Open Access Policy Proposal Overview

The Research Council has been asked by the Faculty Senate Rules Committee to take the lead in proposing a new policy concerning open access to faculty publications. Here is a concise summary of the proposal, written in a “frequently asked questions” form:

What is the motivation for the proposal?

The goal is to improve and stand up for open access to scholarly articles published by academics, and to help address the unreasonable subscription costs of many journals, which challenges our libraries to provide the scholarly materials needed for research and teaching. An additional reason is to comply with mandates from funding agencies. Also, having more articles in a University repository will help improve the visibility of the authors and of the campus.

What will the new policy commit faculty to do?

Faculty will commit to providing an open access copy of scholarly articles to the University. If the publication venue will not accept this policy, the faculty member will be granted a waiver (by an automatic computer system) for the article in question.

What’s the “fine print”?

Specifically, faculty will submit their final author’s version (or better) to a University or open access repository, such as ScholarWorks, as or before sending it to the publisher. In legal terms, faculty grant to the University a non-exclusive royalty-free copyright to these articles.

Operationally, what steps will a faculty member need to follow when publishing an article?

When submitting the author’s final version of an article, submit it also to ScholarWorks. Attach a copy of the University policy to the publisher’s copyright assignment document, if the publisher’s policy does not already grant the right to make the author’s final version accessible. Note on the publisher’s agreement “subject to the attached.” If the publisher will not accept these terms, obtain a waiver.

Do submissions have to go to ScholarWorks?

ScholarWorks is a straightforward option that already exists, but the University’s preferred repository may change over time, and there may be other repositories specific to a discipline or funding agency that may be preferable for some authors. As long as they provide similar access, such repositories are acceptable alternatives to the primary University repository. The point is to make scholarly work more accessible to more people.

How do waivers work?

For any individual article, a faculty member can obtain a waiver using a simple online system to be developed before the policy goes into effect. Granting of a waiver is automatic – you can always obtain one. At the same time, faculty are encouraged to try to get publishers to accede to the terms of the policy.
What versions of a work are acceptable?

The policy mentions “author’s final version”. This is because many publishers already accede to open access to that version. However, if a publisher grants open access to the published version, that is even better!

If a publisher charges a fee for open access, do I have to choose that option?

No. There is no requirement to use open access publication, only to try to get some version into an open access repository, if possible.

What kinds of works are covered by the policy?

Scholarly articles with faculty as authors. Non-scholarly publications are not included. Neither are books, works of art, or works none of whose authors are faculty. In particular, the policy does not apply to theses or dissertations.

Can I put these other works into the repository?

Certainly! Any scholarly / professional works are welcome.

What about publishers that embargo new articles for a specific period of time?

ScholarWorks supports submitting an article and giving it a release date. From the standpoint of encouraging open access, this is better than obtaining a waiver and not entering the article into an open repository at all.

Doesn’t the grant of a non-exclusive license to the University interfere with a publisher or other organization’s desire for an exclusive license?

Yes. This is a case where a faculty member can request a waiver. If you have reason to believe that you will ever need an exclusive license, you should request a waiver.

How does this apply if I edit a collection of articles?

Such an edited collection is not itself an article, so the policy does not apply to the collection as a whole. If you submit an article or chapter for such a collection, the policy applies, but if providing open access to your specific work is problematic, you can obtain a waiver.

Will the University try to make money from articles in ScholarWorks or any future repository?

No. The University commits not to using the granted copyright for profit and to insure continued free access to deposited works.

Who decides if I need an interpretation of the policy in a particular case?

The Provost is the office designated to resolve difficult questions. At present, it appears that most aspects of the policy will be implemented by the Libraries, so their staff should be able to answer most questions.
What experience have other institutions had with open access policies?

A number of leading institutions, such as Harvard, Princeton, and MIT, have devoted considerable effort to devising and implementing open access policies, and we benefit greatly from their experience. Policies similar to the one being proposed here work well for them and they have found that only a few publications consistently refuse the policy, and even one of those (Nature) appears to be relenting. Our policy slightly adapts a model policy proposed by open access advocates and librarians. In addition to the proposed policy, we make available an annotated version of the model policy that offers further explanation as to why the suggested policies have the form they do.

What is being done to minimize the impact on faculty?

This policy is being proposed by the faculty of the campus, and so we are very concerned about any extra work it requires. Every effort is being taken to minimize that work. What it boils down to is that a faculty member either obtains a waiver, which will be a very simple online process intended just to record the waiver and provide evidence to the faculty member that the University’s copyright has been waived, or the faculty member attaches a copy of the University’s policy to the publisher’s copyright transfer form and deposits the work in the repository (a straightforward online action). With many publishers, attaching the policy to the copyright transfer form will not be necessary since the publisher already allows putting authors’ final versions into such a repository.

Does the policy restrict where articles are published?

No! The policy does not require publishing in an open access venue, only that faculty make reasonable effort to make a useful version of their work openly accessible.

Can students put works into the repository?

Certainly! While the policy does not apply to students, they are encouraged to make their work widely available.

What happens if I fail to participate?

No enforcement actions are anticipated with respect to this policy per se. However, some funding agencies have requirements about open access, and it is anticipated that these requirements for open access will only increase. The University will follow up concerning compliance with policies and regulations imposed by external agencies. The goal is to make participation as painless as possible so that there will be little reason not to participate.
Proposed Open Access Policy

The Faculty of the University of Massachusetts Amherst (hereafter “the University”) is committed to disseminating the fruits of its research and scholarship as widely as possible. In keeping with the commitment, the Faculty adopts the following policy: Each Faculty member grants to the University permission to make available his or her scholarly articles and to exercise the copyright in those articles. More specifically, each Faculty member grants to the University 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 for a profit, and to authorize others to do the same. The policy applies to all scholarly articles authored or co-authored while the person is a member of the Faculty except for any articles completed before the adoption of this policy and any articles for which the Faculty member entered into an incompatible licensing or assignment agreement before the adoption of this policy. The University will waive application of the license for a particular article, or delay access for a specified period of time, upon express direction by a Faculty member. Each Faculty member will provide an electronic copy of the author’s final version (or better version, if possible) of each article no later than the date of its publication at no charge to the appropriate representative of the University in an appropriate format (such as PDF) specified by the University. The University may make the article available to the public in an open-access repository. The Office of the Provost will be responsible for interpreting this policy, resolving disputes concerning its interpretation and application, and recommending changes to the Faculty from time to time. In implementing this policy, the University will strive for simplicity and minimal burden on the Faculty, using appropriate technology to ease the participation of the Faculty. The policy will be reviewed after three years and a report presented to the Faculty.