, understand that faculty authors are NOT transferring their copyright to URI. We retain full copyright in our articles. We are simply giving URI permission to make certain uses of our work.

“Non-exclusive” means that the permissions we give URI do not prevent us from giving permissions to others, thus...
We are still free to transfer our copyright to a journal publisher if we want to.

However, even if we do so, URI would retain the nonexclusive right to distribute our articles in DigitalCommons@URI and to exercise other rights in copyright, including: Reproducing; Displaying; Distributing the article... AS LONG AS THE ARTICLE IS NOT SOLD.

This strategy is 100% legally sound.

Key idea here: The policy actually allows us as authors to RETAIN OUR RIGHTS in our articles, because the university grants those rights back to us.

The policy is in effect a strategy for us as faculty authors to use the university to help us retain our rights.
A key component of the policy is a no-questions-asked waiver that allows any faculty member to opt out of the open access requirement for a particular article for any reason at all.

We anticipate creating a simple web form for this process.

This preserves the academic freedom to publish in any journal, even in a journal that will not cooperate with the policy (though this is rare).

The waiver provision allows us to change the default for URI faculty articles to Open Access while remaining non-coercive.

Even with a waiver, the policy would still require deposit of the article in DigitalCommons@URI to allow for long-term preservation of the article and possible open access at a later date if the author and/or the publisher changed their minds.

An advantage of deposit, even with a waiver, is that the article’s metadata (citation information) would be published and discoverable by researchers.
So how would the policy work in practice?

1. The library would provide a legal addendum to convey to the publisher that your article is subject to URI’s prior non-exclusive license.
   • This would be a writable PDF form that you would attach to your copyright transfer agreement when you send it in.
   • According to Harvard’s and others’ analyses, this is not even necessary legally, but it prevents us as authors from misrepresenting to the publisher the rights we can transfer to them.

2. Because URI cannot claim rights to the publisher’s final PDF version, the version of the article targeted by the policy is the author’s manuscript, post peer review, as submitted for final publication.

We would submit our manuscripts to the library via email or simple web form by the date of publication. The library would then post the article in DigitalCommons@URI.

Note that DigitalCommons@URI can also accommodate supplementary material such as illustrations, figures, media files, and small data sets.

The whole process should take no more than 15-20 minutes per publication.

**The overall intention of the policy is that a relatively small investment of time can greatly increase the overall accessibility and impact of our scholarship.**
Here is an example of an article (by Prof. Tiffani Kisler from HDF) in DigitalCommons@URI.

Note that the DigitalCommons record always includes a full citation to the final published version of record and a hyperlink to the article at the publisher’s site.

It is helpful to think of the version of the article in DigitalCommons NOT as a substitute for the final publisher version, but as an advertisement for it.

People can read an article in DigitalCommons@URI and if it is what they are looking for, and they want to cite the version of record, they can link to the publisher site.

Keep in mind that many who read the DigitalCommons@URI version will have NO access to the publisher version and would not otherwise be able to read the article at all.

Note too, that DigitalCommons sends the author monthly statistics on the number of times each article has been downloaded and what search terms were used to find it.
Wrap up with a few of the most common questions about the proposed policy:

1. **PREVENT WORK BEING ACCEPTED**
   - Decision to accept made by editors and peer reviewers, scholars like ourselves.
   - Independent of the “business” side of the journal.
   - Usually takes place before we are asked to sign publication agreement.
   - So, no, the policy would not prevent our work from being accepted.
   - Any objections to publishing an article under the policy would be made by publisher, not the editor.
   - If that happens, you can always seek a no-questions-asked waiver and go ahead and publish.

2. **HURT JOURNALS**
   - At this point in time, there is no empirical evidence that OA through green repositories causes cancellations.
   - High Energy Physics – all work OA through ArXive for >10 years, journals are fine.
   - In a variety of disciplines, some journals have found that OA actually increases their submissions and subscriptions.
   - Most publishers already allow some degree of self-archiving by authors in IRs; they wouldn’t allow this if it hurt their business.
   - **If they feel it is a problem, journals have the solution in their own hands: They can require a waiver of the policy.**
   - Greatest threat to journals comes not from OA, but from unsustainable price increases.
3. HOW COULD ARTICLES BE USED
Recommending URI adopt the Terms of Use of DASH repository at Harvard
ALLOWS articles to be used for
• Personal study
• Teaching
• Research (including data mining and text mining)
• Provision of value-added services (e.g. full-text searching, citation extraction)
Terms of Use have a number of PROHIBITIONS:
• Users may not charge for any article or sell advertising on same page as any article
• Users must at all times retain article title, authors, any copyright notices, and
  reference to the Terms of Use
• Users must cite and provide link to publisher’s definitive version
• No translations, adaptations, or other derivative works without permission
Any arrangements URI agreed to would respect the integrity of the author’s work and
be consistent with the goals of open access.
To that end, we propose a steering committee consisting of faculty to monitor the
implementation of the policy with faculty interests in mind, as Harvard has done.

Happy to take any other questions that you might have.